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LEGISLATIVE ACTION

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| Senate | . | House |
| Comm: RCS | . | |
| 04/15/2013 | . | |
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

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 Paragraph (m) of subsection (3) of section 11.45, Florida Statutes, is repealed.

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

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



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13 agency.
14 (2)
15 (b) The commission shall ~~have the primary functions to:~~
16 1. Recommend major transportation policies for the
17 Governor's approval, and assure that approved policies and any
18 revisions ~~thereto~~ are properly executed.
19 2. Periodically review the status of the state
20 transportation system including highway, transit, rail, seaport,
21 intermodal development, and aviation components of the system
22 and recommend improvements therein to the Governor and the
23 Legislature.
24 3. Perform an in-depth evaluation of the annual department
25 budget request, the Florida Transportation Plan, and the
26 tentative work program for compliance with all applicable laws
27 and established departmental policies. Except as specifically
28 provided in s. 339.135(4)(c)2., (d), and (f), the commission may
29 not consider individual construction projects, but shall
30 consider methods of accomplishing the goals of the department in
31 the most effective, efficient, and businesslike manner.
32 4. Monitor the financial status of the department on a
33 regular basis to assure that the department is managing revenue
34 and bond proceeds responsibly and in accordance with law and
35 established policy.
36 5. Monitor on at least a quarterly basis, the efficiency,
37 productivity, and management of the department, using
38 performance and production standards developed by the commission
39 pursuant to s. 334.045.
40 6. Perform an in-depth evaluation of the factors causing
41 disruption of project schedules in the adopted work program and



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42 recommend to the Legislature and the Governor methods to
43 eliminate or reduce the disruptive effects of these factors.

44 7. Recommend to the Governor and the Legislature
45 improvements to the department's organization in order to
46 streamline and optimize the efficiency of the department. In
47 reviewing the department's organization, the commission shall
48 determine if the current district organizational structure is
49 responsive to Florida's changing economic and demographic
50 development patterns. The initial report by the commission must
51 be delivered to the Governor and Legislature by December 15,
52 2000, and each year thereafter, as appropriate. The commission
53 may retain ~~such~~ experts that ~~as~~ are reasonably necessary to
54 effectuate this subparagraph, and the department shall pay the
55 expenses of the ~~such~~ experts.

56 8. Monitor the efficiency, productivity, and management of
57 the authorities created under chapters 345, 348, and 349,
58 including any authority formed using the provisions of part I of
59 chapter 348, and any authority formed under chapter 343 ~~which is~~
60 ~~not monitored under subsection (3)~~. The commission shall also
61 conduct periodic reviews of each authority's operations and
62 budget, acquisition of property, management of revenue and bond
63 proceeds, and compliance with applicable laws and generally
64 accepted accounting principles.

65 ~~(3) There is created the Florida Statewide Passenger Rail~~
66 ~~Commission.~~

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

69 ~~a. Three members shall be appointed by the Governor, one of~~
70 ~~whom must have a background in the area of environmental~~



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71 ~~concerns, one of whom must have a legislative background, and~~
72 ~~one of whom must have a general business background.~~

73 ~~b. Three members shall be appointed by the President of the~~
74 ~~Senate, one of whom must have a background in civil engineering,~~
75 ~~one of whom must have a background in transportation~~
76 ~~construction, and one of whom must have a general business~~
77 ~~background.~~

78 ~~e. Three members shall be appointed by the Speaker of the~~
79 ~~House of Representatives, one of whom must have a legal~~
80 ~~background, one of whom must have a background in financial~~
81 ~~matters, and one of whom must have a general business~~
82 ~~background.~~

83 ~~2. The initial term of each member appointed by the~~
84 ~~Governor shall be for 4 years. The initial term of each member~~
85 ~~appointed by the President of the Senate shall be for 3 years.~~
86 ~~The initial term of each member appointed by the Speaker of the~~
87 ~~House of Representatives shall be for 2 years. Succeeding terms~~
88 ~~for all members shall be for 4 years.~~

89 ~~3. A vacancy occurring during a term shall be filled by the~~
90 ~~respective appointing authority in the same manner as the~~
91 ~~original appointment and only for the balance of the unexpired~~
92 ~~term. An appointment to fill a vacancy shall be made within 60~~
93 ~~days after the occurrence of the vacancy.~~

94 ~~4. The commission shall elect one of its members as chair~~
95 ~~of the commission. The chair shall hold office at the will of~~
96 ~~the commission. Five members of the commission shall constitute~~
97 ~~a quorum, and the vote of five members shall be necessary for~~
98 ~~any action taken by the commission. The commission may meet upon~~
99 ~~the constitution of a quorum. A vacancy in the commission does~~



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100 ~~not impair the right of a quorum to exercise all rights and~~
101 ~~perform all duties of the commission.~~

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

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

106 ~~1. Monitoring the efficiency, productivity, and management~~
107 ~~of all publicly funded passenger rail systems in the state,~~
108 ~~including, but not limited to, any authority created under~~
109 ~~chapter 343, chapter 349, or chapter 163 if the authority~~
110 ~~receives public funds for the provision of passenger rail~~
111 ~~service. The commission shall advise each monitored authority of~~
112 ~~its findings and recommendations. The commission shall also~~
113 ~~conduct periodic reviews of each monitored authority's passenger~~
114 ~~rail and associated transit operations and budget, acquisition~~
115 ~~of property, management of revenue and bond proceeds, and~~
116 ~~compliance with applicable laws and generally accepted~~
117 ~~accounting principles. The commission may seek the assistance of~~
118 ~~the Auditor General in conducting such reviews and shall report~~
119 ~~the findings of such reviews to the Legislature. This paragraph~~
120 ~~does not preclude the Florida Transportation Commission from~~
121 ~~conducting its performance and work program monitoring~~
122 ~~responsibilities.~~

123 ~~2. Advising the department on policies and strategies used~~
124 ~~in planning, designing, building, operating, financing, and~~
125 ~~maintaining a coordinated statewide system of passenger rail~~
126 ~~services.~~

127 ~~3. Evaluating passenger rail policies and providing advice~~
128 ~~and recommendations to the Legislature on passenger rail~~



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129 ~~operations in the state.~~

130 ~~(c) The commission or a member of the commission may not~~
131 ~~enter into the day-to-day operation of the department or a~~
132 ~~monitored authority and is specifically prohibited from taking~~
133 ~~part in:~~

134 ~~1. The awarding of contracts.~~

135 ~~2. The selection of a consultant or contractor or the~~
136 ~~prequalification of any individual consultant or contractor.~~
137 ~~However, the commission may recommend to the secretary standards~~
138 ~~and policies governing the procedure for selection and~~
139 ~~prequalification of consultants and contractors.~~

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

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

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

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

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

147 ~~(d) The commission is assigned to the Office of the~~
148 ~~Secretary of the Department of Transportation for administrative~~
149 ~~and fiscal accountability purposes, but it shall otherwise~~
150 ~~function independently of the control and direction of the~~
151 ~~department except that reasonable expenses of the commission~~
152 ~~shall be subject to approval by the Secretary of Transportation.~~
153 ~~The department shall provide administrative support and service~~
154 ~~to the commission.~~

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

157 110.205 Career service; exemptions.—



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

160 (j) The appointed secretaries and the State Surgeon
161 General, assistant secretaries, deputy secretaries, and deputy
162 assistant secretaries of all departments; the executive
163 directors, assistant executive directors, deputy executive
164 directors, and deputy assistant executive directors of all
165 departments; the directors of all divisions and those positions
166 determined by the department to have managerial responsibilities
167 comparable to such positions, which positions include, but are
168 not limited to, program directors, assistant program directors,
169 district administrators, deputy district administrators, the
170 Director of Central Operations Services of the Department of
171 Children and Family Services, the State Transportation
172 Development Administrator, State Freight and Logistics ~~Public~~
173 ~~Transportation and Modal~~ Administrator, district secretaries,
174 district directors of transportation development, transportation
175 operations, transportation support, and the managers of the
176 offices specified in s. 20.23(3)(b) ~~20.23(4)(b)~~, of the
177 Department of Transportation. Unless otherwise fixed by law, the
178 department shall set the salary and benefits of these positions
179 in accordance with the rules of the Senior Management Service;
180 and the county health department directors and county health
181 department administrators of the Department of Health.

182 (m) All assistant division director, deputy division
183 director, and bureau chief positions in any department, and
184 those positions determined by the department to have managerial
185 responsibilities comparable to such positions, which include,
186 but are not limited to:



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187 1. Positions in the Department of Health and the Department
188 of Children and Family Services that are assigned primary duties
189 of serving as the superintendent or assistant superintendent of
190 an institution.

191 2. Positions in the Department of Corrections that are
192 assigned primary duties of serving as the warden, assistant
193 warden, colonel, or major of an institution or that are assigned
194 primary duties of serving as the circuit administrator or deputy
195 circuit administrator.

196 3. Positions in the Department of Transportation that are
197 assigned primary duties of serving as regional toll managers and
198 managers of offices, as defined in s. 20.23(3)(b) and (4)(c)
199 ~~20.23(4)(b) and (5)(e)~~.

200 4. Positions in the Department of Environmental Protection
201 that are assigned the duty of an Environmental Administrator or
202 program administrator.

203 5. Positions in the Department of Health that are assigned
204 the duties of Environmental Administrator, Assistant County
205 Health Department Director, and County Health Department
206 Financial Administrator.

207
208 Unless otherwise fixed by law, the department shall set the
209 salary and benefits of the positions listed in this paragraph in
210 accordance with the rules established for the Selected Exempt
211 Service.

212 Section 4. Section 311.22, Florida Statutes, is amended to
213 read:

214 311.22 Additional authorization for funding certain
215 dredging projects.-



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

227 (2) The department ~~council~~ shall adopt rules for evaluating
228 the projects that may be funded pursuant to this section. The
229 rules must provide criteria for evaluating the economic benefit
230 of the project. The rules must include the creation of an
231 administrative review process by the department ~~council~~ which is
232 similar to the process described in s. 311.09(5)-(11), and
233 provide for a review by the ~~Department of Transportation and the~~
234 Department of Economic Opportunity of all projects submitted for
235 funding under this section.

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

237 Section 5. Subsection (3) of section 316.530, Florida
238 Statutes, is repealed.

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

241 316.545 Weight and load unlawful; special fuel and motor
242 fuel tax enforcement; inspection; penalty; review.—

243 (3) Any person who violates the overloading provisions of
244 this chapter shall be conclusively presumed to have damaged the



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245 highways of this state by reason of such overloading, which
246 damage is hereby fixed as follows:

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

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

256 (c) For a vehicle equipped with fully functional idle-
257 reduction technology, any penalty shall be calculated by
258 reducing the actual gross vehicle weight or the internal bridge
259 weight by the certified weight of the idle-reduction technology
260 or by 550 ~~400~~ pounds, whichever is less. The vehicle operator
261 must present written certification of the weight of the idle-
262 reduction technology and must demonstrate or certify that the
263 idle-reduction technology is fully functional at all times. This
264 calculation is not allowed for vehicles described in s.
265 316.535(6);

266 (d) An apportioned motor vehicle, as defined in s. 320.01,
267 operating on the highways of this state without being properly
268 licensed and registered shall be subject to the penalties as
269 ~~herein~~ provided in this section; and

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



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274 Section 7. Section 331.360, Florida Statutes, is reordered
275 and amended to read:

276 331.360 ~~Joint participation agreement or assistance;~~
277 Spaceport system master plan.-

278 ~~(2)(1) It shall be the duty, function, and responsibility~~
279 ~~of~~ The department shall ~~of Transportation to~~ promote the further
280 development and improvement of aerospace transportation
281 facilities; to address intermodal requirements and impacts of
282 the launch ranges, spaceports, and other space transportation
283 facilities; to assist in the development of joint-use facilities
284 and technology that support aviation and aerospace operations;
285 to coordinate and cooperate in the development of spaceport
286 infrastructure and related transportation facilities contained
287 in the Strategic Intermodal System Plan; to encourage, where
288 appropriate, the cooperation and integration of airports and
289 spaceports in order to meet transportation-related needs; and to
290 facilitate and promote cooperative efforts between federal and
291 state government entities to improve space transportation
292 capacity and efficiency. In carrying out this duty and
293 responsibility, the department may assist and advise, cooperate
294 with, and coordinate with federal, state, local, or private
295 organizations and individuals. The department may
296 administratively house its space transportation responsibilities
297 within an existing division or office.

298 ~~(3)(2)~~ Notwithstanding any other provision of law, the
299 department ~~of Transportation~~ may enter into an a joint
300 ~~participation~~ agreement with, or otherwise assist, Space Florida
301 as necessary to effectuate the provisions of this chapter and
302 may allocate funds for such purposes in its 5-year work program.



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303 However, the department may not fund the administrative or
304 operational costs of Space Florida.

305 (1)(3) Space Florida shall develop a spaceport system
306 master plan that identifies statewide spaceport goals and the
307 need for expansion and modernization of space transportation
308 facilities within spaceport territories as defined in s.
309 331.303. The plan must shall contain recommended projects that
310 to meet current and future commercial, national, and state space
311 transportation requirements. Space Florida shall submit the plan
312 to each any appropriate metropolitan planning organization for
313 review of intermodal impacts. Space Florida shall submit the
314 spaceport system master plan to the department of
315 Transportation, which may include those portions of the system
316 plan which are relevant to the Department of Transportation's
317 mission and such plan may be included within the department's 5-
318 year work program of qualifying projects aerospace discretionary
319 capacity improvement under subsection (4). The plan must shall
320 identify appropriate funding levels for each project and include
321 recommendations on appropriate sources of revenue that may be
322 developed to contribute to the State Transportation Trust Fund.

323 (4)(a) Beginning in fiscal year 2013-2014, a minimum of \$15
324 million annually is authorized to be made available from the
325 State Transportation Trust Fund to fund space transportation
326 projects. The funds for this initiative shall be from the funds
327 dedicated to public transportation projects pursuant to s.
328 206.46(3).

329 (b) Before executing an agreement, Space Florida must
330 provide project-specific information to the department in order
331 to demonstrate that the project includes transportation and



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332 aerospace benefits. The project-specific information must
333 include, but need not be limited to:
334 1. The description, characteristics, and scope of the
335 project.
336 2. The funding sources for and costs of the project.
337 3. The financing considerations that emphasize federal,
338 local, and private participation.
339 4. A financial feasibility and risk analysis, including a
340 description of the efforts to protect the state's investment and
341 to ensure that project goals are realized.
342 5. A demonstration that the project will encourage,
343 enhance, or create economic benefits for the state.
344 (c) The department may fund up to 50 percent of eligible
345 project costs. If the project meets the following criteria, the
346 department may fund up to 100 percent of eligible project costs.
347 The project must:
348 1. Provide important access and on-spaceport capacity
349 improvements;
350 2. Provide capital improvements to strategically position
351 the state to maximize opportunities in the aerospace industry or
352 foster growth and development of a sustainable and world-leading
353 aerospace industry in the state;
354 3. Meet state goals of an integrated intermodal
355 transportation system; and
356 4. Demonstrate the feasibility and availability of matching
357 funds through federal, local, or private partners ~~Subject to the~~
358 ~~availability of appropriated funds, the department may~~
359 ~~participate in the capital cost of eligible spaceport~~
360 ~~discretionary capacity improvement projects. The annual~~



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361 ~~legislative budget request shall be based on the proposed~~
362 ~~funding requested for approved spaceport discretionary capacity~~
363 ~~improvement projects.~~

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

366 332.007 Administration and financing of aviation and
367 airport programs and projects; state plan.-

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

371 (a) Important access and on-airport capacity improvements
372 are provided.

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

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

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

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

382 334.044 Department; powers and duties.-The department shall
383 have the following general powers and duties:

384 (16) To plan, acquire, lease, construct, maintain, and
385 operate toll facilities; to authorize the issuance and refunding
386 of bonds; and to fix and collect tolls or other charges for
387 travel on any such facilities. Effective July 1, 2013, and
388 notwithstanding any other law to the contrary, the department
389 may not enter into a lease-purchase agreement with an expressway



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390 authority, regional transportation authority, or other entity.
391 This provision does not invalidate a lease-purchase agreement
392 authorized under chapter 348 or chapter 2000-411, Laws of
393 Florida, and existing as of July 1, 2013, and does not limit the
394 department's authority under s. 334.30.

395 (26) To provide for the enhancement of environmental
396 benefits, including air and water quality; to prevent roadside
397 erosion; to conserve the natural roadside growth and scenery;
398 and to provide for the implementation and maintenance of
399 roadside conservation, enhancement, and stabilization programs.
400 No less than 1.5 percent of the amount contracted for
401 construction projects shall be allocated by the department on a
402 statewide basis for the purchase of plant materials. Department
403 districts may not expend funds for landscaping in connection
404 with any project that is limited to resurfacing existing lanes
405 unless the expenditure has been approved by the department's
406 secretary or the secretary's designee. To the greatest extent
407 practical, a minimum of 50 percent of the funds allocated under
408 this subsection shall be allocated for large plant materials and
409 the remaining funds for other plant materials. Except as
410 prohibited by applicable federal law or regulation, all plant
411 materials shall be purchased from Florida commercial nursery
412 stock in this state on a uniform competitive bid basis. The
413 department shall develop grades and standards for landscaping
414 materials purchased through this process. To accomplish these
415 activities, the department may contract with nonprofit
416 organizations having the primary purpose of developing youth
417 employment opportunities.

418 Section 10. Section 335.06, Florida Statutes, is amended to



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419 read:

420 335.06 Access roads to the state park system.—~~A~~ Any road
421 that ~~which~~ provides access to property within the state park
422 system must ~~shall~~ be maintained by the department if the road is
423 a part of the State Highway System and may be improved and
424 maintained by the department if the road is part of a county
425 road system or city street system. If the department does not
426 maintain a county or city road that is a part of the county road
427 system or the city street system and that provides access to the
428 state park system, the road must ~~or shall~~ be maintained by the
429 appropriate county or municipality ~~if the road is a part of the~~
430 ~~county road system or the city street system.~~

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

433 337.11 Contracting authority of department; bids; emergency
434 repairs, supplemental agreements, and change orders; combined
435 design and construction contracts; progress payments; records;
436 requirements of vehicle registration.—

437 (13) Each contract let by the department for the
438 performance of road or bridge construction or maintenance work
439 shall require ~~contain a provision requiring the contractor to~~
440 ~~provide proof to the department, in the form of a notarized~~
441 ~~affidavit from the contractor, that~~ all motor vehicles that the
442 contractor ~~he or she~~ operates or causes to be operated in this
443 state to be ~~are~~ registered in compliance with chapter 320.

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

446 337.14 Application for qualification; certificate of
447 qualification; restrictions; request for hearing.—



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448 (1) A ~~Any~~ person who desires ~~desiring~~ to bid for the
449 performance of any construction contract with a proposed budget
450 estimate in excess of \$250,000 which the department proposes to
451 let must first be certified by the department as qualified
452 pursuant to this section and rules of the department. The rules
453 of the department must ~~shall~~ address the qualification of a
454 person ~~persons~~ to bid on construction contracts with a proposed
455 budget estimate that is in excess of \$250,000 and must ~~shall~~
456 include requirements with respect to the equipment, past record,
457 experience, financial resources, and organizational personnel of
458 the applicant necessary to perform the specific class of work
459 for which the person seeks certification. The department may
460 limit the dollar amount of any contract upon which a person is
461 qualified to bid or the aggregate total dollar volume of
462 contracts such person may ~~is allowed to~~ have under contract at
463 any one time. Each applicant who seeks ~~seeking~~ qualification to
464 bid on construction contracts with a proposed budget estimate in
465 excess of \$250,000 must ~~shall~~ furnish the department a statement
466 under oath, on such forms as the department may prescribe,
467 setting forth detailed information as required on the
468 application. Each application for certification must ~~shall~~ be
469 accompanied by the latest annual financial statement of the
470 applicant completed within the last 12 months. If the
471 application or the annual financial statement shows the
472 financial condition of the applicant more than 4 months before
473 ~~prior to~~ the date on which the application is received by the
474 department, ~~then~~ an interim financial statement must be
475 submitted and be accompanied by an updated application. The
476 interim financial statement must cover the period from the end



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477 date of the annual statement and must show the financial
478 condition of the applicant no more than 4 months before ~~prior to~~
479 the date the interim financial statement is received by the
480 department. However, upon request by the applicant, an
481 application and accompanying annual or interim financial
482 statement received by the department within 15 days after either
483 4-month period provided pursuant to ~~under~~ this subsection must
484 ~~shall~~ be considered timely. Each required annual or interim
485 financial statement must be audited and accompanied by the
486 opinion of a certified public accountant. An applicant desiring
487 to bid exclusively for the performance of construction contracts
488 with proposed budget estimates of less than \$1 million may
489 submit reviewed annual or reviewed interim financial statements
490 prepared by a certified public accountant. The information
491 required by this subsection is confidential and exempt from the
492 provisions of s. 119.07(1). The department shall act upon the
493 application for qualification within 30 days after the
494 department determines that the application is complete. The
495 department may waive the requirements of this subsection for
496 projects having a contract price of \$500,000 or less if the
497 department determines that the project is of a noncritical
498 nature and the waiver will not endanger public health, safety,
499 or property.

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

502 337.168 Confidentiality of official estimates, identities
503 of potential bidders, and bid analysis and monitoring system.—

504 (2) A document that reveals ~~revealing~~ the identity of a
505 person who has ~~persons who have~~ requested or obtained a bid



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506 package, plan packages, plans, or specifications pertaining to
507 any project to be let by the department is confidential and
508 exempt from the provisions of s. 119.07(1) for the period that
509 ~~which~~ begins 2 working days before ~~prior to~~ the deadline for
510 obtaining bid packages, plans, or specifications and ends with
511 the letting of the bid. A document that reveals the identity of
512 a person who has requested or obtained a bid package, plan, or
513 specifications pertaining to any project to be let by the
514 department before the 2 working days before the deadline for
515 obtaining bid packages, plans, or specifications remains a
516 public record subject to the provisions of s. 119.07(1).

517 Section 14. Section 337.25, Florida Statutes, is amended to
518 read:

519 337.25 Acquisition, lease, and disposal of real and
520 personal property.—

521 (1) (a) The department may purchase, lease, exchange, or
522 otherwise acquire any land, property interests, or buildings or
523 other improvements, including personal property within such
524 buildings or on such lands, necessary to secure or utilize
525 transportation rights-of-way for existing, proposed, or
526 anticipated transportation facilities on the State Highway
527 System, on the State Park Road System, in a rail corridor, or in
528 a transportation corridor designated by the department. Such
529 property shall be held in the name of the state.

530 (b) The department may accept donations of any land or
531 buildings or other improvements, including personal property
532 within such buildings or on such lands with or without such
533 conditions, reservations, or reverter provisions as are
534 acceptable to the department. Such donations may be used as



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535 transportation rights-of-way or to secure or utilize
536 transportation rights-of-way for existing, proposed, or
537 anticipated transportation facilities on the State Highway
538 System, on the State Park Road System, or in a transportation
539 corridor designated by the department.

540 (c) When lands, buildings, or other improvements are needed
541 for transportation purposes, but are held by a federal, state,
542 or local governmental entity and utilized for public purposes
543 other than transportation, the department may compensate the
544 entity for such properties by providing functionally equivalent
545 replacement facilities. The providing of replacement facilities
546 under this subsection may only be undertaken with the agreement
547 of the governmental entity affected.

548 (d) The department may contract pursuant to s. 287.055 for
549 auction services used in the conveyance of real or personal
550 property or the conveyance of leasehold interests under the
551 provisions of subsections (4) and (5). The contract may allow
552 for the contractor to retain a portion of the proceeds as
553 compensation for the contractor's services.

554 (2) A complete inventory shall be made of all real or
555 personal property immediately upon possession or acquisition.
556 Such inventory shall include a statement of the location or site
557 of each piece of realty, structure, or severable item ~~an~~
558 ~~itemized listing of all appliances, fixtures, and other~~
559 ~~severable items; a statement of the location or site of each~~
560 ~~piece of realty, structure, or severable item; and the serial~~
561 ~~number assigned to each.~~ Copies of each inventory shall be filed
562 in the district office in which the property is located. Such
563 inventory shall be carried forward to show the final disposition



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564 of each item of property, both real and personal.

565 (3) The inventory of real property which was acquired by
566 the state after December 31, 1988, which has been owned by the
567 state for 10 or more years, and which is not within a
568 transportation corridor or within the right-of-way of a
569 transportation facility shall be evaluated to determine the
570 necessity for retaining the property. If the property is not
571 needed for the construction, operation, and maintenance of a
572 transportation facility, or is not located within a
573 transportation corridor, the department may dispose of the
574 property pursuant to subsection (4).

575 (4) The department may convey ~~sell~~, in the name of the
576 state, any land, building, or other property, real or personal,
577 which was acquired under the provisions of subsection (1) and
578 which the department has determined is not needed for the
579 construction, operation, and maintenance of a transportation
580 facility. ~~With the exception of any parcel governed by paragraph~~
581 ~~(c), paragraph (d), paragraph (f), paragraph (g), or paragraph~~
582 ~~(i), the department shall afford first right of refusal to the~~
583 ~~local government in the jurisdiction of which the parcel is~~
584 ~~situated.~~ When such a determination has been made, property may
585 be disposed of through negotiations, sealed competitive bids,
586 auctions, or any other means the department deems to be in its
587 best interest, with due advertisement for property valued by the
588 department at greater than \$10,000. A sale may not occur at a
589 price less than the department's current estimate of value,
590 except as provided in paragraphs (a)-(d). The department may
591 afford a right of first refusal to the local government or other
592 political subdivision in the jurisdiction in which the parcel is



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593 situated, except in conveyances transacted under paragraph (a),
594 paragraph (c), or paragraph (e). ~~in the following manner:~~

595 (a) If the ~~value of the property has been donated to the~~
596 state for transportation purposes and a facility has not been
597 constructed for a period of at least 5 years, plans have not
598 been prepared for the construction of such facility, and the
599 property is not located in a transportation corridor, the
600 governmental entity may authorize reconveyance of the donated
601 property for no consideration to the original donor or the
602 donor's heirs, successors, assigns, or representatives ~~is~~
603 ~~\$10,000 or less as determined by department estimate, the~~
604 department may negotiate the sale.

605 (b) If the ~~value of the property is to be used for a public~~
606 purpose, the property may be conveyed without consideration to a
607 governmental entity ~~exceeds \$10,000 as determined by department~~
608 estimate, such property may be sold to the highest bidder
609 through receipt of sealed competitive bids, after due
610 advertisement, or by public auction held at the site of the
611 improvement which is being sold.

612 (c) If the property was originally acquired specifically to
613 provide replacement housing for persons displaced by
614 transportation projects, the department may negotiate for the
615 sale of such property as replacement housing. As compensation,
616 the state shall receive no less than its investment in such
617 property or the department's current estimate of value,
618 whichever is lower. It is expressly intended that this benefit
619 be extended only to persons actually displaced by the project.
620 Dispositions to any other person must be for no less than the
621 department's current estimate of value, ~~in the discretion of the~~



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622 ~~department, public sale would be inequitable, properties may be~~
623 ~~sold by negotiation to the owner holding title to the property~~
624 ~~abutting the property to be sold, provided such sale is at a~~
625 ~~negotiated price not less than fair market value as determined~~
626 ~~by an independent appraisal, the cost of which shall be paid by~~
627 ~~the owner of the abutting land. If negotiations do not result in~~
628 ~~the sale of the property to the owner of the abutting land and~~
629 ~~the property is sold to someone else, the cost of the~~
630 ~~independent appraisal shall be borne by the purchaser; and the~~
631 ~~owner of the abutting land shall have the cost of the appraisal~~
632 ~~refunded to him or her. If, however, no purchase takes place,~~
633 ~~the owner of the abutting land shall forfeit the sum paid by him~~
634 ~~or her for the independent appraisal. If, due to action of the~~
635 ~~department, the property is removed from eligibility for sale,~~
636 ~~the cost of any appraisal prepared shall be refunded to the~~
637 ~~owner of the abutting land.~~

638 (d) If the department determines that the property will
639 require significant costs to be incurred or that continued
640 ownership of the property exposes the department to significant
641 liability risks, the department may use the projected
642 maintenance costs over the next 10 years to offset the
643 property's value in establishing a value for disposal of the
644 property, even if that value is zero ~~property acquired for use~~
645 ~~as a borrow pit is no longer needed, the department may sell~~
646 ~~such property to the owner of the parcel of abutting land from~~
647 ~~which the borrow pit was originally acquired, provided the sale~~
648 ~~is at a negotiated price not less than fair market value as~~
649 ~~determined by an independent appraisal, the cost of which shall~~
650 ~~be paid by the owner of such abutting land.~~



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651 (e) If, in the discretion of the department, a sale to
652 anyone other than an abutting property owner would be
653 inequitable, the property may be sold to the abutting owner for
654 the department's current estimate of value. If the department
655 begins the process for disposing of the property on its own
656 initiative, either by negotiation under the provisions of
657 paragraph (a), paragraph (c), or paragraph (d), ~~or paragraph~~
658 ~~(i)~~, or by receipt of sealed competitive bids or public auction
659 under the provisions of paragraph (b) ~~or paragraph (i)~~, a
660 department staff appraiser may determine the fair market value
661 of the property by an appraisal.

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

670 ~~(g) If a property has been donated to the state for~~
671 ~~transportation purposes and the facility has not been~~
672 ~~constructed for a period of at least 5 years and no plans have~~
673 ~~been prepared for the construction of such facility and the~~
674 ~~property is not located in a transportation corridor, the~~
675 ~~governmental entity may authorize reconveyance of the donated~~
676 ~~property for no consideration to the original donor or the~~
677 ~~donor's heirs, successors, assigns, or representatives.~~

678 ~~(h) If property is to be used for a public purpose, the~~
679 ~~property may be conveyed without consideration to a governmental~~



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680 entity.

681 ~~(i) If property was originally acquired specifically to~~
682 ~~provide replacement housing for persons displaced by~~
683 ~~transportation projects, the department may negotiate for the~~
684 ~~sale of such property as replacement housing. As compensation,~~
685 ~~the state shall receive no less than its investment in such~~
686 ~~properties or fair market value, whichever is lower. It is~~
687 ~~expressly intended that this benefit be extended only to those~~
688 ~~persons actually displaced by such project. Dispositions to any~~
689 ~~other persons must be for fair market value.~~

690 ~~(j) If the department determines that the property will~~
691 ~~require significant costs to be incurred or that continued~~
692 ~~ownership of the property exposes the department to significant~~
693 ~~liability risks, the department may use the projected~~
694 ~~maintenance costs over the next 5 years to offset the market~~
695 ~~value in establishing a value for disposal of the property, even~~
696 ~~if that value is zero.~~

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

703 (a) A lease may be through negotiations, sealed competitive
704 bids, auctions, or any other means the department deems to be in
705 its best interest ~~The department may negotiate such a lease at~~
706 ~~the prevailing market value with the owner from whom the~~
707 ~~property was acquired; with the holders of leasehold estates~~
708 ~~existing at the time of the department's acquisition; or, if~~



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709 ~~public bidding would be inequitable, with the owner holding~~
710 ~~title to privately owned abutting property, if reasonable notice~~
711 ~~is provided to all other owners of abutting property. The~~
712 department may allow an outdoor advertising sign to remain on
713 the property acquired, or be relocated on department property,
714 and such sign shall not be considered a nonconforming sign
715 pursuant to chapter 479.

716 (b) If, in the discretion of the department, a lease to a
717 person other than an abutting property owner or tenant with a
718 leasehold interest in the abutting property would be
719 inequitable, the property may be leased to the abutting owner or
720 tenant for no less than the department's current estimate of
721 value ~~All other leases shall be by competitive bid.~~

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

727 (d) Each lease shall provide that, unless otherwise
728 directed by the lessor, any improvements made to the property
729 during the term of the lease shall be removed at the lessee's
730 expense.

731 (e) If property is to be used for a public purpose,
732 ~~including a fair, art show, or other educational, cultural, or~~
733 ~~fundraising activity,~~ the property may be leased without
734 consideration to a governmental entity ~~or school board.~~ A lease
735 for a public purpose is exempt from the term limits in paragraph
736 (c).

737 (f) Paragraphs (c) and (e) ~~(d)~~ do not apply to leases



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738 entered into pursuant to s. 260.0161(3), except as provided in
739 such a lease.

740 (g) No lease executed under this subsection may be utilized
741 by the lessee to establish the ~~4 years~~ standing required by s.
742 73.071(3) (b) if the business had not been established for the
743 specified number of 4 years on the date title passed to the
744 department.

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

749 (6) Nothing in this chapter prevents the joint use of
750 right-of-way for alternative modes of transportation; provided
751 that the joint use does not impair the integrity and safety of
752 the transportation facility.

753 (7) The department's estimate of value, required by
754 subsections (4) and (5), shall be prepared in accordance with
755 department procedures, guidelines, and rules for valuation of
756 real property. If the value of the property exceeds \$50,000, as
757 determined by the department estimate, the sale or lease must be
758 at a negotiated price not less than the estimate of value as
759 determined by an appraisal prepared in accordance with
760 department procedures, guidelines, and rules for valuation of
761 real property, the cost of which shall be paid by the party
762 seeking the purchase or lease of the property ~~appraisal required~~
763 ~~by paragraphs (4) (c) and (d) shall be prepared in accordance~~
764 ~~with department guidelines and rules by an independent appraiser~~
765 ~~who has been certified by the department. If federal funds were~~
766 ~~used in the acquisition of the property, the appraisal shall~~



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767 ~~also be subject to the approval of the Federal Highway~~
768 ~~Administration.~~

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

774 (9) The department, with the approval of the Chief
775 Financial Officer, is authorized to disburse state funds for
776 real estate closings in a manner consistent with good business
777 practices and in a manner minimizing costs and risks to the
778 state.

779 (10) The department is authorized to purchase title
780 insurance in those instances where it is determined that such
781 insurance is necessary to protect the public's investment in
782 property being acquired for transportation purposes. The
783 department shall adopt procedures to be followed in making the
784 determination to purchase title insurance for a particular
785 parcel or group of parcels which, at a minimum, shall set forth
786 criteria which the parcels must meet.

787 (11) This section does not modify the requirements of s.
788 73.013.

789 Section 15. Subsection (2) of section 337.251, Florida
790 Statutes, is amended to read:

791 337.251 Lease of property for joint public-private
792 development and areas above or below department property.-

793 (2) The department may request proposals for the lease of
794 such property or, if the department receives a proposal for ~~to~~
795 ~~negotiate~~ a lease of a particular department property that the



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796 department desires to consider, the department must ~~it shall~~
797 publish a notice in a newspaper of general circulation at least
798 once a week for 2 weeks, stating that it has received the
799 proposal and will accept, for 120 ~~60~~ days after the date of
800 publication, other proposals for lease of the particular
801 property use of the space. A copy of the notice must be mailed
802 to each local government in the affected area. The department
803 shall, by rule, establish an application fee for the submission
804 of proposals pursuant to this section. The fee must be
805 sufficient to pay the anticipated costs of evaluating the
806 proposals. The department may engage the services of private
807 consultants to assist in the evaluation. Before approval, the
808 department must determine that the proposed lease:

- 809 (a) Is in the public's best interest;
810 (b) Does not require state funds to be used; and
811 (c) Has adequate safeguards in place to ensure that no
812 additional costs are borne and no service disruptions are
813 experienced by the traveling public and residents of the state
814 in the event of default by the private lessee or upon
815 termination or expiration of the lease.

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

818 338.161 Authority of department or toll agencies to
819 advertise and promote electronic toll collection; expanded uses
820 of electronic toll collection system; authority of department to
821 collect tolls, fares, and fees for private and public entities.—

822 (5) If the department finds that it can increase nontoll
823 revenues or add convenience or other value for its customers,
824 and if a public or private transportation facility owner agrees



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825 that its facility will become interoperable with the
826 department's electronic toll collection and video billing
827 systems, the department may ~~is authorized to~~ enter into an
828 agreement with the owner of such facility under which the
829 department uses ~~private or public entities for the department's~~
830 ~~use of~~ its electronic toll collection and video billing systems
831 to collect and enforce for the owner tolls, fares,
832 administrative fees, and other applicable charges due ~~imposed~~ in
833 connection with use of the owner's facility ~~transportation~~
834 ~~facilities of the private or public entities that become~~
835 ~~interoperable with the department's electronic toll collection~~
836 ~~system~~. The department may modify its rules regarding toll
837 collection procedures and the imposition of administrative
838 charges to be applicable to toll facilities that are not part of
839 the turnpike system or otherwise owned by the department. This
840 subsection may not be construed to limit the authority of the
841 department under any other provision of law or under any
842 agreement entered into before ~~prior to~~ July 1, 2012.

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

845 338.165 Continuation of tolls.—

846 (4) Notwithstanding any other law to the contrary, pursuant
847 to s. 11, Art. VII of the State Constitution, and subject to the
848 requirements of subsection (2), the Department of Transportation
849 may request the Division of Bond Finance to issue bonds secured
850 by toll revenues collected on the Alligator Alley, the Sunshine
851 Skyway Bridge, ~~the Beeline-East Expressway, the Navarre Bridge,~~
852 and the Pinellas Bayway to fund transportation projects located
853 within the county or counties in which the revenue-producing



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854 project is located and contained in the adopted work program of
855 the department.

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

858 338.26 Alligator Alley toll road.—

859 (3) Fees generated from tolls shall be deposited in the
860 State Transportation Trust Fund, and any amount of funds
861 generated annually in excess of that required to reimburse
862 outstanding contractual obligations, to operate and maintain the
863 highway and toll facilities, including reconstruction and
864 restoration, to pay for those projects that are funded with
865 Alligator Alley toll revenues and that are contained in the
866 1993-1994 adopted work program or the 1994-1995 tentative work
867 program submitted to the Legislature on February 22, 1994, and
868 to design and construct ~~develop and operate~~ a fire station at
869 mile marker 63 on Alligator Alley, which may be used by Collier
870 County or other appropriate local governmental entity to provide
871 fire, rescue, and emergency management services ~~to the adjacent~~
872 ~~counties~~ along Alligator Alley, may be transferred to the
873 Everglades Fund of the South Florida Water Management District
874 in accordance with the memorandum of understanding of June 30,
875 1997, between the district and the department. The South Florida
876 Water Management District shall deposit funds for projects
877 undertaken pursuant to s. 373.4592 in the Everglades Trust Fund
878 pursuant to s. 373.45926(4)(a). Any funds remaining in the
879 Everglades Fund may be used for environmental projects to
880 restore the natural values of the Everglades, subject to
881 compliance with any applicable federal laws and regulations.
882 Projects must ~~shall~~ be limited to:



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

885 (b) Water conveyance projects to enable more water
886 resources to reach Florida Bay to replenish marine estuary
887 functions.

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

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

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

896 ~~(4) The district may issue revenue bonds or notes under s.
897 373.584 and pledge the revenue from the transfers from the
898 Alligator Alley toll revenues as security for such bonds or
899 notes. The proceeds from such revenue bonds or notes shall be
900 used for environmental projects; at least 50 percent of said
901 proceeds must be used for projects that benefit Florida Bay, as
902 described in this section subject to resolutions approving such
903 activity by the Board of Trustees of the Internal Improvement
904 Trust Fund and the governing board of the South Florida Water
905 Management District and the remaining proceeds must be used for
906 restoration activities in the Everglades Protection Area.~~

907 Section 19. S subsections (2) through (4) of section
908 339.175, Florida Statutes, are amended to read:
909 339.175 Metropolitan planning organization.—
910 (2) DESIGNATION.—
911 (a)1. An M.P.O. shall be designated for each urbanized area



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912 of the state; however, this does not require that an individual
913 M.P.O. be designated for each such area. The M.P.O. ~~Such~~
914 designation shall be accomplished by agreement between the
915 Governor and units of general-purpose local government that
916 together represent ~~representing~~ at least 75 percent of the
917 population, including the largest incorporated municipality,
918 based on population, ~~of the urbanized area; however, the unit of~~
919 ~~general-purpose local government that represents the central~~
920 ~~city or cities within the M.P.O. jurisdiction,~~ as named defined
921 by the United States Bureau of the Census, ~~must be a party to~~
922 ~~such agreement.~~

923 2. To the extent possible, only one M.P.O. shall be
924 designated for each urbanized area or group of contiguous
925 urbanized areas. More than one M.P.O. may be designated within
926 an existing urbanized area only if the Governor and the existing
927 M.P.O. determine that the size and complexity of the existing
928 urbanized area makes the designation of more than one M.P.O. for
929 the area appropriate.

930 (b) Each M.P.O. designated in a manner prescribed by Title
931 23 of the United States Code shall be created and operated under
932 the provisions of this section pursuant to an interlocal
933 agreement entered into pursuant to s. 163.01. The signatories to
934 the interlocal agreement shall be the department and the
935 governmental entities designated by the Governor for membership
936 on the M.P.O. Each M.P.O. shall be considered separate from the
937 state or the governing body of a local government that is
938 represented on the governing board of the M.P.O. or that is a
939 signatory to the interlocal agreement creating the M.P.O. and
940 shall have such powers and privileges that are provided under s.



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941 163.01. If there is a conflict between this section and s.
942 163.01, this section prevails.

943 (c) The jurisdictional boundaries of an M.P.O. shall be
944 determined by agreement between the Governor and the applicable
945 M.P.O. The boundaries must include at least the metropolitan
946 planning area, which is the existing urbanized area and the
947 contiguous area expected to become urbanized within a 20-year
948 forecast period, and may encompass the entire metropolitan
949 statistical area or the consolidated metropolitan statistical
950 area.

951 (d) In the case of an urbanized area designated as a
952 nonattainment area for ozone or carbon monoxide under the Clean
953 Air Act, 42 U.S.C. ss. 7401 et seq., the boundaries of the
954 metropolitan planning area in existence as of the date of
955 enactment of this paragraph shall be retained, except that the
956 boundaries may be adjusted by agreement of the Governor and
957 affected metropolitan planning organizations in the manner
958 described in this section. If more than one M.P.O. has authority
959 within a metropolitan area or an area that is designated as a
960 nonattainment area, each M.P.O. shall consult with other
961 M.P.O.'s designated for such area and with the state in the
962 coordination of plans and programs required by this section.

963 (e) The governing body of the M.P.O. shall designate, at a
964 minimum, a chair, vice chair, and agency clerk. The chair and
965 vice chair shall be selected from among the member delegates
966 comprising the governing board. The agency clerk shall be
967 charged with the responsibility of preparing meeting minutes and
968 maintaining agency records. The clerk shall be a member of the
969 M.P.O. governing board, an employee of the M.P.O., or other



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970 natural person.

971

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

974 (3) VOTING MEMBERSHIP.—

975 (a) The voting membership of an M.P.O. shall consist of not
976 fewer than 5 or more than 19 apportioned members, the exact
977 number to be determined on an equitable geographic-population
978 ratio ~~basis by the Governor~~, based on an agreement among the
979 affected units of general-purpose local government and the
980 Governor as required by federal ~~rules and~~ regulations. The
981 voting membership of an M.P.O. that is redesignated after the
982 effective date of this act as a result of the expansion of the
983 M.P.O. to include a new urbanized area or the consolidation of
984 two or more M.P.O.'s may consist of no more than 25 members. The
985 Governor, in accordance with 23 U.S.C. s. 134, may also provide
986 for M.P.O. members who represent municipalities to alternate
987 with representatives from other municipalities within the
988 metropolitan planning area that do not have members on the
989 M.P.O. County commission members shall compose not less than
990 one-third of the M.P.O. membership, except for an M.P.O. with
991 more than 15 members located in a county with a 5-member county
992 commission or an M.P.O. with 19 members located in a county with
993 no more than 6 county commissioners, in which case county
994 commission members may compose less than one-third percent of
995 the M.P.O. membership, but all county commissioners must be
996 members. All voting members shall be elected officials of
997 general-purpose local governments, except that an M.P.O. may
998 include, as part of its apportioned voting members, a member of



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999 a statutorily authorized planning board, an official of an
1000 agency that operates or administers a major mode of
1001 transportation, or an official of Space Florida. As used in this
1002 section, the term "elected officials of a general-purpose local
1003 government" excludes ~~shall exclude~~ constitutional officers,
1004 including sheriffs, tax collectors, supervisors of elections,
1005 property appraisers, clerks of the court, and similar types of
1006 officials. County commissioners shall compose not less than 20
1007 percent of the M.P.O. membership if an official of an agency
1008 that operates or administers a major mode of transportation has
1009 been appointed to an M.P.O.

1010 (b) In metropolitan areas in which authorities or other
1011 agencies have been or may be created by law to perform
1012 transportation functions and are performing transportation
1013 functions that are not under the jurisdiction of a general-
1014 purpose local government represented on the M.P.O., they may
1015 ~~shall~~ be provided voting membership on the M.P.O. In all other
1016 M.P.O.'s where transportation authorities or agencies are to be
1017 represented by elected officials from general-purpose local
1018 governments, the M.P.O. shall establish a process by which the
1019 collective interests of such authorities or other agencies are
1020 expressed and conveyed.

1021 (c) Any other provision of this section to the contrary
1022 notwithstanding, a chartered county with a population of more
1023 than ~~over~~ 1 million ~~population~~ may elect to reapportion the
1024 membership of an M.P.O. whose jurisdiction is wholly within the
1025 county. The charter county may exercise the provisions of this
1026 paragraph if:

1027 1. The M.P.O. approves the reapportionment plan by a three-



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1028 fourths vote of its membership;

1029 2. The M.P.O. and the charter county determine that the
1030 reapportionment plan is needed to fulfill specific goals and
1031 policies applicable to that metropolitan planning area; and

1032 3. The charter county determines the reapportionment plan
1033 otherwise complies with all federal requirements pertaining to
1034 M.P.O. membership.

1035
1036 A ~~Any~~ charter county that elects to exercise the provisions of
1037 this paragraph shall notify the Governor in writing.

1038 (d) Any other provision of this section to the contrary
1039 notwithstanding, a ~~any~~ county chartered under s. 6(e), Art. VIII
1040 of the State Constitution may elect to have its county
1041 commission serve as the M.P.O., if the M.P.O. jurisdiction is
1042 wholly contained within the county. A ~~Any~~ charter county that
1043 elects to exercise the provisions of this paragraph shall so
1044 notify the Governor in writing. Upon receipt of the ~~such~~
1045 notification, the Governor must designate the county commission
1046 as the M.P.O. The Governor must appoint four additional voting
1047 members to the M.P.O., one of whom must be an elected official
1048 representing a municipality within the county, one of whom must
1049 be an expressway authority member, one of whom must be a person
1050 who does not hold elected public office and who resides in the
1051 unincorporated portion of the county, and one of whom must be a
1052 school board member.

1053 (4) APPORTIONMENT.—

1054 (a) Each M.P.O. in the state shall review the composition
1055 of its membership in conjunction with the decennial census, as
1056 prepared by the United States Department of Commerce, Bureau of



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1057 the Census, and, with the agreement of the affected units of
1058 general-purpose local government and the Governor, reapportion
1059 the membership as necessary to comply with subsection (3) The
1060 ~~Governor shall, with the agreement of the affected units of~~
1061 ~~general-purpose local government as required by federal rules~~
1062 ~~and regulations, apportion the membership on the applicable~~
1063 ~~M.P.O. among the various governmental entities within the area.~~

1064 **(b)** At the request of a majority of the affected units of
1065 general-purpose local government comprising an M.P.O., the
1066 Governor and a majority of units of general-purpose local
1067 government serving on an M.P.O. shall cooperatively agree upon
1068 and prescribe who may serve as an alternate member and a method
1069 for appointing alternate members who may vote at any M.P.O.
1070 meeting that an alternate member attends in place of a regular
1071 member. The method must ~~shall~~ be set forth as a part of the
1072 interlocal agreement describing the M.P.O.'s membership or in
1073 the M.P.O.'s operating procedures and bylaws. The governmental
1074 entity so designated shall appoint the appropriate number of
1075 members to the M.P.O. from eligible officials. Representatives
1076 of the department shall serve as nonvoting advisers to the
1077 M.P.O. governing board. Additional nonvoting advisers may be
1078 appointed by the M.P.O. as deemed necessary; however, to the
1079 maximum extent feasible, each M.P.O. shall seek to appoint
1080 nonvoting representatives of various multimodal forms of
1081 transportation not otherwise represented by voting members of
1082 the M.P.O. An M.P.O. shall appoint nonvoting advisers
1083 representing major military installations located within the
1084 jurisdictional boundaries of the M.P.O. upon the request of the
1085 aforesaid major military installations and subject to the



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1086 agreement of the M.P.O. All nonvoting advisers may attend and
1087 participate fully in governing board meetings but may not vote
1088 or be members of the governing board. ~~The Governor shall review~~
1089 ~~the composition of the M.P.O. membership in conjunction with the~~
1090 ~~decennial census as prepared by the United States Department of~~
1091 ~~Commerce, Bureau of the Census, and reapportion it as necessary~~
1092 ~~to comply with subsection (3).~~

1093 (c) ~~(b)~~ Except for members who represent municipalities on
1094 the basis of alternating with representatives from other
1095 municipalities that do not have members on the M.P.O. as
1096 provided in paragraph (3) (a), the members of an M.P.O. shall
1097 serve 4-year terms. Members who represent municipalities on the
1098 basis of alternating with representatives from other
1099 municipalities that do not have members on the M.P.O. as
1100 provided in paragraph (3) (a) may serve terms of up to 4 years as
1101 further provided in the interlocal agreement described in
1102 paragraph (2) (b). The membership of a member who is a public
1103 official automatically terminates upon the member's leaving his
1104 or her elective or appointive office for any reason, or may be
1105 terminated by a majority vote of the total membership of the
1106 entity's governing board represented by the member. A vacancy
1107 shall be filled by the original appointing entity. A member may
1108 be reappointed for one or more additional 4-year terms.

1109 (d) ~~(e)~~ If a governmental entity fails to fill an assigned
1110 appointment to an M.P.O. within 60 days after notification by
1111 the Governor of its duty to appoint, that appointment must ~~shall~~
1112 be made by the Governor from the eligible representatives of
1113 that governmental entity.

1114 Section 20. Paragraph (a) of subsection (1) and subsections



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1115 (4) and (5) of section 339.2821, Florida Statutes, are amended
1116 to read:

1117 339.2821 Economic development transportation projects.—

1118 (1)(a) The department, in consultation with the Department
1119 of Economic Opportunity and Enterprise Florida, Inc., may make
1120 and approve expenditures and contract with the appropriate
1121 governmental body for the direct costs of transportation
1122 projects. The Department of Economic Opportunity and the
1123 Department of Environmental Protection may formally review and
1124 comment on recommended transportation projects, although the
1125 department has final approval authority for any project
1126 authorized under this section.

1127 (4) A contract between the department and a governmental
1128 body for a transportation project must:

1129 (a) Specify that the transportation project is for the
1130 construction of a new or expanding business and specify the
1131 number of full-time permanent jobs that will result from the
1132 project.

1133 (b) Identify the governmental body and require that the
1134 governmental body award the construction of the particular
1135 transportation project to the lowest and best bidder in
1136 accordance with applicable state and federal statutes or rules
1137 unless the transportation project can be constructed using
1138 existing local governmental employees within the contract period
1139 specified by the department.

1140 (c) Require that the governmental body provide the
1141 department with ~~quarterly~~ progress reports. Each ~~quarterly~~
1142 progress report must contain:

1143 1. A narrative description of the work completed and



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1144 whether the work is proceeding according to the transportation
1145 project schedule;

1146 2. A description of each change order executed by the
1147 governmental body;

1148 3. A budget summary detailing planned expenditures compared
1149 to actual expenditures; and

1150 4. The identity of each small or minority business used as
1151 a contractor or subcontractor.

1152 (d) Require that the governmental body make and maintain
1153 records in accordance with accepted governmental accounting
1154 principles and practices for each progress payment made for work
1155 performed in connection with the transportation project, each
1156 change order executed by the governmental body, and each payment
1157 made pursuant to a change order. The records are subject to
1158 financial audit as required by law.

1159 (e) Require that the governmental body, upon completion and
1160 acceptance of the transportation project, certify to the
1161 department that the transportation project has been completed in
1162 compliance with the terms and conditions of the contract between
1163 the department and the governmental body and meets the minimum
1164 construction standards established in accordance with s.
1165 336.045.

1166 (f) Specify that ~~the department transfer funds~~ will not be
1167 transferred to the governmental body unless construction has
1168 begun on the facility of the ~~not more often than quarterly, upon~~
1169 ~~receipt of a request for funds from the governmental body and~~
1170 ~~consistent with the needs of the transportation project. The~~
1171 ~~governmental body shall expend funds received from the~~
1172 ~~department in a timely manner. The department may not transfer~~



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1173 ~~funds unless construction has begun on the facility of a~~
1174 ~~business on whose behalf the award was made. If construction of~~
1175 ~~the transportation project does not begin within 4 years after~~
1176 ~~the date of the initial grant award, the grant award is~~
1177 ~~terminated A contract totaling less than \$200,000 is exempt from~~
1178 ~~the transfer requirement.~~

1179 (g) Require that funds be used only on a transportation
1180 project that has been properly reviewed and approved in
1181 accordance with the criteria set forth in this section.

1182 (h) Require that the governing board of the governmental
1183 body adopt a resolution accepting future maintenance and other
1184 attendant costs occurring after completion of the transportation
1185 project if the transportation project is constructed on a county
1186 or municipal system.

1187 (5) For purposes of this section, Space Florida may serve
1188 as the governmental body or as the contracting agency for a
1189 ~~transportation~~ project within a spaceport territory as defined
1190 by s. 331.304.

1191 Section 21. Section 339.401, Florida Statutes, is repealed.

1192 Section 22. Section 339.402, Florida Statutes, is repealed.

1193 Section 23. Section 339.403, Florida Statutes, is repealed.

1194 Section 24. Section 339.404, Florida Statutes, is repealed.

1195 Section 25. Section 339.405, Florida Statutes, is repealed.

1196 Section 26. Section 339.406, Florida Statutes, is repealed.

1197 Section 27. Section 339.407, Florida Statutes, is repealed.

1198 Section 28. Section 339.408, Florida Statutes, is repealed.

1199 Section 29. Section 339.409, Florida Statutes, is repealed.

1200 Section 30. Section 339.410, Florida Statutes, is repealed.

1201 Section 31. Section 339.411, Florida Statutes, is repealed.



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1202 Section 32. Section 339.412, Florida Statutes, is repealed.
1203 Section 33. Section 339.414, Florida Statutes, is repealed.
1204 Section 34. Section 339.415, Florida Statutes, is repealed.
1205 Section 35. Section 339.416, Florida Statutes, is repealed.
1206 Section 36. Section 339.417, Florida Statutes, is repealed.
1207 Section 37. Section 339.418, Florida Statutes, is repealed.
1208 Section 38. Section 339.419, Florida Statutes, is repealed.
1209 Section 39. Section 339.420, Florida Statutes, is repealed.
1210 Section 40. Section 339.421, Florida Statutes, is repealed.
1211 Section 41. Paragraphs (a) and (c) of subsection (2) and
1212 paragraph (i) of subsection (7) of section 339.55, Florida
1213 Statutes, are amended to read:
1214 339.55 State-funded infrastructure bank.-
1215 (2) The bank may lend capital costs or provide credit
1216 enhancements for:
1217 (a) A transportation facility project that is on the State
1218 Highway System or that provides for increased mobility on the
1219 state's transportation system or provides intermodal
1220 connectivity with airports, seaports, spaceports, rail
1221 facilities, and other transportation terminals, pursuant to s.
1222 341.053, for the movement of people and goods.
1223 (c)1. Emergency loans for damages incurred to public-use
1224 commercial deepwater seaports, public-use airports, public-use
1225 spaceports, and other public-use transit and intermodal
1226 facilities that are within an area that is part of an official
1227 state declaration of emergency pursuant to chapter 252 and all
1228 other applicable laws. Such loans:
1229 a. May not exceed 24 months in duration except in extreme
1230 circumstances, for which the Secretary of Transportation may



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1231 grant up to 36 months upon making written findings specifying
1232 the conditions requiring a 36-month term.

1233 b. Require application from the recipient to the department
1234 that includes documentation of damage claims filed with the
1235 Federal Emergency Management Agency or an applicable insurance
1236 carrier and documentation of the recipient's overall financial
1237 condition.

1238 c. Are subject to approval by the Secretary of
1239 Transportation and the Legislative Budget Commission.

1240 2. Loans provided under this paragraph must be repaid upon
1241 receipt by the recipient of eligible program funding for damages
1242 in accordance with the claims filed with the Federal Emergency
1243 Management Agency or an applicable insurance carrier, but no
1244 later than the duration of the loan.

1245 (7) The department may consider, but is not limited to, the
1246 following criteria for evaluation of projects for assistance
1247 from the bank:

1248 (i) The extent to which the project will provide for
1249 connectivity between the State Highway System and airports,
1250 seaports, spaceports, rail facilities, and other transportation
1251 terminals and intermodal options pursuant to s. 341.053 for the
1252 increased accessibility and movement of people and goods.

1253 Section 42. Subsection (11) of section 341.031, Florida
1254 Statutes, is amended to read:

1255 341.031 Definitions relating to Florida Public Transit
1256 Act.—As used in ss. 341.011-341.061, the term:

1257 (11) "Intercity bus service" means regularly scheduled bus
1258 service for the general public which operates with limited stops
1259 over fixed routes connecting two or more urban areas not in



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1260 close proximity; has the capacity for transporting baggage
1261 carried by passengers; and makes meaningful connections with
1262 scheduled intercity bus service to more distant points, if such
1263 service is available; ~~maintains scheduled information in the~~
1264 ~~National Official Bus Guide; and provides package express~~
1265 ~~service incidental to passenger transportation.~~

1266 Section 43. Section 341.053, Florida Statutes, is amended
1267 to read:

1268 341.053 Intermodal Development Program; administration;
1269 eligible projects; limitations.—

1270 (1) There is created within the Department of
1271 Transportation an Intermodal Development Program to provide for
1272 major capital investments in fixed-guideway transportation
1273 systems, access to seaports, airports, spaceports, and other
1274 transportation terminals, providing for the construction of
1275 intermodal or multimodal terminals; and to plan or fund
1276 construction of airport, spaceport, seaport, transit, and rail
1277 projects that ~~otherwise~~ facilitate the intermodal or multimodal
1278 movement of people and goods.

1279 (2) The Intermodal Development Program shall be used for
1280 projects that support statewide goals as outlined in the Florida
1281 Transportation Plan, the Strategic Intermodal System Plan, the
1282 Freight Mobility and Trade Plan, or the appropriate department
1283 modal plan ~~In recognition of the department's role in the~~
1284 ~~economic development of this state, the department shall develop~~
1285 ~~a proposed intermodal development plan to connect Florida's~~
1286 ~~airports, deepwater seaports, rail systems serving both~~
1287 ~~passenger and freight, and major intermodal connectors to the~~
1288 ~~Strategic Intermodal System highway corridors as the primary~~



1289 ~~system for the movement of people and freight in this state in~~
1290 ~~order to make the intermodal development plan a fully integrated~~
1291 ~~and interconnected system. The intermodal development plan must:~~

1292 ~~(a) Define and assess the state's freight intermodal~~
1293 ~~network, including airports, seaports, rail lines and terminals,~~
1294 ~~intercity bus lines and terminals, and connecting highways.~~

1295 ~~(b) Prioritize statewide infrastructure investments,~~
1296 ~~including the acceleration of current projects, which are found~~
1297 ~~by the Freight Stakeholders Task Force to be priority projects~~
1298 ~~for the efficient movement of people and freight.~~

1299 ~~(c) Be developed in a manner that will assure maximum use~~
1300 ~~of existing facilities and optimum integration and coordination~~
1301 ~~of the various modes of transportation, including both~~
1302 ~~government-owned and privately owned resources, in the most~~
1303 ~~cost-effective manner possible.~~

1304 (3) The Intermodal Development Program shall be
1305 administered by the department.

1306 (4) The department shall review funding requests from a
1307 rail authority created pursuant to chapter 343. The department
1308 may include projects of the authorities, including planning and
1309 design, in the tentative work program.

1310 (5) ~~No single transportation authority operating a fixed-~~
1311 ~~guideway transportation system, or single fixed-guideway~~
1312 ~~transportation system not administered by a transportation~~
1313 ~~authority, receiving funds under the Intermodal Development~~
1314 ~~Program shall receive more than 33 1/3 percent of the total~~
1315 ~~intermodal development funds appropriated between July 1, 1990,~~
1316 ~~and June 30, 2015. In determining the distribution of funds~~
1317 ~~under the Intermodal Development Program in any fiscal year, the~~



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1318 ~~department shall assume that future appropriation levels will be~~
1319 ~~equal to the current appropriation level.~~

1320 ~~(6)~~ The department may ~~is authorized to~~ fund projects
1321 within the Intermodal Development Program, which are consistent,
1322 to the maximum extent feasible, with approved local government
1323 comprehensive plans of the units of local government in which
1324 the project is located. Projects that are eligible for funding
1325 under this program include planning studies, major capital
1326 investments in public rail and fixed-guideway transportation or
1327 freight facilities and systems which provide intermodal access;
1328 road, rail, intercity bus service, or fixed-guideway access to,
1329 from, or between seaports, airports, spaceports, intermodal
1330 logistics centers, and other transportation terminals;
1331 construction of intermodal or multimodal terminals, including
1332 projects on airports, spaceports, intermodal logistics centers,
1333 or seaports which assist in the movement or transfer of people
1334 or goods; development and construction of dedicated bus lanes;
1335 and projects which otherwise facilitate the intermodal or
1336 multimodal movement of people and goods.

1337 Section 44. Section 343.80, Florida Statutes, is amended to
1338 read:

1339 343.80 Short title.—This part may be cited as the
1340 "Northwest Florida Transportation Finance ~~Corridor~~ Authority
1341 Law."

1342 Section 45. Section 343.805, Florida Statutes, is amended
1343 to read:

1344 343.805 Definitions.—As used in this part, the term:

1345 (1) "Agency of the state" means the state and any
1346 department of, or corporation, agency, or instrumentality



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1347 heretofore or hereafter created, designated, or established by,
1348 the state.

1349 (2) "Authority" means the body politic and corporate and
1350 agency of the state created by this part.

1351 (3) "Bonds" means the notes, bonds, refunding bonds, or
1352 other evidences of indebtedness or obligations, in either
1353 temporary or definitive form, which the authority is authorized
1354 to issue pursuant to this part.

1355 (4) "Department" means the Department of Transportation
1356 existing under chapters 334-339.

1357 (5) "Federal agency" means the United States, the President
1358 of the United States, and any department of, or corporation,
1359 agency, or instrumentality heretofore or hereafter created,
1360 designated, or established by, the United States.

1361 (6) "Limited access expressway" or "expressway" means a
1362 street or highway especially designed for through traffic and
1363 over, from, or to which a person does not have the right of
1364 easement, use, or access except in accordance with the rules
1365 adopted and established by the authority for the use of such
1366 facility. Such highway or street may be a parkway, from which
1367 trucks, buses, and other commercial vehicles are excluded, or it
1368 may be a freeway open to use by all customary forms of street
1369 and highway traffic.

1370 (7) "Members" means the governing body of the authority,
1371 and the term "member" means one of the individuals constituting
1372 such governing body.

1373 (8) "Northwest Florida Transportation Finance Authority
1374 System" or "system" means any and all expressways and
1375 appurtenant facilities thereto owned by the Authority,



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1376 including, but not limited to, all approaches, roads, bridges,
1377 and avenues of access for said expressway or expressways.

1378 (9) ~~(8)~~ "State Board of Administration" means the body
1379 corporate existing under the provisions of s. 9, Art. XII of the
1380 State Constitution, or any successor thereto.

1381 ~~(9) "U.S. 98 corridor" means U.S. Highway 98 and any feeder~~
1382 ~~roads, reliever roads, connector roads, bridges, and other~~
1383 ~~transportation appurtenances, existing or constructed in the~~
1384 ~~future, that support U.S. Highway 98 in Escambia, Santa Rosa,~~
1385 ~~Okaloosa, Walton, Bay, Gulf, Franklin, and Wakulla Counties.~~

1386 ~~(10) "U.S. 98 corridor system" means any and all~~
1387 ~~expressways and appurtenant facilities, including, but not~~
1388 ~~limited to, all approaches, roads, bridges, and avenues of~~
1389 ~~access for the expressways that are either built by the~~
1390 ~~authority or whose ownership is transferred to the authority by~~
1391 ~~other governmental or private entities.~~

1392
1393 Terms importing singular number include the plural number in
1394 each case and vice versa, and terms importing persons include
1395 firms and corporations.

1396 Section 46. Section 343.81, Florida Statutes, is amended to
1397 read:

1398 343.81 Northwest Florida Transportation Finance Corridor
1399 Authority.—

1400 (1) There is created and established a body politic and
1401 corporate, an agency of the state, to be known as the Northwest
1402 Florida Transportation Finance Corridor Authority, hereinafter
1403 referred to as "the authority."

1404 (2) (a) The governing body of the authority shall consist of



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1405 five ~~eight~~ voting members, two from Okaloosa County and one each
1406 from ~~Escambia, Santa Rosa, Walton, Okaloosa,~~ Bay, and Gulf,
1407 ~~Franklin, and Wakulla~~ Counties, appointed by the Governor to a
1408 4-year term. The appointees shall be residents of their
1409 respective counties and may not hold an elected office. Upon the
1410 effective date of his or her appointment, or as soon thereafter
1411 as practicable, each appointed member of the authority shall
1412 enter upon his or her duties. Each appointed member shall hold
1413 office until his or her successor has been appointed and has
1414 qualified. A vacancy occurring during a term shall be filled
1415 only for the balance of the unexpired term. Any member of the
1416 authority shall be eligible for reappointment. Members of the
1417 authority may be removed from office by the Governor for
1418 misconduct, malfeasance, misfeasance, or nonfeasance in office.

1419 (b) The district secretary of the Department of
1420 Transportation serving Northwest Florida shall serve as an ex
1421 officio, nonvoting member.

1422 (3) (a) The authority shall elect one of its members as
1423 chair and shall also elect a secretary and a treasurer who may
1424 or may not be members of the authority. The chair, secretary,
1425 and treasurer shall hold such offices at the will of the
1426 authority.

1427 (b) Three ~~Five~~ members of the authority shall constitute a
1428 quorum, and the vote of at least three ~~Five~~ members shall be
1429 necessary for any action taken by the authority. A vacancy in
1430 the authority does not impair the right of a quorum of the
1431 authority to exercise all of the rights and perform all of the
1432 duties of the authority.

1433 (c) The authority shall meet at least quarterly but may



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1434 meet more frequently upon the call of the chair. The authority
1435 should alternate the locations of its meetings among the seven
1436 counties.

1437 (4) Members of the authority shall serve without
1438 compensation but shall be entitled to receive from the authority
1439 their travel expenses and per diem incurred in connection with
1440 the business of the authority, as provided in s. 112.061.

1441 (5) The authority may employ an executive director, an
1442 executive secretary, its own counsel and legal staff, technical
1443 experts, engineers, and such employees, permanent or temporary,
1444 as it may require. The authority shall determine the
1445 qualifications and fix the compensation of such persons, firms,
1446 or corporations and may employ a fiscal agent or agents;
1447 however, the authority shall solicit sealed proposals from at
1448 least three persons, firms, or corporations for the performance
1449 of any services as fiscal agents. The authority may delegate to
1450 one or more of its agents or employees its power as it shall
1451 deem necessary to carry out the purposes of this part, subject
1452 always to the supervision and control of the authority.

1453 ~~(6) The authority may establish technical advisory~~
1454 ~~committees to provide guidance and advice on corridor-related~~
1455 ~~issues. The authority shall establish the size, composition, and~~
1456 ~~focus of any technical advisory committee created. A member~~
1457 ~~appointed to a technical advisory committee shall serve without~~
1458 ~~compensation but shall be entitled to per diem or travel~~
1459 ~~expenses, as provided in s. 112.061.~~

1460 Section 47. Section 343.82, Florida Statutes, is amended to
1461 read:

1462 343.82 Purposes and powers.—



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1463 (1) The authority created and established by the provisions
1464 of this part is hereby granted and shall have the right to
1465 acquire, hold, construct, improve, maintain, operate, own and
1466 lease in the capacity of lessor, the Northwest Florida
1467 Transportation Finance Authority System. ~~The primary purpose of~~
1468 the authority is to improve mobility on the U.S. 98 corridor in
1469 Northwest Florida to enhance traveler safety, identify and
1470 develop hurricane evacuation routes, promote economic
1471 development along the corridor, and implement transportation
1472 projects to alleviate current or anticipated traffic congestion.

1473 (2) (a) The authority, in the construction of the Northwest
1474 Florida Transportation Finance Authority System, is authorized
1475 to construct any feeder roads, reliever roads, connector roads,
1476 bypasses, or appurtenant facilities ~~that are intended to improve~~
1477 mobility along the U.S. 98 corridor. The transportation
1478 improvement projects may also include all necessary approaches,
1479 roads, bridges, and avenues of access that are desirable and
1480 proper with the concurrence, where applicable, of the department
1481 if the project is to be part of the State Highway System or the
1482 respective county or municipal governing boards. Any
1483 transportation facilities constructed by the authority may be
1484 tolled.

1485 (b) Notwithstanding any special act to the contrary, the
1486 authority shall plan for and study the feasibility of
1487 constructing, operating, and maintaining a bridge or bridges
1488 spanning Choctawhatchee Bay ~~or Santa Rosa Sound, or both,~~ and
1489 access roads to such bridge or bridges, including studying the
1490 environmental and economic feasibility of such bridge or bridges
1491 and access roads, and such other transportation facilities that



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1492 become part of such bridge system. The authority may construct,
1493 operate, and maintain the bridge system if the authority
1494 determines that the bridge system project is feasible and
1495 consistent with the authority's primary purpose and master plan.

1496 ~~(3) (a) The authority shall develop and adopt a corridor~~
1497 ~~master plan no later than July 1, 2007. The goals and objectives~~
1498 ~~of the master plan are to identify areas of the corridor where~~
1499 ~~mobility, traffic safety, and efficient hurricane evacuation~~
1500 ~~need to be improved; evaluate the economic development potential~~
1501 ~~of the corridor and consider strategies to develop that~~
1502 ~~potential; develop methods of building partnerships with local~~
1503 ~~governments, other state and federal entities, the private~~
1504 ~~sector business community, and the public in support of corridor~~
1505 ~~improvements; and to identify projects that will accomplish~~
1506 ~~these goals and objectives.~~

1507 ~~(b) After its adoption, the master plan shall be updated~~
1508 ~~annually before July 1 of each year.~~

1509 ~~(c) The authority shall present the original master plan~~
1510 ~~and updates to the governing bodies of the counties within the~~
1511 ~~corridor and to the legislative delegation members representing~~
1512 ~~those counties within 90 days after adoption.~~

1513 ~~(d) The authority may undertake projects or other~~
1514 ~~improvements in the master plan in phases as particular projects~~
1515 ~~or segments thereof become feasible, as determined by the~~
1516 ~~authority. In carrying out its purposes and powers, the~~
1517 ~~authority may request funding and technical assistance from the~~
1518 ~~department and appropriate federal and local agencies,~~
1519 ~~including, but not limited to, state infrastructure bank loans,~~
1520 ~~advances from the Toll Facilities Revolving Trust Fund, and from~~



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1521 ~~any other sources.~~

1522 (3)~~(4)~~ The authority is granted and shall have and may
1523 exercise all powers necessary, appurtenant, convenient, or
1524 incidental to the carrying out of the aforesaid purposes,
1525 including, but not limited to, the following rights and powers:

1526 (a) To acquire, hold, construct, improve, maintain,
1527 operate, own, and lease in the capacity of lessor transportation
1528 facilities within the U.S. 98 corridor.

1529 (b) To borrow money and to make and issue negotiable notes,
1530 bonds, refunding bonds, and other evidences of indebtedness or
1531 obligations, either in temporary or definitive form, hereinafter
1532 in this chapter sometimes called "revenue bonds" of the
1533 authority, for the purpose of financing all or part of the
1534 Northwest Florida Transportation Finance Authority System
1535 ~~mobility improvements within the U.S. 98 corridor~~, as well as
1536 the appurtenant facilities, including all approaches, streets,
1537 roads, bridges, and avenues of access authorized by this part,
1538 the bonds to mature not exceeding 40 years after the date of the
1539 issuance thereof, and to secure the payment of such bonds or any
1540 part thereof by a pledge of any or all of its revenues, rates,
1541 fees, rentals, or other charges.

1542 (c) To fix, alter, charge, establish, and collect tolls,
1543 rates, fees, rentals, and other charges for the services and
1544 facilities of the Northwest Florida Transportation Finance
1545 ~~Corridor~~ System, which rates, fees, rentals, and other charges
1546 shall always be sufficient to comply with any covenants made
1547 with the holders of any bonds issued pursuant to this part;
1548 however, such right and power may be assigned or delegated by
1549 the authority to the department. ~~The authority may not impose~~



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1550 ~~tolls or other charges on existing highways and other~~
1551 ~~transportation facilities within the corridor.~~

1552 (d) To acquire by donation or otherwise, purchase, hold,
1553 lease as lessee, and use any franchise, property, real,
1554 personal, or mixed, tangible or intangible, or any options
1555 thereof in its own name or in conjunction with others, or
1556 interest therein, necessary or desirable for carrying out the
1557 purposes of the authority and to sell, lease as lessor,
1558 transfer, and dispose of any property or interest therein at any
1559 time acquired by the authority, which the authority and the
1560 department have determined is not needed for the construction,
1561 operation, and maintenance of the system ~~it.~~

1562 (e) To sue and be sued, implead and be impleaded, complain,
1563 and defend in all courts.

1564 (f) To adopt, use, and alter at will a corporate seal.

1565 (g) To enter into and make leases.

1566 ~~(h) To enter into and make lease-purchase agreements with~~
1567 ~~the department for terms not exceeding 40 years or until any~~
1568 ~~bonds secured by a pledge of rentals thereunder, and any~~
1569 ~~refundings thereof, are fully paid as to both principal and~~
1570 ~~interest, whichever is longer.~~

1571 ~~(h)~~ (i) To make contracts of every name and nature,
1572 including, but not limited to, partnerships providing for
1573 participation in ownership and revenues, and to execute all
1574 instruments necessary or convenient for the carrying on of its
1575 business.

1576 ~~(i)~~ (j) Without limitation of the foregoing, to borrow money
1577 and accept grants from and to enter into contracts, leases, or
1578 other transactions with any federal agency, the state, any



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1579 agency of the state, or any other public body of the state.

1580 (j)~~(k)~~ To have the power of eminent domain, including the
1581 procedural powers granted under chapters 73 and 74.

1582 (k)~~(l)~~ To pledge, hypothecate, or otherwise encumber all or
1583 any part of the revenues, rates, fees, rentals, or other charges
1584 or receipts of the authority.

1585 (l)~~(m)~~ To enter into partnership and other agreements
1586 respecting ownership and revenue participation in order to
1587 facilitate financing and constructing any project or portions
1588 thereof.

1589 (m)~~(n)~~ To participate in agreements with private entities
1590 and to receive private contributions.

1591 (n)~~(o)~~ To contract with the department or with a private
1592 entity for the operation of traditional and electronic toll
1593 collection facilities along the U.S. 98 corridor.

1594 (o)~~(p)~~ To do all acts and things necessary or convenient
1595 for the conduct of its business and the general welfare of the
1596 authority in order to carry out the powers granted to it by this
1597 part or any other law.

1598 (p)~~(q)~~ To construct, operate, and maintain roads, bridges,
1599 avenues of access, thoroughfares, and boulevards and to
1600 construct, repair, replace, operate, install, and maintain
1601 electronic toll payment systems thereon, with all necessary and
1602 incidental powers to accomplish the foregoing.

1603 (4)~~(5)~~ The authority does not have power at any time or in
1604 any manner to pledge the credit or taxing power of the state or
1605 any political subdivision or agency thereof, nor shall any of
1606 the authority's obligations be deemed to be obligations of the
1607 state or of any political subdivision or agency thereof, nor



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1608 shall the state or any political subdivision or agency thereof,
1609 except the authority, be liable for the payment of the principal
1610 of or interest on such obligations.

1611 Section 48. Section 343.83, Florida Statutes, is amended to
1612 read:

1613 343.83 Improvements, bond financing authority.—Pursuant to
1614 s. 11(f), Art. VII of the State Constitution, the Legislature
1615 approves bond financing by the Northwest Florida Transportation
1616 Finance Corridor Authority for improvements to toll collection
1617 facilities, interchanges to the legislatively approved system,
1618 and any other facility appurtenant, necessary, or incidental to
1619 the approved system. Subject to terms and conditions of
1620 applicable revenue bond resolutions and covenants, such costs
1621 may be financed in whole or in part by revenue bonds issued
1622 pursuant to s. 343.835(1) (a) or (b) whether currently issued or
1623 issued in the future or by a combination of such bonds.

1624 Section 49. Subsections (2) and (3) of section 343.835,
1625 Florida Statutes, is amended to read:

1626 343.835 Bonds of the authority.—

1627 (2) Any such resolution or resolutions authorizing any
1628 bonds hereunder may contain provisions that are part of the
1629 contract with the holders of such bonds, as to:

1630 (a) The pledging of all or any part of the revenues, rates,
1631 fees, rentals, or other charges or receipts of the authority,
1632 ~~derived by the authority for the U.S. 98 corridor improvements.~~

1633 (b) The completion, improvement, operation, extension,
1634 maintenance, repair, or lease of the system, and the duties of
1635 the authority and others with reference thereto.

1636 (c) Limitations on the purposes to which the proceeds of



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1637 the bonds, then or thereafter to be issued, or of any loan or
1638 grant by the United States or the state may be applied.

1639 (d) The fixing, charging, establishing, and collecting of
1640 rates, fees, rentals, or other charges for use of the services
1641 and facilities owned or provided ~~constructed~~ by the authority.

1642 (e) The setting aside of reserves or sinking funds or
1643 repair and replacement funds and the regulation and disposition
1644 thereof.

1645 (f) Limitations on the issuance of additional bonds.

1646 (g) The terms and provisions of any lease-purchase
1647 agreement, deed of trust, or indenture securing the bonds or
1648 under which the same may be issued.

1649 (h) Any other or additional agreements with the holders of
1650 the bonds which the authority may deem desirable and proper.

1651 (3) The authority may employ fiscal agents as provided by
1652 this part or the State Board of Administration may, upon request
1653 of the authority, act as fiscal agent for the authority in the
1654 issuance of any bonds that are issued pursuant to this part, and
1655 the State Board of Administration may, upon request of the
1656 authority, take over the management, control, administration,
1657 custody, and payment of any or all debt services or funds or
1658 assets now or hereafter available for any bonds issued pursuant
1659 to this part. The authority may enter into any deeds of trust,
1660 indentures, or other agreements with its fiscal agent, or with
1661 any bank or trust company within or without the state, as
1662 security for such bonds and may, under such agreements, sign and
1663 pledge all or any of the revenues, rates, fees, rentals, or
1664 other charges or receipts of the authority. Such deed of trust,
1665 indenture, or other agreement may contain such provisions as are



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1666 customary in such instruments or, as the authority authorizes,
1667 including, but without limitation, provisions as to:

1668 (a) The completion, improvement, operation, extension,
1669 maintenance, repair, and lease of the system ~~U.S. 98 corridor~~
1670 ~~improvements~~ and the duties of the authority and others with
1671 reference thereto.

1672 (b) The application of funds and the safeguarding of funds
1673 on hand or on deposit.

1674 (c) The rights and remedies of the trustee and the holders
1675 of the bonds.

1676 (d) The terms and provisions of the bonds or the
1677 resolutions authorizing the issuance of the bonds.

1678 Section 50. Section 343.84, Florida Statutes, is amended to
1679 read:

1680 343.84 Department to construct, operate, and maintain
1681 facilities ~~may be appointed agent of authority for~~
1682 ~~construction.~~ The department is the agent of ~~may be appointed by~~
1683 the authority ~~as its agent~~ for the purpose of constructing
1684 improvements and extensions to the system and for the completion
1685 thereof. ~~In such event,~~ The authority shall provide the
1686 department with complete copies of all documents, agreements,
1687 resolutions, contracts, and instruments relating thereto, shall
1688 request the department to do such construction work, including
1689 the planning, surveying, and actual construction of the
1690 completion, extensions, and improvements to the system, and
1691 shall transfer to the credit of an account of the department in
1692 the treasury of the state the necessary funds therefor. The
1693 department shall proceed with such construction and use the
1694 funds for such purpose in the same manner that it is now



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1695 authorized to use the funds otherwise provided by law for its
1696 use in construction of roads and bridges. The authority may
1697 alternatively, with the consent and approval of the department,
1698 elect to appoint a local agency certified by the department to
1699 administer federal aid projects in accordance with federal law
1700 as the authority's agent for the purpose of performing each
1701 phase of a project.

1702 (2) Notwithstanding the provisions of subsection (1), the
1703 department is the agent of the authority for the purpose of
1704 operating and maintaining the system. The department shall
1705 operate and maintain the system, and the costs incurred by the
1706 department for operation and maintenance shall be reimbursed
1707 from revenues of the system. The appointment of the department
1708 as agent for the authority does not create an independent
1709 obligation of the department to operate and maintain the system.
1710 The authority shall remain obligated as principal to operate and
1711 maintain its system, and, except as otherwise provided by the
1712 lease-purchase agreement between the department and the Mid-Bay
1713 Bridge Authority in connection with its issuance of bonds, the
1714 authority's bondholders do not have an independent right to
1715 compel the department to operate and maintain any part of the
1716 authority's system.

1717 (3) The authority shall fix, alter, charge, establish, and
1718 collect tolls, rates, fees, rentals, and other charges for the
1719 authority's facilities, as otherwise provided in this part.

1720 Section 51. Subsection (1) of section 343.85, Florida
1721 Statutes, is amended to read:

1722 343.85 Acquisition of lands and property.—

1723 (1) For the purposes of this part, the Northwest Florida



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1724 Transportation Finance Corridor Authority may acquire private or
1725 public property and property rights, including rights of access,
1726 air, view, and light, by gift, devise, purchase, or condemnation
1727 by eminent domain proceedings, as the authority may deem
1728 necessary for any purpose of this part, including, but not
1729 limited to, any lands reasonably necessary for securing
1730 applicable permits, areas necessary for management of access,
1731 borrow pits, drainage ditches, water retention areas, rest
1732 areas, replacement access for landowners whose access is
1733 impaired due to the construction of a facility, and replacement
1734 rights-of-way for relocated rail and utility facilities; for
1735 existing, proposed, or anticipated transportation facilities
1736 ~~within the U.S. 98 transportation corridor designated by the~~
1737 ~~authority~~; or for the purposes of screening, relocation,
1738 removal, or disposal of junkyards and scrap metal processing
1739 facilities. The authority may condemn any material and property
1740 necessary for such purposes.

1741 Section 52. Section 343.875, Florida Statutes, is repealed.

1742 Section 53. Subsection (3) of section 343.89, Florida
1743 Statutes, is amended to read:

1744 343.89 Complete and additional statutory authority.—

1745 (3) This part does not preclude the department from
1746 acquiring, holding, constructing, improving, maintaining,
1747 operating, or owning tolled or nontolled facilities funded and
1748 constructed from nonauthority sources that are part of the State
1749 Highway System within the geographical boundaries of the
1750 Northwest Florida Transportation Finance Corridor Authority.

1751 Section 54. Subsection (4) of section 343.922, Florida
1752 Statutes, is amended to read:



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1753 343.922 Powers and duties.—

1754 (4) The authority may undertake projects or other
1755 improvements in the master plan in phases as particular projects
1756 or segments become feasible, as determined by the authority. The
1757 authority shall coordinate project planning, development, and
1758 implementation with the applicable local governments. The
1759 authority's projects that are transportation oriented shall be
1760 consistent to the maximum extent feasible with the adopted local
1761 government comprehensive plans at the time they are funded for
1762 construction. Authority projects that are not transportation
1763 oriented and meet the definition of development pursuant to s.
1764 380.04 shall be consistent with the local comprehensive plans.
1765 In carrying out its purposes and powers, the authority may
1766 request funding and technical assistance from the department and
1767 appropriate federal and local agencies, including, but not
1768 limited to, state infrastructure bank loans, ~~advances from the~~
1769 ~~Toll Facilities Revolving Trust Fund,~~ and funding and technical
1770 assistance from any other source.

1771 Section 55. Chapter 345, Florida Statutes, consisting of
1772 sections 345.0001, 345.0002, 345.0003, 345.0004, 345.0005,
1773 345.0006, 345.0007, 345.0008, 345.0009, 345.0010, 345.0011,
1774 345.0012, 345.0013, 345.0014, 345.0015, 345.0016, and 345.0017,
1775 is created to read:

1776 345.0001 Short title.—This act may be cited as the "Florida
1777 Regional Tollway Authority Act."

1778 345.0002 Definitions.—As used in this chapter, the term:

1779 (1) "Agency of the state" means the state and any
1780 department of, or any corporation, agency, or instrumentality
1781 heretofore or hereafter created, designated, or established by,



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1782 the state.

1783 (2) "Area served" means the geographical area of the
1784 counties for which an authority is established.

1785 (3) "Authority" means a regional tollway authority, a body
1786 politic and corporate, and an agency of the state, established
1787 pursuant to the Florida Regional Tollway Authority Act.

1788 (4) "Bonds" means the notes, bonds, refunding bonds, or
1789 other evidences of indebtedness or obligations, in temporary or
1790 definitive form, which an authority may issue pursuant to this
1791 act.

1792 (5) "Department" means the Department of Transportation of
1793 Florida and any successor thereto.

1794 (6) "Division" means the Division of Bond Finance of the
1795 State Board of Administration.

1796 (7) "Federal agency" means the United States, the President
1797 of the United States, and any department of, or any bureau,
1798 corporation, agency, or instrumentality heretofore or hereafter
1799 created, designated, or established by, the United States.

1800 (8) "Members" means the governing body of an authority, and
1801 the term "member" means one of the individuals constituting such
1802 governing body.

1803 (9) "Regional system" or "system" means, generally, a
1804 modern tolled highway system of roads, bridges, causeways, and
1805 tunnels within any area of the authority, with access limited or
1806 unlimited as an authority may determine, and the buildings and
1807 structures and appurtenances and facilities related to the
1808 system, including all approaches, streets, roads, bridges, and
1809 avenues of access for the system.

1810 (10) "Revenues" means the tolls, revenues, rates, fees,



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1811 charges, receipts, rentals, contributions, and other income
1812 derived from or in connection with the operation or ownership of
1813 a regional system, including the proceeds of any use and
1814 occupancy insurance on any portion of the system but excluding
1815 state funds available to an authority and any other municipal or
1816 county funds available to an authority under an agreement with a
1817 municipality or county.

1818 345.0003 Tollway authority; formation; membership.—

1819 (1) A county, or two or more contiguous counties, may,
1820 after the approval of the Legislature, form a regional tollway
1821 authority for the purposes of constructing, maintaining, and
1822 operating transportation projects in a region of this state. An
1823 authority shall be governed in accordance with the provisions of
1824 this chapter. An authority may not be created without the
1825 approval of the Legislature and the approval of the county
1826 commission of each county that will be a part of the authority.
1827 An authority may not be created to serve a particular area of
1828 this state as provided by this subsection if a regional tollway
1829 authority has been created and is operating within all or a
1830 portion of the same area served pursuant to an act of the
1831 Legislature. Each authority shall be the only authority created
1832 and operating pursuant to this chapter within the area served by
1833 the authority.

1834 (2) The governing body of an authority shall consist of a
1835 board of voting members as follows:

1836 (a) The county commission of each county in the area served
1837 by the authority shall each appoint a member who must be a
1838 resident of the county from which he or she is appointed. If
1839 possible, the member must represent the business and civic



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1840 interests of the community.

1841 (b) The Governor shall appoint an equal number of members
1842 to the board as those appointed by the county commissions. The
1843 members appointed by the Governor must be residents of the area
1844 served by the authority.

1845 (c) The secretary of the Department of Transportation shall
1846 appoint one of the district secretaries, or his or her designee,
1847 for the districts within which the area served by the authority
1848 is located.

1849 (3) The term of office of each member shall be for 4 years
1850 or until his or her successor is appointed and qualified.

1851 (4) A member may not hold an elected office.

1852 (5) A vacancy occurring in the governing body before the
1853 expiration of the member's term shall be filled by the
1854 respective appointing authority in the same manner as the
1855 original appointment and only for the balance of the unexpired
1856 term.

1857 (6) Each member, before entering upon his or her official
1858 duties, must take and subscribe to an oath before an official
1859 authorized by law to administer oaths that he or she will
1860 honestly, faithfully, and impartially perform the duties
1861 devolving upon him or her in office as a member of the governing
1862 body of the authority and that he or she will not neglect any
1863 duties imposed upon him or her by this chapter.

1864 (7) A member of an authority may be removed from office by
1865 the Governor for misconduct, malfeasance, misfeasance, or
1866 nonfeasance in office.

1867 (8) The members of the authority shall designate one of its
1868 members as chair.



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1869 (9) The members of the authority shall serve without
1870 compensation, but shall be entitled to reimbursement for per
1871 diem and other expenses in accordance with s. 112.061 while in
1872 performance of their duties.

1873 (10) A majority of the members of the authority constitutes
1874 a quorum, and resolutions enacted or adopted by a vote of a
1875 majority of the members present and voting at any meeting become
1876 effective without publication, posting, or any further action of
1877 the authority.

1878 345.0004 Powers and duties.-

1879 (1) (a) An authority created and established, or governed,
1880 by the Florida Regional Tollway Authority Act shall plan,
1881 develop, finance, construct, reconstruct, improve, own, operate,
1882 and maintain a regional system in the area served by the
1883 authority.

1884 (b) An authority may not exercise the powers in paragraph
1885 (a) with respect to an existing system for transporting people
1886 and goods by any means that is owned by another entity without
1887 the consent of that entity. If an authority acquires, purchases,
1888 or inherits an existing entity, the authority shall also inherit
1889 and assume all rights, assets, appropriations, privileges, and
1890 obligations of the existing entity.

1891 (2) Each authority may exercise all powers necessary,
1892 appurtenant, convenient, or incidental to the carrying out of
1893 the purposes of this section, including, but not limited to, the
1894 following rights and powers:

1895 (a) To sue and be sued, implead and be impleaded, and
1896 complain and defend in all courts in its own name.

1897 (b) To adopt and use a corporate seal.



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1898 (c) To have the power of eminent domain, including the
1899 procedural powers granted under chapters 73 and 74.

1900 (d) To acquire, purchase, hold, lease as a lessee, and use
1901 any property, real, personal, or mixed, tangible or intangible,
1902 or any interest therein, necessary or desirable for carrying out
1903 the purposes of the authority.

1904 (e) To sell, convey, exchange, lease, or otherwise dispose
1905 of any real or personal property acquired by the authority,
1906 including air rights.

1907 (f) To fix, alter, charge, establish, and collect rates,
1908 fees, rentals, and other charges for the use of any system owned
1909 or operated by the authority, which rates, fees, rentals, and
1910 other charges must always be sufficient to comply with any
1911 covenants made with the holders of any bonds issued pursuant to
1912 this act; however, such right and power may be assigned or
1913 delegated by the authority to the department.

1914 (g) To borrow money, make and issue negotiable notes,
1915 bonds, refunding bonds, and other evidences of indebtedness or
1916 obligations, in temporary or definitive form, for the purpose of
1917 financing all or part of the improvement of the authority's
1918 system and appurtenant facilities, including the approaches,
1919 streets, roads, bridges, and avenues of access for the system
1920 and for any other purpose authorized by this chapter, the bonds
1921 to mature in not exceeding 30 years after the date of the
1922 issuance thereof, and to secure the payment of such bonds or any
1923 part thereof by a pledge of its revenues, rates, fees, rentals,
1924 or other charges, including municipal or county funds received
1925 by the authority pursuant to the terms of an agreement between
1926 the authority and a municipality or county; and, in general, to



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1927 provide for the security of the bonds and the rights and
1928 remedies of the holders of the bonds; however, municipal or
1929 county funds may not be pledged for the construction of a
1930 project for which a toll is to be charged unless the anticipated
1931 tolls are reasonably estimated by the governing board of the
1932 municipality or county, at the date of its resolution pledging
1933 said funds, to be sufficient to cover the principal and interest
1934 of such obligations during the period when the pledge of funds
1935 is in effect.

1936 1. An authority shall reimburse a municipality or county
1937 for sums expended from municipal or county funds used for the
1938 payment of the bond obligations.

1939 2. If an authority determines to fund or refund any bonds
1940 issued by the authority before the maturity of the bonds, the
1941 proceeds of the funding or refunding bonds shall, pending the
1942 prior redemption of the bonds to be funded or refunded, be
1943 invested in direct obligations of the United States, and the
1944 outstanding bonds may be funded or refunded by the issuance of
1945 bonds pursuant to this chapter.

1946 (h) To make contracts of every name and nature, including,
1947 but not limited to, partnerships providing for participation in
1948 ownership and revenues, and to execute each instrument necessary
1949 or convenient for the conduct of its business.

1950 (i) Without limitation of the foregoing, to cooperate with,
1951 to borrow money and accept grants from, and to enter into
1952 contracts or other transactions with any federal agency, the
1953 state, or any agency or any other public body of the state.

1954 (j) To employ an executive director, attorney, staff, and
1955 consultants. Upon the request of an authority, the department



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1956 shall furnish the services of a department employee to act as
1957 the executive director of the authority.

1958 (k) To enter into joint development agreements.

1959 (l) To accept funds or other property from private
1960 donations.

1961 (m) To do all acts and things necessary or convenient for
1962 the conduct of its business and the general welfare of the
1963 authority, in order to carry out the powers granted to it by
1964 this act or any other law.

1965 (3) An authority does not have the power at any time or in
1966 any manner to pledge the credit or taxing power of the state or
1967 any political subdivision or agency thereof. Obligations of the
1968 authority may not be deemed to be obligations of the state or of
1969 any other political subdivision or agency thereof. The state or
1970 any political subdivision or agency thereof, except the
1971 authority, is not liable for the payment of the principal of or
1972 interest on such obligations.

1973 (4) An authority has no power, other than by consent of the
1974 affected county or an affected municipality, to enter into an
1975 agreement that would legally prohibit the construction of a road
1976 by the county or the municipality.

1977 (5) An authority formed pursuant to this chapter shall
1978 comply with the statutory requirements of general application
1979 which relate to the filing of a report or documentation required
1980 by law, including the requirements of ss. 189.4085, 189.415,
1981 189.417, and 189.418.

1982 345.0005 Bonds.—

1983 (1) (a) Bonds may be issued on behalf of an authority
1984 pursuant to the State Bond Act.



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1985 (b) An authority may also issue bonds in such principal
1986 amount as is necessary, in the opinion of the authority, to
1987 provide sufficient moneys for achieving its corporate purposes,
1988 including construction, reconstruction, improvement, extension,
1989 repair, maintenance and operation of the system, the cost of
1990 acquisition of all real property, interest on bonds during
1991 construction and for a reasonable period thereafter,
1992 establishment of reserves to secure bonds, and other
1993 expenditures of the authority incident, and necessary or
1994 convenient, to carry out its corporate purposes and powers.

1995 (2) (a) Bonds issued by an authority pursuant to paragraph
1996 (1) (a) or paragraph (1) (b) must be authorized by resolution of
1997 the members of the authority and must bear such date or dates;
1998 mature at such time or times, not exceeding 30 years after their
1999 respective dates; bear interest at such rate or rates, not
2000 exceeding the maximum rate fixed by general law for authorities;
2001 be in such denominations; be in such form, either coupon or
2002 fully registered; carry such registration, exchangeability and
2003 interchangeability privileges; be payable in such medium of
2004 payment and at such place or places; be subject to such terms of
2005 redemption; and be entitled to such priorities of lien on the
2006 revenues and other available moneys as such resolution or any
2007 resolution subsequent to the bonds' issuance may provide. The
2008 bonds must be executed by manual or facsimile signature by such
2009 officers as the authority shall determine, provided that such
2010 bonds bear at least one signature that is manually executed on
2011 the bond. The coupons attached to the bonds must bear the
2012 facsimile signature or signatures of the officer or officers as
2013 shall be designated by the authority. The bonds must have the



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2014 seal of the authority affixed, imprinted, reproduced, or
2015 lithographed thereon.

2016 (b) Bonds issued pursuant to paragraph (1)(a) or paragraph
2017 (1)(b) must be sold at public sale in the same manner provided
2018 in the State Bond Act. Pending the preparation of definitive
2019 bonds, temporary bonds or interim certificates may be issued to
2020 the purchaser or purchasers of such bonds and may contain such
2021 terms and conditions as the authority may determine.

2022 (3) A resolution that authorizes any bonds may contain
2023 provisions that must be part of the contract with the holders of
2024 the bonds, as to:

2025 (a) The pledging of all or any part of the revenues,
2026 available municipal or county funds, or other charges or
2027 receipts of the authority derived from the regional system.

2028 (b) The construction, reconstruction, improvement,
2029 extension, repair, maintenance, and operation of the system, or
2030 any part or parts of the system, and the duties and obligations
2031 of the authority with reference thereto.

2032 (c) Limitations on the purposes to which the proceeds of
2033 the bonds, then or thereafter issued, or of any loan or grant by
2034 any federal agency or the state or any political subdivision of
2035 the state may be applied.

2036 (d) The fixing, charging, establishing, revising,
2037 increasing, reducing, and collecting of tolls, rates, fees,
2038 rentals, or other charges for use of the services and facilities
2039 of the system or any part of the system.

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

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



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

2046 (h) Any other or additional matters, of like or different
2047 character, which in any way affect the security or protection of
2048 the bonds.

2049 (4) The authority may enter into any deeds of trust,
2050 indentures, or other agreements with any bank or trust company
2051 within or without the state, as security for such bonds, and
2052 may, under such agreements, assign and pledge any of the
2053 revenues and other available moneys, including any available
2054 municipal or county funds, pursuant to the terms of this
2055 chapter. The deed of trust, indenture, or other agreement may
2056 contain provisions that are customary in such instruments or
2057 that the authority may authorize, including, but without
2058 limitation, provisions that:

2059 (a) Pledge any part of the revenues or other moneys
2060 lawfully available therefor.

2061 (b) Apply funds and safeguard funds on hand or on deposit.

2062 (c) Provide for the rights and remedies of the trustee and
2063 the holders of the bonds.

2064 (d) Provide for the terms and provisions of the bonds or
2065 for resolutions authorizing the issuance of the bonds.

2066 (e) Provide for any other or additional matters, of like or
2067 different character, which affect the security or protection of
2068 the bonds.

2069 (5) Any bonds issued pursuant to this act are negotiable
2070 instruments and have all the qualities and incidents of
2071 negotiable instruments under the law merchant and the negotiable



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2072 instruments law of the state.

2073 (6) A resolution that authorizes the issuance of authority
2074 bonds and pledges the revenues of the system must require that
2075 revenues of the system be periodically deposited into
2076 appropriate accounts in such sums as are sufficient to pay the
2077 costs of operation and maintenance of the system for the current
2078 fiscal year as set forth in the annual budget of the authority
2079 and to reimburse the department for any unreimbursed costs of
2080 operation and maintenance of the system from prior fiscal years
2081 before revenues of the system are deposited into accounts for
2082 the payment of interest or principal owing or that may become
2083 owing on such bonds.

2084 (7) State funds may not be used or pledged to pay the
2085 principal or interest of any authority bonds, and all such bonds
2086 must contain a statement on their face to this effect.

2087 345.0006 Remedies of bondholders.-

2088 (1) The rights and the remedies granted to authority
2089 bondholders under this chapter are in addition to and not in
2090 limitation of any rights and remedies lawfully granted to such
2091 bondholders by the resolution or indenture providing for the
2092 issuance of bonds, or by any deed of trust, indenture, or other
2093 agreement under which the bonds may be issued or secured. If an
2094 authority defaults in the payment of the principal of or
2095 interest on any of the bonds issued pursuant to this chapter
2096 after such principal of or interest on the bonds becomes due,
2097 whether at maturity or upon call for redemption, as provided in
2098 the resolution or indenture, and such default continues for 30
2099 days, or in the event that the authority fails or refuses to
2100 comply with the provisions of this chapter or any agreement made



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2101 with, or for the benefit of, the holders of the bonds, the
2102 holders of 25 percent in aggregate principal amount of the bonds
2103 then outstanding shall be entitled as of right to the
2104 appointment of a trustee to represent such bondholders for the
2105 purposes of the default provided that the holders of 25 percent
2106 in aggregate principal amount of the bonds then outstanding
2107 first gave written notice of their intention to appoint a
2108 trustee, to the authority and to the department.

2109 (2) The trustee, and any trustee under any deed of trust,
2110 indenture, or other agreement, may, and upon written request of
2111 the holders of 25 percent, or such other percentages specified
2112 in any deed of trust, indenture, or other agreement, in
2113 principal amount of the bonds then outstanding, shall, in any
2114 court of competent jurisdiction, in his, her, or its own name:

2115 (a) By mandamus or other suit, action, or proceeding at
2116 law, or in equity, enforce all rights of the bondholders,
2117 including the right to require the authority to fix, establish,
2118 maintain, collect, and charge rates, fees, rentals, and other
2119 charges, adequate to carry out any agreement as to, or pledge
2120 of, the revenues, and to require the authority to carry out any
2121 other covenants and agreements with or for the benefit of the
2122 bondholders, and to perform its and their duties under this
2123 chapter.

2124 (b) Bring suit upon the bonds.

2125 (c) By action or suit in equity, require the authority to
2126 account as if it were the trustee of an express trust for the
2127 bondholders.

2128 (d) By action or suit in equity, enjoin any acts or things
2129 that may be unlawful or in violation of the rights of the



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2130 bondholders.

2131 (3) A trustee, if appointed pursuant to this section or
2132 acting under a deed of trust, indenture, or other agreement, and
2133 whether or not all bonds have been declared due and payable,
2134 shall be entitled as of right to the appointment of a receiver.
2135 The receiver may enter upon and take possession of the system or
2136 the facilities or any part or parts of the system, the revenues
2137 and other pledged moneys, for and on behalf of and in the name
2138 of, the authority and the bondholders. The receiver may collect
2139 and receive all revenues and other pledged moneys in the same
2140 manner as the authority might do. The receiver shall deposit all
2141 such revenues and moneys in a separate account and apply all
2142 such revenues and moneys remaining after allowance for payment
2143 of all costs of operation and maintenance of the system in such
2144 manner as the court directs. In a suit, action, or proceeding by
2145 the trustee, the fees, counsel fees, and expenses of the
2146 trustee, and said receiver, if any, and all costs and
2147 disbursements allowed by the court must be a first charge on any
2148 revenues after payment of the costs of operation and maintenance
2149 of the system. The trustee also has all other powers necessary
2150 or appropriate for the exercise of any functions specifically
2151 set forth in this section or incident to the representation of
2152 the bondholders in the enforcement and protection of their
2153 rights.

2154 (4) This section or any other section of this chapter does
2155 not authorize a receiver appointed pursuant to this section for
2156 the purpose of operating and maintaining the system or any
2157 facilities or parts thereof to sell, assign, mortgage, or
2158 otherwise dispose of any of the assets belonging to the



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2159 authority. The powers of such receiver are limited to the
2160 operation and maintenance of the system, or any facility or
2161 parts thereof and to the collection and application of revenues
2162 and other moneys due the authority, in the name and for and on
2163 behalf of the authority and the bondholders. A holder of bonds
2164 or any trustee does not have the right in any suit, action, or
2165 proceeding, at law or in equity, to compel a receiver, or a
2166 receiver may not be authorized or a court may not direct a
2167 receiver to, sell, assign, mortgage, or otherwise dispose of any
2168 assets of whatever kind or character belonging to the authority.

2169 345.0007 Department to construct, operate, and maintain
2170 facilities.-

2171 (1) The department is the agent of each authority for the
2172 purpose of performing all phases of a project, including, but
2173 not limited to, constructing improvements and extensions to the
2174 system. The division and the authority shall provide to the
2175 department complete copies of the documents, agreements,
2176 resolutions, contracts, and instruments that relate to the
2177 project and shall request that the department perform the
2178 construction work, including the planning, surveying, design,
2179 and actual construction of the completion, extensions, and
2180 improvements to the system. After the issuance of bonds to
2181 finance construction of an improvement or addition to the
2182 system, the division and the authority shall transfer to the
2183 credit of an account of the department in the State Treasury the
2184 necessary funds for construction. The department shall proceed
2185 with construction and use the funds for the purpose authorized
2186 and as otherwise provided by law for construction of roads and
2187 bridges. An authority may alternatively, with the consent and



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2188 approval of the department, elect to appoint a local agency
2189 certified by the department to administer federal aid projects
2190 in accordance with federal law as the authority's agent for the
2191 purpose of performing each phase of a project.

2192 (2) Notwithstanding the provisions of subsection (1), the
2193 department is the agent of each authority for the purpose of
2194 operating and maintaining the system. The department shall
2195 operate and maintain the system, and the costs incurred by the
2196 department for operation and maintenance shall be reimbursed
2197 from revenues of the system. The appointment of the department
2198 as agent for each authority does not create an independent
2199 obligation of the department to operate and maintain a system.
2200 Each authority shall remain obligated as principal to operate
2201 and maintain its system, and an authority's bondholders do not
2202 have an independent right to compel the department to operate or
2203 maintain the authority's system.

2204 (3) Each authority shall fix, alter, charge, establish, and
2205 collect tolls, rates, fees, rentals, and other charges for the
2206 authority's facilities, as otherwise provided in this chapter.

2207 345.0008 Department contributions to authority projects.-

2208 (1) The department may, at the request of an authority,
2209 provide for or contribute to the payment of costs of financial
2210 or engineering and traffic feasibility studies and the design,
2211 financing, acquisition, or construction of an authority project
2212 or system, subject to appropriation by the Legislature.

2213 (2) The department may use its engineering and other
2214 personnel, including consulting engineers and traffic engineers,
2215 to conduct feasibility studies pursuant to subsection (1).

2216 (3) An obligation or expense incurred by the department



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2217 under this section is a part of the cost of the authority
2218 project for which the obligation or expense was incurred. The
2219 department may require money contributed by the department under
2220 this section to be repaid from tolls of the project on which the
2221 money was spent, other revenue of the authority, or other
2222 sources of funds.

2223 (4) The department shall receive from an authority a share
2224 of the authority's net revenues equal to the ratio of the
2225 department's total contributions to the authority under this
2226 section to the sum of: the department's total contributions
2227 under this section; contributions by any local government to the
2228 cost of revenue producing authority projects; and the sale
2229 proceeds of authority bonds after payment of costs of issuance.
2230 For the purpose of this subsection, net revenues are gross
2231 revenues of an authority after payment of debt service,
2232 administrative expenses, operations and maintenance expenses,
2233 and all reserves required to be established under any resolution
2234 under which authority bonds are issued.

2235 345.0009 Acquisition of lands and property.-

2236 (1) For the purposes of this chapter, an authority may
2237 acquire private or public property and property rights,
2238 including rights of access, air, view, and light, by gift,
2239 devise, purchase, condemnation by eminent domain proceedings, or
2240 transfer from another political subdivision of the state, as the
2241 authority may deem necessary for any of the purposes of this
2242 chapter, including, but not limited to, any lands reasonably
2243 necessary for securing applicable permits, areas necessary for
2244 management of access, borrow pits, drainage ditches, water
2245 retention areas, rest areas, replacement access for landowners



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2246 whose access is impaired due to the construction of a facility,
2247 and replacement rights-of-way for relocated rail and utility
2248 facilities; for existing, proposed, or anticipated
2249 transportation facilities on the system or in a transportation
2250 corridor designated by the authority; or for the purposes of
2251 screening, relocation, removal, or disposal of junkyards and
2252 scrap metal processing facilities. Each authority shall also
2253 have the power to condemn any material and property necessary
2254 for such purposes.

2255 (2) An authority shall exercise the right of eminent domain
2256 conferred under this section in the manner provided by law.

2257 (3) If an authority acquires property for a transportation
2258 facility or in a transportation corridor, it is not subject to
2259 any liability imposed by chapter 376 or chapter 403 for
2260 preexisting soil or groundwater contamination due solely to its
2261 ownership. This section does not affect the rights or
2262 liabilities of any past or future owners of the acquired
2263 property or affect the liability of any governmental entity for
2264 the results of its actions which create or exacerbate a
2265 pollution source. An authority and the Department of
2266 Environmental Protection may enter into interagency agreements
2267 for the performance, funding, and reimbursement of the
2268 investigative and remedial acts necessary for property acquired
2269 by the authority.

2270 345.0010 Cooperation with other units, boards, agencies,
2271 and individuals.-A county, municipality, drainage district, road
2272 and bridge district, school district, or any other political
2273 subdivision, board, commission, or individual in, or of, the
2274 state may make and enter into a contract, lease, conveyance,



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2275 partnership, or other agreement with an authority within the
2276 provisions and purposes of this chapter. Each authority may make
2277 and enter into contracts, leases, conveyances, partnerships, and
2278 other agreements with any political subdivision, agency, or
2279 instrumentality of the state and any federal agency,
2280 corporation, and individual, to carry out the purposes of this
2281 chapter.

2282 345.0011 Covenant of the state.—The state pledges to, and
2283 agrees with, any person, firm, or corporation, or federal or
2284 state agency subscribing to, or acquiring the bonds to be issued
2285 by an authority for the purposes of this chapter that the state
2286 will not limit or alter the rights vested by this chapter in the
2287 authority and the department until all bonds at any time issued,
2288 together with the interest thereon, are fully paid and
2289 discharged insofar as the rights vested in the authority and the
2290 department affect the rights of the holders of bonds issued
2291 pursuant to this chapter. The state further pledges to, and
2292 agrees with, the United States that if a federal agency
2293 constructs or contributes any funds for the completion,
2294 extension, or improvement of the system, or any parts of the
2295 system, the state will not alter or limit the rights and powers
2296 of the authority and the department in any manner that is
2297 inconsistent with the continued maintenance and operation of the
2298 system or the completion, extension, or improvement of the
2299 system, or which would be inconsistent with the due performance
2300 of any agreements between the authority and any such federal
2301 agency, and the authority and the department shall continue to
2302 have and may exercise all powers granted in this section, so
2303 long as the powers are necessary or desirable to carry out the



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2304 purposes of this chapter and the purposes of the United States
2305 in the completion, extension, or improvement of the system, or
2306 any part of the system.

2307 345.0012 Exemption from taxation.—The authority created
2308 under this chapter is for the benefit of the people of the
2309 state, for the increase of their commerce and prosperity, and
2310 for the improvement of their health and living conditions, and
2311 because the authority will be performing essential governmental
2312 functions pursuant to this chapter, the authority is not
2313 required to pay any taxes or assessments of any kind or nature
2314 whatsoever upon any property acquired or used by it for such
2315 purposes, or upon any rates, fees, rentals, receipts, income, or
2316 charges received by it, and the bonds issued by the authority,
2317 their transfer and the income from their issuance, including any
2318 profits made on the sale of the bonds, shall be free from
2319 taxation by the state or by any political subdivision, taxing
2320 agency, or instrumentality of the state. The exemption granted
2321 by this section does not apply to any tax imposed by chapter 220
2322 on interest, income, or profits on debt obligations owned by
2323 corporations.

2324 345.0013 Eligibility for investments and security.—Any
2325 bonds or other obligations issued pursuant to this chapter are
2326 legal investments for banks, savings banks, trustees, executors,
2327 administrators, and all other fiduciaries, and for all state,
2328 municipal, and other public funds and are also securities
2329 eligible for deposit as security for all state, municipal, or
2330 other public funds, notwithstanding the provisions of any other
2331 law to the contrary.

2332 345.0014 Applicability.—



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2333 (1) The powers conferred by this chapter are in addition to
2334 the powers conferred by other law and do not repeal the
2335 provisions of any other general or special law or local
2336 ordinance, but supplement such other laws in the exercise of the
2337 powers provided in this chapter, and provide a complete method
2338 for the exercise of the powers granted in this chapter. The
2339 extension and improvement of a system, and the issuance of bonds
2340 pursuant to this chapter to finance all or part of the cost
2341 thereof, may be accomplished upon compliance with the provisions
2342 of this chapter without regard to or necessity for compliance
2343 with the provisions, limitations, or restrictions contained in
2344 any other general, special, or local law, including, but not
2345 limited to, s. 215.821, and approval of any bonds issued under
2346 this act by the qualified electors or qualified electors who are
2347 freeholders in the state or in any political subdivision of the
2348 state is not required for the issuance of such bonds pursuant to
2349 this chapter.

2350 (2) This act does not repeal, rescind, or modify any other
2351 law or laws relating to the State Board of Administration, the
2352 Department of Transportation, or the Division of Bond Finance of
2353 the State Board of Administration, but supersedes any other law
2354 that is inconsistent with the provisions of this chapter,
2355 including, but not limited to, s. 215.821.

2356 345.0015 Santa Rosa-Escambia Regional Tollway Authority.-

2357 (1) There is hereby created and established a body politic
2358 and corporate, an agency of the state, to be known as the Santa
2359 Rosa-Escambia Regional Tollway Authority, hereinafter referred
2360 to as the "authority."

2361 (2) The area served by the authority shall be Escambia and



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2362 Santa Rosa Counties.

2363 (3) The purposes and powers of the authority are as
2364 identified in the Florida Regional Tollway Authority Act for the
2365 area served by the authority, and the authority operates in the
2366 manner provided by the Florida Regional Tollway Authority Act.

2367 345.0016 Suncoast Regional Tollway Authority.—

2368 (1) There is hereby created and established a body politic
2369 and corporate, an agency of the state, to be known as the
2370 Suncoast Regional Tollway Authority, hereinafter referred to as
2371 the "authority."

2372 (2) The area served by the authority shall be Citrus, Levy,
2373 Marion, and Alachua Counties.

2374 (3) The purposes and powers of the authority are as
2375 identified in the Florida Regional Tollway Authority Act for the
2376 area served by the authority, and the authority operates in the
2377 manner provided by the Florida Regional Tollway Authority Act.

2378 Section 56. Transfer to the Northwest Florida
2379 Transportation Finance Authority.—The governance and control of
2380 the Mid-Bay Bridge Authority System, created pursuant to chapter
2381 2000-411, Laws of Florida, is transferred to the Northwest
2382 Florida Transportation Finance Authority.

2383 (1) The assets, facilities, tangible and intangible
2384 property and any rights in such property, and any other legal
2385 rights of the Mid-Bay Bridge Authority, including the bridge
2386 system operated by the authority, are transferred to the
2387 Northwest Florida Transportation Finance Authority. All powers
2388 of the Mid-Bay Bridge Authority shall succeed to the Northwest
2389 Florida Transportation Finance Authority, and the operations and
2390 maintenance of the bridge system shall be under the control of



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2391 the Northwest Florida Transportation Finance Authority, pursuant
2392 to this section. Revenues collected on the bridge system may be
2393 considered Northwest Florida Transportation Finance Authority
2394 revenues, and the Mid-Bay Bridge may be considered part of the
2395 authority system, if bonds of the Mid-Bay Bridge Authority are
2396 not outstanding. The Northwest Florida Transportation Finance
2397 Authority also assumes all liability for bonds of the Mid-Bay
2398 Bridge Authority pursuant to the provisions of subsection (2).
2399 The Northwest Florida Transportation Finance Authority may
2400 review other contracts, financial obligations, and contractual
2401 obligations and liabilities of the Mid-Bay Bridge Authority and
2402 may assume legal liability for the obligations that are
2403 determined to be necessary for the continued operation of the
2404 bridge system.

2405 (2) The transfer pursuant to this section is subject to the
2406 terms and covenants provided for the protection of the holders
2407 of the Mid-Bay Bridge Authority bonds in the lease-purchase
2408 agreement and the resolutions adopted in connection with the
2409 issuance of the bonds. Further, the transfer does not impair the
2410 terms of the contract between the Mid-Bay Bridge Authority and
2411 the bondholders, does not act to the detriment of the
2412 bondholders, and does not diminish the security for the bonds.
2413 After the transfer, until the bonds of the Mid-Bay Bridge
2414 Authority are fully defeased or paid in full, the department
2415 shall operate and maintain the bridge system and any other
2416 facilities of the authority in accordance with the terms,
2417 conditions, and covenants contained in the bond resolutions and
2418 lease-purchase agreement securing the bonds of the bridge
2419 authority. The Department of Transportation, as the agent of the



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2420 Northwest Florida Transportation Finance Authority, shall
2421 collect toll revenues and apply them to the payment of debt
2422 service as provided in the bond resolution securing the bonds.
2423 The Northwest Florida Transportation Finance Authority shall
2424 expressly assume all obligations relating to the bonds to ensure
2425 that the transfer will have no adverse impact on the security
2426 for the bonds of the Mid-Bay Bridge Authority. The transfer does
2427 not make the obligation to pay the principal and interest on the
2428 bonds a general liability of the Northwest Florida
2429 Transportation Finance Authority or pledge the authority system
2430 revenues to payment of the Mid-Bay Bridge Authority bonds.
2431 Revenues that are generated by the bridge system and other
2432 facilities of the Mid-Bay Bridge Authority and that were pledged
2433 by the Mid-Bay Bridge Authority to the payment of the bonds
2434 remain subject to the pledge for the benefit of the bondholders.
2435 The transfer does not modify or eliminate any prior obligation
2436 of the Department of Transportation to pay certain costs of the
2437 bridge system from sources other than revenues of the bridge
2438 system. With regard to the bridge authority's current long-term
2439 debt of \$9.5 million due to the department as of June 30, 2012,
2440 and to the extent permitted by the bond resolutions and lease-
2441 purchase agreement securing the bonds, the Northwest Florida
2442 Transportation Finance Authority shall make payment annually to
2443 the State Transportation Trust Fund, for the purpose of repaying
2444 the Mid-Bay Bridge Authority's long-term debt due to the
2445 department, from any bridge system revenues obtained under this
2446 section which remain after the payment of the costs of
2447 operations, maintenance, renewal, and replacement of the bridge
2448 system; the payment of current debt service; and other payments



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2449 required in relation to the bonds. The Northwest Florida
2450 Transportation Finance Authority shall make the annual payments,
2451 not to exceed \$1 million per year, to the State Transportation
2452 Trust Fund until all remaining authority long-term debt due to
2453 the department has been repaid.

2454 (3) Any remaining toll revenue from the facilities of the
2455 Mid-Bay Bridge Authority collected by the Northwest Florida
2456 Transportation Finance Authority after meeting the requirements
2457 of subsections (1) and (2) shall be used for the construction,
2458 maintenance, or improvement of any toll facility of the
2459 Northwest Florida Transportation Finance Authority within the
2460 county or counties in which the revenue was collected.

2461 Section 57. Paragraph (d) of subsection (2) of section
2462 348.754, Florida Statutes, is amended to read:

2463 348.754 Purposes and powers.—

2464 (2) The authority is hereby granted, and shall have and may
2465 exercise all powers necessary, appurtenant, convenient or
2466 incidental to the carrying out of the aforesaid purposes,
2467 including, but without being limited to, the following rights
2468 and powers:

2469 (d) To enter into and make leases for terms not exceeding
2470 99 ~~40~~ years, as either lessee or lessor, in order to carry out
2471 the right to lease as set forth in this part.

2472 Section 58. Section 373.4137, Florida Statutes, is amended
2473 to read:

2474 373.4137 Mitigation requirements for specified
2475 transportation projects.—

2476 (1) The Legislature finds that environmental mitigation for
2477 the impact of transportation projects proposed by the Department



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2478 of Transportation or a transportation authority established
2479 pursuant to chapter 348 or chapter 349 can be more effectively
2480 achieved by regional, long-range mitigation planning rather than
2481 on a project-by-project basis. It is the intent of the
2482 Legislature that mitigation to offset the adverse effects of
2483 these transportation projects be funded by the Department of
2484 Transportation and be carried out by the use of mitigation banks
2485 and any other mitigation options that satisfy state and federal
2486 requirements in a manner that promotes efficiency, timeliness in
2487 project delivery, and cost-effectiveness.

2488 (2) Environmental impact inventories for transportation
2489 projects proposed by the Department of Transportation or a
2490 transportation authority established pursuant to chapter 348 or
2491 chapter 349 shall be developed as follows:

2492 (a) By July 1 of each year, the Department of
2493 Transportation, or a transportation authority established
2494 pursuant to chapter 348 or chapter 349 which chooses to
2495 participate in the program, shall submit to the water management
2496 districts a list of its projects in the adopted work program and
2497 an environmental impact inventory of habitat impacts and the
2498 anticipated amount of mitigation needed to offset impacts as
2499 described in paragraph (b). The environmental impact inventory
2500 must be based on ~~habitats addressed in~~ the rules adopted
2501 pursuant to this part, ~~and~~ s. 404 of the Clean Water Act, 33
2502 U.S.C. s. 1344, and which may be impacted by the Department of
2503 Transportation's ~~its~~ plan of construction for transportation
2504 projects in the next 3 years of the tentative work program. The
2505 Department of Transportation or a transportation authority
2506 established pursuant to chapter 348 or chapter 349 may also



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2507 include in its environmental impact inventory the habitat
2508 impacts and the anticipated amount of mitigation needed for ~~of~~
2509 any future transportation project. The Department of
2510 Transportation and each transportation authority established
2511 pursuant to chapter 348 or chapter 349 may fund any mitigation
2512 activities for future projects using current year funds.

2513 (b) The environmental impact inventory must ~~shall~~ include a
2514 description of ~~these~~ habitat impacts, including ~~their~~ location,
2515 acreage, and type; the anticipated amount of mitigation needed
2516 based on the functional loss as determined through the Uniform
2517 Mitigation Assessment Method (UMAM) adopted in Chapter 62-345,
2518 F.A.C.; identification of the proposed mitigation option; state
2519 water quality classification of impacted wetlands and other
2520 surface waters; any other state or regional designations for
2521 these habitats; and a list of threatened species, endangered
2522 species, and species of special concern affected by the proposed
2523 project.

2524 (c) Before projects are identified for inclusion in a water
2525 management district mitigation plan as described in subsection
2526 (4), the Department of Transportation must consider using
2527 credits from a permitted mitigation bank. The Department of
2528 Transportation must consider availability of suitable and
2529 sufficient mitigation bank credits within the transportation
2530 project's area, ability to satisfy commitments to regulatory and
2531 resource agencies, availability of suitable and sufficient
2532 mitigation purchased or developed through this section, ability
2533 to complete existing water management district or Department of
2534 Environmental Protection suitable mitigation sites initiated
2535 with Department of Transportation mitigation funds, and ability



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2536 to satisfy state and federal requirements including long-term
2537 maintenance and liability.

2538 (3) (a) To implement the mitigation option ~~fund development~~
2539 ~~and implementation of the mitigation plan for the projected~~
2540 ~~impacts identified in the environmental impact inventory~~
2541 ~~described in subsection (2), the Department of Transportation~~
2542 may purchase credits for current and future use directly from a
2543 mitigation bank; purchase mitigation services through the water
2544 management districts or the Department of Environmental
2545 Protection; conduct its own mitigation; or use other mitigation
2546 options that meet state and federal requirements. ~~shall identify~~
2547 ~~funds quarterly in an escrow account within the State~~
2548 ~~Transportation Trust Fund for the environmental mitigation phase~~
2549 ~~of projects budgeted by~~ Funding for the identified mitigation
2550 option as described in the environmental impact inventory must
2551 be included in the Department of Transportation's work program
2552 developed pursuant to s. 339.135. ~~for the current fiscal year.~~
2553 ~~The escrow account shall be maintained by the Department of~~
2554 ~~Transportation for the benefit of the water management~~
2555 ~~districts. Any interest earnings from the escrow account shall~~
2556 ~~remain with the Department of Transportation.~~ The amount
2557 programmed each year by the Department of Transportation and
2558 participating transportation authorities established pursuant to
2559 chapter 348 or chapter 349 must correspond to an estimated cost
2560 per credit of \$150,000 multiplied by the projected number of
2561 credits identified in the environmental impact inventory
2562 described in subsection (2). This estimated cost per credit will
2563 be adjusted every 2 years by the Department of Transportation
2564 based on the average cost per UMAM credit paid through this



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2565 section.

2566 (b) Each transportation authority established pursuant to
2567 chapter 348 or chapter 349 that chooses to participate in this
2568 program shall create an escrow account within its financial
2569 structure and deposit funds in the account to pay for the
2570 environmental mitigation phase of projects budgeted for the
2571 current fiscal year. The escrow account shall be maintained by
2572 the authority for the benefit of the water management districts.
2573 Any interest earnings from the escrow account shall remain with
2574 the authority.

2575 (c) For mitigation implemented by the water management
2576 district or the Department of Environmental Protection, as
2577 appropriate, the amount paid each year must be based on
2578 mitigation services provided by the water management districts
2579 or Department of Environmental Protection pursuant to an
2580 approved water management district plan, as described in
2581 subsection (4). ~~Except for current mitigation projects in the~~
2582 ~~monitoring and maintenance phase and except as allowed by~~
2583 ~~paragraph (d),~~ The water management districts or the Department
2584 of Environmental Protection, as appropriate, may request payment
2585 a transfer of funds from an escrow account no sooner than 30
2586 days before the date the funds are needed to pay for activities
2587 associated with development or implementation of the permitted
2588 mitigation meeting the requirements pursuant to this part, 33
2589 U.S.C. s. 1344, and 33 C.F.R. s. 332, in the approved mitigation
2590 plan described in subsection (4) for the current fiscal year.
2591 ~~including, but not limited to, design, engineering, production,~~
2592 ~~and staff support. Actual conceptual plan preparation costs~~
2593 ~~incurred before plan approval may be submitted to the Department~~



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2594 ~~of Transportation or the appropriate transportation authority~~
2595 ~~each year with the plan. The conceptual plan preparation costs~~
2596 ~~of each water management district will be paid from mitigation~~
2597 ~~funds associated with the environmental impact inventory for the~~
2598 ~~current year. The amount transferred to the escrow accounts each~~
2599 ~~year by the Department of Transportation and participating~~
2600 ~~transportation authorities established pursuant to chapter 348~~
2601 ~~or chapter 349 shall correspond to a cost per acre of \$75,000~~
2602 ~~multiplied by the projected acres of impact identified in the~~
2603 ~~environmental impact inventory described in subsection (2).~~
2604 ~~However, the \$75,000 cost per acre does not constitute an~~
2605 ~~admission against interest by the state or its subdivisions and~~
2606 ~~is not admissible as evidence of full compensation for any~~
2607 ~~property acquired by eminent domain or through inverse~~
2608 ~~condemnation. Each July 1, the cost per acre shall be adjusted~~
2609 ~~by the percentage change in the average of the Consumer Price~~
2610 ~~Index issued by the United States Department of Labor for the~~
2611 ~~most recent 12-month period ending September 30, compared to the~~
2612 ~~base year average, which is the average for the 12-month period~~
2613 ~~ending September 30, 1996. Each quarter, the projected amount of~~
2614 ~~mitigation must acreage of impact shall be reconciled with the~~
2615 ~~actual amount of mitigation needed for acreage of impact of~~
2616 ~~projects as permitted, including permit modifications, pursuant~~
2617 ~~to this part and s. 404 of the Clean Water Act, 33 U.S.C. s.~~
2618 ~~1344. The subject year's programming transfer of funds shall be~~
2619 ~~adjusted accordingly to reflect the mitigation acreage of~~
2620 ~~impacts as permitted. The Department of Transportation and~~
2621 ~~participating transportation authorities established pursuant to~~
2622 ~~chapter 348 or chapter 349 are authorized to transfer such funds~~



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2623 ~~from the escrow accounts to the water management districts to~~
2624 ~~carry out the mitigation programs. Environmental mitigation~~
2625 ~~funds that are identified for or maintained in an escrow account~~
2626 ~~for the benefit of a water management district may be released~~
2627 ~~if the associated transportation project is excluded in whole or~~
2628 ~~part from the mitigation plan. For a mitigation project that is~~
2629 ~~in the maintenance and monitoring phase, the water management~~
2630 ~~district may request and receive a one-time payment based on the~~
2631 ~~project's expected future maintenance and monitoring costs. If~~
2632 ~~the water management district excludes a project from an~~
2633 ~~approved water management district mitigation plan, cannot~~
2634 ~~timely permit a mitigation site to offset the impacts of a~~
2635 ~~Department of Transportation project identified in the~~
2636 ~~environmental impact inventory, or if the proposed mitigation~~
2637 ~~does not meet state and federal requirements, the Department of~~
2638 ~~Transportation may use the associated funds for the purchase of~~
2639 ~~mitigation bank credits or any other mitigation option that~~
2640 ~~satisfies state and federal requirements. Upon final~~
2641 ~~disbursement of the final maintenance and monitoring payment for~~
2642 ~~mitigation of a transportation project as permitted, the~~
2643 ~~obligation of the Department of Transportation or the~~
2644 ~~participating transportation authority is satisfied and the~~
2645 ~~water management district or the Department of Environmental~~
2646 ~~Protection, as appropriate, will have continuing responsibility~~
2647 ~~for the mitigation project. , the escrow account for the project~~
2648 ~~established by the Department of Transportation or the~~
2649 ~~participating transportation authority may be closed. Any~~
2650 ~~interest earned on these disbursed funds shall remain with the~~
2651 ~~water management district and must be used as authorized under~~



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2652 ~~this section.~~

2653 (d) Beginning with the March 2014 water management district
2654 mitigation plans, in the 2005-2006 fiscal year, each water
2655 management district or the Department of Environmental
2656 Protection, as appropriate, shall invoice the Department of
2657 Transportation for mitigation services to offset only the
2658 impacts of a Department of Transportation project identified in
2659 the environmental impact inventory, including planning, design,
2660 construction, maintenance and monitoring, and other costs
2661 necessary to meet requirements pursuant to this section, 33
2662 U.S.C. s. 1344, and 33 C.F.R. s. 332. be paid a lump-sum amount
2663 of \$75,000 per acre, adjusted as provided under paragraph (c),
2664 for federally funded transportation projects that are included
2665 on the environmental impact inventory and that have an approved
2666 mitigation plan. Beginning in the 2009-2010 fiscal year, each
2667 water management district shall be paid a lump-sum amount of
2668 \$75,000 per acre, adjusted as provided under paragraph (c), for
2669 federally funded and nonfederally funded transportation projects
2670 that have an approved mitigation plan. All mitigation costs,
2671 including, but not limited to, the costs of preparing conceptual
2672 plans and the costs of design, construction, staff support,
2673 future maintenance, and monitoring the mitigated acres shall be
2674 funded through these lump-sum amounts. If the water management
2675 district identifies the use of mitigation bank credits to offset
2676 a Department of Transportation impact, the water management
2677 district shall exclude that purchase from the mitigation plan,
2678 and the Department of Transportation must purchase the bank
2679 credits.

2680 (e) For mitigation activities occurring on existing water



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2681 management district or Department of Environmental Protection
2682 mitigation sites initiated with Department of Transportation
2683 mitigation funds before July 1, 2013, the water management
2684 district or Department of Environmental Protection shall invoice
2685 the Department of Transportation or a participating
2686 transportation authority at a cost per acre of \$75,000
2687 multiplied by the projected acres of impact as identified in the
2688 environmental impact inventory. The cost per acre must be
2689 adjusted by the percentage change in the average of the Consumer
2690 Price Index issued by the United States Department of Labor for
2691 the most recent 12-month period ending September 30, compared to
2692 the base year average, which is the average for the 12-month
2693 period ending September 30, 1996. When implementing the
2694 mitigation activities necessary to offset the permitted impacts
2695 as provided in the approved mitigation plan, the water
2696 management district shall maintain records of the costs incurred
2697 in implementing the mitigation. The records must include, but
2698 are not limited to, costs for planning, land acquisition,
2699 design, construction, staff support, long-term maintenance and
2700 monitoring of the mitigation site, and other costs necessary to
2701 meet the requirements of 33 U.S.C. s. 1344 and 33 C.F.R. s. 332.

2702 (f) For purposes of preparing and implementing the
2703 mitigation plans to be adopted by the water management districts
2704 on or before March 1, 2013, for impacts based on the July 1,
2705 2012, environmental impact inventory, the funds identified in
2706 the Department of Transportation's work program or participating
2707 transportation authorities' escrow accounts must correspond to a
2708 cost per acre of \$75,000 multiplied by the project acres of
2709 impact as identified in the environmental impact inventory. The



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2710 cost per acre shall be adjusted by the percentage change in the
2711 average of the Consumer Price Index issued by the United States
2712 Department of Labor for the most recent 12-month period ending
2713 September 30, compared to the base year average, which is the
2714 average for the 12-month period ending September 30, 1996.
2715 Payment as provided under this paragraph is limited to those
2716 mitigation activities that are identified in the first year of
2717 the 2013 mitigation plan and for which the transportation
2718 project is permitted and is in the Department of
2719 Transportation's adopted work program, or equivalent for a
2720 transportation authority. When implementing the mitigation
2721 activities necessary to offset the permitted impacts as provided
2722 in the approved mitigation plan, the water management district
2723 shall maintain records of the costs incurred in implementing the
2724 mitigation. The records must include, but are not limited to,
2725 costs for planning, land acquisition, design, construction,
2726 staff support, long-term maintenance and monitoring of the
2727 mitigation site, and other costs necessary to meet the
2728 requirements of 33 U.S.C. s. 1344 and 33 C.F.R. s. 332. To the
2729 extent moneys paid to a water management district by the
2730 Department of Transportation or a participating transportation
2731 authority exceed the amount expended by the water management
2732 districts in implementing the mitigation to offset the permitted
2733 impacts, these funds must be refunded to the Department of
2734 Transportation or participating transportation authority. This
2735 paragraph expires June 30, 2014.

2736 (4) Before March 1 of each year, each water management
2737 district shall develop a mitigation plan to offset only the
2738 impacts of transportation projects in the environmental impact



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2739 inventory for which a water management district is implementing
2740 mitigation that meets the requirements of this section, 33
2741 U.S.C. s. 1344, and 33 C.F.R. s. 332. The water management-
2742 district mitigation plan must be developed, in consultation with
2743 the Department of Environmental Protection, the United States
2744 Army Corps of Engineers, the Department of Transportation,
2745 participating transportation authorities established pursuant to
2746 chapter 348 or chapter 349, and other appropriate federal,
2747 state, and local governments, and other interested parties,
2748 including entities operating mitigation banks, ~~shall develop a~~
2749 ~~plan for the primary purpose of complying with the mitigation~~
2750 ~~requirements adopted pursuant to this part and 33 U.S.C. s.~~
2751 ~~1344.~~ In developing such plans, the water management districts
2752 shall use sound ecosystem management practices to address
2753 significant water resource needs and consider ~~shall focus on~~
2754 activities of the Department of Environmental Protection and the
2755 water management districts, such as surface water improvement
2756 and management (SWIM) projects and lands identified for
2757 potential acquisition for preservation, restoration, or
2758 enhancement, and the control of invasive and exotic plants in
2759 wetlands and other surface waters, to the extent that the
2760 activities comply with the mitigation requirements adopted under
2761 this part, ~~and~~ 33 U.S.C. s. 1344, and 33 C.F.R. s. 332. The
2762 water management district mitigation plan must identify each
2763 site where the water management district will mitigate for a
2764 transportation project. For each mitigation site, the water
2765 management district shall provide the scope of the mitigation
2766 services, provide the functional gain as determined through the
2767 UMAM per Chapter 62-345, F.A.C., describe how the mitigation



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2768 offsets the impacts of each transportation project as permitted,
2769 and provide a schedule for the mitigation services. The water
2770 management districts shall maintain records of costs incurred
2771 and payments received for providing these services. Records must
2772 include, but are not limited to, planning, land acquisition,
2773 design, construction, staff support, long-term maintenance and
2774 monitoring of the mitigation site, and other costs necessary to
2775 meet the requirements of 33 U.S.C. s. 1344 and 33 C.F.R. s. 332.
2776 To the extent monies paid to a water management district by the
2777 Department of Transportation or a participating transportation
2778 authority exceed the amount expended by the water management
2779 districts in providing the mitigation services to offset the
2780 permitted transportation project impacts, these monies must be
2781 refunded to the Department of Transportation or participating
2782 transportation authority. In determining the activities to be
2783 included in the plans, the districts shall consider the purchase
2784 of credits from public or private mitigation banks permitted
2785 under s. 373.4136 and associated federal authorization and shall
2786 include the purchase as a part of the mitigation plan when the
2787 purchase would offset the impact of the transportation project,
2788 provide equal benefits to the water resources than other
2789 mitigation options being considered, and provide the most cost-
2790 effective mitigation option. The mitigation plan shall be
2791 submitted to the water management district governing board, or
2792 its designee, for review and approval. At least 14 days before
2793 approval by the governing board, the water management district
2794 shall provide a copy of the draft mitigation plan to the
2795 Department of Environmental Protection and any person who has
2796 requested a copy. Subsequent to governing board approval, the



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2797 mitigation plan must be submitted to the Department of
2798 Environmental Protection for approval. The plan may not be
2799 implemented until it is submitted to and approved, in part or in
2800 its entirety, by the Department of Environmental Protection.

2801 ~~(a) For each transportation project with a funding request~~
2802 ~~for the next fiscal year, the mitigation plan must include a~~
2803 ~~brief explanation of why a mitigation bank was or was not chosen~~
2804 ~~as a mitigation option, including an estimation of identifiable~~
2805 ~~costs of the mitigation bank and nonbank options and other~~
2806 ~~factors such as time saved, liability for success of the~~
2807 ~~mitigation, and long-term maintenance.~~

2808 (a)(b) Specific projects may be excluded from the
2809 mitigation plan, in whole or in part, and are not subject to
2810 this section upon the election of the Department of
2811 Transportation, a transportation authority if applicable, or the
2812 appropriate water management district. The Department of
2813 Transportation or a participating transportation authority may
2814 not exclude a transportation project from the mitigation plan
2815 when mitigation is scheduled for implementation by the water
2816 management district in the current fiscal year, except when the
2817 transportation project is removed from the Department of
2818 Transportation's work program or transportation authority
2819 funding plan, the mitigation cannot be timely permitted to
2820 offset the impacts of a Department of Transportation project
2821 identified in the environmental impact inventory, or the
2822 proposed mitigation does not meet state and federal
2823 requirements. If a project is removed from the work program or
2824 the mitigation plan, costs expended by the water management
2825 district prior to removal are eligible for reimbursement by the



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2826 Department of Transportation or participating transportation
2827 authority.

2828 (b)(e) When determining which projects to include in or
2829 exclude from the mitigation plan, the Department of
2830 Transportation shall investigate using credits from a permitted
2831 mitigation bank before those projects are submitted for
2832 inclusion in a water management district mitigation the plan.
2833 ~~The investigation shall consider the cost-effectiveness of~~
2834 ~~mitigation bank credits, including, but not limited to, factors~~
2835 ~~such as time saved, transfer of liability for success of the~~
2836 ~~mitigation, and long-term maintenance.~~ The Department of
2837 Transportation shall exclude a project from the mitigation plan
2838 if the investigation undertaken pursuant to this paragraph
2839 results in the conclusion that the use of credits from a
2840 permitted mitigation bank promotes efficiency, timeliness in
2841 project delivery, cost-effectiveness, and transfer of liability
2842 for success and long-term maintenance.

2843 (5) The water management district shall ensure that
2844 mitigation requirements pursuant to 33 U.S.C. s. 1344 and 33
2845 C.F.R. s. 332 are met for the impacts identified in the
2846 environmental impact inventory for which the water management
2847 district will implement mitigation described in subsection (2),
2848 by implementation of the approved mitigation plan described in
2849 subsection (4) to the extent funding is provided by the
2850 Department of Transportation, or a transportation authority
2851 established pursuant to chapter 348 or chapter 349, if
2852 applicable. In developing and implementing the mitigation plan,
2853 the water management district shall comply with federal
2854 permitting requirements pursuant to 33 U.S.C. s. 1344 and 33



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2855 C.F.R. s. 332. During the federal permitting process, the water
2856 management district may deviate from the approved mitigation
2857 plan in order to comply with federal permitting requirements
2858 upon notice and coordination with the Department of
2859 Transportation or participating transportation authority.

2860 (6) The water management district mitigation plans shall be
2861 updated annually to reflect the most current Department of
2862 Transportation work program and project list of a transportation
2863 authority established pursuant to chapter 348 or chapter 349, if
2864 applicable, and may be amended throughout the year to anticipate
2865 schedule changes or additional projects which may arise. Before
2866 amending the mitigation plan to include new projects, the
2867 Department of Transportation shall consider mitigation banks and
2868 other available mitigation options that meet state and federal
2869 requirements. Each update and amendment of the mitigation plan
2870 shall be submitted to the governing board of the water
2871 management district or its designee for approval. However, such
2872 approval shall not be applicable to a deviation as described in
2873 subsection (5).

2874 (7) Upon approval by the governing board of the water
2875 management district and the Department of Environmental
2876 Protection ~~or its designee~~, the mitigation plan shall be deemed
2877 to satisfy the mitigation requirements under this part for
2878 impacts specifically identified in the environmental impact
2879 inventory described in subsection (2) and any other mitigation
2880 requirements imposed by local, regional, and state agencies for
2881 these same impacts. The approval of the governing board of the
2882 water management district ~~or its designee~~ and the Department of
2883 Environmental Protection shall authorize the activities proposed



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2884 in the mitigation plan, and no other state, regional, or local
2885 permit or approval shall be necessary.

2886 (8) This section shall not be construed to eliminate the
2887 need for the Department of Transportation or a transportation
2888 authority established pursuant to chapter 348 or chapter 349 to
2889 comply with the requirement to implement practicable design
2890 modifications, including realignment of transportation projects,
2891 to reduce or eliminate the impacts of its transportation
2892 projects on wetlands and other surface waters as required by
2893 rules adopted pursuant to this part, or to diminish the
2894 authority under this part to regulate other impacts, including
2895 water quantity or water quality impacts, or impacts regulated
2896 under this part that are not identified in the environmental
2897 impact inventory described in subsection (2).

2898 ~~(9) The process for environmental mitigation for the impact~~
2899 ~~of transportation projects under this section shall be available~~
2900 ~~to an expressway, bridge, or transportation authority~~
2901 ~~established under chapter 348 or chapter 349. Use of this~~
2902 ~~process may be initiated by an authority depositing the~~
2903 ~~requisite funds into an escrow account set up by the authority~~
2904 ~~and filing an environmental impact inventory with the~~
2905 ~~appropriate water management district. An authority that~~
2906 ~~initiates the environmental mitigation process established by~~
2907 ~~this section shall comply with subsection (6) by timely~~
2908 ~~providing the appropriate water management district with the~~
2909 ~~requisite work program information. A water management district~~
2910 ~~may draw down funds from the escrow account as provided in this~~
2911 ~~section.~~

2912 Section 59. Section 373.618, Florida Statutes, is amended



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2913 to read:
2914 373.618 Public service warnings, alerts, and
2915 announcements.—The Legislature believes it is in the public
2916 interest that each ~~all~~ water management district ~~districts~~
2917 created pursuant to s. 373.069 own, acquire, develop, construct,
2918 operate, and manage public information systems. Public
2919 information systems may be located on property owned by the
2920 water management district, upon terms and conditions approved by
2921 the water management district, and must display messages to the
2922 general public concerning water management services, activities,
2923 events, and sponsors, as well as other public service
2924 announcements, including watering restrictions, severe weather
2925 reports, amber alerts, and other essential information needed by
2926 the public. Local government review or approval is not required
2927 for a public information system owned or hereafter acquired,
2928 developed, or constructed by the water management district on
2929 its own property. A public information system is exempt from the
2930 requirements of chapter 479; however, a public information
2931 system that is subject to the Highway Beautification Act of 1965
2932 must be approved by the Department of Transportation and the
2933 Federal Highway Administration if required by federal law and
2934 federal regulation under the agreement between the state and the
2935 United States Department of Transportation, and federal
2936 regulations enforced by the Department of Transportation under
2937 s. 479.02(1). Water management district funds may not be used to
2938 pay the cost to acquire, develop, construct, operate, or manage
2939 a public information system. Any necessary funds for a public
2940 information system shall be paid for and collected from private
2941 sponsors who may display commercial messages.



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2942 Section 60. Subsection (3) of section 341.052, Florida
2943 Statutes, is amended to read:

2944 341.052 Public transit block grant program; administration;
2945 eligible projects; limitation.—

2946 (3) The following limitations shall apply to the use of
2947 public transit block grant program funds:

2948 (a) State participation in eligible capital projects shall
2949 be limited to 50 percent of the nonfederal share of such project
2950 costs.

2951 (b) State participation in eligible public transit
2952 operating costs may not exceed 50 percent of such costs or an
2953 amount equal to the total revenue, excluding farebox, charter,
2954 and advertising revenue and federal funds, received by the
2955 provider for operating costs, whichever amount is less.

2956 (c) No eligible public transit provider shall use public
2957 transit block grant funds to supplant local tax revenues made
2958 available to such provider for operations in the previous year;
2959 however, the Secretary of Transportation may waive this
2960 provision for public transit providers located in a county
2961 recovering from a state of emergency declared pursuant to part I
2962 of chapter 252.

2963 (d) Notwithstanding any law to the contrary, no eligible
2964 public transit provider shall use public transit block grant
2965 funds in pursuit of strategies or actions leading to or
2966 promoting the levying of new or additional taxes through public
2967 referenda. To the extent that a public transit provider uses
2968 other public funds in pursuit of strategies or actions leading
2969 to or promoting the levying of new or additional taxes through
2970 public referenda, the amount of the provider's grant must be



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2971 reduced by the same amount. As used in this paragraph, the term
2972 "public funds" means all moneys under the jurisdiction or
2973 control of a federal agency, the state, a county, or a
2974 municipality, including any district, authority, commission,
2975 board, or agency thereof for any public purpose.

2976 (e) The state may not give any county more than 39 percent
2977 of the funds available for distribution under this section or
2978 more than the amount that local revenue sources provide to that
2979 transit system.

2980 Section 61. Except as otherwise expressly provided in this
2981 act, this act shall take effect upon becoming law.

2982 ===== T I T L E A M E N D M E N T =====

2983 And the title is amended as follows:

2984 Delete everything before the enacting clause
2985 and insert:

2986 A bill to be entitled
2987 An act relating to the Department of Transportation;
2988 repealing s. 11.45(3)(m), F.S., relating to the
2989 authority of the Auditor General to conduct audits of
2990 transportation corporations under the Florida
2991 Transportation Corporation Act; amending s. 20.23,
2992 F.S.; requiring the Transportation Commission to also
2993 monitor authorities created under ch. 345, F.S.,
2994 relating to the Florida Regional Tollway Authority
2995 Act; amending s. 110.205, F.S.; changing a title to
2996 the State Freight and Logistics Administrator from the
2997 State Public Transportation and Modal Administrator,
2998 which is an exempt position not covered under career
2999 service; amending s. 311.22, F.S.; establishing the



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3000 Department of Transportation as the agency responsible
3001 for administering the section, instead of the Florida
3002 Seaport Transportation and Economic Development
3003 Council; providing for the future repeal of the
3004 section; repealing s. 316.530(3), F.S.; relating to
3005 load limits for certain towed vehicles; amending s.
3006 316.545, F.S.; increasing the weight amount used for
3007 penalty calculations; conforming terminology; amending
3008 s. 331.360, F.S.; reordering provisions; providing for
3009 a spaceport system plan; providing funding for space
3010 transportation projects from the State Transportation
3011 Trust Fund; requiring Space Florida to provide the
3012 Department of Transportation with specific project
3013 information and to demonstrate transportation and
3014 aerospace benefits; specifying the information to be
3015 provided; providing funding criteria; amending s.
3016 332.007, F.S.; authorizing the Department of
3017 Transportation to fund strategic airport investments;
3018 providing criteria; amending s. 334.044, F.S.;
3019 prohibiting the department from entering into a lease-
3020 purchase agreement with certain transportation
3021 authorities after a specified time; providing an
3022 exception from the requirement to purchase all plant
3023 materials from Florida commercial nursery stock when
3024 prohibited by applicable federal law or regulation;
3025 amending s. 335.06, F.S.; revising the
3026 responsibilities of the Department of Transportation,
3027 a county, or a municipality to improve or maintain a
3028 road that provides access to property within the state



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3029 park system; amending s. 337.11, F.S.; removing the
3030 requirement that a contractor provide a notarized
3031 affidavit as proof of registration; amending s.
3032 337.14, F.S.; revising the criteria for bidding
3033 certain construction contracts to require a proposed
3034 budget estimate if a contract is more than a specified
3035 amount; amending s. 337.168, F.S.; providing that a
3036 document that reveals the identity of a person who has
3037 requested or received certain information before a
3038 certain time is a public record; amending s. 337.25,
3039 F.S.; authorizing the Department of Transportation to
3040 use auction services in the conveyance of certain
3041 property or leasehold interests; revising certain
3042 inventory requirements; revising provisions and
3043 providing criteria for the department to dispose of
3044 certain excess property; providing such criteria for
3045 the disposition of donated property, property used for
3046 a public purpose, or property acquired to provide
3047 replacement housing for certain displaced persons;
3048 providing value offsets for property that requires
3049 significant maintenance costs or exposes the
3050 department to significant liability; providing
3051 procedures for the sale of property to abutting
3052 property owners; deleting provisions to conform to
3053 changes made by the act; providing monetary
3054 restrictions and criteria for the conveyance of
3055 certain leasehold interests; providing exceptions to
3056 restrictions for leases entered into for a public
3057 purpose; providing criteria for the preparation of



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3058 estimates of value prepared by the department;
3059 providing that the requirements of s. 73.013, F.S.,
3060 relating to eminent domain, are not modified; amending
3061 s. 337.251, F.S.; revising criteria for leasing
3062 particular department property; increasing the time
3063 the department must accept proposals for lease after a
3064 notice is published; authorizing the department to
3065 establish an application fee by rule; providing
3066 criteria for the fee; providing criteria that the
3067 lease must meet; amending s. 338.161, F.S.;
3068 authorizing the department to enter into agreements
3069 with owners of public or private transportation
3070 facilities under which the department uses its
3071 electronic toll collection and video billing systems
3072 to collect for the owner certain charges for use of
3073 the owners' transportation facilities; amending s.
3074 338.165, F.S.; removing the Beeline-East Expressway
3075 and the Navarre Bridge from the list of facilities
3076 that have toll revenues to secure their bonds;
3077 amending s. 338.26, F.S.; revising the uses of fees
3078 that are generated from tolls to include the design
3079 and construction of a fire station that may be used by
3080 certain local governments in accordance with a
3081 specified memorandum; removing authority of a district
3082 to issue bonds or notes; amending s. 339.175, F.S.;
3083 revising the criteria that qualify a local government
3084 for participation in a metropolitan planning
3085 organization; revising the criteria to determine
3086 voting membership of a metropolitan planning



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3087 organization; providing that each metropolitan
3088 planning organization shall review its membership and
3089 reapportion it as necessary; providing criteria;
3090 relocating the requirement that the Governor review
3091 and apportion the voting membership among the various
3092 governmental entities within the metropolitan planning
3093 area; amending s. 339.2821, F.S.; authorizing
3094 Enterprise Florida, Inc., to be a consultant to the
3095 Department of Transportation for consideration of
3096 expenditures associated with and contracts for
3097 transportation projects; revising the requirements for
3098 economic development transportation project contracts
3099 between the department and a governmental entity;
3100 repealing the Florida Transportation Corporation Act;
3101 repealing s. 339.401, F.S., relating to the short
3102 title; repealing s. 339.402, F.S., relating to
3103 definitions; repealing s. 339.403, F.S., relating to
3104 legislative findings and purpose; repealing s.
3105 339.404, F.S., relating to authorization of
3106 corporations; repealing s. 339.405, F.S., relating to
3107 type and structure of the corporation and income;
3108 repealing s. 339.406, F.S., relating to contracts
3109 between the department and the corporation; repealing
3110 s. 339.407, F.S., relating to articles of
3111 incorporation; repealing s. 339.408, F.S., relating to
3112 the board of directors and advisory directors;
3113 repealing s. 339.409, F.S., relating to bylaws;
3114 repealing s. 339.410, F.S., relating to notice of
3115 meetings and open records; repealing s. 339.411, F.S.,



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3116 relating to the amendment of articles; repealing s.
3117 339.412, F.S., relating to the powers of the
3118 corporation; repealing s. 339.414, F.S., relating to
3119 use of state property; repealing s. 339.415, F.S.,
3120 relating to exemptions from taxation; repealing s.
3121 339.416, F.S., relating to the authority to alter or
3122 dissolve corporations; repealing s. 339.417, F.S.,
3123 relating to the dissolution of a corporation upon the
3124 completion of purposes; repealing s. 339.418, F.S.,
3125 relating to transfer of funds and property upon
3126 dissolution; repealing s. 339.419, F.S., relating to
3127 department rules; repealing s. 339.420, F.S., relating
3128 to construction; repealing s. 339.421, F.S., relating
3129 to issuance of debt; amending s. 339.55, F.S.; adding
3130 spaceports to the list of facility types for which the
3131 state-funded infrastructure bank may lend capital
3132 costs or provide credit enhancements; amending s.
3133 341.031, F.S.; revising the definition of the term
3134 "intercity bus service"; amending s. 341.053, F.S.;
3135 revising the types of eligible projects and criteria
3136 of the intermodal development program; amending s.
3137 343.80, F.S.; re-naming the Northwest Florida
3138 Transportation Corridor Authority Law as the Northwest
3139 Florida Transportation Finance Authority Law; amending
3140 s. 343.805, F.S., defining "Northwest Florida
3141 Transportation Finance Authority System" or "system";
3142 deleting definitions of "U.S. 98 corridor" and "U.S.
3143 98 corridor system"; amending s. 343.81, F.S.; re-
3144 naming the Northwest Florida Transportation Corridor



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3145 Authority as the Northwest Florida Transportation
3146 Finance Authority; revising the composition of the
3147 governing board of the authority from eight to five
3148 voting members, two from Okaloosa County and one each
3149 from Walton, Bay, and Gulf Counties; removing from the
3150 governing body of the authority voting members from
3151 Escambia, Santa Rosa, Franklin, and Wakulla Counties;
3152 revising quorum requirements and the number of votes
3153 necessary for any action by the authority; removing
3154 the authority's authorization to establish a technical
3155 advisory committee and related provisions; amending s.
3156 343.82, F.S.; authorizing the authority to acquire,
3157 hold, construct, improve, maintain, operate, own and
3158 lease the Northwest Florida Transportation Finance
3159 Authority System; removing references to intended
3160 improvement of mobility along the U.S. 98 corridor and
3161 to the Santa Rosa Sound; removing direction to the
3162 authority to adopt a corridor master plan, to annually
3163 update and present the plan, to undertake projects or
3164 other improvements in the plan, and to request certain
3165 funding and technical assistance; conforming
3166 terminology; removing a prohibition against the
3167 authority imposing tolls or other charges; providing
3168 the authority may dispose of property which the
3169 authority and the Department of Transportation have
3170 determined is not needed for the system; removing the
3171 authority's authorization to enter into lease-purchase
3172 agreements with the department; amending s. 343.83,
3173 F.S.; conforming terminology; amending s. 343.835,



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3174 F.S.; making conforming changes; replacing a reference
3175 to facilities "constructed" by the authority to
3176 facilities "owned or provided"; amending s. 343.84,
3177 F.S.; providing that the department is the agent of
3178 the authority for the purpose of constructing,
3179 operating, and maintaining system facilities;
3180 providing for alternative appointment of a specified
3181 local agency as construction agent with the consent
3182 and approval of the department; providing for
3183 reimbursement from revenues of the system of costs
3184 incurred by the department to operate and maintain the
3185 system; providing that the department has no
3186 independent obligation to operate and maintain the
3187 system; providing the authority remains obligated as
3188 to operate and maintain its system; directing the
3189 authority to establish and collect tolls and other
3190 charges for the authority's facilities; amending s.
3191 343.85, F.S.; conforming terminology; repealing s.
3192 343.875, F.S., removing the authority's authorization
3193 to enter into public-private partnership agreements;
3194 removing project criteria; removing department
3195 authorization to use state resources to participate in
3196 projects; removing authorization to request proposals
3197 and to receive unsolicited proposals, removing related
3198 notice provisions, and removing procedural provisions
3199 related to consideration of such proposals; removing
3200 authorization for the public-private entity to impose
3201 tolls or fares; to exercise its powers, including
3202 eminent domain; and to adopt rules; amending s.



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3203 343.89, F.S.; conforming terminology; amending s.
3204 343.922, F.S.; removing reference to advances from the
3205 Toll Facilities Revolving Trust Fund as a source of
3206 funding for certain projects by an authority; creating
3207 ch. 345, F.S., relating to the Florida Regional
3208 Tollway Authority; creating s. 345.0001, F.S.;
3209 providing a short title; creating s. 345.0002, F.S.;
3210 providing definitions; creating s. 345.0003, F.S.;
3211 authorizing counties to form a regional tollway
3212 authority that can construct, maintain, or operate
3213 transportation projects in a region of the state;
3214 providing for governance of the authority; creating s.
3215 345.0004, F.S.; providing for the powers and duties of
3216 a regional tollway authority; limiting an authority's
3217 power with respect to an existing system; prohibiting
3218 an authority from pledging the credit or taxing power
3219 of the state or any political subdivision or agency of
3220 the state; requiring that an authority comply with
3221 certain reporting and documentation requirements;
3222 creating s. 345.0005, F.S.; authorizing the authority
3223 to issue bonds; providing that the issued bonds must
3224 meet certain requirements; providing that the
3225 resolution that authorizes the issuance of bonds meet
3226 certain requirements; authorizing an authority to
3227 enter into security agreements for issued bonds with a
3228 bank or trust company; providing that the issued bonds
3229 are negotiable instruments and have certain qualities;
3230 providing that a resolution authorizing the issuance
3231 of bonds and pledging of revenues of the system must



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3232 contain certain requirements; prohibiting the use or
3233 pledge of state funds to pay principal or interest of
3234 an authority's bonds; creating s. 345.0006, F.S.;
3235 providing for the rights and remedies granted to
3236 certain bondholders; providing the actions a trustee
3237 may take on behalf of the bondholders; providing for
3238 the appointment of a receiver; providing for the
3239 authority of the receiver; providing limitations to
3240 the receiver's authority; creating s. 345.0007, F.S.;
3241 providing that the Department of Transportation is the
3242 agent of each authority for specified purposes;
3243 providing for the administration and management of
3244 projects by the department; providing limits on the
3245 department as an agent; providing for the fiscal
3246 responsibilities of the authority; creating s.
3247 345.0008, F.S.; authorizing the department to provide
3248 for or commit its resources for an authority project
3249 or system, if approved by the Legislature; providing
3250 for payment of expenses incurred by the department on
3251 behalf of an authority; requiring the department to
3252 receive a share of the revenue from the authority;
3253 providing calculations for disbursement of revenues;
3254 creating s. 345.0009, F.S.; authorizing the authority
3255 to acquire private or public property and property
3256 rights for a project or plan; authorizing the
3257 authority to exercise the right of eminent domain;
3258 providing for the rights and liabilities and remedial
3259 actions relating to property acquired for a
3260 transportation project or corridor; creating s.



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3261 345.0010, F.S.; providing for contracts between
3262 governmental entities and an authority; creating s.
3263 345.0011, F.S.; providing that the state will not
3264 limit or alter the vested rights of a bondholder with
3265 regard to any issued bonds or rights relating to the
3266 bonds under certain conditions; creating s. 345.0012,
3267 F.S.; relieving the authority from the obligation of
3268 paying certain taxes or assessments for property
3269 acquired or used for certain public purposes or for
3270 revenues received relating to the issuance of bonds;
3271 providing exceptions; creating s. 345.0013, F.S.;
3272 providing that the bonds or obligations issued are
3273 legal investments of specified entities; creating s.
3274 345.0014, F.S.; providing applicability; creating s.
3275 345.0015, F.S.; creating the Northwest Florida Santa
3276 Rosa-Escambia Regional Tollway Authority; creating s.
3277 345.0016, F.S.; creating the Suncoast Regional Tollway
3278 Authority; providing for the transfer of the
3279 governance and control of the Mid-Bay Bridge Authority
3280 System to the Northwest Florida Transportation Finance
3281 Authority; providing for the disposition of bonds, the
3282 protection of the bondholders, the effect on the
3283 rights and obligations under a contract or the bonds,
3284 and the revenues associated with the bonds; amending
3285 s. 348.754, F.S.; revising the term limitation for
3286 leases that the Orlando-Orange County Expressway
3287 Authority may enter into; amending s. 373.4137, F.S.;
3288 providing legislative intent that mitigation be
3289 implemented in a manner that promotes efficiency,



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3290 timeliness, and cost-effectiveness in project
3291 delivery; revising the criteria of the environmental
3292 impact inventory; revising the criteria for mitigation
3293 of projected impacts identified in the environmental
3294 impact inventory; requiring the Department of
3295 Transportation to include funding for environmental
3296 mitigation for its projects in its work program;
3297 revising the process and criteria for the payment by
3298 the department or participating transportation
3299 authorities of mitigation implemented by water
3300 management districts or the Department of
3301 Environmental Protection; revising the requirements
3302 for the payment to a water management district or the
3303 Department of Environmental Protection of the costs of
3304 mitigation planning and implementation of the
3305 mitigation required by a permit; revising the payment
3306 criteria for preparing and implementing mitigation
3307 plans adopted by water management districts for
3308 transportation impacts based on the environmental
3309 impact inventory; adding federal requirements for the
3310 development of a mitigation plan; providing for
3311 transportation projects in the environmental
3312 mitigation plan for which mitigation has not been
3313 specified; revising a water management district's
3314 responsibilities relating to a mitigation plan;
3315 amending s. 373.618, F.S.; revising the outdoor
3316 advertisement exemption criteria for a public
3317 information system; amending s. 341.052, F.S.;

3318 prohibiting an eligible public transit provider from



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3319 using public transit block grant funds to pursue or
3320 promote the levying of new or additional taxes through
3321 public referenda; requiring the amount of the
3322 provider's grant to be reduced by any amount so spent;
3323 defining the term "public funds" for purposes of the
3324 prohibition; providing an effective date.