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Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Transportation, Tourism, and
Economic Development)

A bill to be entitled

An act relating to the Department of Transportation;
repealing s. 11.45(3)(m), F.S., relating to the
authority of the Auditor General to conduct audits of
transportation corporations under the Florida
Transportation Corporation Act; amending s. 20.23,
F.S.; requiring the Transportation Commission to also
monitor authorities created under ch. 345, F.S.,
relating to the Florida Regional Transportation
Finance Authority Act; amending s. 110.205, F.S.;
changing a title to the State Freight and Logistics
Administrator from the State Public Transportation and
Modal Administrator, which is an exempt position not
covered under career service; amending s. 311.22,
F.S.; establishing the Department of Transportation as
the agency responsible for administering the section,
instead of the Florida Seaport Transportation and
Economic Development Council; providing for the future
repeal of the section; repealing s. 316.530(3), F.S.,
relating to load limits for certain towed vehicles;
amending s. 316.545, F.S.; increasing the weight
amount used for penalty calculations; conforming
terminology; amending s. 331.360, F.S.; reordering
provisions; providing for a spaceport system plan;
providing funding for space transportation projects
from the State Transportation Trust Fund; requiring



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27 Space Florida to provide the Department of
28 Transportation with specific project information and
29 to demonstrate transportation and aerospace benefits;
30 specifying the information to be provided; providing
31 funding criteria; amending s. 332.007, F.S.;
32 authorizing the Department of Transportation to fund
33 strategic airport investments; providing criteria;
34 amending s. 334.044, F.S.; prohibiting the department
35 from entering into a lease-purchase agreement with
36 certain transportation authorities after a specified
37 time; providing an exception from the requirement to
38 purchase all plant materials from Florida commercial
39 nursery stock when prohibited by applicable federal
40 law or regulation; amending s. 335.06, F.S.; revising
41 the responsibilities of the Department of
42 Transportation, a county, or a municipality to improve
43 or maintain a road that provides access to property
44 within the state park system; amending s. 337.11,
45 F.S.; removing the requirement that a contractor
46 provide a notarized affidavit as proof of
47 registration; amending s. 337.14, F.S.; revising the
48 criteria for bidding certain construction contracts to
49 require a proposed budget estimate if a contract is
50 more than a specified amount; amending s. 337.168,
51 F.S.; providing that a document that reveals the
52 identity of a person who has requested or received
53 certain information before a certain time is a public
54 record; amending s. 337.25, F.S.; authorizing the
55 Department of Transportation to use auction services



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56 in the conveyance of certain property or leasehold
57 interests; revising certain inventory requirements;
58 revising provisions and providing criteria for the
59 department to dispose of certain excess property;
60 providing such criteria for the disposition of donated
61 property, property used for a public purpose, or
62 property acquired to provide replacement housing for
63 certain displaced persons; providing value offsets for
64 property that requires significant maintenance costs
65 or exposes the department to significant liability;
66 providing procedures for the sale of property to
67 abutting property owners; deleting provisions to
68 conform to changes made by the act; providing monetary
69 restrictions and criteria for the conveyance of
70 certain leasehold interests; providing exceptions to
71 restrictions for leases entered into for a public
72 purpose; providing criteria for the preparation of
73 estimates of value prepared by the department;
74 providing that the requirements of s. 73.013, F.S.,
75 relating to eminent domain, are not modified; amending
76 s. 337.251, F.S.; revising criteria for leasing
77 particular department property; increasing the time
78 the department must accept proposals for lease after a
79 notice is published; authorizing the department to
80 establish an application fee by rule; providing
81 criteria for the fee; providing criteria that the
82 lease must meet; amending s. 338.161, F.S.;

83 authorizing the department to enter into agreements
84 with owners of public or private transportation



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85 facilities under which the department uses its
86 electronic toll collection and video billing systems
87 to collect for the owner certain charges for use of
88 the owners' transportation facilities; amending s.
89 338.165, F.S.; removing the Beeline-East Expressway
90 and the Navarre Bridge from the list of facilities
91 that have toll revenues to secure their bonds;
92 amending s. 338.26, F.S.; revising the uses of fees
93 that are generated from tolls to include the design
94 and construction of a fire station that may be used by
95 certain local governments in accordance with a
96 specified memorandum; removing authority of a district
97 to issue bonds or notes; amending s. 339.175, F.S.;
98 revising the criteria that qualify a local government
99 for participation in a metropolitan planning
100 organization; revising the criteria to determine
101 voting membership of a metropolitan planning
102 organization; providing that each metropolitan
103 planning organization shall review its membership and
104 reapportion it as necessary; providing criteria;
105 relocating the requirement that the Governor review
106 and apportion the voting membership among the various
107 governmental entities within the metropolitan planning
108 area; amending s. 339.2821, F.S.; authorizing
109 Enterprise Florida, Inc., to be a consultant to the
110 Department of Transportation for consideration of
111 expenditures associated with and contracts for
112 transportation projects; revising the requirements for
113 economic development transportation project contracts



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114 between the department and a governmental entity;
115 repealing the Florida Transportation Corporation Act;
116 repealing s. 339.401, F.S., relating to the short
117 title; repealing s. 339.402, F.S., relating to
118 definitions; repealing s. 339.403, F.S., relating to
119 legislative findings and purpose; repealing s.
120 339.404, F.S., relating to authorization of
121 corporations; repealing s. 339.405, F.S., relating to
122 type and structure of the corporation and income;
123 repealing s. 339.406, F.S., relating to contracts
124 between the department and the corporation; repealing
125 s. 339.407, F.S., relating to articles of
126 incorporation; repealing s. 339.408, F.S., relating to
127 the board of directors and advisory directors;
128 repealing s. 339.409, F.S., relating to bylaws;
129 repealing s. 339.410, F.S., relating to notice of
130 meetings and open records; repealing s. 339.411, F.S.,
131 relating to the amendment of articles; repealing s.
132 339.412, F.S., relating to the powers of the
133 corporation; repealing s. 339.414, F.S., relating to
134 use of state property; repealing s. 339.415, F.S.,
135 relating to exemptions from taxation; repealing s.
136 339.416, F.S., relating to the authority to alter or
137 dissolve corporations; repealing s. 339.417, F.S.,
138 relating to the dissolution of a corporation upon the
139 completion of purposes; repealing s. 339.418, F.S.,
140 relating to transfer of funds and property upon
141 dissolution; repealing s. 339.419, F.S., relating to
142 department rules; repealing s. 339.420, F.S., relating



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143 to construction; repealing s. 339.421, F.S., relating
144 to issuance of debt; amending s. 339.55, F.S.; adding
145 spaceports to the list of facility types for which the
146 state-funded infrastructure bank may lend capital
147 costs or provide credit enhancements; amending s.
148 341.031, F.S.; revising the definition of the term
149 "intercity bus service"; amending s. 341.053, F.S.;
150 revising the types of eligible projects and criteria
151 of the intermodal development program; amending s.
152 343.80, F.S.; renaming the Northwest Florida
153 Transportation Corridor Authority Law as the Northwest
154 Florida Regional Transportation Finance Authority Law;
155 amending s. 343.805, F.S., defining "Northwest Florida
156 Regional Transportation Finance Authority System" or
157 "system"; deleting definitions of "U.S. 98 corridor"
158 and "U.S. 98 corridor system"; amending s. 343.81,
159 F.S.; renaming the Northwest Florida Transportation
160 Corridor Authority as the Northwest Florida Regional
161 Transportation Finance Authority; revising the
162 composition of the governing board of the authority
163 from eight to five voting members, two from Okaloosa
164 County and one each from Walton, Bay, and Gulf
165 Counties; removing from the governing body of the
166 authority voting members from Escambia, Santa Rosa,
167 Franklin, and Wakulla Counties; revising quorum
168 requirements and the number of votes necessary for any
169 action by the authority; removing the authority's
170 authorization to establish a technical advisory
171 committee and related provisions; amending s. 343.82,



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172 F.S.; authorizing the authority to acquire, hold,
173 construct, improve, maintain, operate, own, and lease
174 the Northwest Florida Regional Transportation Finance
175 Authority System; removing references to intended
176 improvement of mobility along the U.S. 98 corridor and
177 to the Santa Rosa Sound; removing direction to the
178 authority to adopt a corridor master plan, to annually
179 update and present the plan, to undertake projects or
180 other improvements in the plan, and to request certain
181 funding and technical assistance; conforming
182 terminology; removing a prohibition against the
183 authority imposing tolls or other charges; providing
184 the authority may dispose of property which the
185 authority and the Department of Transportation have
186 determined is not needed for the system; removing the
187 authority's authorization to enter into lease-purchase
188 agreements with the department; amending s. 343.83,
189 F.S.; conforming terminology; amending s. 343.835,
190 F.S.; making conforming changes; replacing a reference
191 to facilities "constructed" by the authority to
192 facilities "owned or provided"; amending s. 343.84,
193 F.S.; providing that the department is the agent of
194 the authority for the purpose of constructing,
195 operating, and maintaining system facilities;
196 providing for alternative appointment of a specified
197 local agency as construction agent with the consent
198 and approval of the department; providing for
199 reimbursement from revenues of the system of costs
200 incurred by the department to operate and maintain the



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201 system; providing that the department has no
202 independent obligation to operate and maintain the
203 system; providing the authority remains obligated as
204 to operate and maintain its system; directing the
205 authority to establish and collect tolls and other
206 charges for the authority's facilities; amending s.
207 343.85, F.S.; conforming terminology; repealing s.
208 343.875, F.S., removing the authority's authorization
209 to enter into public-private partnership agreements;
210 removing project criteria; removing department
211 authorization to use state resources to participate in
212 projects; removing authorization to request proposals
213 and to receive unsolicited proposals, removing related
214 notice provisions, and removing procedural provisions
215 related to consideration of such proposals; removing
216 authorization for the public-private entity to impose
217 tolls or fares, to exercise its powers, including
218 eminent domain, and to adopt rules; amending s.
219 343.89, F.S.; conforming terminology; amending s.
220 343.922, F.S.; removing reference to advances from the
221 Toll Facilities Revolving Trust Fund as a source of
222 funding for certain projects by an authority; creating
223 ch. 345, F.S., relating to the Florida Regional
224 Transportation Finance Authority; creating s.
225 345.0001, F.S.; providing a short title; creating s.
226 345.0002, F.S.; providing definitions; creating s.
227 345.0003, F.S.; authorizing counties to form a
228 regional transportation finance authority that can
229 construct, maintain, or operate transportation



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230 projects in a region of the state; providing for
231 governance of the authority; creating s. 345.0004,
232 F.S.; providing for the powers and duties of a
233 regional transportation finance authority; limiting an
234 authority's power with respect to an existing system;
235 prohibiting an authority from pledging the credit or
236 taxing power of the state or any political subdivision
237 or agency of the state; requiring that an authority
238 comply with certain reporting and documentation
239 requirements; creating s. 345.0005, F.S.; authorizing
240 the authority to issue bonds; providing that the
241 issued bonds must meet certain requirements; providing
242 that the resolution that authorizes the issuance of
243 bonds meet certain requirements; authorizing an
244 authority to enter into security agreements for issued
245 bonds with a bank or trust company; providing that the
246 issued bonds are negotiable instruments and have
247 certain qualities; providing that a resolution
248 authorizing the issuance of bonds and pledging of
249 revenues of the system must contain certain
250 requirements; prohibiting the use or pledge of state
251 funds to pay principal or interest of an authority's
252 bonds; creating s. 345.0006, F.S.; providing for the
253 rights and remedies granted to certain bondholders;
254 providing the actions a trustee may take on behalf of
255 the bondholders; providing for the appointment of a
256 receiver; providing for the authority of the receiver;
257 providing limitations to the receiver's authority;
258 creating s. 345.0007, F.S.; providing that the



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259 Department of Transportation is the agent of each
260 authority for specified purposes; providing for the
261 administration and management of projects by the
262 department; providing limits on the department as an
263 agent; providing for the fiscal responsibilities of
264 the authority; creating s. 345.0008, F.S.; authorizing
265 the department to provide for or commit its resources
266 for an authority project or system, included in the
267 10-year Strategic Intermodal Plan, if approved by the
268 Legislature; prohibiting the department from
269 requesting legislative approval of a project unless
270 certain conditions are met; providing for payment of
271 expenses incurred by the department on behalf of an
272 authority; requiring the department to receive a share
273 of the revenue from the authority; providing
274 calculations for disbursement of revenues; creating s.
275 345.0009, F.S.; authorizing the authority to acquire
276 private or public property and property rights for a
277 project or plan; authorizing the authority to exercise
278 the right of eminent domain; providing for the rights
279 and liabilities and remedial actions relating to
280 property acquired for a transportation project or
281 corridor; creating s. 345.0010, F.S.; providing for
282 contracts between governmental entities and an
283 authority; creating s. 345.0011, F.S.; providing that
284 the state will not limit or alter the vested rights of
285 a bondholder with regard to any issued bonds or rights
286 relating to the bonds under certain conditions;
287 creating s. 345.0012, F.S.; relieving the authority



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288 from the obligation of paying certain taxes or
289 assessments for property acquired or used for certain
290 public purposes or for revenues received relating to
291 the issuance of bonds; providing exceptions; creating
292 s. 345.0013, F.S.; providing that the bonds or
293 obligations issued are legal investments of specified
294 entities; creating s. 345.0014, F.S.; providing
295 applicability; creating s. 345.0015, F.S.; creating
296 the Santa Rosa-Escambia Regional Transportation
297 Finance Authority; creating s. 345.0016, F.S.;
298 creating the Suncoast Regional Transportation Finance
299 Authority; providing for the transfer of the
300 governance and control of the Mid-Bay Bridge Authority
301 System to the Northwest Florida Transportation Finance
302 Authority; providing for the disposition of bonds, the
303 protection of the bondholders, the effect on the
304 rights and obligations under a contract or the bonds,
305 and the revenues associated with the bonds; amending
306 ss. 348.751 and 348.752, F.S.; renaming the Orlando-
307 Orange County Expressway System as the "Central
308 Florida Expressway System"; revising definitions;
309 making technical changes; amending s. 348.753, F.S.;
310 creating the Central Florida Expressway Authority;
311 providing for the transfer of governance and control,
312 legal rights and powers, responsibilities, terms, and
313 obligations to the authority; providing conditions for
314 the transfer; revising the composition of the
315 governing body of the authority; providing for
316 appointment of officers of the authority; revising



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317 quorum and voting requirements; conforming terminology
318 and making technical changes; amending s. 348.754,
319 F.S.; providing that the area served by the authority
320 is within the geopolitical boundaries of Orange,
321 Seminole, Lake, and Osceola Counties; requiring the
322 authority to have prior consent from the Secretary of
323 the Department of Transportation to construct an
324 extension, addition, or improvement to the expressway
325 system in Lake County; extending, to 99 years from 40
326 years, the term of a lease or lease-purchase
327 agreement; limiting the authority's authority to enter
328 into a lease-purchase agreement; limiting the use of
329 certain toll-revenues; providing exceptions; removing
330 the requirement that the route of a project must be
331 approved by a municipality before the right-of-way can
332 be acquired; requiring that the authority encourage
333 the inclusion of local-, small-, minority-, and women-
334 owned businesses in its procurement and contracting
335 opportunities; removing the authority and criteria for
336 an authority to waive payment and performance bonds
337 for certain public works projects that are awarded
338 pursuant to an economic development program;
339 conforming terminology and making technical changes;
340 amending ss. 348.7543, 348.7544, 348.7545, 348.7546,
341 348.7547, 348.755, and 348.756, F.S.; conforming
342 terminology and making technical changes; amending s.
343 348.757, F.S.; providing that upon termination of the
344 lease-purchase agreement of the former Orlando-Orange
345 County Expressway System, title in fee simple to the



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346 system will be retained by the authority; conforming
347 terminology and making technical changes; amending ss.
348 348.758, 348.759, 348.760, 348.761, 348.765, and
349 369.317, F.S.; conforming terminology and making
350 technical changes; amending s. 369.324, F.S.; revising
351 the membership of the Wekiva River Basin Commission;
352 conforming terminology; providing criteria for the
353 transfer of the Osceola County Expressway System to
354 the Central Florida Expressway Authority; providing
355 for the repeal of part V of ch. 348, F.S., when the
356 Osceola County Expressway System is transferred to the
357 Central Florida Expressway Authority; requiring the
358 Central Florida Expressway Authority to reimburse
359 other governmental entities for obligations related to
360 the Osceola County Expressway System; providing for
361 reimbursement after payment of other obligations;
362 amending s. 373.4137, F.S.; providing legislative
363 intent that mitigation be implemented in a manner that
364 promotes efficiency, timeliness, and cost-
365 effectiveness in project delivery; revising the
366 criteria of the environmental impact inventory;
367 revising the criteria for mitigation of projected
368 impacts identified in the environmental impact
369 inventory; requiring the Department of Transportation
370 to include funding for environmental mitigation for
371 its projects in its work program; revising the process
372 and criteria for the payment by the department or
373 participating transportation authorities of mitigation
374 implemented by water management districts or the



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375 Department of Environmental Protection; revising the
376 requirements for the payment to a water management
377 district or the Department of Environmental Protection
378 of the costs of mitigation planning and implementation
379 of the mitigation required by a permit; revising the
380 payment criteria for preparing and implementing
381 mitigation plans adopted by water management districts
382 for transportation impacts based on the environmental
383 impact inventory; adding federal requirements for the
384 development of a mitigation plan; providing for
385 transportation projects in the environmental
386 mitigation plan for which mitigation has not been
387 specified; revising a water management district's
388 responsibilities relating to a mitigation plan;
389 amending s. 373.618, F.S.; revising the outdoor
390 advertisement exemption criteria for a public
391 information system; amending s. 341.052, F.S.;
392 prohibiting an eligible public transit provider from
393 using public transit block grant funds to pursue or
394 promote the levying of new or additional taxes through
395 public referenda; requiring the amount of the
396 provider's grant to be reduced by any amount so spent;
397 defining the term "public funds" for purposes of the
398 prohibition; providing effective dates.

399
400 Be It Enacted by the Legislature of the State of Florida:

401
402 Section 1. Paragraph (m) of subsection (3) of section
403 11.45, Florida Statutes, is repealed.



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404 Section 2. Paragraph (b) of subsection (2) and subsection
405 (3) of section 20.23, Florida Statutes, are amended, and present
406 subsections (4) through (7) of that subsection are renumbered as
407 subsections (3) through (6), to read:

408 20.23 Department of Transportation.—There is created a
409 Department of Transportation which shall be a decentralized
410 agency.

411 (2)

412 (b) The commission shall ~~have the primary functions to:~~

413 1. Recommend major transportation policies for the
414 Governor's approval, and assure that approved policies and any
415 revisions ~~thereto~~ are properly executed.

416 2. Periodically review the status of the state
417 transportation system including highway, transit, rail, seaport,
418 intermodal development, and aviation components of the system
419 and recommend improvements therein to the Governor and the
420 Legislature.

421 3. Perform an in-depth evaluation of the annual department
422 budget request, the Florida Transportation Plan, and the
423 tentative work program for compliance with all applicable laws
424 and established departmental policies. Except as specifically
425 provided in s. 339.135(4)(c)2., (d), and (f), the commission may
426 not consider individual construction projects, but shall
427 consider methods of accomplishing the goals of the department in
428 the most effective, efficient, and businesslike manner.

429 4. Monitor the financial status of the department on a
430 regular basis to assure that the department is managing revenue
431 and bond proceeds responsibly and in accordance with law and
432 established policy.



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433 5. Monitor on at least a quarterly basis, the efficiency,
434 productivity, and management of the department, using
435 performance and production standards developed by the commission
436 pursuant to s. 334.045.

437 6. Perform an in-depth evaluation of the factors causing
438 disruption of project schedules in the adopted work program and
439 recommend to the Legislature and the Governor methods to
440 eliminate or reduce the disruptive effects of these factors.

441 7. Recommend to the Governor and the Legislature
442 improvements to the department's organization in order to
443 streamline and optimize the efficiency of the department. In
444 reviewing the department's organization, the commission shall
445 determine if the current district organizational structure is
446 responsive to Florida's changing economic and demographic
447 development patterns. The initial report by the commission must
448 be delivered to the Governor and Legislature by December 15,
449 2000, and each year thereafter, as appropriate. The commission
450 may retain ~~such~~ experts that ~~as~~ are reasonably necessary to
451 effectuate this subparagraph, and the department shall pay the
452 expenses of the ~~such~~ experts.

453 8. Monitor the efficiency, productivity, and management of
454 the authorities created under chapters 345, 348, and 349,
455 including any authority formed using the provisions of part I of
456 chapter 348, and any authority formed under chapter 343 ~~which is~~
457 ~~not monitored under subsection (3)~~. The commission shall also
458 conduct periodic reviews of each authority's operations and
459 budget, acquisition of property, management of revenue and bond
460 proceeds, and compliance with applicable laws and generally
461 accepted accounting principles.



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462 ~~(3) There is created the Florida Statewide Passenger Rail~~
463 ~~Commission.~~

464 ~~(a)1. The commission shall consist of nine voting members~~
465 ~~appointed as follows:~~

466 ~~a. Three members shall be appointed by the Governor, one of~~
467 ~~whom must have a background in the area of environmental~~
468 ~~concerns, one of whom must have a legislative background, and~~
469 ~~one of whom must have a general business background.~~

470 ~~b. Three members shall be appointed by the President of the~~
471 ~~Senate, one of whom must have a background in civil engineering,~~
472 ~~one of whom must have a background in transportation~~
473 ~~construction, and one of whom must have a general business~~
474 ~~background.~~

475 ~~c. Three members shall be appointed by the Speaker of the~~
476 ~~House of Representatives, one of whom must have a legal~~
477 ~~background, one of whom must have a background in financial~~
478 ~~matters, and one of whom must have a general business~~
479 ~~background.~~

480 ~~2. The initial term of each member appointed by the~~
481 ~~Governor shall be for 4 years. The initial term of each member~~
482 ~~appointed by the President of the Senate shall be for 3 years.~~
483 ~~The initial term of each member appointed by the Speaker of the~~
484 ~~House of Representatives shall be for 2 years. Succeeding terms~~
485 ~~for all members shall be for 4 years.~~

486 ~~3. A vacancy occurring during a term shall be filled by the~~
487 ~~respective appointing authority in the same manner as the~~
488 ~~original appointment and only for the balance of the unexpired~~
489 ~~term. An appointment to fill a vacancy shall be made within 60~~
490 ~~days after the occurrence of the vacancy.~~



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491 ~~4. The commission shall elect one of its members as chair~~
492 ~~of the commission. The chair shall hold office at the will of~~
493 ~~the commission. Five members of the commission shall constitute~~
494 ~~a quorum, and the vote of five members shall be necessary for~~
495 ~~any action taken by the commission. The commission may meet upon~~
496 ~~the constitution of a quorum. A vacancy in the commission does~~
497 ~~not impair the right of a quorum to exercise all rights and~~
498 ~~perform all duties of the commission.~~

499 ~~5. The members of the commission are not entitled to~~
500 ~~compensation but are entitled to reimbursement for travel and~~
501 ~~other necessary expenses as provided in s. 112.061.~~

502 ~~(b) The commission shall have the primary functions of:~~

503 ~~1. Monitoring the efficiency, productivity, and management~~
504 ~~of all publicly funded passenger rail systems in the state,~~
505 ~~including, but not limited to, any authority created under~~
506 ~~chapter 343, chapter 349, or chapter 163 if the authority~~
507 ~~receives public funds for the provision of passenger rail~~
508 ~~service. The commission shall advise each monitored authority of~~
509 ~~its findings and recommendations. The commission shall also~~
510 ~~conduct periodic reviews of each monitored authority's passenger~~
511 ~~rail and associated transit operations and budget, acquisition~~
512 ~~of property, management of revenue and bond proceeds, and~~
513 ~~compliance with applicable laws and generally accepted~~
514 ~~accounting principles. The commission may seek the assistance of~~
515 ~~the Auditor General in conducting such reviews and shall report~~
516 ~~the findings of such reviews to the Legislature. This paragraph~~
517 ~~does not preclude the Florida Transportation Commission from~~
518 ~~conducting its performance and work program monitoring~~
519 ~~responsibilities.~~



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520 ~~2. Advising the department on policies and strategies used~~
521 ~~in planning, designing, building, operating, financing, and~~
522 ~~maintaining a coordinated statewide system of passenger rail~~
523 ~~services.~~

524 ~~3. Evaluating passenger rail policies and providing advice~~
525 ~~and recommendations to the Legislature on passenger rail~~
526 ~~operations in the state.~~

527 ~~(c) The commission or a member of the commission may not~~
528 ~~enter into the day-to-day operation of the department or a~~
529 ~~monitored authority and is specifically prohibited from taking~~
530 ~~part in:~~

531 ~~1. The awarding of contracts.~~

532 ~~2. The selection of a consultant or contractor or the~~
533 ~~prequalification of any individual consultant or contractor.~~
534 ~~However, the commission may recommend to the secretary standards~~
535 ~~and policies governing the procedure for selection and~~
536 ~~prequalification of consultants and contractors.~~

537 ~~3. The selection of a route for a specific project.~~

538 ~~4. The specific location of a transportation facility.~~

539 ~~5. The acquisition of rights-of-way.~~

540 ~~6. The employment, promotion, demotion, suspension,~~
541 ~~transfer, or discharge of any department personnel.~~

542 ~~7. The granting, denial, suspension, or revocation of any~~
543 ~~license or permit issued by the department.~~

544 ~~(d) The commission is assigned to the Office of the~~
545 ~~Secretary of the Department of Transportation for administrative~~
546 ~~and fiscal accountability purposes, but it shall otherwise~~
547 ~~function independently of the control and direction of the~~
548 ~~department except that reasonable expenses of the commission~~



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549 ~~shall be subject to approval by the Secretary of Transportation.~~
550 ~~The department shall provide administrative support and service~~
551 ~~to the commission.~~

552 Section 3. Paragraphs (j) and (m) of subsection (2) of
553 section 110.205, Florida Statutes, are amended to read:

554 110.205 Career service; exemptions.—

555 (2) EXEMPT POSITIONS.—The exempt positions that are not
556 covered by this part include the following:

557 (j) The appointed secretaries and the State Surgeon
558 General, assistant secretaries, deputy secretaries, and deputy
559 assistant secretaries of all departments; the executive
560 directors, assistant executive directors, deputy executive
561 directors, and deputy assistant executive directors of all
562 departments; the directors of all divisions and those positions
563 determined by the department to have managerial responsibilities
564 comparable to such positions, which positions include, but are
565 not limited to, program directors, assistant program directors,
566 district administrators, deputy district administrators, the
567 Director of Central Operations Services of the Department of
568 Children and Family Services, the State Transportation
569 Development Administrator, State Freight and Logistics ~~Public~~
570 ~~Transportation and Modal~~ Administrator, district secretaries,
571 district directors of transportation development, transportation
572 operations, transportation support, and the managers of the
573 offices specified in s. 20.23(3)(b) ~~20.23(4)(b)~~, of the
574 Department of Transportation. Unless otherwise fixed by law, the
575 department shall set the salary and benefits of these positions
576 in accordance with the rules of the Senior Management Service;
577 and the county health department directors and county health



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578 department administrators of the Department of Health.

579 (m) All assistant division director, deputy division
580 director, and bureau chief positions in any department, and
581 those positions determined by the department to have managerial
582 responsibilities comparable to such positions, which include,
583 but are not limited to:

584 1. Positions in the Department of Health and the Department
585 of Children and Family Services that are assigned primary duties
586 of serving as the superintendent or assistant superintendent of
587 an institution.

588 2. Positions in the Department of Corrections that are
589 assigned primary duties of serving as the warden, assistant
590 warden, colonel, or major of an institution or that are assigned
591 primary duties of serving as the circuit administrator or deputy
592 circuit administrator.

593 3. Positions in the Department of Transportation that are
594 assigned primary duties of serving as regional toll managers and
595 managers of offices, as defined in s. 20.23(3)(b) and (4)(c)
596 ~~20.23(4)(b) and (5)(e)~~.

597 4. Positions in the Department of Environmental Protection
598 that are assigned the duty of an Environmental Administrator or
599 program administrator.

600 5. Positions in the Department of Health that are assigned
601 the duties of Environmental Administrator, Assistant County
602 Health Department Director, and County Health Department
603 Financial Administrator.

604

605 Unless otherwise fixed by law, the department shall set the
606 salary and benefits of the positions listed in this paragraph in



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607 accordance with the rules established for the Selected Exempt
608 Service.

609 Section 4. Section 311.22, Florida Statutes, is amended to
610 read:

611 311.22 Additional authorization for funding certain
612 dredging projects.—

613 (1) The Department of Transportation ~~Florida Seaport~~
614 ~~Transportation and Economic Development Council~~ shall establish
615 a program to fund dredging projects in counties having a
616 population of fewer than 300,000 according to the last official
617 census. Funds made available under this program may be used to
618 fund approved projects for the dredging or deepening of
619 channels, turning basins, or harbors on a 25-percent local
620 matching basis with any port authority, as such term is defined
621 in s. 315.02(2), which complies with the permitting requirements
622 in part IV of chapter 373 and the local financial management and
623 reporting provisions of part III of chapter 218.

624 (2) The department ~~council~~ shall adopt rules for evaluating
625 the projects that may be funded pursuant to this section. The
626 rules must provide criteria for evaluating the economic benefit
627 of the project. The rules must include the creation of an
628 administrative review process by the department ~~council~~ which is
629 similar to the process described in s. 311.09(5)-(11), and
630 provide for a review by the ~~Department of Transportation and the~~
631 Department of Economic Opportunity of all projects submitted for
632 funding under this section.

633 (3) This section expires on July 1, 2018.

634 Section 5. Subsection (3) of section 316.530, Florida
635 Statutes, is repealed.



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636 Section 6. Subsection (3) of section 316.545, Florida
637 Statutes, is amended to read:

638 316.545 Weight and load unlawful; special fuel and motor
639 fuel tax enforcement; inspection; penalty; review.—

640 (3) Any person who violates the overloading provisions of
641 this chapter shall be conclusively presumed to have damaged the
642 highways of this state by reason of such overloading, which
643 damage is hereby fixed as follows:

644 (a) ~~If~~ ~~When~~ the excess weight is 200 pounds or less than
645 the maximum ~~herein~~ provided by this chapter, the penalty is
646 ~~shall be~~ \$10;

647 (b) Five cents per pound for each pound of weight in excess
648 of the maximum ~~herein~~ provided in this chapter if ~~when~~ the
649 excess weight exceeds 200 pounds. However, if ~~whenever~~ the gross
650 weight of the vehicle or combination of vehicles does not exceed
651 the maximum allowable gross weight, the maximum fine for the
652 first 600 pounds of unlawful axle weight is ~~shall be~~ \$10;

653 (c) For a vehicle equipped with fully functional idle-
654 reduction technology, any penalty shall be calculated by
655 reducing the actual gross vehicle weight or the internal bridge
656 weight by the certified weight of the idle-reduction technology
657 or by 550 ~~400~~ pounds, whichever is less. The vehicle operator
658 must present written certification of the weight of the idle-
659 reduction technology and must demonstrate or certify that the
660 idle-reduction technology is fully functional at all times. This
661 calculation is not allowed for vehicles described in s.

662 316.535(6);

663 (d) An apportioned motor vehicle, as defined in s. 320.01,
664 operating on the highways of this state without being properly



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665 licensed and registered shall be subject to the penalties as
666 ~~herein~~ provided in this section; and

667 (e) Vehicles operating on the highways of this state from
668 nonmember International Registration Plan jurisdictions which
669 are not in compliance with the provisions of s. 316.605 shall be
670 subject to the penalties as ~~herein~~ provided in this section.

671 Section 7. Section 331.360, Florida Statutes, is reordered
672 and amended to read:

673 331.360 ~~Joint participation agreement or assistance;~~
674 Spaceport system master plan.-

675 ~~(2)(1) It shall be the duty, function, and responsibility~~
676 ~~of~~ The department shall ~~of Transportation~~ to promote the further
677 development and improvement of aerospace transportation
678 facilities; to address intermodal requirements and impacts of
679 the launch ranges, spaceports, and other space transportation
680 facilities; to assist in the development of joint-use facilities
681 and technology that support aviation and aerospace operations;
682 to coordinate and cooperate in the development of spaceport
683 infrastructure and related transportation facilities contained
684 in the Strategic Intermodal System Plan; to encourage, where
685 appropriate, the cooperation and integration of airports and
686 spaceports in order to meet transportation-related needs; and to
687 facilitate and promote cooperative efforts between federal and
688 state government entities to improve space transportation
689 capacity and efficiency. In carrying out this duty and
690 responsibility, the department may assist and advise, cooperate
691 with, and coordinate with federal, state, local, or private
692 organizations and individuals. The department may
693 administratively house its space transportation responsibilities



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694 within an existing division or office.

695 ~~(3)(2)~~ Notwithstanding any other provision of law, the
696 department ~~of Transportation~~ may enter into an a joint
697 ~~participation~~ agreement with, or otherwise assist, Space Florida
698 as necessary to effectuate the provisions of this chapter and
699 may allocate funds for such purposes in its 5-year work program.
700 However, the department may not fund the administrative or
701 operational costs of Space Florida.

702 ~~(1)(3)~~ Space Florida shall develop a spaceport system
703 ~~master~~ plan that identifies statewide spaceport goals and the
704 need for expansion and modernization of space transportation
705 facilities within spaceport territories as defined in s.
706 331.303. The plan must ~~shall~~ contain recommended projects that
707 ~~to~~ meet current and future commercial, national, and state space
708 transportation requirements. Space Florida shall submit the plan
709 to each ~~any~~ appropriate metropolitan planning organization for
710 review of intermodal impacts. Space Florida shall submit the
711 spaceport system ~~master~~ plan to the department ~~of~~
712 Transportation, which may include those portions of the system
713 plan which are relevant to the Department of Transportation's
714 mission ~~and such plan may be included~~ within the department's 5-
715 year work program of qualifying projects ~~aerospace discretionary~~
716 ~~capacity improvement under subsection (4)~~. The plan must ~~shall~~
717 identify appropriate funding levels for each project ~~and include~~
718 ~~recommendations on appropriate sources of revenue that may be~~
719 ~~developed to contribute to the State Transportation Trust Fund.~~

720 (4)(a) Beginning in fiscal year 2013-2014, a minimum of \$15
721 million annually is authorized to be made available from the
722 State Transportation Trust Fund to fund space transportation



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723 projects. The funds for this initiative shall be from the funds
724 dedicated to public transportation projects pursuant to s.
725 206.46(3).

726 (b) Before executing an agreement, Space Florida must
727 provide project-specific information to the department in order
728 to demonstrate that the project includes transportation and
729 aerospace benefits. The project-specific information must
730 include, but need not be limited to:

731 1. The description, characteristics, and scope of the
732 project.

733 2. The funding sources for and costs of the project.

734 3. The financing considerations that emphasize federal,
735 local, and private participation.

736 4. A financial feasibility and risk analysis, including a
737 description of the efforts to protect the state's investment and
738 to ensure that project goals are realized.

739 5. A demonstration that the project will encourage,
740 enhance, or create economic benefits for the state.

741 (c) The department may fund up to 50 percent of eligible
742 project costs. If the project meets the following criteria, the
743 department may fund up to 100 percent of eligible project costs.
744 The project must:

745 1. Provide important access and on-spaceport capacity
746 improvements;

747 2. Provide capital improvements to strategically position
748 the state to maximize opportunities in the aerospace industry or
749 foster growth and development of a sustainable and world-leading
750 aerospace industry in the state;

751 3. Meet state goals of an integrated intermodal



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752 transportation system; and

753 4. Demonstrate the feasibility and availability of matching
754 funds through federal, local, or private partners ~~Subject to the~~
755 ~~availability of appropriated funds, the department may~~
756 ~~participate in the capital cost of eligible spaceport~~
757 ~~discretionary capacity improvement projects. The annual~~
758 ~~legislative budget request shall be based on the proposed~~
759 ~~funding requested for approved spaceport discretionary capacity~~
760 ~~improvement projects.~~

761 Section 8. Subsection (11) is added to section 332.007,
762 Florida Statutes, to read:

763 332.007 Administration and financing of aviation and
764 airport programs and projects; state plan.-

765 (11) The department may fund strategic airport investment
766 projects at up to 100 percent of the project's cost if all the
767 following criteria are met:

768 (a) Important access and on-airport capacity improvements
769 are provided.

770 (b) Capital improvements that strategically position the
771 state to maximize opportunities in international trade,
772 logistics, and the aviation industry are provided.

773 (c) Goals of an integrated intermodal transportation system
774 for the state are achieved.

775 (d) Feasibility and availability of matching funds through
776 federal, local, or private partners are demonstrated.

777 Section 9. Subsections (16) and (26) of section 334.044,
778 Florida Statutes, are amended to read:

779 334.044 Department; powers and duties.-The department shall
780 have the following general powers and duties:



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781 (16) To plan, acquire, lease, construct, maintain, and
782 operate toll facilities; to authorize the issuance and refunding
783 of bonds; and to fix and collect tolls or other charges for
784 travel on any such facilities. Effective July 1, 2013, and
785 notwithstanding any other law to the contrary, the department
786 may not enter into a lease-purchase agreement with an expressway
787 authority, regional transportation authority, or other entity.
788 This provision does not invalidate a lease-purchase agreement
789 authorized under chapter 348 or chapter 2000-411, Laws of
790 Florida, and existing as of July 1, 2013, and does not limit the
791 department's authority under s. 334.30.

792 (26) To provide for the enhancement of environmental
793 benefits, including air and water quality; to prevent roadside
794 erosion; to conserve the natural roadside growth and scenery;
795 and to provide for the implementation and maintenance of
796 roadside conservation, enhancement, and stabilization programs.
797 No less than 1.5 percent of the amount contracted for
798 construction projects shall be allocated by the department on a
799 statewide basis for the purchase of plant materials. Department
800 districts may not expend funds for landscaping in connection
801 with any project that is limited to resurfacing existing lanes
802 unless the expenditure has been approved by the department's
803 secretary or the secretary's designee. To the greatest extent
804 practical, a minimum of 50 percent of the funds allocated under
805 this subsection shall be allocated for large plant materials and
806 the remaining funds for other plant materials. Except as
807 prohibited by applicable federal law or regulation, all plant
808 materials shall be purchased from Florida commercial nursery
809 stock in this state on a uniform competitive bid basis. The



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810 department shall develop grades and standards for landscaping
811 materials purchased through this process. To accomplish these
812 activities, the department may contract with nonprofit
813 organizations having the primary purpose of developing youth
814 employment opportunities.

815 Section 10. Section 335.06, Florida Statutes, is amended to
816 read:

817 335.06 Access roads to the state park system.—~~A Any road~~
818 that which provides access to property within the state park
819 system must shall be maintained by the department if the road is
820 a part of the State Highway System and may be improved and
821 maintained by the department if the road is part of a county
822 road system or city street system. If the department does not
823 maintain a county or city road that is a part of the county road
824 system or the city street system and that provides access to the
825 state park system, the road must or shall be maintained by the
826 appropriate county or municipality ~~if the road is a part of the~~
827 ~~county road system or the city street system.~~

828 Section 11. Subsection (13) of section 337.11, Florida
829 Statutes, is amended to read:

830 337.11 Contracting authority of department; bids; emergency
831 repairs, supplemental agreements, and change orders; combined
832 design and construction contracts; progress payments; records;
833 requirements of vehicle registration.—

834 (13) Each contract let by the department for the
835 performance of road or bridge construction or maintenance work
836 shall require ~~contain a provision requiring the contractor to~~
837 ~~provide proof to the department, in the form of a notarized~~
838 ~~affidavit from the contractor, that all motor vehicles that the~~ the



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839 contractor ~~he or she~~ operates or causes to be operated in this
840 state to be ~~are~~ registered in compliance with chapter 320.

841 Section 12. Subsection (1) of section 337.14, Florida
842 Statutes, is amended to read:

843 337.14 Application for qualification; certificate of
844 qualification; restrictions; request for hearing.—

845 (1) A ~~Any~~ person who desires ~~desiring~~ to bid for the
846 performance of any construction contract with a proposed budget
847 estimate in excess of \$250,000 which the department proposes to
848 let must first be certified by the department as qualified
849 pursuant to this section and rules of the department. The rules
850 of the department must ~~shall~~ address the qualification of a
851 person ~~persons~~ to bid on construction contracts with a proposed
852 budget estimate that is in excess of \$250,000 and must ~~shall~~
853 include requirements with respect to the equipment, past record,
854 experience, financial resources, and organizational personnel of
855 the applicant necessary to perform the specific class of work
856 for which the person seeks certification. The department may
857 limit the dollar amount of any contract upon which a person is
858 qualified to bid or the aggregate total dollar volume of
859 contracts such person may ~~is allowed to~~ have under contract at
860 any one time. Each applicant who seeks ~~seeking~~ qualification to
861 bid on construction contracts with a proposed budget estimate in
862 excess of \$250,000 must ~~shall~~ furnish the department a statement
863 under oath, on such forms as the department may prescribe,
864 setting forth detailed information as required on the
865 application. Each application for certification must ~~shall~~ be
866 accompanied by the latest annual financial statement of the
867 applicant completed within the last 12 months. If the



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868 application or the annual financial statement shows the
869 financial condition of the applicant more than 4 months before
870 ~~prior to~~ the date on which the application is received by the
871 department, ~~then~~ an interim financial statement must be
872 submitted and be accompanied by an updated application. The
873 interim financial statement must cover the period from the end
874 date of the annual statement and must show the financial
875 condition of the applicant no more than 4 months before ~~prior to~~
876 the date the interim financial statement is received by the
877 department. However, upon request by the applicant, an
878 application and accompanying annual or interim financial
879 statement received by the department within 15 days after either
880 4-month period provided pursuant to ~~under~~ this subsection must
881 ~~shall~~ be considered timely. Each required annual or interim
882 financial statement must be audited and accompanied by the
883 opinion of a certified public accountant. An applicant desiring
884 to bid exclusively for the performance of construction contracts
885 with proposed budget estimates of less than \$1 million may
886 submit reviewed annual or reviewed interim financial statements
887 prepared by a certified public accountant. The information
888 required by this subsection is confidential and exempt from the
889 provisions of s. 119.07(1). The department shall act upon the
890 application for qualification within 30 days after the
891 department determines that the application is complete. The
892 department may waive the requirements of this subsection for
893 projects having a contract price of \$500,000 or less if the
894 department determines that the project is of a noncritical
895 nature and the waiver will not endanger public health, safety,
896 or property.



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897 Section 13. Subsection (2) of section 337.168, Florida
898 Statutes, is amended to read:

899 337.168 Confidentiality of official estimates, identities
900 of potential bidders, and bid analysis and monitoring system.—

901 (2) A document that reveals ~~revealing~~ the identity of a
902 person who has ~~persons who have~~ requested or obtained a bid
903 package, plan ~~packages, plans,~~ or specifications pertaining to
904 any project to be let by the department is confidential and
905 exempt from the provisions of s. 119.07(1) for the period that
906 ~~which~~ begins 2 working days before ~~prior to~~ the deadline for
907 obtaining bid packages, plans, or specifications and ends with
908 the letting of the bid. A document that reveals the identity of
909 a person who has requested or obtained a bid package, plan, or
910 specifications pertaining to any project to be let by the
911 department before the 2 working days before the deadline for
912 obtaining bid packages, plans, or specifications remains a
913 public record subject to the provisions of s. 119.07(1).

914 Section 14. Section 337.25, Florida Statutes, is amended to
915 read:

916 337.25 Acquisition, lease, and disposal of real and
917 personal property.—

918 (1) (a) The department may purchase, lease, exchange, or
919 otherwise acquire any land, property interests, or buildings or
920 other improvements, including personal property within such
921 buildings or on such lands, necessary to secure or utilize
922 transportation rights-of-way for existing, proposed, or
923 anticipated transportation facilities on the State Highway
924 System, on the State Park Road System, in a rail corridor, or in
925 a transportation corridor designated by the department. Such



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926 property shall be held in the name of the state.

927 (b) The department may accept donations of any land or
928 buildings or other improvements, including personal property
929 within such buildings or on such lands with or without such
930 conditions, reservations, or reverter provisions as are
931 acceptable to the department. Such donations may be used as
932 transportation rights-of-way or to secure or utilize
933 transportation rights-of-way for existing, proposed, or
934 anticipated transportation facilities on the State Highway
935 System, on the State Park Road System, or in a transportation
936 corridor designated by the department.

937 (c) When lands, buildings, or other improvements are needed
938 for transportation purposes, but are held by a federal, state,
939 or local governmental entity and utilized for public purposes
940 other than transportation, the department may compensate the
941 entity for such properties by providing functionally equivalent
942 replacement facilities. The providing of replacement facilities
943 under this subsection may only be undertaken with the agreement
944 of the governmental entity affected.

945 (d) The department may contract pursuant to s. 287.055 for
946 auction services used in the conveyance of real or personal
947 property or the conveyance of leasehold interests under the
948 provisions of subsections (4) and (5). The contract may allow
949 for the contractor to retain a portion of the proceeds as
950 compensation for the contractor's services.

951 (2) A complete inventory shall be made of all real or
952 personal property immediately upon possession or acquisition.
953 Such inventory shall include a statement of the location or site
954 of each piece of realty, structure, or severable item an



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955 ~~itemized listing of all appliances, fixtures, and other~~
956 ~~severable items; a statement of the location or site of each~~
957 ~~piece of realty, structure, or severable item; and the serial~~
958 ~~number assigned to each.~~ Copies of each inventory shall be filed
959 in the district office in which the property is located. Such
960 inventory shall be carried forward to show the final disposition
961 of each item of property, both real and personal.

962 (3) The inventory of real property which was acquired by
963 the state after December 31, 1988, which has been owned by the
964 state for 10 or more years, and which is not within a
965 transportation corridor or within the right-of-way of a
966 transportation facility shall be evaluated to determine the
967 necessity for retaining the property. If the property is not
968 needed for the construction, operation, and maintenance of a
969 transportation facility, or is not located within a
970 transportation corridor, the department may dispose of the
971 property pursuant to subsection (4).

972 (4) The department may convey ~~sell~~, in the name of the
973 state, any land, building, or other property, real or personal,
974 which was acquired under the provisions of subsection (1) and
975 which the department has determined is not needed for the
976 construction, operation, and maintenance of a transportation
977 facility. ~~With the exception of any parcel governed by paragraph~~
978 ~~(c), paragraph (d), paragraph (f), paragraph (g), or paragraph~~
979 ~~(i), the department shall afford first right of refusal to the~~
980 ~~local government in the jurisdiction of which the parcel is~~
981 ~~situated.~~ When such a determination has been made, property may
982 be disposed of through negotiations, sealed competitive bids,
983 auctions, or any other means the department deems to be in its



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984 best interest, with due advertisement for property valued by the
985 department at greater than \$10,000. A sale may not occur at a
986 price less than the department's current estimate of value,
987 except as provided in paragraphs (a)-(d). The department may
988 afford a right of first refusal to the local government or other
989 political subdivision in the jurisdiction in which the parcel is
990 situated, except in conveyances transacted under paragraph (a),
991 paragraph (c), or paragraph (e). ~~in the following manner:~~

992 (a) If the ~~value of the property has been~~ donated to the
993 state for transportation purposes and a facility has not been
994 constructed for a period of at least 5 years, plans have not
995 been prepared for the construction of such facility, and the
996 property is not located in a transportation corridor, the
997 governmental entity may authorize reconveyance of the donated
998 property for no consideration to the original donor or the
999 donor's heirs, successors, assigns, or representatives ~~is~~
1000 ~~\$10,000 or less as determined by department estimate, the~~
1001 ~~department may negotiate the sale.~~

1002 (b) If the ~~value of the property is to be used for a public~~
1003 purpose, the property may be conveyed without consideration to a
1004 governmental entity ~~exceeds \$10,000 as determined by department~~
1005 ~~estimate, such property may be sold to the highest bidder~~
1006 ~~through receipt of sealed competitive bids, after due~~
1007 ~~advertisement, or by public auction held at the site of the~~
1008 ~~improvement which is being sold.~~

1009 (c) If the property was originally acquired specifically to
1010 provide replacement housing for persons displaced by
1011 transportation projects, the department may negotiate for the
1012 sale of such property as replacement housing. As compensation,



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1013 the state shall receive no less than its investment in such
1014 property or the department's current estimate of value,
1015 whichever is lower. It is expressly intended that this benefit
1016 be extended only to persons actually displaced by the project.
1017 Dispositions to any other person must be for no less than the
1018 department's current estimate of value, ~~in the discretion of the~~
1019 ~~department, public sale would be inequitable, properties may be~~
1020 ~~sold by negotiation to the owner holding title to the property~~
1021 ~~abutting the property to be sold, provided such sale is at a~~
1022 ~~negotiated price not less than fair market value as determined~~
1023 ~~by an independent appraisal, the cost of which shall be paid by~~
1024 ~~the owner of the abutting land. If negotiations do not result in~~
1025 ~~the sale of the property to the owner of the abutting land and~~
1026 ~~the property is sold to someone else, the cost of the~~
1027 ~~independent appraisal shall be borne by the purchaser; and the~~
1028 ~~owner of the abutting land shall have the cost of the appraisal~~
1029 ~~refunded to him or her. If, however, no purchase takes place,~~
1030 ~~the owner of the abutting land shall forfeit the sum paid by him~~
1031 ~~or her for the independent appraisal. If, due to action of the~~
1032 ~~department, the property is removed from eligibility for sale,~~
1033 ~~the cost of any appraisal prepared shall be refunded to the~~
1034 ~~owner of the abutting land.~~

1035 (d) If the department determines that the property will
1036 require significant costs to be incurred or that continued
1037 ownership of the property exposes the department to significant
1038 liability risks, the department may use the projected
1039 maintenance costs over the next 10 years to offset the
1040 property's value in establishing a value for disposal of the
1041 property, even if that value is zero ~~property acquired for use~~



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1042 ~~as a borrow pit is no longer needed, the department may sell~~
1043 ~~such property to the owner of the parcel of abutting land from~~
1044 ~~which the borrow pit was originally acquired, provided the sale~~
1045 ~~is at a negotiated price not less than fair market value as~~
1046 ~~determined by an independent appraisal, the cost of which shall~~
1047 ~~be paid by the owner of such abutting land.~~

1048 (e) If, in the discretion of the department, a sale to
1049 anyone other than an abutting property owner would be
1050 inequitable, the property may be sold to the abutting owner for
1051 the department's current estimate of value. If the department
1052 begins the process for disposing of the property on its own
1053 initiative, either by negotiation under the provisions of
1054 paragraph (a), paragraph (c), or paragraph (d), or paragraph
1055 (i), or by receipt of sealed competitive bids or public auction
1056 under the provisions of paragraph (b) or paragraph (i), a
1057 department staff appraiser may determine the fair market value
1058 of the property by an appraisal.

1059 ~~(f) Any property which was acquired by a county or by the~~
1060 ~~department using constitutional gas tax funds for the purpose of~~
1061 ~~a right-of-way or borrow pit for a road on the State Highway~~
1062 ~~System, State Park Road System, or county road system and which~~
1063 ~~is no longer used or needed by the department may be conveyed~~
1064 ~~without consideration to that county. The county may then sell~~
1065 ~~such surplus property upon receipt of competitive bids in the~~
1066 ~~same manner prescribed in this section.~~

1067 ~~(g) If a property has been donated to the state for~~
1068 ~~transportation purposes and the facility has not been~~
1069 ~~constructed for a period of at least 5 years and no plans have~~
1070 ~~been prepared for the construction of such facility and the~~



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1071 ~~property is not located in a transportation corridor, the~~
1072 ~~governmental entity may authorize reconveyance of the donated~~
1073 ~~property for no consideration to the original donor or the~~
1074 ~~donor's heirs, successors, assigns, or representatives.~~

1075 ~~(h) If property is to be used for a public purpose, the~~
1076 ~~property may be conveyed without consideration to a governmental~~
1077 ~~entity.~~

1078 ~~(i) If property was originally acquired specifically to~~
1079 ~~provide replacement housing for persons displaced by~~
1080 ~~transportation projects, the department may negotiate for the~~
1081 ~~sale of such property as replacement housing. As compensation,~~
1082 ~~the state shall receive no less than its investment in such~~
1083 ~~properties or fair market value, whichever is lower. It is~~
1084 ~~expressly intended that this benefit be extended only to those~~
1085 ~~persons actually displaced by such project. Dispositions to any~~
1086 ~~other persons must be for fair market value.~~

1087 ~~(j) If the department determines that the property will~~
1088 ~~require significant costs to be incurred or that continued~~
1089 ~~ownership of the property exposes the department to significant~~
1090 ~~liability risks, the department may use the projected~~
1091 ~~maintenance costs over the next 5 years to offset the market~~
1092 ~~value in establishing a value for disposal of the property, even~~
1093 ~~if that value is zero.~~

1094 (5) The department may convey a leasehold interest for
1095 commercial or other purposes, in the name of the state, to any
1096 land, building, or other property, real or personal, which was
1097 acquired under the provisions of subsection (1). However, a
1098 lease may not be entered into at a price less than the
1099 department's current estimate of value.



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1100 (a) A lease may be through negotiations, sealed competitive
1101 bids, auctions, or any other means the department deems to be in
1102 its best interest ~~The department may negotiate such a lease at~~
1103 ~~the prevailing market value with the owner from whom the~~
1104 ~~property was acquired; with the holders of leasehold estates~~
1105 ~~existing at the time of the department's acquisition; or, if~~
1106 ~~public bidding would be inequitable, with the owner holding~~
1107 ~~title to privately owned abutting property, if reasonable notice~~
1108 ~~is provided to all other owners of abutting property.~~ The
1109 department may allow an outdoor advertising sign to remain on
1110 the property acquired, or be relocated on department property,
1111 and such sign shall not be considered a nonconforming sign
1112 pursuant to chapter 479.

1113 (b) If, in the discretion of the department, a lease to a
1114 person other than an abutting property owner or tenant with a
1115 leasehold interest in the abutting property would be
1116 inequitable, the property may be leased to the abutting owner or
1117 tenant for no less than the department's current estimate of
1118 value ~~All other leases shall be by competitive bid.~~

1119 (c) No lease signed pursuant to paragraph (a) ~~or paragraph~~
1120 ~~(b)~~ shall be for a period of more than 5 years; however, the
1121 department may renegotiate or extend such a lease for an
1122 additional term of 5 years as the department deems appropriate
1123 ~~without rebidding.~~

1124 (d) Each lease shall provide that, unless otherwise
1125 directed by the lessor, any improvements made to the property
1126 during the term of the lease shall be removed at the lessee's
1127 expense.

1128 (e) If property is to be used for a public purpose,



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1129 ~~including a fair, art show, or other educational, cultural, or~~
1130 ~~fundraising activity,~~ the property may be leased without
1131 consideration to a governmental entity ~~or school board~~. A lease
1132 for a public purpose is exempt from the term limits in paragraph
1133 (c).

1134 (f) Paragraphs (c) and (e) ~~(d)~~ do not apply to leases
1135 entered into pursuant to s. 260.0161(3), except as provided in
1136 such a lease.

1137 (g) No lease executed under this subsection may be utilized
1138 by the lessee to establish the ~~4 years~~ standing required by s.
1139 73.071(3)(b) if the business had not been established for the
1140 specified number of 4 years on the date title passed to the
1141 department.

1142 (h) The department may enter into a long-term lease without
1143 compensation with a public port listed in s. 403.021(9)(b) for
1144 rail corridors used for the operation of a short-line railroad
1145 to the port.

1146 (6) Nothing in this chapter prevents the joint use of
1147 right-of-way for alternative modes of transportation; provided
1148 that the joint use does not impair the integrity and safety of
1149 the transportation facility.

1150 (7) The department's estimate of value, required by
1151 subsections (4) and (5), shall be prepared in accordance with
1152 department procedures, guidelines, and rules for valuation of
1153 real property. If the value of the property exceeds \$50,000, as
1154 determined by the department estimate, the sale or lease must be
1155 at a negotiated price not less than the estimate of value as
1156 determined by an appraisal prepared in accordance with
1157 department procedures, guidelines, and rules for valuation of



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1158 real property, the cost of which shall be paid by the party
1159 seeking the purchase or lease of the property appraisal required
1160 by paragraphs (4)(c) and (d) shall be prepared in accordance
1161 with department guidelines and rules by an independent appraiser
1162 who has been certified by the department. If federal funds were
1163 used in the acquisition of the property, the appraisal shall
1164 also be subject to the approval of the Federal Highway
1165 Administration.

1166 (8) A "due advertisement" under this section is an
1167 advertisement in a newspaper of general circulation in the area
1168 of the improvements of not less than 14 calendar days prior to
1169 the date of the receipt of bids or the date on which a public
1170 auction is to be held.

1171 (9) The department, with the approval of the Chief
1172 Financial Officer, is authorized to disburse state funds for
1173 real estate closings in a manner consistent with good business
1174 practices and in a manner minimizing costs and risks to the
1175 state.

1176 (10) The department is authorized to purchase title
1177 insurance in those instances where it is determined that such
1178 insurance is necessary to protect the public's investment in
1179 property being acquired for transportation purposes. The
1180 department shall adopt procedures to be followed in making the
1181 determination to purchase title insurance for a particular
1182 parcel or group of parcels which, at a minimum, shall set forth
1183 criteria which the parcels must meet.

1184 (11) This section does not modify the requirements of s.
1185 73.013.

1186 Section 15. Subsection (2) of section 337.251, Florida



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1187 Statutes, is amended to read:

1188 337.251 Lease of property for joint public-private
1189 development and areas above or below department property.-

1190 (2) The department may request proposals for the lease of
1191 such property or, if the department receives a proposal ~~for to~~
1192 ~~negotiate~~ a lease of a particular department property that the
1193 department desires to consider, the department must ~~it shall~~
1194 publish a notice in a newspaper of general circulation at least
1195 once a week for 2 weeks, stating that it has received the
1196 proposal and will accept, for 120 ~~60~~ days after the date of
1197 publication, other proposals for lease of the particular
1198 property use of the space. A copy of the notice must be mailed
1199 to each local government in the affected area. The department
1200 shall, by rule, establish an application fee for the submission
1201 of proposals pursuant to this section. The fee must be
1202 sufficient to pay the anticipated costs of evaluating the
1203 proposals. The department may engage the services of private
1204 consultants to assist in the evaluation. Before approval, the
1205 department must determine that the proposed lease:

- 1206 (a) Is in the public's best interest;
1207 (b) Does not require state funds to be used; and
1208 (c) Has adequate safeguards in place to ensure that no
1209 additional costs are borne and no service disruptions are
1210 experienced by the traveling public and residents of the state
1211 in the event of default by the private lessee or upon
1212 termination or expiration of the lease.

1213 Section 16. Subsection (5) of section 338.161, Florida
1214 Statutes, is amended to read:

1215 338.161 Authority of department or toll agencies to



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1216 advertise and promote electronic toll collection; expanded uses
1217 of electronic toll collection system; authority of department to
1218 collect tolls, fares, and fees for private and public entities.-

1219 (5) If the department finds that it can increase nontoll
1220 revenues or add convenience or other value for its customers,
1221 and if a public or private transportation facility owner agrees
1222 that its facility will become interoperable with the
1223 department's electronic toll collection and video billing
1224 systems, the department may ~~is authorized to~~ enter into an
1225 agreement with the owner of such facility under which the
1226 department uses ~~private or public entities for the department's~~
1227 ~~use of~~ its electronic toll collection and video billing systems
1228 to collect and enforce for the owner tolls, fares,
1229 administrative fees, and other applicable charges due ~~imposed~~ in
1230 connection with use of the owner's facility ~~transportation~~
1231 ~~facilities of the private or public entities that become~~
1232 ~~interoperable with the department's electronic toll collection~~
1233 ~~system~~. The department may modify its rules regarding toll
1234 collection procedures and the imposition of administrative
1235 charges to be applicable to toll facilities that are not part of
1236 the turnpike system or otherwise owned by the department. This
1237 subsection may not be construed to limit the authority of the
1238 department under any other provision of law or under any
1239 agreement entered into before ~~prior to~~ July 1, 2012.

1240 Section 17. Subsection (4) of section 338.165, Florida
1241 Statutes, is amended to read:

1242 338.165 Continuation of tolls.-

1243 (4) Notwithstanding any other law to the contrary, pursuant
1244 to s. 11, Art. VII of the State Constitution, and subject to the



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1245 requirements of subsection (2), the Department of Transportation
1246 may request the Division of Bond Finance to issue bonds secured
1247 by toll revenues collected on the Alligator Alley, the Sunshine
1248 Skyway Bridge, ~~the Beeline East Expressway, the Navarre Bridge,~~
1249 and the Pinellas Bayway to fund transportation projects located
1250 within the county or counties in which the revenue-producing
1251 project is located and contained in the adopted work program of
1252 the department.

1253 Section 18. Subsections (3) and (4) of section 338.26,
1254 Florida Statutes, are amended to read:

1255 338.26 Alligator Alley toll road.-

1256 (3) Fees generated from tolls shall be deposited in the
1257 State Transportation Trust Fund, and any amount of funds
1258 generated annually in excess of that required to reimburse
1259 outstanding contractual obligations, to operate and maintain the
1260 highway and toll facilities, including reconstruction and
1261 restoration, to pay for those projects that are funded with
1262 Alligator Alley toll revenues and that are contained in the
1263 1993-1994 adopted work program or the 1994-1995 tentative work
1264 program submitted to the Legislature on February 22, 1994, and
1265 to design and construct ~~develop and operate~~ a fire station at
1266 mile marker 63 on Alligator Alley, which may be used by Collier
1267 County or other appropriate local governmental entity to provide
1268 fire, rescue, and emergency management services ~~to the adjacent~~
1269 ~~counties~~ along Alligator Alley, may be transferred to the
1270 Everglades Fund of the South Florida Water Management District
1271 in accordance with the memorandum of understanding of June 30,
1272 1997, between the district and the department. The South Florida
1273 Water Management District shall deposit funds for projects



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1274 undertaken pursuant to s. 373.4592 in the Everglades Trust Fund
1275 pursuant to s. 373.45926(4)(a). Any funds remaining in the
1276 Everglades Fund may be used for environmental projects to
1277 restore the natural values of the Everglades, subject to
1278 compliance with any applicable federal laws and regulations.
1279 Projects must ~~shall~~ be limited to:

1280 (a) Highway redesign to allow for improved sheet flow of
1281 water across the southern Everglades.

1282 (b) Water conveyance projects to enable more water
1283 resources to reach Florida Bay to replenish marine estuary
1284 functions.

1285 (c) Engineering design plans for wastewater treatment
1286 facilities as recommended in the Water Quality Protection
1287 Program Document for the Florida Keys National Marine Sanctuary.

1288 (d) Acquisition of lands to move STA 3/4 out of the Toe of
1289 the Boot, provided such lands are located within 1 mile of the
1290 northern border of STA 3/4.

1291 (e) Other Everglades Construction Projects as described in
1292 the February 15, 1994, conceptual design document.

1293 ~~(4) The district may issue revenue bonds or notes under s.~~
1294 ~~373.584 and pledge the revenue from the transfers from the~~
1295 ~~Alligator Alley toll revenues as security for such bonds or~~
1296 ~~notes. The proceeds from such revenue bonds or notes shall be~~
1297 ~~used for environmental projects; at least 50 percent of said~~
1298 ~~proceeds must be used for projects that benefit Florida Bay, as~~
1299 ~~described in this section subject to resolutions approving such~~
1300 ~~activity by the Board of Trustees of the Internal Improvement~~
1301 ~~Trust Fund and the governing board of the South Florida Water~~
1302 ~~Management District and the remaining proceeds must be used for~~



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1303 ~~restoration activities in the Everglades Protection Area.~~

1304 Section 19. Subsections (2) through (4) of section 339.175,
1305 Florida Statutes, are amended to read:

1306 339.175 Metropolitan planning organization.—

1307 (2) DESIGNATION.—

1308 (a)1. An M.P.O. shall be designated for each urbanized area
1309 of the state; however, this does not require that an individual
1310 M.P.O. be designated for each such area. The M.P.O. Such
1311 designation shall be accomplished by agreement between the
1312 Governor and units of general-purpose local government that
1313 together represent ~~representing~~ at least 75 percent of the
1314 population, including the largest incorporated municipality,
1315 based on population, ~~of the urbanized area; however, the unit of~~
1316 ~~general-purpose local government that represents the central~~
1317 ~~city or cities within the M.P.O. jurisdiction, as named defined~~
1318 by the United States Bureau of the Census, ~~must be a party to~~
1319 ~~such agreement.~~

1320 2. To the extent possible, only one M.P.O. shall be
1321 designated for each urbanized area or group of contiguous
1322 urbanized areas. More than one M.P.O. may be designated within
1323 an existing urbanized area only if the Governor and the existing
1324 M.P.O. determine that the size and complexity of the existing
1325 urbanized area makes the designation of more than one M.P.O. for
1326 the area appropriate.

1327 (b) Each M.P.O. designated in a manner prescribed by Title
1328 23 of the United States Code shall be created and operated under
1329 the provisions of this section pursuant to an interlocal
1330 agreement entered into pursuant to s. 163.01. The signatories to
1331 the interlocal agreement shall be the department and the



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1332 governmental entities designated by the Governor for membership
1333 on the M.P.O. Each M.P.O. shall be considered separate from the
1334 state or the governing body of a local government that is
1335 represented on the governing board of the M.P.O. or that is a
1336 signatory to the interlocal agreement creating the M.P.O. and
1337 shall have such powers and privileges that are provided under s.
1338 163.01. If there is a conflict between this section and s.
1339 163.01, this section prevails.

1340 (c) The jurisdictional boundaries of an M.P.O. shall be
1341 determined by agreement between the Governor and the applicable
1342 M.P.O. The boundaries must include at least the metropolitan
1343 planning area, which is the existing urbanized area and the
1344 contiguous area expected to become urbanized within a 20-year
1345 forecast period, and may encompass the entire metropolitan
1346 statistical area or the consolidated metropolitan statistical
1347 area.

1348 (d) In the case of an urbanized area designated as a
1349 nonattainment area for ozone or carbon monoxide under the Clean
1350 Air Act, 42 U.S.C. ss. 7401 et seq., the boundaries of the
1351 metropolitan planning area in existence as of the date of
1352 enactment of this paragraph shall be retained, except that the
1353 boundaries may be adjusted by agreement of the Governor and
1354 affected metropolitan planning organizations in the manner
1355 described in this section. If more than one M.P.O. has authority
1356 within a metropolitan area or an area that is designated as a
1357 nonattainment area, each M.P.O. shall consult with other
1358 M.P.O.'s designated for such area and with the state in the
1359 coordination of plans and programs required by this section.

1360 (e) The governing body of the M.P.O. shall designate, at a



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1361 minimum, a chair, vice chair, and agency clerk. The chair and
1362 vice chair shall be selected from among the member delegates
1363 comprising the governing board. The agency clerk shall be
1364 charged with the responsibility of preparing meeting minutes and
1365 maintaining agency records. The clerk shall be a member of the
1366 M.P.O. governing board, an employee of the M.P.O., or other
1367 natural person.

1368
1369 Each M.P.O. required under this section must be fully operative
1370 no later than 6 months following its designation.

1371 (3) VOTING MEMBERSHIP.—

1372 (a) The voting membership of an M.P.O. shall consist of not
1373 fewer than 5 or more than 19 apportioned members, the exact
1374 number to be determined on an equitable geographic-population
1375 ratio ~~basis by the Governor~~, based on an agreement among the
1376 affected units of general-purpose local government and the
1377 Governor as required by federal ~~rules and~~ regulations. The
1378 voting membership of an M.P.O. that is redesignated after the
1379 effective date of this act as a result of the expansion of the
1380 M.P.O. to include a new urbanized area or the consolidation of
1381 two or more M.P.O.'s may consist of no more than 25 members. The
1382 Governor, in accordance with 23 U.S.C. s. 134, may also provide
1383 for M.P.O. members who represent municipalities to alternate
1384 with representatives from other municipalities within the
1385 metropolitan planning area that do not have members on the
1386 M.P.O. County commission members shall compose not less than
1387 one-third of the M.P.O. membership, except for an M.P.O. with
1388 more than 15 members located in a county with a 5-member county
1389 commission or an M.P.O. with 19 members located in a county with



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1390 no more than 6 county commissioners, in which case county
1391 commission members may compose less than one-third percent of
1392 the M.P.O. membership, but all county commissioners must be
1393 members. All voting members shall be elected officials of
1394 general-purpose local governments, except that an M.P.O. may
1395 include, as part of its apportioned voting members, a member of
1396 a statutorily authorized planning board, an official of an
1397 agency that operates or administers a major mode of
1398 transportation, or an official of Space Florida. As used in this
1399 section, the term "elected officials of a general-purpose local
1400 government" excludes ~~shall exclude~~ constitutional officers,
1401 including sheriffs, tax collectors, supervisors of elections,
1402 property appraisers, clerks of the court, and similar types of
1403 officials. County commissioners shall compose not less than 20
1404 percent of the M.P.O. membership if an official of an agency
1405 that operates or administers a major mode of transportation has
1406 been appointed to an M.P.O.

1407 (b) In metropolitan areas in which authorities or other
1408 agencies have been or may be created by law to perform
1409 transportation functions and are performing transportation
1410 functions that are not under the jurisdiction of a general-
1411 purpose local government represented on the M.P.O., they may
1412 ~~shall~~ be provided voting membership on the M.P.O. In all other
1413 M.P.O.'s where transportation authorities or agencies are to be
1414 represented by elected officials from general-purpose local
1415 governments, the M.P.O. shall establish a process by which the
1416 collective interests of such authorities or other agencies are
1417 expressed and conveyed.

1418 (c) Any other provision of this section to the contrary



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1419 notwithstanding, a chartered county with a population of more
1420 than ~~over~~ 1 million ~~population~~ may elect to reapportion the
1421 membership of an M.P.O. whose jurisdiction is wholly within the
1422 county. The charter county may exercise the provisions of this
1423 paragraph if:

1424 1. The M.P.O. approves the reapportionment plan by a three-
1425 fourths vote of its membership;

1426 2. The M.P.O. and the charter county determine that the
1427 reapportionment plan is needed to fulfill specific goals and
1428 policies applicable to that metropolitan planning area; and

1429 3. The charter county determines the reapportionment plan
1430 otherwise complies with all federal requirements pertaining to
1431 M.P.O. membership.

1432
1433 A ~~Any~~ charter county that elects to exercise the provisions of
1434 this paragraph shall notify the Governor in writing.

1435 (d) Any other provision of this section to the contrary
1436 notwithstanding, a ~~any~~ county chartered under s. 6(e), Art. VIII
1437 of the State Constitution may elect to have its county
1438 commission serve as the M.P.O., if the M.P.O. jurisdiction is
1439 wholly contained within the county. A ~~Any~~ charter county that
1440 elects to exercise the provisions of this paragraph shall so
1441 notify the Governor in writing. Upon receipt of the ~~such~~
1442 notification, the Governor must designate the county commission
1443 as the M.P.O. The Governor must appoint four additional voting
1444 members to the M.P.O., one of whom must be an elected official
1445 representing a municipality within the county, one of whom must
1446 be an expressway authority member, one of whom must be a person
1447 who does not hold elected public office and who resides in the



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1448 unincorporated portion of the county, and one of whom must be a
1449 school board member.

1450 (4) APPORTIONMENT.—

1451 (a) Each M.P.O. in the state shall review the composition
1452 of its membership in conjunction with the decennial census, as
1453 prepared by the United States Department of Commerce, Bureau of
1454 the Census, and, with the agreement of the affected units of
1455 general-purpose local government and the Governor, reapportion
1456 the membership as necessary to comply with subsection (3) The
1457 ~~Governor shall, with the agreement of the affected units of~~
1458 ~~general-purpose local government as required by federal rules~~
1459 ~~and regulations, apportion the membership on the applicable~~
1460 ~~M.P.O. among the various governmental entities within the area.~~

1461 (b) At the request of a majority of the affected units of
1462 general-purpose local government comprising an M.P.O., the
1463 Governor and a majority of units of general-purpose local
1464 government serving on an M.P.O. shall cooperatively agree upon
1465 and prescribe who may serve as an alternate member and a method
1466 for appointing alternate members who may vote at any M.P.O.
1467 meeting that an alternate member attends in place of a regular
1468 member. The method must ~~shall~~ be set forth as a part of the
1469 interlocal agreement describing the M.P.O.'s membership or in
1470 the M.P.O.'s operating procedures and bylaws. The governmental
1471 entity so designated shall appoint the appropriate number of
1472 members to the M.P.O. from eligible officials. Representatives
1473 of the department shall serve as nonvoting advisers to the
1474 M.P.O. governing board. Additional nonvoting advisers may be
1475 appointed by the M.P.O. as deemed necessary; however, to the
1476 maximum extent feasible, each M.P.O. shall seek to appoint



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1477 nonvoting representatives of various multimodal forms of
1478 transportation not otherwise represented by voting members of
1479 the M.P.O. An M.P.O. shall appoint nonvoting advisers
1480 representing major military installations located within the
1481 jurisdictional boundaries of the M.P.O. upon the request of the
1482 aforesaid major military installations and subject to the
1483 agreement of the M.P.O. All nonvoting advisers may attend and
1484 participate fully in governing board meetings but may not vote
1485 or be members of the governing board. ~~The Governor shall review~~
1486 ~~the composition of the M.P.O. membership in conjunction with the~~
1487 ~~decennial census as prepared by the United States Department of~~
1488 ~~Commerce, Bureau of the Census, and reapportion it as necessary~~
1489 ~~to comply with subsection (3).~~

1490 (c) ~~(b)~~ Except for members who represent municipalities on
1491 the basis of alternating with representatives from other
1492 municipalities that do not have members on the M.P.O. as
1493 provided in paragraph (3) (a), the members of an M.P.O. shall
1494 serve 4-year terms. Members who represent municipalities on the
1495 basis of alternating with representatives from other
1496 municipalities that do not have members on the M.P.O. as
1497 provided in paragraph (3) (a) may serve terms of up to 4 years as
1498 further provided in the interlocal agreement described in
1499 paragraph (2) (b). The membership of a member who is a public
1500 official automatically terminates upon the member's leaving his
1501 or her elective or appointive office for any reason, or may be
1502 terminated by a majority vote of the total membership of the
1503 entity's governing board represented by the member. A vacancy
1504 shall be filled by the original appointing entity. A member may
1505 be reappointed for one or more additional 4-year terms.



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1506 (d)~~(e)~~ If a governmental entity fails to fill an assigned
1507 appointment to an M.P.O. within 60 days after notification by
1508 the Governor of its duty to appoint, that appointment must ~~shall~~
1509 be made by the Governor from the eligible representatives of
1510 that governmental entity.

1511 Section 20. Paragraph (a) of subsection (1) and subsections
1512 (4) and (5) of section 339.2821, Florida Statutes, are amended
1513 to read:

1514 339.2821 Economic development transportation projects.—

1515 (1) (a) The department, in consultation with the Department
1516 of Economic Opportunity and Enterprise Florida, Inc., may make
1517 and approve expenditures and contract with the appropriate
1518 governmental body for the direct costs of transportation
1519 projects. The Department of Economic Opportunity and the
1520 Department of Environmental Protection may formally review and
1521 comment on recommended transportation projects, although the
1522 department has final approval authority for any project
1523 authorized under this section.

1524 (4) A contract between the department and a governmental
1525 body for a transportation project must:

1526 (a) Specify that the transportation project is for the
1527 construction of a new or expanding business and specify the
1528 number of full-time permanent jobs that will result from the
1529 project.

1530 (b) Identify the governmental body and require that the
1531 governmental body award the construction of the particular
1532 transportation project to the lowest and best bidder in
1533 accordance with applicable state and federal statutes or rules
1534 unless the transportation project can be constructed using



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1535 existing local governmental employees within the contract period
1536 specified by the department.

1537 (c) Require that the governmental body provide the
1538 department with ~~quarterly~~ progress reports. Each ~~quarterly~~
1539 progress report must contain:

1540 1. A narrative description of the work completed and
1541 whether the work is proceeding according to the transportation
1542 project schedule;

1543 2. A description of each change order executed by the
1544 governmental body;

1545 3. A budget summary detailing planned expenditures compared
1546 to actual expenditures; and

1547 4. The identity of each small or minority business used as
1548 a contractor or subcontractor.

1549 (d) Require that the governmental body make and maintain
1550 records in accordance with accepted governmental accounting
1551 principles and practices for each progress payment made for work
1552 performed in connection with the transportation project, each
1553 change order executed by the governmental body, and each payment
1554 made pursuant to a change order. The records are subject to
1555 financial audit as required by law.

1556 (e) Require that the governmental body, upon completion and
1557 acceptance of the transportation project, certify to the
1558 department that the transportation project has been completed in
1559 compliance with the terms and conditions of the contract between
1560 the department and the governmental body and meets the minimum
1561 construction standards established in accordance with s.
1562 336.045.

1563 (f) Specify that ~~the department transfer~~ funds will not be



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1564 transferred to the governmental body unless construction has
1565 begun on the facility of the ~~not more often than quarterly, upon~~
1566 ~~receipt of a request for funds from the governmental body and~~
1567 ~~consistent with the needs of the transportation project. The~~
1568 ~~governmental body shall expend funds received from the~~
1569 ~~department in a timely manner. The department may not transfer~~
1570 ~~funds unless construction has begun on the facility of a~~
1571 ~~business on whose behalf the award was made. If construction of~~
1572 the transportation project does not begin within 4 years after
1573 the date of the initial grant award, the grant award is
1574 terminated ~~A contract totaling less than \$200,000 is exempt from~~
1575 ~~the transfer requirement.~~

1576 (g) Require that funds be used only on a transportation
1577 project that has been properly reviewed and approved in
1578 accordance with the criteria set forth in this section.

1579 (h) Require that the governing board of the governmental
1580 body adopt a resolution accepting future maintenance and other
1581 attendant costs occurring after completion of the transportation
1582 project if the transportation project is constructed on a county
1583 or municipal system.

1584 (5) For purposes of this section, Space Florida may serve
1585 as the governmental body or as the contracting agency for a
1586 ~~transportation~~ project within a spaceport territory as defined
1587 by s. 331.304.

1588 Section 21. Section 339.401, Florida Statutes, is repealed.

1589 Section 22. Section 339.402, Florida Statutes, is repealed.

1590 Section 23. Section 339.403, Florida Statutes, is repealed.

1591 Section 24. Section 339.404, Florida Statutes, is repealed.

1592 Section 25. Section 339.405, Florida Statutes, is repealed.



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1593 Section 26. Section 339.406, Florida Statutes, is repealed.
1594 Section 27. Section 339.407, Florida Statutes, is repealed.
1595 Section 28. Section 339.408, Florida Statutes, is repealed.
1596 Section 29. Section 339.409, Florida Statutes, is repealed.
1597 Section 30. Section 339.410, Florida Statutes, is repealed.
1598 Section 31. Section 339.411, Florida Statutes, is repealed.
1599 Section 32. Section 339.412, Florida Statutes, is repealed.
1600 Section 33. Section 339.414, Florida Statutes, is repealed.
1601 Section 34. Section 339.415, Florida Statutes, is repealed.
1602 Section 35. Section 339.416, Florida Statutes, is repealed.
1603 Section 36. Section 339.417, Florida Statutes, is repealed.
1604 Section 37. Section 339.418, Florida Statutes, is repealed.
1605 Section 38. Section 339.419, Florida Statutes, is repealed.
1606 Section 39. Section 339.420, Florida Statutes, is repealed.
1607 Section 40. Section 339.421, Florida Statutes, is repealed.
1608 Section 41. Paragraphs (a) and (c) of subsection (2) and
1609 paragraph (i) of subsection (7) of section 339.55, Florida
1610 Statutes, are amended to read:
1611 339.55 State-funded infrastructure bank.—
1612 (2) The bank may lend capital costs or provide credit
1613 enhancements for:
1614 (a) A transportation facility project that is on the State
1615 Highway System or that provides for increased mobility on the
1616 state's transportation system or provides intermodal
1617 connectivity with airports, seaports, spaceports, rail
1618 facilities, and other transportation terminals, pursuant to s.
1619 341.053, for the movement of people and goods.
1620 (c)1. Emergency loans for damages incurred to public-use
1621 commercial deepwater seaports, public-use airports, public-use



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1622 spaceports, and other public-use transit and intermodal
1623 facilities that are within an area that is part of an official
1624 state declaration of emergency pursuant to chapter 252 and all
1625 other applicable laws. Such loans:

1626 a. May not exceed 24 months in duration except in extreme
1627 circumstances, for which the Secretary of Transportation may
1628 grant up to 36 months upon making written findings specifying
1629 the conditions requiring a 36-month term.

1630 b. Require application from the recipient to the department
1631 that includes documentation of damage claims filed with the
1632 Federal Emergency Management Agency or an applicable insurance
1633 carrier and documentation of the recipient's overall financial
1634 condition.

1635 c. Are subject to approval by the Secretary of
1636 Transportation and the Legislative Budget Commission.

1637 2. Loans provided under this paragraph must be repaid upon
1638 receipt by the recipient of eligible program funding for damages
1639 in accordance with the claims filed with the Federal Emergency
1640 Management Agency or an applicable insurance carrier, but no
1641 later than the duration of the loan.

1642 (7) The department may consider, but is not limited to, the
1643 following criteria for evaluation of projects for assistance
1644 from the bank:

1645 (i) The extent to which the project will provide for
1646 connectivity between the State Highway System and airports,
1647 seaports, spaceports, rail facilities, and other transportation
1648 terminals and intermodal options pursuant to s. 341.053 for the
1649 increased accessibility and movement of people and goods.

1650 Section 42. Subsection (11) of section 341.031, Florida



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1651 Statutes, is amended to read:

1652 341.031 Definitions relating to Florida Public Transit
1653 Act.—As used in ss. 341.011-341.061, the term:

1654 (11) "Intercity bus service" means regularly scheduled bus
1655 service for the general public which operates with limited stops
1656 over fixed routes connecting two or more urban areas not in
1657 close proximity; has the capacity for transporting baggage
1658 carried by passengers; and makes meaningful connections with
1659 scheduled intercity bus service to more distant points, if such
1660 service is available; ~~maintains scheduled information in the
1661 National Official Bus Guide; and provides package express
1662 service incidental to passenger transportation.~~

1663 Section 43. Section 341.053, Florida Statutes, is amended
1664 to read:

1665 341.053 Intermodal Development Program; administration;
1666 eligible projects; limitations.—

1667 (1) There is created within the Department of
1668 Transportation an Intermodal Development Program to provide for
1669 major capital investments in fixed-guideway transportation
1670 systems, access to seaports, airports, spaceports, and other
1671 transportation terminals, providing for the construction of
1672 intermodal or multimodal terminals; and to plan or fund
1673 construction of airport, spaceport, seaport, transit, and rail
1674 projects that otherwise facilitate the intermodal or multimodal
1675 movement of people and goods.

1676 (2) The Intermodal Development Program shall be used for
1677 projects that support statewide goals as outlined in the Florida
1678 Transportation Plan, the Strategic Intermodal System Plan, the
1679 Freight Mobility and Trade Plan, or the appropriate department



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1680 ~~modal plan In recognition of the department's role in the~~
1681 ~~economic development of this state, the department shall develop~~
1682 ~~a proposed intermodal development plan to connect Florida's~~
1683 ~~airports, deepwater seaports, rail systems serving both~~
1684 ~~passenger and freight, and major intermodal connectors to the~~
1685 ~~Strategic Intermodal System highway corridors as the primary~~
1686 ~~system for the movement of people and freight in this state in~~
1687 ~~order to make the intermodal development plan a fully integrated~~
1688 ~~and interconnected system. The intermodal development plan must:~~

1689 ~~(a) Define and assess the state's freight intermodal~~
1690 ~~network, including airports, seaports, rail lines and terminals,~~
1691 ~~intercity bus lines and terminals, and connecting highways.~~

1692 ~~(b) Prioritize statewide infrastructure investments,~~
1693 ~~including the acceleration of current projects, which are found~~
1694 ~~by the Freight Stakeholders Task Force to be priority projects~~
1695 ~~for the efficient movement of people and freight.~~

1696 ~~(c) Be developed in a manner that will assure maximum use~~
1697 ~~of existing facilities and optimum integration and coordination~~
1698 ~~of the various modes of transportation, including both~~
1699 ~~government-owned and privately owned resources, in the most~~
1700 ~~cost-effective manner possible.~~

1701 (3) The Intermodal Development Program shall be
1702 administered by the department.

1703 (4) The department shall review funding requests from a
1704 rail authority created pursuant to chapter 343. The department
1705 may include projects of the authorities, including planning and
1706 design, in the tentative work program.

1707 (5) ~~No single transportation authority operating a fixed-~~
1708 ~~guideway transportation system, or single fixed-guideway~~



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1709 ~~transportation system not administered by a transportation~~
1710 ~~authority, receiving funds under the Intermodal Development~~
1711 ~~Program shall receive more than 33 1/3 percent of the total~~
1712 ~~intermodal development funds appropriated between July 1, 1990,~~
1713 ~~and June 30, 2015. In determining the distribution of funds~~
1714 ~~under the Intermodal Development Program in any fiscal year, the~~
1715 ~~department shall assume that future appropriation levels will be~~
1716 ~~equal to the current appropriation level.~~

1717 ~~(6)~~ The department may ~~is authorized to~~ fund projects
1718 within the Intermodal Development Program, which are consistent,
1719 to the maximum extent feasible, with approved local government
1720 comprehensive plans of the units of local government in which
1721 the project is located. Projects that are eligible for funding
1722 under this program include planning studies, major capital
1723 investments in public rail and fixed-guideway transportation or
1724 freight facilities and systems which provide intermodal access;
1725 road, rail, intercity bus service, or fixed-guideway access to,
1726 from, or between seaports, airports, spaceports, intermodal
1727 logistics centers, and other transportation terminals;
1728 construction of intermodal or multimodal terminals, including
1729 projects on airports, spaceports, intermodal logistics centers,
1730 or seaports which assist in the movement or transfer of people
1731 or goods; development and construction of dedicated bus lanes;
1732 and projects which otherwise facilitate the intermodal or
1733 multimodal movement of people and goods.

1734 Section 44. Section 343.80, Florida Statutes, is amended to
1735 read:

1736 343.80 Short title.—This part may be cited as the
1737 "Northwest Florida Regional Transportation Finance ~~Corridor~~



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1738 Authority Law.”

1739 Section 45. Section 343.805, Florida Statutes, is amended
1740 to read:

1741 343.805 Definitions.—As used in this part, the term:

1742 (1) “Agency of the state” means the state and any
1743 department of, or corporation, agency, or instrumentality
1744 heretofore or hereafter created, designated, or established by,
1745 the state.

1746 (2) “Authority” means the body politic and corporate and
1747 agency of the state created by this part.

1748 (3) “Bonds” means the notes, bonds, refunding bonds, or
1749 other evidences of indebtedness or obligations, in either
1750 temporary or definitive form, which the authority is authorized
1751 to issue pursuant to this part.

1752 (4) “Department” means the Department of Transportation
1753 existing under chapters 334-339.

1754 (5) “Federal agency” means the United States, the President
1755 of the United States, and any department of, or corporation,
1756 agency, or instrumentality heretofore or hereafter created,
1757 designated, or established by, the United States.

1758 (6) “Limited access expressway” or “expressway” means a
1759 street or highway especially designed for through traffic and
1760 over, from, or to which a person does not have the right of
1761 easement, use, or access except in accordance with the rules
1762 adopted and established by the authority for the use of such
1763 facility. Such highway or street may be a parkway, from which
1764 trucks, buses, and other commercial vehicles are excluded, or it
1765 may be a freeway open to use by all customary forms of street
1766 and highway traffic.



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1767 (7) "Members" means the governing body of the authority,
1768 and the term "member" means one of the individuals constituting
1769 such governing body.

1770 (8) "Northwest Florida Regional Transportation Finance
1771 Authority System" or "system" means any and all expressways and
1772 appurtenant facilities thereto owned by the Authority,
1773 including, but not limited to, all approaches, roads, bridges,
1774 and avenues of access for said expressway or expressways.

1775 ~~(9)(8)~~ "State Board of Administration" means the body
1776 corporate existing under the provisions of s. 9, Art. XII of the
1777 State Constitution, or any successor thereto.

1778 ~~(9) "U.S. 98 corridor" means U.S. Highway 98 and any feeder~~
1779 ~~roads, reliever roads, connector roads, bridges, and other~~
1780 ~~transportation appurtenances, existing or constructed in the~~
1781 ~~future, that support U.S. Highway 98 in Escambia, Santa Rosa,~~
1782 ~~Okaloosa, Walton, Bay, Gulf, Franklin, and Wakulla Counties.~~

1783 ~~(10) "U.S. 98 corridor system" means any and all~~
1784 ~~expressways and appurtenant facilities, including, but not~~
1785 ~~limited to, all approaches, roads, bridges, and avenues of~~
1786 ~~access for the expressways that are either built by the~~
1787 ~~authority or whose ownership is transferred to the authority by~~
1788 ~~other governmental or private entities.~~

1789
1790 Terms importing singular number include the plural number in
1791 each case and vice versa, and terms importing persons include
1792 firms and corporations.

1793 Section 46. Section 343.81, Florida Statutes, is amended to
1794 read:

1795 343.81 Northwest Florida Regional Transportation Finance



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1796 ~~Corridor~~ Authority.-

1797 (1) There is created and established a body politic and
1798 corporate, an agency of the state, to be known as the Northwest
1799 Florida Regional Transportation Finance ~~Corridor~~ Authority,
1800 hereinafter referred to as "the authority."

1801 (2) (a) The governing body of the authority shall consist of
1802 five ~~eight~~ voting members, two from Okaloosa County and one each
1803 ~~from Escambia, Santa Rosa, Walton, Okaloosa, Bay, and Gulf,~~
1804 ~~Franklin, and Wakulla~~ Counties, appointed by the Governor to a
1805 4-year term. The appointees shall be residents of their
1806 respective counties and may not hold an elected office. Upon the
1807 effective date of his or her appointment, or as soon thereafter
1808 as practicable, each appointed member of the authority shall
1809 enter upon his or her duties. Each appointed member shall hold
1810 office until his or her successor has been appointed and has
1811 qualified. A vacancy occurring during a term shall be filled
1812 only for the balance of the unexpired term. Any member of the
1813 authority shall be eligible for reappointment. Members of the
1814 authority may be removed from office by the Governor for
1815 misconduct, malfeasance, misfeasance, or nonfeasance in office.

1816 (b) The district secretary of the Department of
1817 Transportation serving Northwest Florida shall serve as an ex
1818 officio, nonvoting member.

1819 (3) (a) The authority shall elect one of its members as
1820 chair and shall also elect a secretary and a treasurer who may
1821 or may not be members of the authority. The chair, secretary,
1822 and treasurer shall hold such offices at the will of the
1823 authority.

1824 (b) Three ~~Five~~ members of the authority shall constitute a



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1825 quorum, and the vote of at least three ~~Five~~ members shall be
1826 necessary for any action taken by the authority. A vacancy in
1827 the authority does not impair the right of a quorum of the
1828 authority to exercise all of the rights and perform all of the
1829 duties of the authority.

1830 (c) The authority shall meet at least quarterly but may
1831 meet more frequently upon the call of the chair. The authority
1832 should alternate the locations of its meetings among the seven
1833 counties.

1834 (4) Members of the authority shall serve without
1835 compensation but shall be entitled to receive from the authority
1836 their travel expenses and per diem incurred in connection with
1837 the business of the authority, as provided in s. 112.061.

1838 (5) The authority may employ an executive director, an
1839 executive secretary, its own counsel and legal staff, technical
1840 experts, engineers, and such employees, permanent or temporary,
1841 as it may require. The authority shall determine the
1842 qualifications and fix the compensation of such persons, firms,
1843 or corporations and may employ a fiscal agent or agents;
1844 however, the authority shall solicit sealed proposals from at
1845 least three persons, firms, or corporations for the performance
1846 of any services as fiscal agents. The authority may delegate to
1847 one or more of its agents or employees its power as it shall
1848 deem necessary to carry out the purposes of this part, subject
1849 always to the supervision and control of the authority.

1850 ~~(6) The authority may establish technical advisory~~
1851 ~~committees to provide guidance and advice on corridor-related~~
1852 ~~issues. The authority shall establish the size, composition, and~~
1853 ~~focus of any technical advisory committee created. A member~~



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1854 ~~appointed to a technical advisory committee shall serve without~~
1855 ~~compensation but shall be entitled to per diem or travel~~
1856 ~~expenses, as provided in s. 112.061.~~

1857 Section 47. Section 343.82, Florida Statutes, is amended to
1858 read:

1859 343.82 Purposes and powers.—

1860 (1) The authority created and established by the provisions
1861 of this part is hereby granted and shall have the right to
1862 acquire, hold, construct, improve, maintain, operate, own and
1863 lease in the capacity of lessor, the Northwest Florida
1864 Transportation Finance Authority System ~~The primary purpose of~~
1865 ~~the authority is to improve mobility on the U.S. 98 corridor in~~
1866 ~~Northwest Florida to enhance traveler safety, identify and~~
1867 ~~develop hurricane evacuation routes, promote economic~~
1868 ~~development along the corridor, and implement transportation~~
1869 ~~projects to alleviate current or anticipated traffic congestion.~~

1870 (2) (a) The authority, in the construction of the Northwest
1871 Florida Regional Transportation Finance Authority System, is
1872 authorized to construct any feeder roads, reliever roads,
1873 connector roads, bypasses, or appurtenant facilities ~~that are~~
1874 ~~intended to improve mobility along the U.S. 98 corridor.~~ The
1875 transportation improvement projects may also include all
1876 necessary approaches, roads, bridges, and avenues of access that
1877 are desirable and proper with the concurrence, where applicable,
1878 of the department if the project is to be part of the State
1879 Highway System or the respective county or municipal governing
1880 boards. Any transportation facilities constructed by the
1881 authority may be tolled.

1882 (b) Notwithstanding any special act to the contrary, the



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1883 authority shall plan for and study the feasibility of
1884 constructing, operating, and maintaining a bridge or bridges
1885 spanning Choctawhatchee Bay ~~or Santa Rosa Sound, or both,~~ and
1886 access roads to such bridge or bridges, including studying the
1887 environmental and economic feasibility of such bridge or bridges
1888 and access roads, and such other transportation facilities that
1889 become part of such bridge system. The authority may construct,
1890 operate, and maintain the bridge system if the authority
1891 determines that the bridge system project is feasible and
1892 consistent with the authority's primary purpose and master plan.

1893 ~~(3) (a) The authority shall develop and adopt a corridor~~
1894 ~~master plan no later than July 1, 2007. The goals and objectives~~
1895 ~~of the master plan are to identify areas of the corridor where~~
1896 ~~mobility, traffic safety, and efficient hurricane evacuation~~
1897 ~~need to be improved; evaluate the economic development potential~~
1898 ~~of the corridor and consider strategies to develop that~~
1899 ~~potential; develop methods of building partnerships with local~~
1900 ~~governments, other state and federal entities, the private~~
1901 ~~sector business community, and the public in support of corridor~~
1902 ~~improvements; and to identify projects that will accomplish~~
1903 ~~these goals and objectives.~~

1904 ~~(b) After its adoption, the master plan shall be updated~~
1905 ~~annually before July 1 of each year.~~

1906 ~~(c) The authority shall present the original master plan~~
1907 ~~and updates to the governing bodies of the counties within the~~
1908 ~~corridor and to the legislative delegation members representing~~
1909 ~~those counties within 90 days after adoption.~~

1910 ~~(d) The authority may undertake projects or other~~
1911 ~~improvements in the master plan in phases as particular projects~~



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1912 ~~or segments thereof become feasible, as determined by the~~
1913 ~~authority. In carrying out its purposes and powers, the~~
1914 ~~authority may request funding and technical assistance from the~~
1915 ~~department and appropriate federal and local agencies,~~
1916 ~~including, but not limited to, state infrastructure bank loans,~~
1917 ~~advances from the Toll Facilities Revolving Trust Fund, and from~~
1918 ~~any other sources.~~

1919 (3)~~(4)~~ The authority is granted and shall have and may
1920 exercise all powers necessary, appurtenant, convenient, or
1921 incidental to the carrying out of the aforesaid purposes,
1922 including, but not limited to, the following rights and powers:

1923 (a) To acquire, hold, construct, improve, maintain,
1924 operate, own, and lease in the capacity of lessor transportation
1925 facilities ~~within the U.S. 98 corridor.~~

1926 (b) To borrow money and to make and issue negotiable notes,
1927 bonds, refunding bonds, and other evidences of indebtedness or
1928 obligations, either in temporary or definitive form, hereinafter
1929 in this chapter sometimes called "revenue bonds" of the
1930 authority, for the purpose of financing all or part of the
1931 Northwest Florida Regional Transportation Finance Authority
1932 System mobility improvements within the U.S. 98 corridor, as
1933 well as the appurtenant facilities, including all approaches,
1934 streets, roads, bridges, and avenues of access authorized by
1935 this part, the bonds to mature not exceeding 40 years after the
1936 date of the issuance thereof, and to secure the payment of such
1937 bonds or any part thereof by a pledge of any or all of its
1938 revenues, rates, fees, rentals, or other charges.

1939 (c) To fix, alter, charge, establish, and collect tolls,
1940 rates, fees, rentals, and other charges for the services and



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1941 facilities of the Northwest Florida Regional Transportation
1942 Finance Authority Corridor System, which rates, fees, rentals,
1943 and other charges shall always be sufficient to comply with any
1944 covenants made with the holders of any bonds issued pursuant to
1945 this part; however, such right and power may be assigned or
1946 delegated by the authority to the department. ~~The authority may~~
1947 ~~not impose tolls or other charges on existing highways and other~~
1948 ~~transportation facilities within the corridor.~~

1949 (d) To acquire by donation or otherwise, purchase, hold,
1950 lease as lessee, and use any franchise, property, real,
1951 personal, or mixed, tangible or intangible, or any options
1952 thereof in its own name or in conjunction with others, or
1953 interest therein, necessary or desirable for carrying out the
1954 purposes of the authority and to sell, lease as lessor,
1955 transfer, and dispose of any property or interest therein at any
1956 time acquired by the authority, which the authority and the
1957 department have determined is not needed for the construction,
1958 operation, and maintenance of the system ~~it~~.

1959 (e) To sue and be sued, implead and be impleaded, complain,
1960 and defend in all courts.

1961 (f) To adopt, use, and alter at will a corporate seal.

1962 (g) To enter into and make leases.

1963 ~~(h) To enter into and make lease-purchase agreements with~~
1964 ~~the department for terms not exceeding 40 years or until any~~
1965 ~~bonds secured by a pledge of rentals thereunder, and any~~
1966 ~~refundings thereof, are fully paid as to both principal and~~
1967 ~~interest, whichever is longer.~~

1968 (h)-(i) To make contracts of every name and nature,
1969 including, but not limited to, partnerships providing for



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1970 participation in ownership and revenues, and to execute all
1971 instruments necessary or convenient for the carrying on of its
1972 business.

1973 (i)~~(j)~~ Without limitation of the foregoing, to borrow money
1974 and accept grants from and to enter into contracts, leases, or
1975 other transactions with any federal agency, the state, any
1976 agency of the state, or any other public body of the state.

1977 (j)~~(k)~~ To have the power of eminent domain, including the
1978 procedural powers granted under chapters 73 and 74.

1979 (k)~~(l)~~ To pledge, hypothecate, or otherwise encumber all or
1980 any part of the revenues, rates, fees, rentals, or other charges
1981 or receipts of the authority.

1982 (l)~~(m)~~ To enter into partnership and other agreements
1983 respecting ownership and revenue participation in order to
1984 facilitate financing and constructing any project or portions
1985 thereof.

1986 (m)~~(n)~~ To participate in agreements with private entities
1987 and to receive private contributions.

1988 (n)~~(o)~~ To contract with the department or with a private
1989 entity for the operation of traditional and electronic toll
1990 collection facilities ~~along the U.S. 98 corridor.~~

1991 (o)~~(p)~~ To do all acts and things necessary or convenient
1992 for the conduct of its business and the general welfare of the
1993 authority in order to carry out the powers granted to it by this
1994 part or any other law.

1995 (p)~~(q)~~ To construct, operate, and maintain roads, bridges,
1996 avenues of access, thoroughfares, and boulevards and to
1997 construct, repair, replace, operate, install, and maintain
1998 electronic toll payment systems thereon, with all necessary and



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1999 incidental powers to accomplish the foregoing.

2000 (4)~~(5)~~ The authority does not have power at any time or in
2001 any manner to pledge the credit or taxing power of the state or
2002 any political subdivision or agency thereof, nor shall any of
2003 the authority's obligations be deemed to be obligations of the
2004 state or of any political subdivision or agency thereof, nor
2005 shall the state or any political subdivision or agency thereof,
2006 except the authority, be liable for the payment of the principal
2007 of or interest on such obligations.

2008 Section 48. Section 343.83, Florida Statutes, is amended to
2009 read:

2010 343.83 Improvements, bond financing authority.—Pursuant to
2011 s. 11(f), Art. VII of the State Constitution, the Legislature
2012 approves bond financing by the Northwest Florida Transportation
2013 Finance Corridor Authority for improvements to toll collection
2014 facilities, interchanges to the legislatively approved system,
2015 and any other facility appurtenant, necessary, or incidental to
2016 the approved system. Subject to terms and conditions of
2017 applicable revenue bond resolutions and covenants, such costs
2018 may be financed in whole or in part by revenue bonds issued
2019 pursuant to s. 343.835(1) (a) or (b) whether currently issued or
2020 issued in the future or by a combination of such bonds.

2021 Section 49. Subsections (2) and (3) of section 343.835,
2022 Florida Statutes, is amended to read:

2023 343.835 Bonds of the authority.—

2024 (2) Any such resolution or resolutions authorizing any
2025 bonds hereunder may contain provisions that are part of the
2026 contract with the holders of such bonds, as to:

2027 (a) The pledging of all or any part of the revenues, rates,



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2028 fees, rentals, or other charges or receipts of the authority,
2029 ~~derived by the authority for the U.S. 98 corridor improvements.~~

2030 (b) The completion, improvement, operation, extension,
2031 maintenance, repair, or lease of the system, and the duties of
2032 the authority and others with reference thereto.

2033 (c) Limitations on the purposes to which the proceeds of
2034 the bonds, then or thereafter to be issued, or of any loan or
2035 grant by the United States or the state may be applied.

2036 (d) The fixing, charging, establishing, and collecting of
2037 rates, fees, rentals, or other charges for use of the services
2038 and facilities owned or provided ~~constructed~~ by the authority.

2039 (e) The setting aside of reserves or sinking funds or
2040 repair and replacement funds and the regulation and disposition
2041 thereof.

2042 (f) Limitations on the issuance of additional bonds.

2043 (g) The terms and provisions of any lease-purchase
2044 agreement, deed of trust, or indenture securing the bonds or
2045 under which the same may be issued.

2046 (h) Any other or additional agreements with the holders of
2047 the bonds which the authority may deem desirable and proper.

2048 (3) The authority may employ fiscal agents as provided by
2049 this part or the State Board of Administration may, upon request
2050 of the authority, act as fiscal agent for the authority in the
2051 issuance of any bonds that are issued pursuant to this part, and
2052 the State Board of Administration may, upon request of the
2053 authority, take over the management, control, administration,
2054 custody, and payment of any or all debt services or funds or
2055 assets now or hereafter available for any bonds issued pursuant
2056 to this part. The authority may enter into any deeds of trust,



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2057 indentures, or other agreements with its fiscal agent, or with
2058 any bank or trust company within or without the state, as
2059 security for such bonds and may, under such agreements, sign and
2060 pledge all or any of the revenues, rates, fees, rentals, or
2061 other charges or receipts of the authority. Such deed of trust,
2062 indenture, or other agreement may contain such provisions as are
2063 customary in such instruments or, as the authority authorizes,
2064 including, but without limitation, provisions as to:

2065 (a) The completion, improvement, operation, extension,
2066 maintenance, repair, and lease of the system ~~U.S. 98 corridor~~
2067 ~~improvements~~ and the duties of the authority and others with
2068 reference thereto.

2069 (b) The application of funds and the safeguarding of funds
2070 on hand or on deposit.

2071 (c) The rights and remedies of the trustee and the holders
2072 of the bonds.

2073 (d) The terms and provisions of the bonds or the
2074 resolutions authorizing the issuance of the bonds.

2075 Section 50. Section 343.84, Florida Statutes, is amended to
2076 read:

2077 343.84 Department to construct, operate, and maintain
2078 facilities ~~may be appointed agent of authority for~~
2079 ~~construction.~~

2080 (1) The department is the agent of ~~may be appointed by~~ the
2081 authority ~~as its agent~~ for the purpose of constructing
2082 improvements and extensions to the system and for the completion
2083 thereof. ~~In such event,~~ The authority shall provide the
2084 department with complete copies of all documents, agreements,
2085 resolutions, contracts, and instruments relating thereto, shall



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2086 request the department to do such construction work, including
2087 the planning, surveying, and actual construction of the
2088 completion, extensions, and improvements to the system, and
2089 shall transfer to the credit of an account of the department in
2090 the treasury of the state the necessary funds therefor. The
2091 department shall proceed with such construction and use the
2092 funds for such purpose in the same manner that it is now
2093 authorized to use the funds otherwise provided by law for its
2094 use in construction of roads and bridges. The authority may
2095 alternatively, with the consent and approval of the department,
2096 elect to appoint a local agency certified by the department to
2097 administer federal aid projects in accordance with federal law
2098 as the authority's agent for the purpose of performing each
2099 phase of a project.

2100 (2) Notwithstanding the provisions of subsection (1), the
2101 department is the agent of the authority for the purpose of
2102 operating and maintaining the system. The department shall
2103 operate and maintain the system, and the costs incurred by the
2104 department for operation and maintenance shall be reimbursed
2105 from revenues of the system. The appointment of the department
2106 as agent for the authority does not create an independent
2107 obligation of the department to operate and maintain the system.
2108 The authority shall remain obligated as principal to operate and
2109 maintain its system, and, except as otherwise provided by the
2110 lease-purchase agreement between the department and the Mid-Bay
2111 Bridge Authority in connection with its issuance of bonds, the
2112 authority's bondholders do not have an independent right to
2113 compel the department to operate and maintain any part of the
2114 authority's system.



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2115 (3) The authority shall fix, alter, charge, establish, and
2116 collect tolls, rates, fees, rentals, and other charges for the
2117 authority's facilities, as otherwise provided in this part.

2118 Section 51. Subsection (1) of section 343.85, Florida
2119 Statutes, is amended to read:

2120 343.85 Acquisition of lands and property.—

2121 (1) For the purposes of this part, the Northwest Florida
2122 Regional Transportation Finance Corridor Authority may acquire
2123 private or public property and property rights, including rights
2124 of access, air, view, and light, by gift, devise, purchase, or
2125 condemnation by eminent domain proceedings, as the authority may
2126 deem necessary for any purpose of this part, including, but not
2127 limited to, any lands reasonably necessary for securing
2128 applicable permits, areas necessary for management of access,
2129 borrow pits, drainage ditches, water retention areas, rest
2130 areas, replacement access for landowners whose access is
2131 impaired due to the construction of a facility, and replacement
2132 rights-of-way for relocated rail and utility facilities; for
2133 existing, proposed, or anticipated transportation facilities
2134 ~~within the U.S. 98 transportation corridor designated by the~~
2135 ~~authority;~~ or for the purposes of screening, relocation,
2136 removal, or disposal of junkyards and scrap metal processing
2137 facilities. The authority may condemn any material and property
2138 necessary for such purposes.

2139 Section 52. Section 343.875, Florida Statutes, is repealed.

2140 Section 53. Subsection (3) of section 343.89, Florida
2141 Statutes, is amended to read:

2142 343.89 Complete and additional statutory authority.—

2143 (3) This part does not preclude the department from



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2144 acquiring, holding, constructing, improving, maintaining,
2145 operating, or owning tolled or nontolled facilities funded and
2146 constructed from nonauthority sources that are part of the State
2147 Highway System within the geographical boundaries of the
2148 Northwest Florida Regional Transportation Finance Corridor
2149 Authority.

2150 Section 54. Subsection (4) of section 343.922, Florida
2151 Statutes, is amended to read:

2152 343.922 Powers and duties.—

2153 (4) The authority may undertake projects or other
2154 improvements in the master plan in phases as particular projects
2155 or segments become feasible, as determined by the authority. The
2156 authority shall coordinate project planning, development, and
2157 implementation with the applicable local governments. The
2158 authority's projects that are transportation oriented shall be
2159 consistent to the maximum extent feasible with the adopted local
2160 government comprehensive plans at the time they are funded for
2161 construction. Authority projects that are not transportation
2162 oriented and meet the definition of development pursuant to s.
2163 380.04 shall be consistent with the local comprehensive plans.
2164 In carrying out its purposes and powers, the authority may
2165 request funding and technical assistance from the department and
2166 appropriate federal and local agencies, including, but not
2167 limited to, state infrastructure bank loans, ~~advances from the~~
2168 ~~Toll Facilities Revolving Trust Fund,~~ and funding and technical
2169 assistance from any other source.

2170 Section 55. Chapter 345, Florida Statutes, consisting of
2171 sections 345.0001, 345.0002, 345.0003, 345.0004, 345.0005,
2172 345.0006, 345.0007, 345.0008, 345.0009, 345.0010, 345.0011,



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2173 345.0012, 345.0013, 345.0014, 345.0015, and 345.0016, is created
2174 to read:

2175 345.0001 Short title.—This act may be cited as the “Florida
2176 Regional Transportation Finance Authority Act.”

2177 345.0002 Definitions.—As used in this chapter, the term:

2178 (1) “Agency of the state” means the state and any
2179 department of, or any corporation, agency, or instrumentality
2180 heretofore or hereafter created, designated, or established by,
2181 the state.

2182 (2) “Area served” means the geographical area of the
2183 counties for which an authority is established.

2184 (3) “Authority” means a regional transportation finance
2185 authority, a body politic and corporate, and an agency of the
2186 state, established pursuant to the Florida Regional
2187 Transportation Finance Authority Act.

2188 (4) “Bonds” means the notes, bonds, refunding bonds, or
2189 other evidences of indebtedness or obligations, in temporary or
2190 definitive form, which an authority may issue pursuant to this
2191 act.

2192 (5) “Department” means the Department of Transportation of
2193 Florida and any successor thereto.

2194 (6) “Division” means the Division of Bond Finance of the
2195 State Board of Administration.

2196 (7) “Federal agency” means the United States, the President
2197 of the United States, and any department of, or any bureau,
2198 corporation, agency, or instrumentality heretofore or hereafter
2199 created, designated, or established by, the United States.

2200 (8) “Members” means the governing body of an authority, and
2201 the term “member” means one of the individuals constituting such



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2202 governing body.

2203 (9) "Regional system" or "system" means, generally, a
2204 modern tolled highway system of roads, bridges, causeways, and
2205 tunnels within any area of the authority, with access limited or
2206 unlimited as an authority may determine, and the buildings and
2207 structures and appurtenances and facilities related to the
2208 system, including all approaches, streets, roads, bridges, and
2209 avenues of access for the system.

2210 (10) "Revenues" means the tolls, revenues, rates, fees,
2211 charges, receipts, rentals, contributions, and other income
2212 derived from or in connection with the operation or ownership of
2213 a regional system, including the proceeds of any use and
2214 occupancy insurance on any portion of the system but excluding
2215 state funds available to an authority and any other municipal or
2216 county funds available to an authority under an agreement with a
2217 municipality or county.

2218 345.0003 Regional transportation finance authority;
2219 formation; membership.-

2220 (1) A county, or two or more contiguous counties, may,
2221 after the approval of the Legislature, form a regional
2222 transportation finance authority for the purposes of financing,
2223 constructing, maintaining, and operating transportation projects
2224 in a region of this state. An authority shall be governed in
2225 accordance with the provisions of this chapter. An authority may
2226 not be created without the approval of the Legislature and the
2227 approval of the county commission of each county that will be a
2228 part of the authority. An authority may not be created to serve
2229 a particular area of this state as provided by this subsection
2230 if a regional transportation finance authority has been created



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2231 and is operating within all or a portion of the same area served
2232 pursuant to an act of the Legislature. Each authority shall be
2233 the only authority created and operating pursuant to this
2234 chapter within the area served by the authority.

2235 (2) The governing body of an authority shall consist of a
2236 board of voting members as follows:

2237 (a) The county commission of each county in the area served
2238 by the authority shall each appoint a member who must be a
2239 resident of the county from which he or she is appointed. The
2240 county commission of each county with a total population of more
2241 than 250,000 shall appoint a second member who must be a
2242 resident of the county. If possible, the member must represent
2243 the business and civic interests of the community.

2244 (b) The Governor shall appoint an equal number of members
2245 to the board as those appointed by the county commissions. The
2246 members appointed by the Governor must be residents of the area
2247 served by the authority.

2248 (c) The secretary of the Department of Transportation shall
2249 appoint one of the district secretaries, or his or her designee,
2250 for the districts within which the area served by the authority
2251 is located.

2252 (3) The term of office of each member shall be for 4 years
2253 or until his or her successor is appointed and qualified.

2254 (4) A member may not hold an elected office.

2255 (5) A vacancy occurring in the governing body before the
2256 expiration of the member's term shall be filled by the
2257 respective appointing authority in the same manner as the
2258 original appointment and only for the balance of the unexpired
2259 term.



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2260 (6) Each member, before entering upon his or her official
2261 duties, must take and subscribe to an oath before an official
2262 authorized by law to administer oaths that he or she will
2263 honestly, faithfully, and impartially perform the duties
2264 devolving upon him or her in office as a member of the governing
2265 body of the authority and that he or she will not neglect any
2266 duties imposed upon him or her by this chapter.

2267 (7) A member of an authority may be removed from office by
2268 the Governor for misconduct, malfeasance, misfeasance, or
2269 nonfeasance in office.

2270 (8) The members of the authority shall designate one of its
2271 members as chair.

2272 (9) The members of the authority shall serve without
2273 compensation, but shall be entitled to reimbursement for per
2274 diem and other expenses in accordance with s. 112.061 while in
2275 performance of their duties.

2276 (10) A majority of the members of the authority constitutes
2277 a quorum, and resolutions enacted or adopted by a vote of a
2278 majority of the members present and voting at any meeting become
2279 effective without publication, posting, or any further action of
2280 the authority.

2281 345.0004 Powers and duties.-

2282 (1) (a) An authority created and established, or governed,
2283 by the Florida Regional Transportation Finance Authority Act
2284 shall plan, develop, finance, construct, reconstruct, improve,
2285 own, operate, and maintain a regional system in the area served
2286 by the authority.

2287 (b) An authority may not exercise the powers in paragraph
2288 (a) with respect to an existing system for transporting people



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2289 and goods by any means that is owned by another entity without
2290 the consent of that entity. If an authority acquires, purchases,
2291 or inherits an existing entity, the authority shall also inherit
2292 and assume all rights, assets, appropriations, privileges, and
2293 obligations of the existing entity.

2294 (2) Each authority may exercise all powers necessary,
2295 appurtenant, convenient, or incidental to the carrying out of
2296 the purposes of this section, including, but not limited to, the
2297 following rights and powers:

2298 (a) To sue and be sued, implead and be impleaded, and
2299 complain and defend in all courts in its own name.

2300 (b) To adopt and use a corporate seal.

2301 (c) To have the power of eminent domain, including the
2302 procedural powers granted under chapters 73 and 74.

2303 (d) To acquire, purchase, hold, lease as a lessee, and use
2304 any property, real, personal, or mixed, tangible or intangible,
2305 or any interest therein, necessary or desirable for carrying out
2306 the purposes of the authority.

2307 (e) To sell, convey, exchange, lease, or otherwise dispose
2308 of any real or personal property acquired by the authority,
2309 which the authority and the department have determined is not
2310 needed for the construction, operation, and maintenance of the
2311 system, including air rights.

2312 (f) To fix, alter, charge, establish, and collect rates,
2313 fees, rentals, and other charges for the use of any system owned
2314 or operated by the authority, which rates, fees, rentals, and
2315 other charges must always be sufficient to comply with any
2316 covenants made with the holders of any bonds issued pursuant to
2317 this act; however, such right and power may be assigned or



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2318 delegated by the authority to the department.

2319 (g) To borrow money, make and issue negotiable notes,
2320 bonds, refunding bonds, and other evidences of indebtedness or
2321 obligations, in temporary or definitive form, for the purpose of
2322 financing all or part of the improvement of the authority's
2323 system and appurtenant facilities, including the approaches,
2324 streets, roads, bridges, and avenues of access for the system
2325 and for any other purpose authorized by this chapter, the bonds
2326 to mature in not exceeding 30 years after the date of the
2327 issuance thereof, and to secure the payment of such bonds or any
2328 part thereof by a pledge of its revenues, rates, fees, rentals,
2329 or other charges, including municipal or county funds received
2330 by the authority pursuant to the terms of an agreement between
2331 the authority and a municipality or county; and, in general, to
2332 provide for the security of the bonds and the rights and
2333 remedies of the holders of the bonds; however, municipal or
2334 county funds may not be pledged for the construction of a
2335 project for which a toll is to be charged unless the anticipated
2336 tolls are reasonably estimated by the governing board of the
2337 municipality or county, at the date of its resolution pledging
2338 said funds, to be sufficient to cover the principal and interest
2339 of such obligations during the period when the pledge of funds
2340 is in effect. An authority shall reimburse a municipality or
2341 county for sums expended from municipal or county funds used for
2342 the payment of the bond obligations.

2343 (h) To make contracts of every name and nature, including,
2344 but not limited to, partnerships providing for participation in
2345 ownership and revenues, and to execute each instrument necessary
2346 or convenient for the conduct of its business.



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2347 (i) Without limitation of the foregoing, to cooperate with,
2348 to borrow money and accept grants from, and to enter into
2349 contracts or other transactions with any federal agency, the
2350 state, or any agency or any other public body of the state.

2351 (j) To employ an executive director, attorney, staff, and
2352 consultants. Upon the request of an authority, the department
2353 shall furnish the services of a department employee to act as
2354 the executive director of the authority.

2355 (k) To accept funds or other property from private
2356 donations.

2357 (l) To do all acts and things necessary or convenient for
2358 the conduct of its business and the general welfare of the
2359 authority, in order to carry out the powers granted to it by
2360 this act or any other law.

2361 (3) An authority does not have the power at any time or in
2362 any manner to pledge the credit or taxing power of the state or
2363 any political subdivision or agency thereof. Obligations of the
2364 authority may not be deemed to be obligations of the state or of
2365 any other political subdivision or agency thereof. The state or
2366 any political subdivision or agency thereof, except the
2367 authority, is not liable for the payment of the principal of or
2368 interest on such obligations.

2369 (4) An authority has no power, other than by consent of the
2370 affected county or an affected municipality, to enter into an
2371 agreement that would legally prohibit the construction of a road
2372 by the county or the municipality.

2373 (5) An authority formed pursuant to this chapter shall
2374 comply with the statutory requirements of general application
2375 which relate to the filing of a report or documentation required



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2376 by law, including the requirements of ss. 189.4085, 189.415,
2377 189.417, and 189.418.

2378 345.0005 Bonds.—

2379 (1) (a) Bonds may be issued on behalf of an authority
2380 pursuant to the State Bond Act.

2381 (b) An authority may also issue bonds in such principal
2382 amount as is necessary, in the opinion of the authority, to
2383 provide sufficient moneys for achieving its corporate purposes,
2384 including construction, reconstruction, improvement, extension,
2385 and repair of the system, the cost of acquisition of all real
2386 property, interest on bonds during construction and for a
2387 reasonable period thereafter, and establishment of reserves to
2388 secure bonds.

2389 (2) (a) Bonds issued by an authority pursuant to paragraph
2390 (1) (a) or paragraph (1) (b) must be authorized by resolution of
2391 the members of the authority and must bear such date or dates;
2392 mature at such time or times, not exceeding 30 years after their
2393 respective dates; bear interest at such rate or rates, not
2394 exceeding the maximum rate fixed by general law for authorities;
2395 be in such denominations; be in such form, either coupon or
2396 fully registered; carry such registration, exchangeability and
2397 interchangeability privileges; be payable in such medium of
2398 payment and at such place or places; be subject to such terms of
2399 redemption; and be entitled to such priorities of lien on the
2400 revenues and other available moneys as such resolution or any
2401 resolution subsequent to the bonds' issuance may provide.

2402 (b) Bonds issued pursuant to paragraph (1) (a) or paragraph
2403 (1) (b) must be sold at public sale in the same manner provided
2404 in the State Bond Act. Pending the preparation of definitive



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2405 bonds, temporary bonds or interim certificates may be issued to
2406 the purchaser or purchasers of such bonds and may contain such
2407 terms and conditions as the authority may determine.

2408 (3) A resolution that authorizes any bonds may contain
2409 provisions that must be part of the contract with the holders of
2410 the bonds, as to:

2411 (a) The pledging of all or any part of the revenues,
2412 available municipal or county funds, or other charges or
2413 receipts of the authority derived from the regional system.

2414 (b) The construction, reconstruction, improvement,
2415 extension, repair, maintenance, and operation of the system, or
2416 any part or parts of the system, and the duties and obligations
2417 of the authority with reference thereto.

2418 (c) Limitations on the purposes to which the proceeds of
2419 the bonds, then or thereafter issued, or of any loan or grant by
2420 any federal agency or the state or any political subdivision of
2421 the state may be applied.

2422 (d) The fixing, charging, establishing, revising,
2423 increasing, reducing, and collecting of tolls, rates, fees,
2424 rentals, or other charges for use of the services and facilities
2425 of the system or any part of the system.

2426 (e) The setting aside of reserves or of sinking funds and
2427 the regulation and disposition of the reserves or sinking funds.

2428 (f) Limitations on the issuance of additional bonds.

2429 (g) The terms and provisions of any deed of trust or
2430 indenture securing the bonds, or under which the bonds may be
2431 issued.

2432 (h) Any other or additional matters, of like or different
2433 character, which in any way affect the security or protection of



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2434 the bonds.

2435 (4) The authority may enter into any deeds of trust,
2436 indentures, or other agreements with any bank or trust company
2437 within or without the state, as security for such bonds, and
2438 may, under such agreements, assign and pledge any of the
2439 revenues and other available moneys, including any available
2440 municipal or county funds, pursuant to the terms of this
2441 chapter. The deed of trust, indenture, or other agreement may
2442 contain provisions that are customary in such instruments or
2443 that the authority may authorize, including, but without
2444 limitation, provisions that:

2445 (a) Pledge any part of the revenues or other moneys
2446 lawfully available therefor.

2447 (b) Apply funds and safeguard funds on hand or on deposit.

2448 (c) Provide for the rights and remedies of the trustee and
2449 the holders of the bonds.

2450 (d) Provide for the terms and provisions of the bonds or
2451 for resolutions authorizing the issuance of the bonds.

2452 (e) Provide for any other or additional matters, of like or
2453 different character, which affect the security or protection of
2454 the bonds.

2455 (5) Any bonds issued pursuant to this act are negotiable
2456 instruments and have all the qualities and incidents of
2457 negotiable instruments under the law merchant and the negotiable
2458 instruments law of the state.

2459 (6) A resolution that authorizes the issuance of authority
2460 bonds and pledges the revenues of the system must require that
2461 revenues of the system be periodically deposited into
2462 appropriate accounts in such sums as are sufficient to pay the



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2463 costs of operation and maintenance of the system for the current
2464 fiscal year as set forth in the annual budget of the authority
2465 and to reimburse the department for any unreimbursed costs of
2466 operation and maintenance of the system from prior fiscal years
2467 before revenues of the system are deposited into accounts for
2468 the payment of interest or principal owing or that may become
2469 owing on such bonds.

2470 (7) State funds may not be used or pledged to pay the
2471 principal or interest of any authority bonds, and all such bonds
2472 must contain a statement on their face to this effect.

2473 345.0006 Remedies of bondholders.-

2474 (1) The rights and the remedies granted to authority
2475 bondholders under this chapter are in addition to and not in
2476 limitation of any rights and remedies lawfully granted to such
2477 bondholders by the resolution or indenture providing for the
2478 issuance of bonds, or by any deed of trust, indenture, or other
2479 agreement under which the bonds may be issued or secured. If an
2480 authority defaults in the payment of the principal of or
2481 interest on any of the bonds issued pursuant to this chapter
2482 after such principal of or interest on the bonds becomes due,
2483 whether at maturity or upon call for redemption, as provided in
2484 the resolution or indenture, and such default continues for 30
2485 days, or in the event that the authority fails or refuses to
2486 comply with the provisions of this chapter or any agreement made
2487 with, or for the benefit of, the holders of the bonds, the
2488 holders of 25 percent in aggregate principal amount of the bonds
2489 then outstanding shall be entitled as of right to the
2490 appointment of a trustee to represent such bondholders for the
2491 purposes of the default provided that the holders of 25 percent



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2492 in aggregate principal amount of the bonds then outstanding
2493 first gave written notice of their intention to appoint a
2494 trustee, to the authority and to the department.

2495 (2) The trustee, and any trustee under any deed of trust,
2496 indenture, or other agreement, may, and upon written request of
2497 the holders of 25 percent, or such other percentages specified
2498 in any deed of trust, indenture, or other agreement, in
2499 principal amount of the bonds then outstanding, shall, in any
2500 court of competent jurisdiction, in his, her, or its own name:

2501 (a) By mandamus or other suit, action, or proceeding at
2502 law, or in equity, enforce all rights of the bondholders,
2503 including the right to require the authority to fix, establish,
2504 maintain, collect, and charge rates, fees, rentals, and other
2505 charges, adequate to carry out any agreement as to, or pledge
2506 of, the revenues, and to require the authority to carry out any
2507 other covenants and agreements with or for the benefit of the
2508 bondholders, and to perform its and their duties under this
2509 chapter.

2510 (b) Bring suit upon the bonds.

2511 (c) By action or suit in equity, require the authority to
2512 account as if it were the trustee of an express trust for the
2513 bondholders.

2514 (d) By action or suit in equity, enjoin any acts or things
2515 that may be unlawful or in violation of the rights of the
2516 bondholders.

2517 (3) A trustee, if appointed pursuant to this section or
2518 acting under a deed of trust, indenture, or other agreement, and
2519 whether or not all bonds have been declared due and payable,
2520 shall be entitled as of right to the appointment of a receiver.



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2521 The receiver may enter upon and take possession of the system or
2522 the facilities or any part or parts of the system, the revenues
2523 and other pledged moneys, for and on behalf of and in the name
2524 of, the authority and the bondholders. The receiver may collect
2525 and receive all revenues and other pledged moneys in the same
2526 manner as the authority might do. The receiver shall deposit all
2527 such revenues and moneys in a separate account and apply all
2528 such revenues and moneys remaining after allowance for payment
2529 of all costs of operation and maintenance of the system in such
2530 manner as the court directs. In a suit, action, or proceeding by
2531 the trustee, the fees, counsel fees, and expenses of the
2532 trustee, and said receiver, if any, and all costs and
2533 disbursements allowed by the court must be a first charge on any
2534 revenues after payment of the costs of operation and maintenance
2535 of the system. The trustee also has all other powers necessary
2536 or appropriate for the exercise of any functions specifically
2537 set forth in this section or incident to the representation of
2538 the bondholders in the enforcement and protection of their
2539 rights.

2540 (4) This section or any other section of this chapter does
2541 not authorize a receiver appointed pursuant to this section for
2542 the purpose of operating and maintaining the system or any
2543 facilities or parts thereof to sell, assign, mortgage, or
2544 otherwise dispose of any of the assets belonging to the
2545 authority. The powers of such receiver are limited to the
2546 operation and maintenance of the system, or any facility or
2547 parts thereof and to the collection and application of revenues
2548 and other moneys due the authority, in the name and for and on
2549 behalf of the authority and the bondholders. A holder of bonds



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2550 or any trustee does not have the right in any suit, action, or
2551 proceeding, at law or in equity, to compel a receiver, or a
2552 receiver may not be authorized or a court may not direct a
2553 receiver to, sell, assign, mortgage, or otherwise dispose of any
2554 assets of whatever kind or character belonging to the authority.

2555 345.0007 Department to construct, operate, and maintain
2556 facilities.-

2557 (1) The department is the agent of each authority for the
2558 purpose of performing all phases of a project, including, but
2559 not limited to, constructing improvements and extensions to the
2560 system. The authority shall provide to the department complete
2561 copies of the documents, agreements, resolutions, contracts, and
2562 instruments that relate to the project and shall request that
2563 the department perform the construction work, including the
2564 planning, surveying, design, and actual construction of the
2565 completion, extensions, and improvements to the system. After
2566 the issuance of bonds to finance construction of an improvement
2567 or addition to the system, the authority shall transfer to the
2568 credit of an account of the department in the State Treasury the
2569 necessary funds for construction. The department shall proceed
2570 with construction and use the funds for the purpose authorized
2571 and as otherwise provided by law for construction of roads and
2572 bridges. An authority may alternatively, with the consent and
2573 approval of the department, elect to appoint a local agency
2574 certified by the department to administer federal aid projects
2575 in accordance with federal law as the authority's agent for the
2576 purpose of performing each phase of a project.

2577 (2) Notwithstanding the provisions of subsection (1), the
2578 department is the agent of each authority for the purpose of



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2579 operating and maintaining the system. The department shall
2580 operate and maintain the system, and the costs incurred by the
2581 department for operation and maintenance shall be reimbursed
2582 from revenues of the system. The appointment of the department
2583 as agent for each authority does not create an independent
2584 obligation of the department to operate and maintain a system.
2585 Each authority shall remain obligated as principal to operate
2586 and maintain its system, and an authority's bondholders do not
2587 have an independent right to compel the department to operate or
2588 maintain the authority's system.

2589 (3) Each authority shall fix, alter, charge, establish, and
2590 collect tolls, rates, fees, rentals, and other charges for the
2591 authority's facilities, as otherwise provided in this chapter.

2592 345.0008 Department contributions to authority projects.-

2593 (1) The department may, at the request of an authority,
2594 provide for or contribute to the payment of costs of financial
2595 or engineering and traffic feasibility studies and the design,
2596 financing, acquisition, or construction of an authority project
2597 included in the 10-year Strategic Intermodal Plan, subject to
2598 appropriation by the Legislature. The department shall
2599 separately include each such authority project in its work
2600 program, through amendment if necessary. The department may not
2601 request legislative approval of acquisition or construction of a
2602 proposed authority project unless the estimated net revenues of
2603 the proposed project will be sufficient to pay at least 50
2604 percent of the annual debt service on the bonds associated with
2605 the project by the end of the 12th year of operation and to pay
2606 at least 100 percent of the debt service on the bonds by the end
2607 of the 30th year of operation.



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2608 (2) The department may use its engineering and other
2609 personnel, including consulting engineers and traffic engineers,
2610 to conduct feasibility studies pursuant to subsection (1).

2611 (3) An obligation or expense incurred by the department
2612 under this section is a part of the cost of the authority
2613 project for which the obligation or expense was incurred. The
2614 department may require money contributed by the department under
2615 this section to be repaid from tolls of the project on which the
2616 money was spent, other revenue of the authority, or other
2617 sources of funds.

2618 (4) The department shall receive from an authority a share
2619 of the authority's net revenues equal to the ratio of the
2620 department's total contributions to the authority under this
2621 section to the sum of: the department's total contributions
2622 under this section; contributions by any local government to the
2623 cost of revenue producing authority projects; and the sale
2624 proceeds of authority bonds after payment of costs of issuance.
2625 For the purpose of this subsection, net revenues are gross
2626 revenues of an authority after payment of debt service,
2627 administrative expenses, operations and maintenance expenses,
2628 and all reserves required to be established under any resolution
2629 under which authority bonds are issued.

2630 345.0009 Acquisition of lands and property.-

2631 (1) For the purposes of this chapter, an authority may
2632 acquire private or public property and property rights,
2633 including rights of access, air, view, and light, by gift,
2634 devise, purchase, condemnation by eminent domain proceedings, or
2635 transfer from another political subdivision of the state, as the
2636 authority may deem necessary for any of the purposes of this



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2637 chapter, including, but not limited to, any lands reasonably
2638 necessary for securing applicable permits, areas necessary for
2639 management of access, borrow pits, drainage ditches, water
2640 retention areas, rest areas, replacement access for landowners
2641 whose access is impaired due to the construction of a facility,
2642 and replacement rights-of-way for relocated rail and utility
2643 facilities; for existing, proposed, or anticipated
2644 transportation facilities on the system or in a transportation
2645 corridor designated by the authority; or for the purposes of
2646 screening, relocation, removal, or disposal of junkyards and
2647 scrap metal processing facilities. Each authority shall also
2648 have the power to condemn any material and property necessary
2649 for such purposes.

2650 (2) An authority shall exercise the right of eminent domain
2651 conferred under this section in the manner provided by law.

2652 (3) If an authority acquires property for a transportation
2653 facility or in a transportation corridor, it is not subject to
2654 any liability imposed by chapter 376 or chapter 403 for
2655 preexisting soil or groundwater contamination due solely to its
2656 ownership. This section does not affect the rights or
2657 liabilities of any past or future owners of the acquired
2658 property or affect the liability of any governmental entity for
2659 the results of its actions which create or exacerbate a
2660 pollution source. An authority and the Department of
2661 Environmental Protection may enter into interagency agreements
2662 for the performance, funding, and reimbursement of the
2663 investigative and remedial acts necessary for property acquired
2664 by the authority.

2665 345.0010 Cooperation with other units, boards, agencies,



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2666 and individuals.-A county, municipality, drainage district, road
2667 and bridge district, school district, or any other political
2668 subdivision, board, commission, or individual in, or of, the
2669 state may make and enter into a contract, lease, conveyance,
2670 partnership, or other agreement with an authority within the
2671 provisions and purposes of this chapter. Each authority may make
2672 and enter into contracts, leases, conveyances, partnerships, and
2673 other agreements with any political subdivision, agency, or
2674 instrumentality of the state and any federal agency,
2675 corporation, and individual, to carry out the purposes of this
2676 chapter.

2677 345.0011 Covenant of the state.-The state pledges to, and
2678 agrees with, any person, firm, or corporation, or federal or
2679 state agency subscribing to, or acquiring the bonds to be issued
2680 by an authority for the purposes of this chapter that the state
2681 will not limit or alter the rights vested by this chapter in the
2682 authority and the department until all bonds at any time issued,
2683 together with the interest thereon, are fully paid and
2684 discharged insofar as the rights vested in the authority and the
2685 department affect the rights of the holders of bonds issued
2686 pursuant to this chapter. The state further pledges to, and
2687 agrees with, the United States that if a federal agency
2688 constructs or contributes any funds for the completion,
2689 extension, or improvement of the system, or any parts of the
2690 system, the state will not alter or limit the rights and powers
2691 of the authority and the department in any manner that is
2692 inconsistent with the continued maintenance and operation of the
2693 system or the completion, extension, or improvement of the
2694 system, or which would be inconsistent with the due performance



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2695 of any agreements between the authority and any such federal
2696 agency, and the authority and the department shall continue to
2697 have and may exercise all powers granted in this section, so
2698 long as the powers are necessary or desirable to carry out the
2699 purposes of this chapter and the purposes of the United States
2700 in the completion, extension, or improvement of the system, or
2701 any part of the system.

2702 345.0012 Exemption from taxation.—The authority created
2703 under this chapter is for the benefit of the people of the
2704 state, for the increase of their commerce and prosperity, and
2705 for the improvement of their health and living conditions, and
2706 because the authority will be performing essential governmental
2707 functions pursuant to this chapter, the authority is not
2708 required to pay any taxes or assessments of any kind or nature
2709 whatsoever upon any property acquired or used by it for such
2710 purposes, or upon any rates, fees, rentals, receipts, income, or
2711 charges received by it, and the bonds issued by the authority,
2712 their transfer and the income from their issuance, including any
2713 profits made on the sale of the bonds, shall be free from
2714 taxation by the state or by any political subdivision, taxing
2715 agency, or instrumentality of the state. The exemption granted
2716 by this section does not apply to any tax imposed by chapter 220
2717 on interest, income, or profits on debt obligations owned by
2718 corporations.

2719 345.0013 Eligibility for investments and security.—Any
2720 bonds or other obligations issued pursuant to this chapter are
2721 legal investments for banks, savings banks, trustees, executors,
2722 administrators, and all other fiduciaries, and for all state,
2723 municipal, and other public funds and are also securities



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2724 eligible for deposit as security for all state, municipal, or
2725 other public funds, notwithstanding the provisions of any other
2726 law to the contrary.

2727 345.0014 Applicability.-

2728 (1) The powers conferred by this chapter are in addition to
2729 the powers conferred by other law and do not repeal the
2730 provisions of any other general or special law or local
2731 ordinance, but supplement such other laws in the exercise of the
2732 powers provided in this chapter, and provide a complete method
2733 for the exercise of the powers granted in this chapter. The
2734 extension and improvement of a system, and the issuance of bonds
2735 pursuant to this chapter to finance all or part of the cost
2736 thereof, may be accomplished upon compliance with the provisions
2737 of this chapter without regard to or necessity for compliance
2738 with the provisions, limitations, or restrictions contained in
2739 any other general, special, or local law, including, but not
2740 limited to, s. 215.821, and approval of any bonds issued under
2741 this act by the qualified electors or qualified electors who are
2742 freeholders in the state or in any political subdivision of the
2743 state is not required for the issuance of such bonds pursuant to
2744 this chapter.

2745 (2) This act does not repeal, rescind, or modify any other
2746 law or laws relating to the State Board of Administration, the
2747 Department of Transportation, or the Division of Bond Finance of
2748 the State Board of Administration, but supersedes any other law
2749 that is inconsistent with the provisions of this chapter,
2750 including, but not limited to, s. 215.821.

2751 345.0015 Santa Rosa-Escambia Regional Transportation
2752 Finance Authority.-



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2753 (1) There is hereby created and established a body politic
2754 and corporate, an agency of the state, to be known as the Santa
2755 Rosa-Escambia Regional Transportation Finance Authority,
2756 hereinafter referred to as the "authority."

2757 (2) The area served by the authority shall be Escambia and
2758 Santa Rosa Counties.

2759 (3) The purposes and powers of the authority are as
2760 identified in the Florida Regional Transportation Finance
2761 Authority Act for the area served by the authority, and the
2762 authority operates in the manner provided by the Florida
2763 Regional Transportation Finance Authority Act.

2764 345.0016 Suncoast Regional Transportation Finance
2765 Authority.-

2766 (1) There is hereby created and established a body politic
2767 and corporate, an agency of the state, to be known as the
2768 Suncoast Regional Transportation Finance Authority, hereinafter
2769 referred to as the "authority."

2770 (2) The area served by the authority shall be Citrus, Levy,
2771 Marion, and Alachua Counties.

2772 (3) The purposes and powers of the authority are as
2773 identified in the Florida Regional Transportation Finance
2774 Authority Act for the area served by the authority, and the
2775 authority operates in the manner provided by the Florida
2776 Regional Transportation Finance Authority Act.

2777 Section 56. Transfer to the Northwest Florida Regional
2778 Transportation Finance Authority.-The governance and control of
2779 the Mid-Bay Bridge Authority System, created pursuant to chapter
2780 2000-411, Laws of Florida, is transferred to the Northwest
2781 Florida Regional Transportation Finance Authority.



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2782 (1) The assets, facilities, tangible and intangible
2783 property and any rights in such property, and any other legal
2784 rights of the Mid-Bay Bridge Authority, including the bridge
2785 system operated by the authority, are transferred to the
2786 Northwest Florida Regional Transportation Finance Authority. All
2787 powers of the Mid-Bay Bridge Authority shall succeed to the
2788 Northwest Florida Regional Transportation Finance Authority, and
2789 the operations and maintenance of the bridge system shall be
2790 under the control of the Northwest Florida Regional
2791 Transportation Finance Authority, pursuant to this section.
2792 Revenues collected on the bridge system may be considered
2793 Northwest Florida Regional Transportation Finance Authority
2794 revenues, and the Mid-Bay Bridge may be considered part of the
2795 authority system, if bonds of the Mid-Bay Bridge Authority are
2796 not outstanding. The Northwest Florida Regional Transportation
2797 Finance Authority also assumes all liability for bonds of the
2798 Mid-Bay Bridge Authority pursuant to the provisions of
2799 subsection (2). The Northwest Florida Regional Transportation
2800 Finance Authority may review other contracts, financial
2801 obligations, and contractual obligations and liabilities of the
2802 Mid-Bay Bridge Authority and may assume legal liability for the
2803 obligations that are determined to be necessary for the
2804 continued operation of the bridge system.

2805 (2) The transfer pursuant to this section is subject to the
2806 terms and covenants provided for the protection of the holders
2807 of the Mid-Bay Bridge Authority bonds in the lease-purchase
2808 agreement and the resolutions adopted in connection with the
2809 issuance of the bonds. Further, the transfer does not impair the
2810 terms of the contract between the Mid-Bay Bridge Authority and



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2811 the bondholders, does not act to the detriment of the
2812 bondholders, and does not diminish the security for the bonds.
2813 After the transfer, until the bonds of the Mid-Bay Bridge
2814 Authority are fully defeased or paid in full, the department
2815 shall operate and maintain the bridge system and any other
2816 facilities of the authority in accordance with the terms,
2817 conditions, and covenants contained in the bond resolutions and
2818 lease-purchase agreement securing the bonds of the bridge
2819 authority. The Department of Transportation, as the agent of the
2820 Northwest Florida Regional Transportation Finance Authority,
2821 shall collect toll revenues and apply them to the payment of
2822 debt service as provided in the bond resolution securing the
2823 bonds. The Northwest Florida Regional Transportation Finance
2824 Authority shall expressly assume all obligations relating to the
2825 bonds to ensure that the transfer will have no adverse impact on
2826 the security for the bonds of the Mid-Bay Bridge Authority. The
2827 transfer does not make the obligation to pay the principal and
2828 interest on the bonds a general liability of the Northwest
2829 Florida Regional Transportation Finance Authority or pledge the
2830 authority system revenues to payment of the Mid-Bay Bridge
2831 Authority bonds. Revenues that are generated by the bridge
2832 system and other facilities of the Mid-Bay Bridge Authority and
2833 that were pledged by the Mid-Bay Bridge Authority to the payment
2834 of the bonds remain subject to the pledge for the benefit of the
2835 bondholders. The transfer does not modify or eliminate any prior
2836 obligation of the Department of Transportation to pay certain
2837 costs of the bridge system from sources other than revenues of
2838 the bridge system. With regard to the bridge authority's current
2839 long-term debt of \$9.5 million due to the department as of June



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2840 30, 2012, and to the extent permitted by the bond resolutions
2841 and lease-purchase agreement securing the bonds, the Northwest
2842 Florida Regional Transportation Finance Authority shall make
2843 payment annually to the State Transportation Trust Fund, for the
2844 purpose of repaying the Mid-Bay Bridge Authority's long-term
2845 debt due to the department, from any bridge system revenues
2846 obtained under this section which remain after the payment of
2847 the costs of operations, maintenance, renewal, and replacement
2848 of the bridge system; the payment of current debt service; and
2849 other payments required in relation to the bonds. The Northwest
2850 Florida Regional Transportation Finance Authority shall make the
2851 annual payments, not to exceed \$1 million per year, to the State
2852 Transportation Trust Fund until all remaining authority long-
2853 term debt due to the department has been repaid.

2854 (3) Any remaining toll revenue from the facilities of the
2855 Mid-Bay Bridge Authority collected by the Northwest Florida
2856 Regional Transportation Finance Authority after meeting the
2857 requirements of subsections (1) and (2) shall be used for the
2858 construction, maintenance, or improvement of any toll facility
2859 of the Northwest Florida Transportation Finance Authority within
2860 the county or counties in which the revenue was collected.

2861 Section 57. Section 348.751, Florida Statutes, is amended
2862 to read:

2863 348.751 Short title.—This part ~~shall be known and~~ may be
2864 cited as the "Central Florida Orlando-Orange County Expressway
2865 Authority Law."

2866 Section 58. Section 348.752, Florida Statutes, is amended
2867 to read:

2868 348.752 Definitions.—As used in this chapter ~~The following~~



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2869 ~~terms, whenever used or referred to in this law, shall have the~~
2870 ~~following meanings, except in those instances where the context~~
2871 ~~clearly indicates otherwise:~~

2872 (1) The term "agency of the state" means ~~and includes~~ the
2873 state and any department of, or corporation, agency, or
2874 instrumentality ~~heretofore or hereafter~~ created, designated, or
2875 established by, the state.

2876 (2) The term "authority" means the body politic and
2877 corporate, and agency of the state created by this part.

2878 (3) The term "bonds" means ~~and includes~~ the notes, bonds,
2879 refunding bonds, or other evidences of indebtedness or
2880 obligations, in either temporary or definitive form, which the
2881 authority is authorized to issue pursuant to this part.

2882 (4) The term "Central Florida Expressway Authority" means
2883 the body politic and corporate, and agency of the state created
2884 by this chapter ~~The term "city" means the City of Orlando.~~

2885 (5) The term "Central Florida Expressway System" means any
2886 expressway and appurtenant facilities, including all approaches,
2887 roads, bridges, and avenues for the expressway and any rapid
2888 transit, trams, or fixed guideways located within the right-of-
2889 way of an expressway ~~The term "county" means the County of~~
2890 ~~Orange.~~

2891 (6) The term "department" means the Department of
2892 Transportation ~~existing under chapters 334-339.~~

2893 (7) The term "expressway" has the same meaning ~~is the same~~
2894 as limited access expressway.

2895 (8) The term "federal agency" means and includes the United
2896 States, the President of the United States, and any department
2897 of, or corporation, agency, or instrumentality ~~heretofore or~~



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2898 hereafter created, designated, or established by, the United
2899 States.

2900 (9) The term "lease-purchase agreement" means the lease-
2901 purchase agreements that ~~which~~ the authority is authorized
2902 ~~pursuant to this part~~ to enter into with the Department of
2903 Transportation pursuant to this part.

2904 (10) The term "limited access expressway" means a street or
2905 highway specifically ~~especially~~ designed for through traffic,
2906 and over, from, or to which, a no person does not shall have the
2907 right of easement, use, or access except in accordance with the
2908 rules of ~~and regulations promulgated and established by the~~
2909 authority governing its use for the use of such facility. Such
2910 highways or streets may be parkways that do not allow traffic
2911 by, from which trucks, buses, and other commercial vehicles
2912 ~~shall be excluded, or they may be~~ freeways open to use by all
2913 customary forms of street and highway traffic.

2914 (11) The term ~~"members"~~ means ~~the governing body of the~~
2915 ~~authority, and the term "member" means~~ an individual who serves
2916 on the one of the individuals constituting such governing body
2917 of the authority.

2918 (12) The term "Orange County gasoline tax funds" means ~~all~~
2919 the revenue derived from the 80-percent surplus gasoline tax
2920 funds accruing in each year to the Department of Transportation
2921 for use in Orange County under ~~the provisions of s. 9, Art. XII~~
2922 of the State Constitution, after deducting ~~deduction only of~~ any
2923 amounts of said gasoline tax funds previously ~~heretofore~~ pledged
2924 by the department or the county for outstanding obligations.

2925 ~~(13) The term "Orlando-Orange County Expressway System"~~
2926 ~~means any and all expressways and appurtenant facilities~~



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2927 ~~thereto, including, but not limited to, all approaches, roads,~~
2928 ~~bridges, and avenues of access for said expressway or~~
2929 ~~expressways.~~

2930 (13)~~(14)~~ The term "State Board of Administration" means the
2931 body corporate existing under the provisions of s. 9, Art. XII
2932 of the State Constitution, or any successor ~~thereto~~.

2933 (14) The term "transportation facilities" means and
2934 includes the mobile and fixed assets, and the associated real or
2935 personal property or rights, used in the transportation of
2936 persons or property by any means of conveyance, and all
2937 appurtenances, such as, but not limited to, highways; limited or
2938 controlled access lanes, avenues of access, and facilities;
2939 vehicles; fixed guideway facilities, including maintenance
2940 facilities; and administrative and other office space for the
2941 exercise by the authority of the powers and obligations granted
2942 in this part.

2943 ~~(15) Words importing singular number include the plural~~
2944 ~~number in each case and vice versa, and words importing persons~~
2945 ~~include firms and corporations.~~

2946 Section 59. Section 348.753, Florida Statutes, is amended
2947 to read:

2948 348.753 Central Florida ~~Orlando-Orange County~~ Expressway
2949 Authority.-

2950 (1) There is ~~hereby~~ created and established a body politic
2951 and corporate, an agency of the state, to be known as the
2952 Central Florida ~~Orlando-Orange County~~ Expressway Authority.~~7~~
2953 ~~hereinafter referred to as "authority."~~

2954 (2) (a) Effective July 1, 2014, the Central Florida
2955 Expressway Authority shall assume the governance and control of



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2956 the Orlando-Orange County Expressway Authority System, including
2957 its assets, personnel, contracts, obligations, liabilities,
2958 facilities, and tangible and intangible property. Any rights in
2959 such property, and other legal rights of the authority, are
2960 transferred to the Central Florida Expressway Authority. The
2961 powers, responsibilities, and obligations of the Orlando-Orange
2962 County Expressway Authority shall succeed to and be assumed by
2963 the Central Florida Expressway Authority on July 1, 2014.

2964 (b) The transfer pursuant to this subsection is subject to
2965 the terms and covenants provided for the protection of the
2966 holders of the Orlando-Orange County Expressway Authority bonds
2967 in the lease-purchase agreement and the resolutions adopted in
2968 connection with the issuance of the bonds. Further, the transfer
2969 does not impair the terms of the contract between the Orlando-
2970 Orange County Expressway Authority and the bondholders, does not
2971 act to the detriment of the bondholders, and does not diminish
2972 the security for the bonds. After the transfer, the Central
2973 Florida Expressway Authority shall operate and maintain the
2974 expressway system and any other facilities of the Orlando-Orange
2975 County Expressway Authority in accordance with the terms,
2976 conditions, and covenants contained in the bond resolutions and
2977 lease-purchase agreement securing the bonds of the authority.
2978 The Central Florida Expressway Authority shall collect toll
2979 revenues and apply them to the payment of debt service as
2980 provided in the bond resolution securing the bonds, and shall
2981 expressly assumes all obligations relating to the bonds to
2982 ensure that the transfer will have no adverse impact on the
2983 security for the bonds. The transfer does not make the
2984 obligation to pay the principal and interest on the bonds a



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2985 general liability of the Central Florida Expressway Authority or
2986 pledge additional expressway system revenues to payment of the
2987 bonds. Revenues that are generated by the expressway system and
2988 other facilities of the Central Florida Expressway Authority
2989 which were pledged by the Orlando-Orange County Expressway
2990 Authority to payment of the bonds will remain subject to the
2991 pledge for the benefit of the bondholders. The transfer does not
2992 modify or eliminate any prior obligation of the department to
2993 pay certain costs of the expressway system from sources other
2994 than revenues of the expressway system.

2995 (3)~~(2)~~ The governing body of the authority shall consist of
2996 11 ~~five~~ members. The chairs of the boards of the county
2997 commissions of Seminole, Lake, and Osceola Counties shall each
2998 appoint one member, who may be a commission member or chair. The
2999 Governor shall appoint six citizen members. Of the Governor's
3000 appointments, two ~~Three~~ members ~~must~~ ~~shall~~ be citizens of Orange
3001 County, one member each must be a citizen of Seminole, Lake, and
3002 Osceola Counties, and one member may be a citizen of any of the
3003 identified counties ~~who shall be appointed by the Governor. The~~
3004 10th ~~fourth~~ member ~~must~~ ~~shall~~ be, ~~ex officio,~~ the Mayor of ~~chair~~
3005 of the County Commissioners of Orange County. The 11th member
3006 must be the Mayor of the City of Orlando. The executive director
3007 of Florida Turnpike Enterprise shall serve as a nonvoting
3008 advisor to the governing body of the authority, ~~and the fifth~~
3009 member shall be, ~~ex officio,~~ the district secretary of the
3010 Department of Transportation serving in the district that
3011 contains Orange County. The term of Each appointed member
3012 appointed by the Governor shall ~~serve~~ ~~be~~ for 4 years. Each
3013 county-appointed member shall serve for 2 years. Standing board



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3014 members shall complete their terms. Each appointed member shall
3015 hold office until his or her successor has been appointed and
3016 has qualified. A vacancy occurring during a term must ~~shall~~ be
3017 filled only for the balance of the unexpired term. Each
3018 appointed member of the authority shall be a person of
3019 outstanding reputation for integrity, responsibility, and
3020 business ability, but, except as provided in this subsection, a
3021 ~~ne~~ person who is an officer or employee of a municipality or any
3022 ~~city or of Orange county~~ may not ~~in any other capacity~~ shall be
3023 an appointed member of the authority. Any member of the
3024 authority is ~~shall be~~ eligible for reappointment.

3025 (4) ~~(3)~~ (a) The authority shall elect one of its members as
3026 chair of the authority. The authority shall also elect one of
3027 its members as vice chair, one of its members as a secretary,
3028 and one of its members as a treasurer ~~who may or may not be~~
3029 ~~members of the authority.~~ The chair, vice chair, secretary, and
3030 treasurer shall hold such offices at the will of the authority.
3031 Five ~~Three~~ members of the authority ~~shall~~ constitute a quorum,
3032 and the vote of five ~~three~~ members is ~~shall be~~ necessary for any
3033 action taken by the authority. A ~~No~~ vacancy in the authority
3034 does not ~~shall~~ impair the right of a quorum of the authority to
3035 exercise all of the rights and perform all of the duties of the
3036 authority.

3037 (b) Upon the effective date of his or her appointment, or
3038 as soon thereafter as practicable, each appointed member of the
3039 authority shall enter upon his or her duties.

3040 (5) ~~(4)~~ (a) The authority may employ an executive secretary,
3041 an executive director, its own counsel and legal staff,
3042 technical experts, and the ~~such~~ engineers, ~~and such~~ employees



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3043 ~~that, permanent or temporary,~~ as it requires. The authority ~~may~~
3044 ~~require and~~ may determine the qualifications and fix the
3045 compensation of such persons, firms, or corporations, and may
3046 employ a fiscal agent or agents; ~~provided,~~ however, ~~that~~ the
3047 authority shall solicit sealed proposals from at least three
3048 persons, firms, or corporations for the performance of any
3049 services as fiscal agents. The authority may delegate to one or
3050 more of its agents or employees the ~~such of its~~ power as it
3051 deems ~~shall deem~~ necessary to carry out the purposes of this
3052 part, ~~subject always to the supervision and control of the~~
3053 ~~authority~~. Members of the authority may be removed from ~~their~~
3054 office by the Governor for misconduct, malfeasance, misfeasance,
3055 or nonfeasance in office.

3056 (b) Members of the authority are ~~shall be~~ entitled to
3057 receive from the authority their travel and other necessary
3058 expenses incurred in connection with the business of the
3059 authority as provided in s. 112.061, but may not ~~they shall~~ draw
3060 ~~no~~ salaries or other compensation.

3061 Section 60. Section 348.754, Florida Statutes, is amended
3062 to read:

3063 348.754 Purposes and powers.—

3064 (1) (a) The authority created and established under ~~by the~~
3065 ~~provisions of~~ this part is ~~hereby~~ granted and has ~~shall have~~ the
3066 right to acquire, hold, construct, improve, maintain, operate,
3067 own, and lease in the capacity of lessor, the Central Florida
3068 ~~Orlando-Orange County~~ Expressway System, hereinafter referred to
3069 as "system." Except as otherwise specifically provided by law,
3070 including paragraph (2) (n), the area served by the authority
3071 shall be within the geographical boundaries of Orange, Seminole,



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3072 Lake, and Osceola Counties.

3073 (b) ~~It is the express intention of this part that said~~
3074 ~~authority,~~ In the construction of the Central Florida said
3075 ~~Orlando-Orange County Expressway System,~~ the authority may shall
3076 ~~be authorized to~~ construct any extensions, additions, or
3077 improvements to the said system or appurtenant facilities,
3078 including all necessary approaches, roads, bridges, ~~and~~ avenues
3079 of access, rapid transit, trams, fixed guideways, thoroughfares,
3080 and boulevards with any such changes, modifications, or
3081 revisions of the said project which are ~~as shall be~~ deemed
3082 desirable and proper.

3083 (c) Notwithstanding any other provision of this section to
3084 the contrary, to ensure the continued financial feasibility of
3085 the portion of the Wekiva Parkway to be constructed by the
3086 department, the authority may not, without the prior consent of
3087 the secretary of the department, construct an extension,
3088 addition, or improvement to the expressway system in Lake
3089 County.

3090 (2) The authority ~~is hereby granted, and shall have and may~~
3091 exercise all powers necessary, appurtenant, convenient, or
3092 incidental to the implementation ~~carrying out~~ of the stated
3093 ~~aforsaid~~ purposes, including, but not ~~without being~~ limited to,
3094 the following rights and powers:

3095 (a) To sue and be sued, implead and be impleaded, complain
3096 and defend in all courts.

3097 (b) To adopt, use, and alter at will a corporate seal.

3098 (c) To acquire by donation or otherwise, purchase, hold,
3099 lease as lessee, and use any franchise or any, property, real,
3100 personal, ~~or~~ mixed, or tangible or intangible, or any options



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3101 ~~thereof~~ in its own name or in conjunction with others, or
3102 interest in those options ~~therein~~, necessary or desirable to
3103 carry ~~for carrying~~ out the purposes of the authority, and to
3104 sell, lease as lessor, transfer, and dispose of any property or
3105 interest in the property ~~therein~~ at any time acquired by it.

3106 (d) To enter into and make leases for terms not exceeding
3107 99 ~~40~~ years, as ~~either~~ lessee or lessor, in order to carry out
3108 the right to lease as specified ~~set forth~~ in this part.

3109 (e) To enter into and make lease-purchase agreements with
3110 the department for terms not exceeding 99 ~~40~~ years, or until any
3111 bonds secured by a pledge of rentals pursuant to the agreement
3112 ~~thereunder~~, and any refundings pursuant to the agreement
3113 ~~thereof~~, are fully paid as to both principal and interest,
3114 whichever is longer. The authority is a party to a lease-
3115 purchase agreement between the department and the authority
3116 dated December 23, 1985, as supplemented by a first supplement
3117 to the lease-purchase agreement dated November 25, 1986, and a
3118 second supplement to the lease-purchase agreement dated October
3119 27, 1988. The authority may not enter into other lease-purchase
3120 agreements with the department and may not amend the existing
3121 agreement in a manner that expands or increases the department's
3122 obligations unless the department determines that the agreement
3123 or amendment is necessary to permit the refunding of bonds
3124 issued before July 1, 2012.

3125 (f) To fix, alter, charge, establish, and collect rates,
3126 fees, rentals, and other charges for the services and facilities
3127 of the Central Florida ~~Orlando-Orange County~~ Expressway System,
3128 which must ~~rates, fees, rentals and other charges shall~~ always
3129 be sufficient to comply with any covenants made with the holders



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3130 of any bonds issued pursuant to this part; ~~provided~~, however,
3131 ~~that~~ such right and power may be assigned or delegated, by the
3132 authority, to the department. Toll revenues attributable to an
3133 increase in the toll rates charged on or after July 1, 2014, for
3134 the use of a facility or portion of a facility may not be used
3135 to construct or expand a different facility unless a two-thirds
3136 majority of the members of the authority votes to approve such
3137 use. This requirement does not apply if, and to the extent that:

3138 1. Application of the requirement would violate any
3139 covenant established in a resolution or trust indenture under
3140 which bonds were issued by the Orlando-Orange County Expressway
3141 Authority on or before July 1, 2014; or

3142 2. Application of the requirement would cause the authority
3143 to be unable to meet its obligations under the terms of the
3144 memorandum of understanding between the authority and the
3145 department as ratified by the Orlando-Orange County Expressway
3146 Authority board on February 22, 2012.

3147
3148 Notwithstanding s. 338.165, and except as otherwise prohibited
3149 by this part, to the extent revenues of the expressway system
3150 exceed amounts required to comply with any covenants made with
3151 the holders of bonds issued pursuant to this part, revenues may
3152 be used for purposes enumerated in subsection (6), if the
3153 expenditures are consistent with the metropolitan planning
3154 organization's adopted long-range plan.

3155 (g) To borrow money, make and issue negotiable notes,
3156 bonds, refunding bonds, and other evidences of indebtedness or
3157 obligations, either in temporary or definitive form, ~~hereinafter~~
3158 ~~in this chapter sometimes called "bonds" of the authority, for~~



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3159 the purpose of financing all or part of the improvement or
3160 extension of the Central Florida ~~Orlando-Orange County~~
3161 Expressway System, and appurtenant facilities, including all
3162 approaches, streets, roads, bridges, and avenues of access for
3163 the Central Florida ~~said Orlando-Orange County~~ Expressway System
3164 and for any other purpose authorized by this part, ~~said bonds to~~
3165 ~~mature in not exceeding 40 years from the date of the issuance~~
3166 ~~thereof~~, and to secure the payment of such bonds or any part
3167 thereof by a pledge of any or all of its revenues, rates, fees,
3168 rentals, or other charges, including all or any portion of the
3169 Orange County gasoline tax funds received by the authority
3170 pursuant to ~~the terms of~~ any lease-purchase agreement between
3171 the authority and the department; and in general to provide for
3172 the security of the ~~said~~ bonds and the rights and remedies of
3173 the holders thereof. ~~Provided, However, that~~ no portion of the
3174 Orange County gasoline tax funds may ~~shall~~ be pledged for the
3175 construction of any project for which a toll is to be charged
3176 unless the anticipated toll is ~~tolls are~~ reasonably estimated by
3177 the board of county commissioners, at the date of its resolution
3178 pledging the ~~said~~ funds, to be sufficient to cover the principal
3179 and interest of such obligations during the period when the ~~said~~
3180 pledge of funds is ~~shall be~~ in effect. The bonds issued under
3181 this paragraph must mature not more than 40 years after their
3182 issue date.

3183 1. The authority shall reimburse Orange County for any sums
3184 expended from the ~~said~~ gasoline tax funds used for the payment
3185 of such obligations. Any gasoline tax funds so disbursed must
3186 ~~shall~~ be repaid when the authority deems it practicable,
3187 together with interest at the highest rate applicable to any



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3188 obligations of the authority.

3189 2. If, pursuant to this section, ~~In the event~~ the authority
3190 ~~funds shall determine to fund~~ or refunds refund any bonds
3191 previously theretofore issued by the ~~said~~ authority, or the ~~by~~
3192 ~~said~~ commission before the bonds mature as aforesaid ~~prior to~~
3193 ~~the maturity thereof,~~ the proceeds of such funding or refunding
3194 must ~~bonds shall,~~ pending the prior redemption of these ~~the~~
3195 bonds ~~to be funded or refunded,~~ be invested in direct
3196 obligations of the United States, ~~and it is the express~~
3197 ~~intention of this part that such outstanding bonds may be funded~~
3198 ~~or refunded by the issuance of bonds pursuant to this part.~~

3199 (h) To make contracts ~~of every name and nature,~~ including,
3200 but not limited to, partnerships providing for participation in
3201 ownership and revenues, and to execute all instruments necessary
3202 or convenient for conducting ~~the carrying on of~~ its business.

3203 (i) Notwithstanding paragraphs (a)-(h), ~~Without limitation~~
3204 ~~of the foregoing,~~ to borrow money and accept grants from, and to
3205 enter into contracts, leases, or other transactions with any
3206 federal agency, the state, any agency of the state, the County
3207 of Orange, the City of Orlando, or with any other public body of
3208 the state.

3209 (j) To have the power of eminent domain, including the
3210 procedural powers granted under both chapters 73 and 74.

3211 (k) To pledge, hypothecate, or otherwise encumber ~~all or~~
3212 any part of the revenues, rates, fees, rentals, or other charges
3213 or receipts of the authority, including all or any portion of
3214 the Orange County gasoline tax funds received by the authority
3215 pursuant to the terms of any lease-purchase agreement between
3216 the authority and the department, as security for ~~all or~~ any of



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3217 the obligations of the authority.

3218 (l) To enter into partnership and other agreements
3219 respecting ownership and revenue participation in order to
3220 facilitate financing and constructing the Western Beltway, or
3221 portions thereof.

3222 (m) To do everything ~~all acts and things~~ necessary or
3223 convenient for the conduct of its business and the general
3224 welfare of the authority, in order to comply with ~~carry out the~~
3225 ~~powers granted to it by~~ this part or any other law.

3226 (n) With the consent of the county within whose
3227 jurisdiction the following activities occur, the authority shall
3228 have the right to construct, operate, and maintain roads,
3229 bridges, avenues of access, transportation facilities,
3230 thoroughfares, and boulevards outside the jurisdictional
3231 boundaries of Orange, Seminole, Lake, and Osceola Counties
3232 ~~County,~~ together with the right to construct, repair, replace,
3233 operate, install, and maintain electronic toll payment systems
3234 thereon, ~~with all necessary and incidental powers to accomplish~~
3235 ~~the foregoing.~~

3236 (3) The authority does not ~~shall~~ have the ~~no~~ power ~~at any~~
3237 ~~time or in any manner~~ to pledge the credit or taxing power of
3238 the state or any political subdivision or agency thereof,
3239 including any city and any county ~~the City of Orlando and the~~
3240 ~~County of Orange,~~ nor may ~~nor shall~~ any of the authority's
3241 obligations be deemed to be obligations of the state or of any
3242 political subdivision or agency thereof, nor may ~~nor shall~~ the
3243 state or any political subdivision or agency thereof, except the
3244 authority, be liable for the payment of the principal of or
3245 interest on such obligations.



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3246 ~~(4) Anything in this part to the contrary notwithstanding,~~
3247 ~~acquisition of right-of-way for a project of the authority which~~
3248 ~~is within the boundaries of any municipality in Orange County~~
3249 ~~shall not be begun unless and until the route of said project~~
3250 ~~within said municipality has been given prior approval by the~~
3251 ~~governing body of said municipality.~~

3252 ~~(4)(5)~~ The authority has shall have no power other than by
3253 consent of an affected ~~Orange~~ county or any affected city, to
3254 enter into any agreement which would legally prohibit the
3255 construction of a any road by the respective county or city
3256 ~~Orange County or by any city within Orange County.~~

3257 (5) The authority shall encourage the inclusion of local-,
3258 small-, minority-, and women-owned businesses in its procurement
3259 and contracting opportunities.

3260 ~~(6)(a)~~ The authority may, within the right-of-way of the
3261 expressway system, finance or refinance the planning, design,
3262 acquisition, construction, extension, rehabilitation, equipping,
3263 preservation, maintenance, or improvement of an intermodal
3264 facility or facilities, a multimodal corridor or corridors, or
3265 any programs or projects that will improve the levels of service
3266 on the expressway system ~~Notwithstanding s. 255.05, the Orlando-~~
3267 ~~Orange County Expressway Authority may waive payment and~~
3268 ~~performance bonds on construction contracts for the construction~~
3269 ~~of a public building, for the prosecution and completion of a~~
3270 ~~public work, or for repairs on a public building or public work~~
3271 ~~that has a cost of \$500,000 or less and when the project is~~
3272 ~~awarded pursuant to an economic development program for the~~
3273 ~~encouragement of local small businesses that has been adopted by~~
3274 ~~the governing body of the Orlando-Orange County Expressway~~



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3275 ~~Authority pursuant to a resolution or policy.~~

3276 ~~(b) The authority's adopted criteria for participation in~~
3277 ~~the economic development program for local small businesses~~
3278 ~~requires that a participant:~~

3279 ~~1. Be an independent business.~~

3280 ~~2. Be principally domiciled in the Orange County Standard~~
3281 ~~Metropolitan Statistical Area.~~

3282 ~~3. Employ 25 or fewer full-time employees.~~

3283 ~~4. Have gross annual sales averaging \$3 million or less~~
3284 ~~over the immediately preceding 3 calendar years with regard to~~
3285 ~~any construction element of the program.~~

3286 ~~5. Be accepted as a participant in the Orlando-Orange~~
3287 ~~County Expressway Authority's microcontracts program or such~~
3288 ~~other small business program as may be hereinafter enacted by~~
3289 ~~the Orlando-Orange County Expressway Authority.~~

3290 ~~6. Participate in an educational curriculum or technical~~
3291 ~~assistance program for business development that will assist the~~
3292 ~~small business in becoming eligible for bonding.~~

3293 ~~(c) The authority's adopted procedures for waiving payment~~
3294 ~~and performance bonds on projects with values not less than~~
3295 ~~\$200,000 and not exceeding \$500,000 shall provide that payment~~
3296 ~~and performance bonds may only be waived on projects that have~~
3297 ~~been set aside to be competitively bid on by participants in an~~
3298 ~~economic development program for local small businesses. The~~
3299 ~~authority's executive director or his or her designee shall~~
3300 ~~determine whether specific construction projects are suitable~~
3301 ~~for:~~

3302 ~~1. Bidding under the authority's microcontracts program by~~
3303 ~~registered local small businesses; and~~



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3304 ~~2. Waiver of the payment and performance bond.~~

3305
3306 ~~The decision of the authority's executive director or deputy~~
3307 ~~executive director to waive the payment and performance bond~~
3308 ~~shall be based upon his or her investigation and conclusion that~~
3309 ~~there exists sufficient competition so that the authority~~
3310 ~~receives a fair price and does not undertake any unusual risk~~
3311 ~~with respect to such project.~~

3312 ~~(d) For any contract for which a payment and performance~~
3313 ~~bond has been waived pursuant to the authority set forth in this~~
3314 ~~section, the Orlando-Orange County Expressway Authority shall~~
3315 ~~pay all persons defined in s. 713.01 who furnish labor,~~
3316 ~~services, or materials for the prosecution of the work provided~~
3317 ~~for in the contract to the same extent and upon the same~~
3318 ~~conditions that a surety on the payment bond under s. 255.05~~
3319 ~~would have been obligated to pay such persons if the payment and~~
3320 ~~performance bond had not been waived. The authority shall record~~
3321 ~~notice of this obligation in the manner and location that surety~~
3322 ~~bonds are recorded. The notice shall include the information~~
3323 ~~describing the contract that s. 255.05(1) requires be stated on~~
3324 ~~the front page of the bond. Notwithstanding that s. 255.05(9)~~
3325 ~~generally applies when a performance and payment bond is~~
3326 ~~required, s. 255.05(9) shall apply under this subsection to any~~
3327 ~~contract on which performance or payment bonds are waived and~~
3328 ~~any claim to payment under this subsection shall be treated as a~~
3329 ~~contract claim pursuant to s. 255.05(9).~~

3330 ~~(e) A small business that has been the successful bidder on~~
3331 ~~six projects for which the payment and performance bond was~~
3332 ~~waived by the authority pursuant to paragraph (a) shall be~~



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3333 ~~ineligible to bid on additional projects for which the payment~~
3334 ~~and performance bond is to be waived. The local small business~~
3335 ~~may continue to participate in other elements of the economic~~
3336 ~~development program for local small businesses as long as it is~~
3337 ~~eligible.~~

3338 ~~(f) The authority shall conduct bond eligibility training~~
3339 ~~for businesses qualifying for bond waiver under this subsection~~
3340 ~~to encourage and promote bond eligibility for such businesses.~~

3341 ~~(g) The authority shall prepare a biennial report on the~~
3342 ~~activities undertaken pursuant to this subsection to be~~
3343 ~~submitted to the Orange County legislative delegation. The~~
3344 ~~initial report shall be due December 31, 2010.~~

3345 Section 61. Section 348.7543, Florida Statutes, is amended
3346 to read:

3347 348.7543 Improvements, bond financing authority for.—
3348 Pursuant to s. 11(f), Art. VII of the State Constitution, the
3349 Legislature hereby approves for bond financing by the Central
3350 Florida Orlando-Orange County Expressway Authority improvements
3351 to toll collection facilities, interchanges to the legislatively
3352 approved expressway system, and any other facility appurtenant,
3353 necessary, or incidental to the approved system. Subject to
3354 terms and conditions of applicable revenue bond resolutions and
3355 covenants, such costs may be financed in whole or in part by
3356 revenue bonds issued pursuant to s. 348.755(1)(a) or (b) whether
3357 currently issued or issued in the future, or by a combination of
3358 such bonds.

3359 Section 62. Section 348.7544, Florida Statutes, is amended
3360 to read:

3361 348.7544 Northwest Beltway Part A, construction authorized;



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3362 financing.—Notwithstanding s. 338.2275, the Central Florida
3363 ~~Orlando-Orange County~~ Expressway Authority may ~~is hereby~~
3364 ~~authorized to~~ construct, finance, operate, own, and maintain
3365 that portion of the Western Beltway known as the Northwest
3366 Beltway Part A, extending from Florida's Turnpike near Ocoee
3367 north to U.S. 441 near Apopka, as part of the authority's 20-
3368 year capital projects plan. This project may be financed with
3369 any funds available to the authority for such purpose or revenue
3370 bonds issued by the Division of Bond Finance of the State Board
3371 of Administration on behalf of the authority pursuant to s. 11,
3372 Art. VII of the State Constitution and the State Bond Act, ss.
3373 215.57-215.83.

3374 Section 63. Section 348.7545, Florida Statutes, is amended
3375 to read:

3376 348.7545 Western Beltway Part C, construction authorized;
3377 financing.—Notwithstanding s. 338.2275, the Central Florida
3378 ~~Orlando-Orange County~~ Expressway Authority may ~~is authorized to~~
3379 exercise its condemnation powers, construct, finance, operate,
3380 own, and maintain that portion of the Western Beltway known as
3381 the Western Beltway Part C, extending from Florida's Turnpike
3382 near Ocoee in Orange County southerly through Orange and Osceola
3383 Counties to an interchange with I-4 near the Osceola-Polk County
3384 line, as part of the authority's 20-year capital projects plan.
3385 This project may be financed with any funds available to the
3386 authority for such purpose or revenue bonds issued by the
3387 Division of Bond Finance of the State Board of Administration on
3388 behalf of the authority pursuant to s. 11, Art. VII of the State
3389 Constitution and the State Bond Act, ss. 215.57-215.83. This
3390 project may be refinanced with bonds issued by the authority



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3391 pursuant to s. 348.755(1) (d) .

3392 Section 64. Section 348.7546, Florida Statutes, is amended
3393 to read:

3394 348.7546 Wekiva Parkway, construction authorized;
3395 financing.—

3396 (1) The Central Florida ~~Orlando-Orange County~~ Expressway
3397 Authority ~~may is authorized to~~ exercise its condemnation powers
3398 and ~~to~~ construct, finance, operate, own, and maintain those
3399 portions of the Wekiva Parkway which are identified by agreement
3400 between the authority and the department and which are included
3401 as part of the authority's long-range capital improvement plan.
3402 The "Wekiva Parkway" means any limited access highway or
3403 expressway constructed between State Road 429 and Interstate 4
3404 specifically incorporating the corridor alignment recommended by
3405 Recommendation 2 of the Wekiva River Basin Area Task Force final
3406 report dated January 15, 2003, and the recommendations of the SR
3407 429 Working Group, which were adopted January 16, 2004. This
3408 project may be financed with any funds available to the
3409 authority for such purpose or revenue bonds issued by the
3410 authority under s. 11, Art. VII of the State Constitution and s.
3411 348.755(1) (b). This section does not invalidate the exercise by
3412 the authority of its condemnation powers or the acquisition of
3413 any property for the Wekiva Parkway before July 1, 2012.

3414 (2) Notwithstanding any other provision of law ~~to the~~
3415 ~~contrary~~, in order to ensure that funds are available to the
3416 department for its portion of the Wekiva Parkway, beginning July
3417 1, 2012, the authority shall repay the expenditures by the
3418 department for costs of operation and maintenance of the Central
3419 Florida ~~Orlando-Orange County~~ Expressway System in accordance



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3420 with the terms of the memorandum of understanding between the
3421 authority and the department as ratified by the authority board
3422 on February 22, 2012, which requires the authority to pay the
3423 department \$10 million on July 1, 2012, and \$20 million on each
3424 successive July 1 until the department has been fully reimbursed
3425 for all costs of the Central Florida ~~Orlando-Orange County~~
3426 Expressway System which were paid, advanced, or reimbursed to
3427 the authority by the department, with a final payment in the
3428 amount of the balance remaining. Notwithstanding any other law
3429 ~~to the contrary~~, the funds paid to the department pursuant to
3430 this subsection must ~~shall~~ be allocated by the department for
3431 construction of the Wekiva Parkway.

3432 (3) The department's obligation to construct its portions
3433 of the Wekiva Parkway is contingent upon the timely payment by
3434 the authority of the annual payments required of the authority
3435 and receipt of all required environmental permits and approvals
3436 by the Federal Government.

3437 Section 65. Section 348.7547, Florida Statutes, is amended
3438 to read:

3439 348.7547 Maitland Boulevard Extension and Northwest Beltway
3440 Part A Realignment construction authorized; financing.—
3441 Notwithstanding s. 338.2275, the Central Florida ~~Orlando-Orange~~
3442 ~~County~~ Expressway Authority may ~~is hereby authorized to~~ exercise
3443 its condemnation powers, construct, finance, operate, own, and
3444 maintain the portion of State Road 414 known as the Maitland
3445 Boulevard Extension and the realigned portion of the Northwest
3446 Beltway Part A as part of the authority's long-range capital
3447 improvement plan. The Maitland Boulevard Extension extends ~~will~~
3448 ~~extend~~ from the current terminus of State Road 414 at U.S. 441



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3449 west to State Road 429 in west Orange County. The realigned
3450 portion of the Northwest Beltway Part A runs ~~will run~~ from the
3451 point at or near where the Maitland Boulevard Extension connects
3452 ~~will connect~~ with State Road 429 and proceeds ~~will proceed~~ to
3453 the west and then north resulting in the northern terminus of
3454 State Road 429 moving farther west before reconnecting with U.S.
3455 441. However, under no circumstances may ~~shall~~ the realignment
3456 of the Northwest Beltway Part A conflict with or contradict ~~with~~
3457 the alignment of the Wekiva Parkway as defined in s. 348.7546.
3458 This project may be financed with any funds available to the
3459 authority for such purpose or revenue bonds issued by the
3460 authority under s. 11, Art. VII of the State Constitution and s.
3461 348.755(1)(b).

3462 Section 66. Subsections (2) and (3) of section 348.755,
3463 Florida Statutes, are amended to read:

3464 348.755 Bonds of the authority.—

3465 (2) Any ~~such~~ resolution that authorizes ~~or resolutions~~
3466 ~~authorizing~~ any bonds issued under this section hereunder may
3467 contain provisions that must ~~which shall~~ be part of the contract
3468 with the holders of such bonds, relating ~~as~~ to:

3469 (a) The pledging of ~~all or~~ any part of the revenues, rates,
3470 fees, rentals, ~~(including all or~~ any portion of the Orange
3471 County gasoline tax funds received by the authority pursuant to
3472 the terms of any lease-purchase agreement between the authority
3473 and the department, or any part thereof), or other charges or
3474 receipts of the authority, derived by the authority, from the
3475 Central Florida ~~Orlando-Orange County~~ Expressway System.

3476 (b) The completion, improvement, operation, extension,
3477 maintenance, repair, lease or lease-purchase agreement of the



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3478 ~~said~~ system, and the duties of the authority and others,
3479 including the department, ~~with reference thereto.~~

3480 (c) Limitations on the purposes to which the proceeds of
3481 the bonds, then or thereafter to be issued, or of any loan or
3482 grant by the United States or the state may be applied.

3483 (d) The fixing, charging, establishing, and collecting of
3484 rates, fees, rentals, or other charges for use of the services
3485 and facilities of the Central Florida ~~Orlando-Orange County~~
3486 Expressway System or any part thereof.

3487 (e) The setting aside of reserves or sinking funds or
3488 repair and replacement funds and the regulation and disposition
3489 thereof.

3490 (f) Limitations on the issuance of additional bonds.

3491 (g) The terms and provisions of any lease-purchase
3492 agreement, deed of trust or indenture securing the bonds, or
3493 under which the same may be issued.

3494 (h) Any other or additional agreements with the holders of
3495 the bonds which the authority may deem desirable and proper.

3496 (3) The authority may employ fiscal agents as provided by
3497 this part or the State Board of Administration of Florida may
3498 upon request of the authority act as fiscal agent for the
3499 authority in the issuance of any bonds that ~~which~~ may be issued
3500 pursuant to this part, and the State Board of Administration may
3501 upon request of the authority take over the management, control,
3502 administration, custody, and payment of any ~~or all~~ debt services
3503 or funds or assets now or hereafter available for any bonds
3504 issued pursuant to this part. The authority may enter into any
3505 deeds of trust, indentures or other agreements with its fiscal
3506 agent, or with any bank or trust company within or without the



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3507 state, as security for such bonds, and may, under such
3508 agreements, sign and pledge ~~all or~~ any of the revenues, rates,
3509 fees, rentals or other charges or receipts of the authority,
3510 including ~~all or~~ any portion of the Orange County gasoline tax
3511 funds received by the authority pursuant to the terms of any
3512 lease-purchase agreement between the authority and the
3513 department, ~~thereunder~~. Such deed of trust, indenture, or other
3514 agreement may contain such provisions as are customary in such
3515 instruments, or, as the authority may authorize, including but
3516 without limitation, provisions as to:

3517 (a) The completion, improvement, operation, extension,
3518 maintenance, repair, and lease of, or lease-purchase agreement
3519 relating to the Central Florida Orlando Orange County Expressway
3520 System, and the duties of the authority and others including the
3521 department, with reference thereto.

3522 (b) The application of funds and the safeguarding of funds
3523 on hand or on deposit.

3524 (c) The rights and remedies of the trustee and the holders
3525 of the bonds.

3526 (d) The terms and provisions of the bonds or the
3527 resolutions authorizing the issuance of same.

3528 Section 67. Subsections (3) and (4) of section 348.756,
3529 Florida Statutes, are amended to read:

3530 348.756 Remedies of the bondholders.—

3531 (3) When a ~~Any~~ trustee is when appointed pursuant to
3532 subsection (1) as aforesaid, or is acting under a deed of trust,
3533 indenture, or other agreement, and whether or not all bonds have
3534 been declared due and payable, the trustee is ~~shall be~~ entitled
3535 ~~as of right~~ to the appointment of a receiver, who may enter upon



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3536 and take possession of the Central Florida ~~Orlando-Orange County~~
3537 Expressway System or the facilities or any part of the system or
3538 facilities ~~or parts thereof~~, the rates, fees, rentals, or other
3539 revenues, charges, or receipts ~~that from which~~ are, or may be,
3540 applicable to the payment of the bonds so in default, and
3541 subject to and in compliance with the provisions of any lease-
3542 purchase agreement between the authority and the department
3543 operate and maintain the same, for and on behalf of and in the
3544 name of, the authority, the department, and the bondholders, and
3545 collect and receive all rates, fees, rentals, and other charges
3546 or receipts or revenues arising therefrom in the same manner as
3547 the authority or the department might do, and shall deposit all
3548 such moneys in a separate account and apply the same in such
3549 manner as the court directs ~~shall direct~~. In any suit, action,
3550 or proceeding by the trustee, the fees, counsel fees, and
3551 expenses of the trustee, and the ~~said~~ receiver, if any, and all
3552 costs and disbursements allowed by the court must ~~shall~~ be a
3553 first charge on any rates, fees, rentals, or other charges,
3554 revenues, or receipts, derived from the Central Florida ~~Orlando-~~
3555 ~~Orange County~~ Expressway System, or the facilities or services
3556 or any part of the system or facilities ~~or parts thereof~~,
3557 including payments under any such lease-purchase agreement ~~as~~
3558 ~~aforsaid~~ which ~~said~~ rates, fees, rentals, or other charges,
3559 revenues, or receipts ~~shall or~~ may be applicable to the payment
3560 of the bonds that are ~~so~~ in default. ~~The~~ ~~Such~~ trustee has ~~shall~~,
3561 ~~in addition to the foregoing, have and possess~~ all of the powers
3562 necessary or appropriate for the exercise of any functions
3563 specifically set forth in this section ~~herein~~ or incident to the
3564 representation of the bondholders in the enforcement and



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3565 protection of their rights.

3566 (4) ~~Nothing in~~ This section or any other section of this
3567 part does not shall authorize any receiver appointed pursuant
3568 ~~hereto~~ for the purpose, subject to and in compliance with the
3569 provisions of any lease-purchase agreement between the authority
3570 and the department, of operating and maintaining the Central
3571 Florida Orlando-Orange County Expressway System or any
3572 facilities or part of the system or facilities ~~or parts thereof~~,
3573 to sell, assign, mortgage, or otherwise dispose of any of the
3574 assets of whatever kind and character belonging to the
3575 authority. ~~It is the intention of this part to limit~~ The powers
3576 of the such receiver, subject to and in compliance with the
3577 provisions of any lease-purchase agreement between the authority
3578 and the department, are limited to the operation and maintenance
3579 of the Central Florida Orlando-Orange County Expressway System,
3580 or any facility, or part ~~or parts~~ thereof, as the court may
3581 direct, in the name and for and on behalf of the authority, the
3582 department, and the bondholders, and no holder of bonds on the
3583 authority nor any trustee, has shall ever have the right in any
3584 suit, action, or proceeding at law or in equity, to compel a
3585 receiver, nor may shall any receiver be authorized or any court
3586 be empowered to direct the receiver to sell, assign, mortgage,
3587 or otherwise dispose of any assets ~~of whatever kind or character~~
3588 belonging to the authority.

3589 Section 68. Subsections (1) through (7) of section 348.757,
3590 Florida Statutes, are amended to read:

3591 348.757 Lease-purchase agreement.—

3592 (1) ~~In order to effectuate the purposes of this part and as~~
3593 ~~authorized by this part,~~ The authority may enter into a lease-



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3594 purchase agreement with the department relating to and covering
3595 the former Orlando-Orange County Expressway System.

3596 (2) The ~~Such~~ lease-purchase agreement must ~~shall~~ provide
3597 for the leasing of the former Orlando-Orange County Expressway
3598 System, by the authority, as lessor, to the department, as
3599 lessee, must ~~shall~~ prescribe the term of such lease and the
3600 rentals to be paid ~~thereunder~~, and must ~~shall~~ provide that upon
3601 the completion of the faithful performance ~~thereunder~~ and the
3602 termination of the ~~such~~ lease-purchase agreement, title in fee
3603 simple absolute to the former Orlando-Orange County Expressway
3604 System as then constituted shall be transferred in accordance
3605 with law by the authority, to the state and the authority shall
3606 deliver to the department such deeds and conveyances as shall be
3607 necessary or convenient to vest title in fee simple absolute in
3608 the state.

3609 (3) The ~~Such~~ lease-purchase agreement may include ~~such~~
3610 other provisions, agreements, and covenants that ~~as~~ the
3611 authority and the department deem advisable or required,
3612 including, but not limited to, provisions as to the bonds to be
3613 issued under, and for the purposes of, this part, the
3614 completion, extension, improvement, operation, and maintenance
3615 of the former Orlando-Orange County Expressway System and the
3616 expenses and the cost of operation of the ~~said~~ authority, the
3617 charging and collection of tolls, rates, fees, and other charges
3618 for the use of the services and facilities of the system
3619 ~~thereof~~, the application of federal or state grants or aid that
3620 ~~which~~ may be made or given to assist the authority in the
3621 completion, extension, improvement, operation, and maintenance
3622 of the former Orlando-Orange County ~~Orlando~~ Expressway System,



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3623 which the authority is ~~hereby~~ authorized to accept and apply to
3624 such purposes, the enforcement of payment and collection of
3625 rentals and any other terms, provisions, or covenants necessary,
3626 incidental, or appurtenant to the making of and full performance
3627 under the ~~such~~ lease-purchase agreement.

3628 (4) The department as lessee under the ~~such~~ lease-purchase
3629 agreement, may ~~is hereby authorized to~~ pay as rentals under the
3630 agreement ~~thereunder~~ any rates, fees, charges, funds, moneys,
3631 receipts, or income accruing to the department from the
3632 operation of the former Orlando-Orange County Expressway System
3633 and the Orange County gasoline tax funds and may also pay as
3634 rentals any appropriations received by the department pursuant
3635 to any act of the Legislature of the state heretofore or
3636 hereafter enacted; ~~provided,~~ however, this part or the ~~that~~
3637 ~~nothing herein nor in such~~ lease-purchase agreement is not
3638 intended to and does not ~~nor shall this part or such lease-~~
3639 ~~purchase agreement~~ require the making or continuance of such
3640 appropriations, and ~~nor shall~~ any holder of bonds issued
3641 pursuant to this part does not ~~ever~~ have any right to compel the
3642 making or continuance of such appropriations.

3643 (5) A ~~No~~ pledge of the ~~said~~ Orange County gasoline tax
3644 funds as rentals under a ~~such~~ lease-purchase agreement may not
3645 ~~shall~~ be made without the consent of the County of Orange
3646 evidenced by a resolution duly adopted by the board of county
3647 commissioners of said county at a public hearing held pursuant
3648 to due notice thereof published at least once a week for 3
3649 consecutive weeks before the hearing in a newspaper of general
3650 circulation in Orange County. The ~~Said~~ resolution, among other
3651 things, must ~~shall~~ provide that any excess of the ~~said~~ pledged



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3652 gasoline tax funds which is not required for debt service or
3653 reserves for the ~~such~~ debt service for any bonds issued by the
3654 ~~said~~ authority shall be returned annually to the department for
3655 distribution to Orange County as provided by law. Before making
3656 any application for a a ~~such~~ pledge of gasoline tax funds, the
3657 authority shall present the plan of its proposed project to the
3658 Orange County planning and zoning commission for its comments
3659 and recommendations.

3660 (6) The ~~Said~~ department may ~~shall have power to~~ covenant in
3661 any lease-purchase agreement that it will pay all or any part of
3662 the cost of the operation, maintenance, repair, renewal, and
3663 replacement of the ~~said~~ system, and any part of the cost of
3664 completing the ~~said~~ system to the extent that the proceeds of
3665 bonds issued ~~therefor~~ are insufficient, from sources other than
3666 the revenues derived from the operation of the ~~said~~ system and
3667 the ~~said~~ Orange County gasoline tax funds. The ~~said~~ department
3668 may also agree to make such other payments from any moneys
3669 available to the ~~said~~ commission, the ~~said~~ county, or the ~~said~~
3670 city in connection with the construction or completion of the
3671 ~~said~~ system as shall be deemed by the ~~said~~ department to be fair
3672 and proper under any ~~such~~ covenants ~~heretofore or hereafter~~
3673 entered into.

3674 (7) The ~~said~~ system must ~~shall~~ be a part of the state road
3675 system and the ~~said~~ department may ~~is hereby authorized,~~ upon
3676 the request of the authority, ~~to~~ expend out of any funds
3677 available for the purpose the ~~such~~ moneys, and ~~to~~ use ~~such~~ of
3678 its engineering and other forces, as may be necessary ~~and~~
3679 ~~desirable in the judgment of said department,~~ for the operation
3680 of the ~~said~~ authority and for traffic surveys, borings, surveys,



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3681 preparation of plans and specifications, estimates of cost, and
3682 other preliminary engineering and other studies; provided,
3683 however, that the aggregate amount of moneys expended for the
3684 ~~said~~ purposes by the ~~said~~ department do ~~shall~~ not exceed the sum
3685 of \$375,000.

3686 Section 69. Section 348.758, Florida Statutes, is amended
3687 to read:

3688 348.758 Appointment of department as ~~may be appointed~~ agent
3689 of authority for construction.—The department may be appointed
3690 by the ~~said~~ authority as its agent for the purpose of
3691 constructing improvements and extensions to the Central Florida
3692 ~~Orlando-Orange County~~ Expressway System and for its ~~the~~
3693 completion ~~thereof~~. In such event, the authority shall provide
3694 the department with complete copies of all documents,
3695 agreements, resolutions, contracts, and instruments relating
3696 thereto and shall request the department to do such construction
3697 work, including the planning, surveying, and actual construction
3698 of the completion, extensions, and improvements to the Central
3699 Florida ~~Orlando-Orange County~~ Expressway System and shall
3700 transfer to the credit of an account of the department in the
3701 State Treasury ~~of the state~~ the necessary funds, ~~therefor~~ and
3702 the department may ~~shall thereupon be authorized, empowered and~~
3703 ~~directed to~~ proceed with such construction and ~~to~~ use the ~~said~~
3704 funds for such purpose in the same manner that it is ~~now~~
3705 authorized to use the funds ~~otherwise provided by law~~ for the
3706 ~~its use in~~ construction of roads and bridges.

3707 Section 70. Section 348.759, Florida Statutes, is amended
3708 to read:

3709 348.759 Acquisition of lands and property.—



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3710 (1) For the purposes of this part, the Central Florida
3711 ~~Orlando-Orange County~~ Expressway Authority may acquire private
3712 or public property and property rights, including rights of
3713 access, air, view, and light, by gift, devise, purchase, or
3714 condemnation by eminent domain proceedings, as the authority
3715 deems ~~may deem~~ necessary for any of the purposes of this part,
3716 including, but not limited to, any lands reasonably necessary
3717 for securing applicable permits, areas necessary for management
3718 of access, borrow pits, drainage ditches, water retention areas,
3719 rest areas, replacement access for landowners whose access is
3720 impaired due to the construction of a facility, and replacement
3721 rights-of-way for relocated rail and utility facilities; for
3722 existing, proposed, or anticipated transportation facilities on
3723 the Central Florida ~~Orlando-Orange County~~ Expressway System or
3724 in a transportation corridor designated by the authority; or for
3725 the purposes of screening, relocation, removal, or disposal of
3726 junkyards and scrap metal processing facilities. The authority
3727 may ~~shall also have the power to~~ condemn any material and
3728 property necessary for such purposes.

3729 (2) The ~~right of eminent domain herein conferred shall be~~
3730 ~~exercised by the~~ authority shall exercise the right of eminent
3731 domain in the manner provided by law.

3732 (3) When the authority acquires property for a
3733 transportation facility or in a transportation corridor, it is
3734 not subject to any liability imposed by chapter 376 or chapter
3735 403 for preexisting soil or groundwater contamination due solely
3736 to its ownership. This section does not affect the rights or
3737 liabilities of any past or future owners of the acquired
3738 property and ~~nor~~ not ~~it~~ affect the liability of any



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3739 governmental entity for the results of its actions which create
3740 or exacerbate a pollution source. The authority and the
3741 Department of Environmental Protection may enter into
3742 interagency agreements for the performance, funding, and
3743 reimbursement of the investigative and remedial acts necessary
3744 for property acquired by the authority.

3745 Section 71. Section 348.760, Florida Statutes, is amended
3746 to read:

3747 348.760 Cooperation with other units, boards, agencies, and
3748 individuals. ~~A Express authority and power is hereby given and~~
3749 ~~granted any~~ county, municipality, drainage district, road and
3750 bridge district, school district or any other political
3751 subdivision, board, commission, or individual in, or of, the
3752 state may ~~to~~ make and enter into with the authority, contracts,
3753 leases, conveyances, partnerships, or other agreements pursuant
3754 to ~~within the provisions and purposes of~~ this part. The
3755 authority may ~~is hereby expressly authorized to~~ make and enter
3756 into contracts, leases, conveyances, partnerships, and other
3757 agreements with any political subdivision, agency, or
3758 instrumentality of the state and any ~~and all~~ federal agencies,
3759 corporations, and individuals, for the purpose of carrying out
3760 the provisions of this part ~~or with the consent of the Seminole~~
3761 ~~County Expressway Authority, for the purpose of carrying out and~~
3762 ~~implementing part VIII of this chapter.~~

3763 Section 72. Section 348.761, Florida Statutes, is amended
3764 to read:

3765 348.761 Covenant of the state. ~~The state~~ pledges ~~does~~
3766 ~~hereby pledge~~ to, and agrees, with any person, firm or
3767 corporation, or federal or state agency subscribing to, or



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3768 acquiring the bonds to be issued by the authority for the
3769 purposes of this part that the state will not limit or alter the
3770 rights that are hereby vested in the authority and the
3771 department until all issued bonds and interest ~~at any time~~
3772 ~~issued, together with the interest thereon,~~ are fully paid and
3773 discharged insofar as the pledge same affects the rights of the
3774 holders of bonds issued pursuant to this part hereunder. The
3775 state does further pledge to, and agree, with the United States
3776 that in the event any federal agency constructs or contributes
3777 ~~shall construct or contribute~~ any funds for the completion,
3778 extension, or improvement of the Central Florida Orlando-Orange
3779 ~~County~~ Expressway System, or any part or portion of the system
3780 ~~thereof~~, the state will not alter or limit the rights and powers
3781 of the authority and the department in any manner that which
3782 would be inconsistent with the continued maintenance and
3783 operation of the Central Florida Orlando-Orange County
3784 Expressway System or the completion, extension, or improvement
3785 of the system thereof, or that which would be inconsistent with
3786 the due performance of any agreements between the authority and
3787 any such federal agency, and the authority and the department
3788 shall continue to have and may exercise all powers ~~herein~~
3789 granted in this part, so long as the powers are same shall be
3790 necessary or desirable for the carrying out of the purposes of
3791 this part and the purposes of the United States in the
3792 completion, extension, or improvement of the Central Florida
3793 ~~Orlando-Orange County~~ Expressway System, or any part of the
3794 system or portion thereof.

3795 Section 73. Section 348.765, Florida Statutes, is amended
3796 to read:



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3797 348.765 This part complete and additional authority.-
3798 (1) The powers conferred by this part are ~~shall be~~ in
3799 addition and supplemental to the existing powers of the said
3800 board and the department, and this part may ~~shall~~ not be
3801 construed as repealing any of the provisions, of any other law,
3802 general, special, or local, but to supersede such other laws in
3803 the exercise of the powers provided in this part, and to provide
3804 a complete method for the exercise of the powers granted in this
3805 part. The extension and improvement of the Central Florida said
3806 ~~Orlando-Orange County~~ Expressway System, and the issuance of
3807 bonds pursuant to this part hereunder to finance all or part of
3808 the cost of the system thereof, may be accomplished upon
3809 compliance with the provisions of this part without regard to or
3810 necessity for compliance with the provisions, limitations, or
3811 restrictions contained in any other general, special, or local
3812 law, including, but not limited to, s. 215.821, and no approval
3813 of any bonds issued under this part by the qualified electors or
3814 qualified electors who are freeholders in the state or in the
3815 ~~said~~ County of Orange, or in the said City of Orlando, or in any
3816 other political subdivision of the state, is ~~shall be~~ required
3817 for the issuance of such bonds pursuant to this part.
3818 (2) This part does ~~shall not be deemed to~~ repeal, rescind,
3819 or modify any other law ~~or laws~~ relating to the said State Board
3820 of Administration, the said Department of Transportation, or the
3821 Division of Bond Finance of the State Board of Administration,
3822 but supersedes any ~~shall be deemed to and shall supersede such~~
3823 ~~other~~ law that is ~~or laws as~~ are inconsistent with the
3824 provisions of this part, including, but not limited to, s.
3825 215.821.



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3826 Section 74. Subsections (6) and (7) of section 369.317,
3827 Florida Statutes, are amended to read:

3828 369.317 Wekiva Parkway.—

3829 (6) The Central Florida ~~Orlando-Orange County~~ Expressway
3830 Authority is hereby granted the authority to act as a third-
3831 party acquisition agent, pursuant to s. 259.041 on behalf of the
3832 Board of Trustees or chapter 373 on behalf of the governing
3833 board of the St. Johns River Water Management District, for the
3834 acquisition of all necessary lands, property and all interests
3835 in property identified herein, including fee simple or less-
3836 than-fee simple interests. The lands subject to this authority
3837 are identified in paragraph 10.a., State of Florida, Office of
3838 the Governor, Executive Order 03-112 of July 1, 2003, and in
3839 Recommendation 16 of the Wekiva Basin Area Task Force created by
3840 Executive Order 2002-259, such lands otherwise known as
3841 Neighborhood Lakes, a 1,587+/-acre parcel located in Orange and
3842 Lake Counties within Sections 27, 28, 33, and 34 of Township 19
3843 South, Range 28 East, and Sections 3, 4, 5, and 9 of Township 20
3844 South, Range 28 East; Seminole Woods/Swamp, a 5,353+/-acre
3845 parcel located in Lake County within Section 37, Township 19
3846 South, Range 28 East; New Garden Coal; a 1,605+/-acre parcel in
3847 Lake County within Sections 23, 25, 26, 35, and 36, Township 19
3848 South, Range 28 East; Pine Plantation, a 617+/-acre tract
3849 consisting of eight individual parcels within the Apopka City
3850 limits. The Department of Transportation, the Department of
3851 Environmental Protection, the St. Johns River Water Management
3852 District, and other land acquisition entities shall participate
3853 and cooperate in providing information and support to the third-
3854 party acquisition agent. The land acquisition process authorized



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3855 by this paragraph shall begin no later than December 31, 2004.
3856 Acquisition of the properties identified as Neighborhood Lakes,
3857 Pine Plantation, and New Garden Coal, or approval as a
3858 mitigation bank shall be concluded no later than December 31,
3859 2010. Department of Transportation and Central Florida ~~Orlando-~~
3860 ~~Orange County~~ Expressway Authority funds expended to purchase an
3861 interest in those lands identified in this subsection shall be
3862 eligible as environmental mitigation for road construction
3863 related impacts in the Wekiva Study Area. If any of the lands
3864 identified in this subsection are used as environmental
3865 mitigation for road-construction-related impacts incurred by the
3866 Department of Transportation or Central Florida ~~Orlando-Orange~~
3867 ~~County~~ Expressway Authority, or for other impacts incurred by
3868 other entities, within the Wekiva Study Area or within the
3869 Wekiva parkway alignment corridor, and if the mitigation offsets
3870 these impacts, the St. Johns River Water Management District and
3871 the Department of Environmental Protection shall consider the
3872 activity regulated under part IV of chapter 373 to meet the
3873 cumulative impact requirements of s. 373.414(8)(a).

3874 (a) Acquisition of the land described in this section is
3875 required to provide right-of-way for the Wekiva Parkway, a
3876 limited access roadway linking State Road 429 to Interstate 4,
3877 an essential component in meeting regional transportation needs
3878 to provide regional connectivity, improve safety, accommodate
3879 projected population and economic growth, and satisfy critical
3880 transportation requirements caused by increased traffic volume
3881 growth and travel demands.

3882 (b) Acquisition of the lands described in this section is
3883 also required to protect the surface water and groundwater



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3884 resources of Lake, Orange, and Seminole counties, otherwise
3885 known as the Wekiva Study Area, including recharge within the
3886 springshed that provides for the Wekiva River system. Protection
3887 of this area is crucial to the long term viability of the Wekiva
3888 River and springs and the central Florida region's water supply.
3889 Acquisition of the lands described in this section is also
3890 necessary to alleviate pressure from growth and development
3891 affecting the surface and groundwater resources within the
3892 recharge area.

3893 (c) Lands acquired pursuant to this section that are needed
3894 for transportation facilities for the Wekiva Parkway shall be
3895 determined not necessary for conservation purposes pursuant to
3896 ss. 253.034(6) and 373.089(5) and shall be transferred to or
3897 retained by the Central Florida ~~Orlando-Orange County~~ Expressway
3898 Authority or the Department of Transportation upon reimbursement
3899 of the full purchase price and acquisition costs.

3900 (7) The Department of Transportation, the Department of
3901 Environmental Protection, the St. Johns River Water Management
3902 District, Central Florida ~~Orlando-Orange County~~ Expressway
3903 Authority, and other land acquisition entities shall cooperate
3904 and establish funding responsibilities and partnerships by
3905 agreement to the extent funds are available to the various
3906 entities. Properties acquired with Florida Forever funds shall
3907 be in accordance with s. 259.041 or chapter 373. The Central
3908 Florida ~~Orlando-Orange County~~ Expressway Authority shall acquire
3909 land in accordance with this section of law to the extent funds
3910 are available from the various funding partners, but shall not
3911 be required nor assumed to fund the land acquisition beyond the
3912 agreement and funding provided by the various land acquisition



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3913 entities.

3914 Section 75. Subsection (1) of section 369.324, Florida
3915 Statutes, is amended to read:

3916 369.324 Wekiva River Basin Commission.—

3917 (1) The Wekiva River Basin Commission is created to monitor
3918 and ensure the implementation of the recommendations of the
3919 Wekiva River Basin Coordinating Committee for the Wekiva Study
3920 Area. The East Central Florida Regional Planning Council shall
3921 provide staff support to the commission with funding assistance
3922 from the Department of Economic Opportunity. The commission
3923 shall be comprised of a total of 18 ~~19~~ members appointed by the
3924 Governor, 9 of whom shall be voting members and 9 ~~10~~ shall be ad
3925 hoc nonvoting members. The voting members shall include:

3926 (a) One member of each of the Boards of County
3927 Commissioners for Lake, Orange, and Seminole Counties.

3928 (b) One municipal elected official to serve as a
3929 representative of the municipalities located within the Wekiva
3930 Study Area of Lake County.

3931 (c) One municipal elected official to serve as a
3932 representative of the municipalities located within the Wekiva
3933 Study Area of Orange County.

3934 (d) One municipal elected official to serve as a
3935 representative of the municipalities located within the Wekiva
3936 Study Area of Seminole County.

3937 (e) One citizen representing an environmental or
3938 conservation organization, one citizen representing a local
3939 property owner, a land developer, or an agricultural entity, and
3940 one at-large citizen who shall serve as chair of the council.

3941 (f) The ad hoc nonvoting members shall include one



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3942 representative from each of the following entities:

- 3943 1. St. Johns River Management District.
- 3944 2. Department of Economic Opportunity.
- 3945 3. Department of Environmental Protection.
- 3946 4. Department of Health.
- 3947 5. Department of Agriculture and Consumer Services.
- 3948 6. Fish and Wildlife Conservation Commission.
- 3949 7. Department of Transportation.
- 3950 8. MetroPlan Orlando.
- 3951 9. Central Florida ~~Orlando-Orange County~~ Expressway

3952 Authority.

3953 ~~10. Seminole County Expressway Authority.~~

3954 Section 76. (1) Effective upon the completion of
3955 construction of the Poinciana Parkway, a limited access facility
3956 of approximately 9 miles in length in Osceola County with its
3957 northwestern terminus at the intersection of County Road 54 and
3958 US 17/US 92 and its southeastern terminus at the current
3959 intersection of Rhododendron and Cypress Parkway, described in
3960 the Osceola County Expressway Authority May 8, 2012, Master
3961 Plan, all powers, governance, and control of the Osceola County
3962 Expressway System, created pursuant to part V, chapter 348,
3963 Florida Statutes, is transferred to the Central Florida
3964 Expressway Authority, and the assets, liabilities, facilities,
3965 tangible and intangible property and any rights in the property,
3966 and any other legal rights of the Osceola County Expressway
3967 Authority are transferred to the Central Florida Expressway
3968 Authority. The effective date of such transfer shall be extended
3969 until completion of construction of such portions of the
3970 Southport Connector Expressway, the Northeast Connector



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3971 Expressway, such portions of the Poinciana Parkway to connect to
3972 State Road 429, and the Osceola Parkway Extension, as each is
3973 described in the Osceola County Expressway Authority May 8,
3974 2012, Master Plan, which are included in any design contract
3975 executed by the Osceola County Expressway Authority before July
3976 1, 2019. Part V of chapter 348, Florida Statutes, consisting of
3977 ss. 348.9950-348.9961, is repealed on the same date that the
3978 Osceola County Expressway System is transferred to the Central
3979 Florida Expressway Authority.

3980 (2) The Central Florida Expressway Authority shall also
3981 reimburse any and all obligations of any other governmental
3982 entities with respect to the Osceola County Expressway System,
3983 including any obligations of Osceola County with respect to
3984 operations and maintenance of the Osceola County Expressway
3985 System and any loan repayment obligations, including repayment
3986 obligations with respect to State Infrastructure Bank loans.
3987 Such reimbursement shall be made from revenues available for
3988 such purpose after payment of all amounts required:

3989 (a) Otherwise by law;

3990 (b) By the terms of any resolution authorizing the issuance
3991 of bonds by the authority, the Orlando-Orange County Expressway
3992 Authority, or the Osceola County Expressway Authority;

3993 (c) By the terms of any resolution under which bonds are
3994 issued by Osceola County for the purpose of constructing
3995 improvements to the Osceola County Expressway System; and

3996 (d) By the terms of the memorandum of understanding between
3997 the Orlando-Orange County Expressway Authority and the
3998 department as ratified by the board of the Orlando-Orange County
3999 Expressway Authority on February 22, 2012.



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4000 Section 77. Section 373.4137, Florida Statutes, is amended
4001 to read:

4002 373.4137 Mitigation requirements for specified
4003 transportation projects.—

4004 (1) The Legislature finds that environmental mitigation for
4005 the impact of transportation projects proposed by the Department
4006 of Transportation or a transportation authority established
4007 pursuant to chapter 348 or chapter 349 can be more effectively
4008 achieved by regional, long-range mitigation planning rather than
4009 on a project-by-project basis. It is the intent of the
4010 Legislature that mitigation to offset the adverse effects of
4011 these transportation projects be funded by the Department of
4012 Transportation and be carried out by the use of mitigation banks
4013 and any other mitigation options that satisfy state and federal
4014 requirements in a manner that promotes efficiency, timeliness in
4015 project delivery, and cost-effectiveness.

4016 (2) Environmental impact inventories for transportation
4017 projects proposed by the Department of Transportation or a
4018 transportation authority established pursuant to chapter 348 or
4019 chapter 349 shall be developed as follows:

4020 (a) By July 1 of each year, the Department of
4021 Transportation, or a transportation authority established
4022 pursuant to chapter 348 or chapter 349 which chooses to
4023 participate in the program, shall submit to the water management
4024 districts a list of its projects in the adopted work program and
4025 an environmental impact inventory of habitat impacts and the
4026 anticipated amount of mitigation needed to offset impacts as
4027 described in paragraph (b). The environmental impact inventory
4028 must be based on ~~habitats addressed in~~ the rules adopted



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4029 pursuant to this part, ~~and~~ s. 404 of the Clean Water Act, 33
4030 U.S.C. s. 1344, and which may be impacted by the Department of
4031 Transportation's ~~its~~ plan of construction for transportation
4032 projects in the next 3 years of the tentative work program. The
4033 Department of Transportation or a transportation authority
4034 established pursuant to chapter 348 or chapter 349 may also
4035 include in its environmental impact inventory the habitat
4036 impacts and the anticipated amount of mitigation needed for ~~of~~
4037 any future transportation project. The Department of
4038 Transportation and each transportation authority established
4039 pursuant to chapter 348 or chapter 349 may fund any mitigation
4040 activities for future projects using current year funds.

4041 (b) The environmental impact inventory must ~~shall~~ include a
4042 description of ~~these~~ habitat impacts, including ~~their~~ location,
4043 acreage, and type; the anticipated amount of mitigation needed
4044 based on the functional loss as determined through the Uniform
4045 Mitigation Assessment Method (UMAM) adopted in Chapter 62-345,
4046 F.A.C.; identification of the proposed mitigation option; state
4047 water quality classification of impacted wetlands and other
4048 surface waters; any other state or regional designations for
4049 these habitats; and a list of threatened species, endangered
4050 species, and species of special concern affected by the proposed
4051 project.

4052 (c) Before projects are identified for inclusion in a water
4053 management district mitigation plan as described in subsection
4054 (4), the Department of Transportation must consider using
4055 credits from a permitted mitigation bank. The Department of
4056 Transportation must consider availability of suitable and
4057 sufficient mitigation bank credits within the transportation



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4058 project's area, ability to satisfy commitments to regulatory and
4059 resource agencies, availability of suitable and sufficient
4060 mitigation purchased or developed through this section, ability
4061 to complete existing water management district or Department of
4062 Environmental Protection suitable mitigation sites initiated
4063 with Department of Transportation mitigation funds, and ability
4064 to satisfy state and federal requirements including long-term
4065 maintenance and liability.

4066 (3) (a) To implement the mitigation option fund development
4067 and implementation of the mitigation plan for the projected
4068 impacts identified in the environmental impact inventory
4069 described in subsection (2), the Department of Transportation
4070 may purchase credits for current and future use directly from a
4071 mitigation bank; purchase mitigation services through the water
4072 management districts or the Department of Environmental
4073 Protection; conduct its own mitigation; or use other mitigation
4074 options that meet state and federal requirements. shall identify
4075 funds quarterly in an escrow account within the State
4076 Transportation Trust Fund for the environmental mitigation phase
4077 of projects budgeted by Funding for the identified mitigation
4078 option as described in the environmental impact inventory must
4079 be included in the Department of Transportation's work program
4080 developed pursuant to s. 339.135 for the current fiscal year.
4081 The escrow account shall be maintained by the Department of
4082 Transportation for the benefit of the water management
4083 districts. Any interest earnings from the escrow account shall
4084 remain with the Department of Transportation. The amount
4085 programmed each year by the Department of Transportation and
4086 participating transportation authorities established pursuant to



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4087 chapter 348 or chapter 349 must correspond to an estimated cost
4088 per credit of \$150,000 multiplied by the projected number of
4089 credits identified in the environmental impact inventory
4090 described in subsection (2). This estimated cost per credit will
4091 be adjusted every 2 years by the Department of Transportation
4092 based on the average cost per UMAM credit paid through this
4093 section.

4094 (b) Each transportation authority established pursuant to
4095 chapter 348 or chapter 349 that chooses to participate in this
4096 program shall create an escrow account within its financial
4097 structure and deposit funds in the account to pay for the
4098 environmental mitigation phase of projects budgeted for the
4099 current fiscal year. The escrow account shall be maintained by
4100 the authority for the benefit of the water management districts.
4101 Any interest earnings from the escrow account shall remain with
4102 the authority.

4103 (c) For mitigation implemented by the water management
4104 district or the Department of Environmental Protection, as
4105 appropriate, the amount paid each year must be based on
4106 mitigation services provided by the water management districts
4107 or Department of Environmental Protection pursuant to an
4108 approved water management district plan, as described in
4109 subsection (4). ~~Except for current mitigation projects in the~~
4110 ~~monitoring and maintenance phase and except as allowed by~~
4111 ~~paragraph (d),~~ The water management districts or the Department
4112 of Environmental Protection, as appropriate, may request payment
4113 a transfer of funds from an escrow account no sooner than 30
4114 days before the date the funds are needed to pay for activities
4115 associated with development or implementation of ~~the~~ permitted



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4116 mitigation meeting the requirements pursuant to this part, 33
4117 U.S.C. s. 1344, and 33 C.F.R. s. 332, in the approved mitigation
4118 plan described in subsection (4) for the current fiscal year.~~7~~
4119 ~~including, but not limited to, design, engineering, production,~~
4120 ~~and staff support. Actual conceptual plan preparation costs~~
4121 ~~incurred before plan approval may be submitted to the Department~~
4122 ~~of Transportation or the appropriate transportation authority~~
4123 ~~each year with the plan. The conceptual plan preparation costs~~
4124 ~~of each water management district will be paid from mitigation~~
4125 ~~funds associated with the environmental impact inventory for the~~
4126 ~~current year. The amount transferred to the escrow accounts each~~
4127 ~~year by the Department of Transportation and participating~~
4128 ~~transportation authorities established pursuant to chapter 348~~
4129 ~~or chapter 349 shall correspond to a cost per acre of \$75,000~~
4130 ~~multiplied by the projected acres of impact identified in the~~
4131 ~~environmental impact inventory described in subsection (2).~~
4132 ~~However, the \$75,000 cost per acre does not constitute an~~
4133 ~~admission against interest by the state or its subdivisions and~~
4134 ~~is not admissible as evidence of full compensation for any~~
4135 ~~property acquired by eminent domain or through inverse~~
4136 ~~condemnation. Each July 1, the cost per acre shall be adjusted~~
4137 ~~by the percentage change in the average of the Consumer Price~~
4138 ~~Index issued by the United States Department of Labor for the~~
4139 ~~most recent 12-month period ending September 30, compared to the~~
4140 ~~base year average, which is the average for the 12-month period~~
4141 ~~ending September 30, 1996. Each quarter, the projected amount of~~
4142 mitigation must ~~acreage of impact shall be reconciled with the~~
4143 actual amount of mitigation needed for ~~acreage of impact of~~
4144 ~~projects as permitted, including permit modifications, pursuant~~



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4145 to this part and s. 404 of the Clean Water Act, 33 U.S.C. s.
4146 1344. The subject year's programming ~~transfer~~ of funds shall be
4147 adjusted ~~accordingly~~ to reflect the mitigation ~~acreage of~~
4148 ~~impacts~~ as permitted. ~~The Department of Transportation and~~
4149 ~~participating transportation authorities established pursuant to~~
4150 ~~chapter 348 or chapter 349 are authorized to transfer such funds~~
4151 ~~from the escrow accounts to the water management districts to~~
4152 ~~carry out the mitigation programs. Environmental mitigation~~
4153 ~~funds that are identified for or maintained in an escrow account~~
4154 ~~for the benefit of a water management district may be released~~
4155 ~~if the associated transportation project is excluded in whole or~~
4156 ~~part from the mitigation plan. For a mitigation project that is~~
4157 ~~in the maintenance and monitoring phase, the water management~~
4158 ~~district may request and receive a one-time payment based on the~~
4159 ~~project's expected future maintenance and monitoring costs. If~~
4160 the water management district excludes a project from an
4161 approved water management district mitigation plan, cannot
4162 timely permit a mitigation site to offset the impacts of a
4163 Department of Transportation project identified in the
4164 environmental impact inventory, or if the proposed mitigation
4165 does not meet state and federal requirements, the Department of
4166 Transportation may use the associated funds for the purchase of
4167 mitigation bank credits or any other mitigation option that
4168 satisfies state and federal requirements. Upon final
4169 ~~disbursement of the final maintenance and monitoring payment for~~
4170 mitigation of a transportation project as permitted, the
4171 obligation of the Department of Transportation or the
4172 participating transportation authority is satisfied and the
4173 water management district or the Department of Environmental



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4174 Protection, as appropriate, will have continuing responsibility
4175 for the mitigation project., the escrow account for the project
4176 established by the Department of Transportation or the
4177 participating transportation authority may be closed. Any
4178 interest earned on these disbursed funds shall remain with the
4179 water management district and must be used as authorized under
4180 this section.

4181 (d) Beginning with the March 2014 water management district
4182 mitigation plans, in the 2005-2006 fiscal year, each water
4183 management district or the Department of Environmental
4184 Protection, as appropriate, shall invoice the Department of
4185 Transportation for mitigation services to offset only the
4186 impacts of a Department of Transportation project identified in
4187 the environmental impact inventory, including planning, design,
4188 construction, maintenance and monitoring, and other costs
4189 necessary to meet requirements pursuant to this section, 33
4190 U.S.C. s. 1344, and 33 C.F.R. s. 332 be paid a lump-sum amount
4191 of \$75,000 per acre, adjusted as provided under paragraph (c),
4192 for federally funded transportation projects that are included
4193 on the environmental impact inventory and that have an approved
4194 mitigation plan. Beginning in the 2009-2010 fiscal year, each
4195 water management district shall be paid a lump-sum amount of
4196 \$75,000 per acre, adjusted as provided under paragraph (c), for
4197 federally funded and nonfederally funded transportation projects
4198 that have an approved mitigation plan. All mitigation costs,
4199 including, but not limited to, the costs of preparing conceptual
4200 plans and the costs of design, construction, staff support,
4201 future maintenance, and monitoring the mitigated acres shall be
4202 funded through these lump-sum amounts. If the water management



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4203 district identifies the use of mitigation bank credits to offset
4204 a Department of Transportation impact, the water management
4205 district shall exclude that purchase from the mitigation plan,
4206 and the Department of Transportation must purchase the bank
4207 credits.

4208 (e) For mitigation activities occurring on existing water
4209 management district or Department of Environmental Protection
4210 mitigation sites initiated with Department of Transportation
4211 mitigation funds before July 1, 2013, the water management
4212 district or Department of Environmental Protection shall invoice
4213 the Department of Transportation or a participating
4214 transportation authority at a cost per acre of \$75,000
4215 multiplied by the projected acres of impact as identified in the
4216 environmental impact inventory. The cost per acre must be
4217 adjusted by the percentage change in the average of the Consumer
4218 Price Index issued by the United States Department of Labor for
4219 the most recent 12-month period ending September 30, compared to
4220 the base year average, which is the average for the 12-month
4221 period ending September 30, 1996. When implementing the
4222 mitigation activities necessary to offset the permitted impacts
4223 as provided in the approved mitigation plan, the water
4224 management district shall maintain records of the costs incurred
4225 in implementing the mitigation. The records must include, but
4226 are not limited to, costs for planning, land acquisition,
4227 design, construction, staff support, long-term maintenance and
4228 monitoring of the mitigation site, and other costs necessary to
4229 meet the requirements of 33 U.S.C. s. 1344 and 33 C.F.R. s. 332.

4230 (f) For purposes of preparing and implementing the
4231 mitigation plans to be adopted by the water management districts



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4232 on or before March 1, 2013, for impacts based on the July 1,
4233 2012, environmental impact inventory, the funds identified in
4234 the Department of Transportation's work program or participating
4235 transportation authorities' escrow accounts must correspond to a
4236 cost per acre of \$75,000 multiplied by the project acres of
4237 impact as identified in the environmental impact inventory. The
4238 cost per acre shall be adjusted by the percentage change in the
4239 average of the Consumer Price Index issued by the United States
4240 Department of Labor for the most recent 12-month period ending
4241 September 30, compared to the base year average, which is the
4242 average for the 12-month period ending September 30, 1996.
4243 Payment as provided under this paragraph is limited to those
4244 mitigation activities that are identified in the first year of
4245 the 2013 mitigation plan and for which the transportation
4246 project is permitted and is in the Department of
4247 Transportation's adopted work program, or equivalent for a
4248 transportation authority. When implementing the mitigation
4249 activities necessary to offset the permitted impacts as provided
4250 in the approved mitigation plan, the water management district
4251 shall maintain records of the costs incurred in implementing the
4252 mitigation. The records must include, but are not limited to,
4253 costs for planning, land acquisition, design, construction,
4254 staff support, long-term maintenance and monitoring of the
4255 mitigation site, and other costs necessary to meet the
4256 requirements of 33 U.S.C. s. 1344 and 33 C.F.R. s. 332. To the
4257 extent moneys paid to a water management district by the
4258 Department of Transportation or a participating transportation
4259 authority exceed the amount expended by the water management
4260 districts in implementing the mitigation to offset the permitted



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4261 impacts, these funds must be refunded to the Department of
4262 Transportation or participating transportation authority. This
4263 paragraph expires June 30, 2014.

4264 (4) Before March 1 of each year, each water management
4265 district shall develop a mitigation plan to offset only the
4266 impacts of transportation projects in the environmental impact
4267 inventory for which a water management district is implementing
4268 mitigation that meets the requirements of this section, 33
4269 U.S.C. s. 1344, and 33 C.F.R. s. 332. The water management-
4270 district mitigation plan must be developed, in consultation with
4271 the Department of Environmental Protection, the United States
4272 Army Corps of Engineers, the Department of Transportation,
4273 participating transportation authorities established pursuant to
4274 chapter 348 or chapter 349, and other appropriate federal,
4275 state, and local governments, and other interested parties,
4276 including entities operating mitigation banks, ~~shall develop a~~
4277 ~~plan for the primary purpose of complying with the mitigation~~
4278 ~~requirements adopted pursuant to this part and 33 U.S.C. s.~~
4279 ~~1344.~~ In developing such plans, the water management districts
4280 shall use sound ecosystem management practices to address
4281 significant water resource needs and consider ~~shall focus on~~
4282 activities of the Department of Environmental Protection and the
4283 water management districts, such as surface water improvement
4284 and management (SWIM) projects and lands identified for
4285 potential acquisition for preservation, restoration, or
4286 enhancement, and the control of invasive and exotic plants in
4287 wetlands and other surface waters, to the extent that the
4288 activities comply with the mitigation requirements adopted under
4289 this part, ~~and~~ 33 U.S.C. s. 1344, and 33 C.F.R. s. 332. The



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4290 water management district mitigation plan must identify each
4291 site where the water management district will mitigate for a
4292 transportation project. For each mitigation site, the water
4293 management district shall provide the scope of the mitigation
4294 services, provide the functional gain as determined through the
4295 UMAM per Chapter 62-345, F.A.C., describe how the mitigation
4296 offsets the impacts of each transportation project as permitted,
4297 and provide a schedule for the mitigation services. The water
4298 management districts shall maintain records of costs incurred
4299 and payments received for providing these services. Records must
4300 include, but are not limited to, planning, land acquisition,
4301 design, construction, staff support, long-term maintenance and
4302 monitoring of the mitigation site, and other costs necessary to
4303 meet the requirements of 33 U.S.C. s. 1344 and 33 C.F.R. s. 332.
4304 To the extent monies paid to a water management district by the
4305 Department of Transportation or a participating transportation
4306 authority exceed the amount expended by the water management
4307 districts in providing the mitigation services to offset the
4308 permitted transportation project impacts, these monies must be
4309 refunded to the Department of Transportation or participating
4310 transportation authority ~~In determining the activities to be~~
4311 ~~included in the plans, the districts shall consider the purchase~~
4312 ~~of credits from public or private mitigation banks permitted~~
4313 ~~under s. 373.4136 and associated federal authorization and shall~~
4314 ~~include the purchase as a part of the mitigation plan when the~~
4315 ~~purchase would offset the impact of the transportation project,~~
4316 ~~provide equal benefits to the water resources than other~~
4317 ~~mitigation options being considered, and provide the most cost-~~
4318 ~~effective mitigation option. The mitigation plan shall be~~



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4319 submitted to the water management district governing board, or
4320 its designee, for review and approval. At least 14 days before
4321 approval by the governing board, the water management district
4322 shall provide a copy of the draft mitigation plan to the
4323 Department of Environmental Protection and any person who has
4324 requested a copy. Subsequent to governing board approval, the
4325 mitigation plan must be submitted to the Department of
4326 Environmental Protection for approval. The plan may not be
4327 implemented until it is submitted to and approved, in part or in
4328 its entirety, by the Department of Environmental Protection.

4329 ~~(a) For each transportation project with a funding request~~
4330 ~~for the next fiscal year, the mitigation plan must include a~~
4331 ~~brief explanation of why a mitigation bank was or was not chosen~~
4332 ~~as a mitigation option, including an estimation of identifiable~~
4333 ~~costs of the mitigation bank and nonbank options and other~~
4334 ~~factors such as time saved, liability for success of the~~
4335 ~~mitigation, and long-term maintenance.~~

4336 (a)(b) Specific projects may be excluded from the
4337 mitigation plan, in whole or in part, and are not subject to
4338 this section upon the election of the Department of
4339 Transportation, a transportation authority if applicable, or the
4340 appropriate water management district. The Department of
4341 Transportation or a participating transportation authority may
4342 not exclude a transportation project from the mitigation plan
4343 when mitigation is scheduled for implementation by the water
4344 management district in the current fiscal year, except when the
4345 transportation project is removed from the Department of
4346 Transportation's work program or transportation authority
4347 funding plan, the mitigation cannot be timely permitted to



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4348 offset the impacts of a Department of Transportation project
4349 identified in the environmental impact inventory, or the
4350 proposed mitigation does not meet state and federal
4351 requirements. If a project is removed from the work program or
4352 the mitigation plan, costs expended by the water management
4353 district prior to removal are eligible for reimbursement by the
4354 Department of Transportation or participating transportation
4355 authority.

4356 (b)(e) When determining which projects to include in or
4357 exclude from the mitigation plan, the Department of
4358 Transportation shall investigate using credits from a permitted
4359 mitigation bank before those projects are submitted for
4360 inclusion in a water management district mitigation ~~the plan.~~
4361 ~~The investigation shall consider the cost-effectiveness of~~
4362 ~~mitigation bank credits, including, but not limited to, factors~~
4363 ~~such as time saved, transfer of liability for success of the~~
4364 ~~mitigation, and long-term maintenance.~~ The Department of
4365 Transportation shall exclude a project from the mitigation plan
4366 if the investigation undertaken pursuant to this paragraph
4367 results in the conclusion that the use of credits from a
4368 permitted mitigation bank promotes efficiency, timeliness in
4369 project delivery, cost-effectiveness, and transfer of liability
4370 for success and long-term maintenance.

4371 (5) The water management district shall ensure that
4372 mitigation requirements pursuant to 33 U.S.C. s. 1344 and 33
4373 C.F.R. s. 332 are met for the impacts identified in the
4374 environmental impact inventory for which the water management
4375 district will implement mitigation described in subsection (2),
4376 by implementation of the approved mitigation plan described in



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4377 subsection (4) to the extent funding is provided by the
4378 Department of Transportation, or a transportation authority
4379 established pursuant to chapter 348 or chapter 349, if
4380 applicable. In developing and implementing the mitigation plan,
4381 the water management district shall comply with federal
4382 permitting requirements pursuant to 33 U.S.C. s. 1344 and 33
4383 C.F.R. s. 332. During the federal permitting process, the water
4384 management district may deviate from the approved mitigation
4385 plan in order to comply with federal permitting requirements
4386 upon notice and coordination with the Department of
4387 Transportation or participating transportation authority.

4388 (6) The water management district mitigation plans shall be
4389 updated annually to reflect the most current Department of
4390 Transportation work program and project list of a transportation
4391 authority established pursuant to chapter 348 or chapter 349, if
4392 applicable, and may be amended throughout the year to anticipate
4393 schedule changes or additional projects which may arise. Before
4394 amending the mitigation plan to include new projects, the
4395 Department of Transportation shall consider mitigation banks and
4396 other available mitigation options that meet state and federal
4397 requirements. Each update and amendment of the mitigation plan
4398 shall be submitted to the governing board of the water
4399 management district or its designee for approval. However, such
4400 approval shall not be applicable to a deviation as described in
4401 subsection (5).

4402 (7) Upon approval by the governing board of the water
4403 management district and the Department of Environmental
4404 Protection ~~or its designee~~, the mitigation plan shall be deemed
4405 to satisfy the mitigation requirements under this part for



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4406 impacts specifically identified in the environmental impact
4407 inventory described in subsection (2) and any other mitigation
4408 requirements imposed by local, regional, and state agencies for
4409 these same impacts. The approval of the governing board of the
4410 water management district ~~or its designee~~ and the Department of
4411 Environmental Protection shall authorize the activities proposed
4412 in the mitigation plan, and no other state, regional, or local
4413 permit or approval shall be necessary.

4414 (8) This section shall not be construed to eliminate the
4415 need for the Department of Transportation or a transportation
4416 authority established pursuant to chapter 348 or chapter 349 to
4417 comply with the requirement to implement practicable design
4418 modifications, including realignment of transportation projects,
4419 to reduce or eliminate the impacts of its transportation
4420 projects on wetlands and other surface waters as required by
4421 rules adopted pursuant to this part, or to diminish the
4422 authority under this part to regulate other impacts, including
4423 water quantity or water quality impacts, or impacts regulated
4424 under this part that are not identified in the environmental
4425 impact inventory described in subsection (2).

4426 ~~(9) The process for environmental mitigation for the impact~~
4427 ~~of transportation projects under this section shall be available~~
4428 ~~to an expressway, bridge, or transportation authority~~
4429 ~~established under chapter 348 or chapter 349. Use of this~~
4430 ~~process may be initiated by an authority depositing the~~
4431 ~~requisite funds into an escrow account set up by the authority~~
4432 ~~and filing an environmental impact inventory with the~~
4433 ~~appropriate water management district. An authority that~~
4434 ~~initiates the environmental mitigation process established by~~



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4435 ~~this section shall comply with subsection (6) by timely~~
4436 ~~providing the appropriate water management district with the~~
4437 ~~requisite work program information. A water management district~~
4438 ~~may draw down funds from the escrow account as provided in this~~
4439 ~~section.~~

4440 Section 78. Section 373.618, Florida Statutes, is amended
4441 to read:

4442 373.618 Public service warnings, alerts, and
4443 announcements.—The Legislature believes it is in the public
4444 interest that each all water management district districts
4445 created pursuant to s. 373.069 own, acquire, develop, construct,
4446 operate, and manage public information systems. Public
4447 information systems may be located on property owned by the
4448 water management district, upon terms and conditions approved by
4449 the water management district, and must display messages to the
4450 general public concerning water management services, activities,
4451 events, and sponsors, as well as other public service
4452 announcements, including watering restrictions, severe weather
4453 reports, amber alerts, and other essential information needed by
4454 the public. Local government review or approval is not required
4455 for a public information system owned or hereafter acquired,
4456 developed, or constructed by the water management district on
4457 its own property. A public information system is exempt from the
4458 requirements of chapter 479; however, a public information
4459 system that is subject to the Highway Beautification Act of 1965
4460 must be approved by the Department of Transportation and the
4461 Federal Highway Administration if required by federal law and
4462 federal regulation under the agreement between the state and the
4463 United States Department of Transportation, and federal



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4464 regulations enforced by the Department of Transportation under
4465 s. 479.02(1). Water management district funds may not be used to
4466 pay the cost to acquire, develop, construct, operate, or manage
4467 a public information system. Any necessary funds for a public
4468 information system shall be paid for and collected from private
4469 sponsors who may display commercial messages.

4470 Section 79. Subsection (3) of section 341.052, Florida
4471 Statutes, is amended to read:

4472 341.052 Public transit block grant program; administration;
4473 eligible projects; limitation.—

4474 (3) The following limitations shall apply to the use of
4475 public transit block grant program funds:

4476 (a) State participation in eligible capital projects shall
4477 be limited to 50 percent of the nonfederal share of such project
4478 costs.

4479 (b) State participation in eligible public transit
4480 operating costs may not exceed 50 percent of such costs or an
4481 amount equal to the total revenue, excluding farebox, charter,
4482 and advertising revenue and federal funds, received by the
4483 provider for operating costs, whichever amount is less.

4484 (c) No eligible public transit provider shall use public
4485 transit block grant funds to supplant local tax revenues made
4486 available to such provider for operations in the previous year;
4487 however, the Secretary of Transportation may waive this
4488 provision for public transit providers located in a county
4489 recovering from a state of emergency declared pursuant to part I
4490 of chapter 252.

4491 (d) Notwithstanding any law to the contrary, no eligible
4492 public transit provider shall use public transit block grant



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4493 funds in pursuit of strategies or actions leading to or
4494 promoting the levying of new or additional taxes through public
4495 referenda. To the extent that a public transit provider uses
4496 other public funds in pursuit of strategies or actions leading
4497 to or promoting the levying of new or additional taxes through
4498 public referenda, the amount of the provider's grant must be
4499 reduced by the same amount. As used in this paragraph, the term
4500 "public funds" means all moneys under the jurisdiction or
4501 control of a federal agency, the state, a county, or a
4502 municipality, including any district, authority, commission,
4503 board, or agency thereof for any public purpose.

4504 (e) The state may not give any county more than 39 percent
4505 of the funds available for distribution under this section or
4506 more than the amount that local revenue sources provide to that
4507 transit system.

4508 Section 80. Except as otherwise expressly provided in this
4509 act, this act shall take effect upon becoming law.