

By the Committee on Community Affairs; and Senator Brandes

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1                   A bill to be entitled  
2           An act relating to the Department of Transportation;  
3           amending s. 20.23, F.S.; requiring the Transportation  
4           Commission to also monitor ch. 345, F.S., relating to  
5           the Florida Regional Tollway Authority; deleting  
6           provisions relating to the Florida Statewide Passenger  
7           Rail Commission; amending s. 110.205, F.S.; changing  
8           to the State Freight and Logistics Administrator from  
9           the State Public Transportation and Modal  
10          Administrator, which is an exempt position not covered  
11          under career service; creating s. 163.3176, F.S.;  
12          providing legislative intent; requiring that a local  
13          government ensure that noise compatible land-use  
14          planning is used in its jurisdiction; providing  
15          guidelines; providing for the sharing of related costs  
16          of construction if a local government does not comply  
17          with the noise mitigation requirements; requiring that  
18          local governments consult with the Department of  
19          Transportation and the Department of Economic  
20          Opportunity in the formulation of noise mitigation  
21          requirements; amending s. 206.86, F.S.; deleting  
22          definitions for the terms "alternative fuel" and  
23          "natural gasoline"; amending s. 206.87, F.S.;  
24          conforming a cross-reference; repealing s. 206.877,  
25          F.S., relating to the annual decal fee program for  
26          motor vehicles powered by alternative fuels; repealing  
27          s. 206.89, F.S., relating to the requirements for  
28          alternative fuel retailer licenses; amending s.  
29          206.91, F.S.; making grammatical and technical

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30 changes; providing a directive to the Division of Law  
31 Revision and Information; amending s. 206.9825, F.S.;  
32 revising the criteria that certain air carriers must  
33 meet to qualify for an exemption to the aviation fuel  
34 tax; providing remedies for failure by an air carrier  
35 to meet the standards; authorizing terminal suppliers  
36 and wholesalers to receive a credit, or apply, for a  
37 refund of aviation fuel tax previously paid;  
38 conforming terminology; authorizing the Department of  
39 Revenue to adopt rules; creating s. 206.9951, F.S.;  
40 providing definitions; creating s. 206.9952, F.S.;  
41 establishing requirements for natural gas fuel  
42 retailer licenses; providing penalties for certain  
43 licensure violations; creating s. 206.9955, F.S.;  
44 providing calculations for a motor fuel equivalent  
45 gallon; providing for the levy of the natural gas fuel  
46 tax; authorizing the Department of Revenue to adopt  
47 rules; creating s. 206.996, F.S.; establishing  
48 requirements for monthly reports of natural gas fuel  
49 retailers; providing that reports are made under the  
50 penalties of perjury; allowing natural gas fuel  
51 retailers to seek a deduction of the tax levied under  
52 specified conditions; creating s. 206.9965, F.S.;  
53 providing exemptions and refunds from the natural gas  
54 fuel tax; transferring, renumbering, and amending  
55 s.206.879, F.S; revising provisions relating to the  
56 State Alternative Fuel User Fee Clearing Trust Fund;  
57 terminating the Local Alternative Fuel User Fee  
58 Clearing Trust Fund within the Department of Revenue;

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59       prescribing procedures for the termination of the  
60       trust fund; creating s. 206.998, F.S.; providing for  
61       the applicability of specified sections of parts I and  
62       II of ch. 206, F.S.; amending s. 212.055, F.S.;  
63       conforming a cross-reference; amending s. 212.08,  
64       F.S.; providing an exemption from taxes for natural  
65       gas fuel under certain circumstances; repealing s.  
66       316.530(3), F.S., relating to load limits for certain  
67       towed vehicles; amending s. 316.545, F.S.; increasing  
68       the weight amount used for penalty calculations;  
69       conforming terminology; amending s. 331.360, F.S.;  
70       reordering provisions; providing for a spaceport  
71       system plan; providing funding for space  
72       transportation projects from the State Transportation  
73       Trust Fund; requiring Space Florida to provide the  
74       Department of Transportation with specific project  
75       information and to demonstrate transportation and  
76       aerospace benefits; specifying the information to be  
77       provided; providing funding criteria; providing  
78       criteria for the Spaceport Investment Program;  
79       providing for funding; amending s. 332.007, F.S.;  
80       authorizing the Department of Transportation to fund  
81       strategic airport investments; providing criteria;  
82       amending s. 334.044, F.S.; prohibiting the department  
83       from entering into a lease-purchase agreement with  
84       certain transportation authorities after a specified  
85       time; amending s. 337.11, F.S.; removing the  
86       requirement that a contractor provide a notarized  
87       affidavit as proof of registration; amending s.

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88 337.14, F.S.; revising the criteria for bidding  
89 certain construction contracts to require a proposed  
90 budget estimate if a contract is more than a specified  
91 amount; amending s. 337.168, F.S.; providing that a  
92 document that reveals the identity of a person who has  
93 requested or received certain information before a  
94 certain time is a public record; amending s. 337.251,  
95 F.S.; revising criteria for leasing particular  
96 department property; increasing the time the  
97 department must accept proposals for lease after a  
98 notice is published; authorizing the department to  
99 establish an application fee by rule; providing  
100 criteria for the fee; providing criteria that the  
101 lease must meet; amending s. 337.408, F.S.; providing  
102 that persons who install a transit shelter or bus  
103 bench on certain right-of-ways are responsible for  
104 ensuring that the bench or transit shelter complies  
105 with applicable laws and rules; providing for the  
106 disposition of a bench or transit shelter that is not  
107 in compliance with applicable laws or rules; requiring  
108 owners of a bench or transit shelter to provide the  
109 department with a written inventory of locations;  
110 requiring the owner of a bench or transit shelter to  
111 maintain a liability insurance policy naming the  
112 department as an additional insured; specifying  
113 requirements for the policy; providing criteria for  
114 notice of modification, cancellation, or nonrenewal of  
115 an insurance policy; providing exceptions; requiring  
116 each county or municipality to remit certain revenue

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117 to the department; amending s. 338.161, F.S.;

118 authorizing the department to enter into agreements

119 with owners of public or private transportation

120 facilities rather than entities that use the

121 department's electronic toll collection and video

122 billing systems to collect certain charges; amending

123 s. 338.165, F.S.; removing the Beeline-East Expressway

124 and the Navarre Bridge from the list of facilities

125 that have toll revenues to secure their bonds;

126 amending s. 338.26, F.S.; revising the uses of fees

127 that are generated from tolls to include the design

128 and construction of a fire station that may be used by

129 certain local governments in accordance with a

130 specified memorandum; removing authority of a district

131 to issue bonds or notes; amending s. 339.175, F.S.;

132 revising the criteria that qualify a local government

133 for participation in a metropolitan planning

134 organization; revising the criteria to determine

135 voting membership of a metropolitan planning

136 organization; providing that each metropolitan

137 planning organization shall review its membership and

138 reapportion it as necessary; providing criteria;

139 removing the requirement that the Governor review and

140 apportion the voting membership among the various

141 governmental entities within the metropolitan planning

142 area; amending s. 339.2821, F.S.; authorizing

143 Enterprise Florida, Inc., to be a consultant to the

144 Department of Transportation for consideration of

145 expenditures associated with and contracts for

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146 transportation projects; revising the requirements for  
147 economic development transportation project contracts  
148 between the department and a governmental entity;  
149 amending s. 339.55, F.S.; adding spaceports to the  
150 list of facility types for which the state-funded  
151 infrastructure bank may lend capital costs or provide  
152 credit enhancements; amending s. 341.031, F.S.;  
153 revising the definition of the term "intercity bus  
154 service"; amending s. 341.053, F.S.; revising the  
155 types of eligible projects and criteria of the  
156 intermodal development program; amending s. 341.302,  
157 F.S.; authorizing the Department of Transportation to  
158 undertake ancillary development for appropriate  
159 revenue sources to be used for state-owned rail  
160 corridors; amending ss. 343.82 and 343.922, F.S.;  
161 removing reference to advances from the Toll  
162 Facilities Revolving Trust Fund as a source of funding  
163 for certain projects by an authority; creating ch.  
164 345, F.S., relating to the Florida Regional Tollway  
165 Authority; creating s. 345.0001, F.S.; providing a  
166 short title; creating s. 345.0002, F.S.; providing  
167 definitions; creating s. 345.0003, F.S.; authorizing  
168 counties to form a regional tollway authority that can  
169 construct, maintain, or operate transportation  
170 projects in a region of the state; providing for  
171 governance of the authority; creating s. 345.0004,  
172 F.S.; providing for the powers and duties of a  
173 regional tollway authority; limiting an authority's  
174 power with respect to an existing system; prohibiting

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175 an authority from pledging the credit or taxing power  
176 of the state or any political subdivision or agency of  
177 the state; requiring that an authority comply with  
178 certain reporting and documentation requirements;  
179 creating s. 345.0005, F.S.; authorizing the authority  
180 to issue bonds; providing that the issued bonds must  
181 meet certain requirements; providing that the  
182 resolution that authorizes the issuance of bonds meet  
183 certain requirements; authorizing an authority to  
184 enter into security agreements for issued bonds with a  
185 bank or trust company; providing that the issued bonds  
186 are negotiable instruments and have certain qualities;  
187 providing that a resolution authorizing the issuance  
188 of bonds and pledging of revenues of the system must  
189 contain certain requirements; prohibiting the use or  
190 pledge of state funds to pay principal or interest of  
191 an authority's bonds; creating s. 345.0006, F.S.;  
192 providing for the rights and remedies granted to  
193 certain bondholders; providing the actions a trustee  
194 may take on behalf of the bondholders; providing for  
195 the appointment of a receiver; providing for the  
196 authority of the receiver; providing limitations to  
197 the receiver's authority; creating s. 345.0007, F.S.;  
198 providing that the Department of Transportation is the  
199 agent of each authority for specified purposes;  
200 providing for the administration and management of  
201 projects by the department; providing limits on the  
202 department as an agent; providing for the fiscal  
203 responsibilities of the authority; creating s.

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204 345.0008, F.S.; authorizing the department to provide  
205 for or commit its resources for an authority project  
206 or system, if approved by the Legislature; providing  
207 for payment of expenses incurred by the department on  
208 behalf of an authority; requiring the department to  
209 receive a share of the revenue from the authority;  
210 providing calculations for disbursement of revenues;  
211 creating s. 345.0009, F.S.; authorizing the authority  
212 to acquire private or public property and property  
213 rights for a project or plan; authorizing the  
214 authority to exercise the right of eminent domain;  
215 providing for the rights and liabilities and remedial  
216 actions relating to property acquired for a  
217 transportation project or corridor; creating s.  
218 345.0010, F.S.; providing for contracts between  
219 governmental entities and an authority; creating s.  
220 345.0011, F.S.; providing that the state will not  
221 limit or alter the vested rights of a bondholder with  
222 regard to any issued bonds or rights relating to the  
223 bonds under certain conditions; creating s. 345.0012,  
224 F.S.; relieving the authority from the obligation of  
225 paying certain taxes or assessments for property  
226 acquired or used for certain public purposes or for  
227 revenues received relating to the issuance of bonds;  
228 providing exceptions; creating s. 345.0013, F.S.;  
229 providing that the bonds or obligations issued are  
230 legal investments of specified entities; creating s.  
231 345.0014, F.S.; providing applicability; creating s.  
232 345.0015, F.S.; creating the Northwest Florida



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233 Regional Tollway Authority; creating s. 345.0016,  
234 F.S.; creating the Okaloosa-Bay Regional Tollway  
235 Authority; creating s. 345.0017, F.S.; creating the  
236 Suncoast Regional Tollway Authority; providing for the  
237 transfer of the governance and control of the Mid-Bay  
238 Bridge Authority System to the Okaloosa-Bay Regional  
239 Tollway Authority; providing for the disposition of  
240 bonds, the protection of the bondholders, the effect  
241 on the rights and obligations under a contract or the  
242 bonds, and the revenues associated with the bonds;  
243 providing an effective date.

244

245 Be It Enacted by the Legislature of the State of Florida:

246

247 Section 1. Paragraph (b) of subsection (2) and subsection  
248 (3) of section 20.23, Florida Statutes, are amended, and present  
249 subsections (4) through (7) of that subsection are renumbered as  
250 subsections (3) through (6), to read:

251 20.23 Department of Transportation.—There is created a  
252 Department of Transportation which shall be a decentralized  
253 agency.

254 (2)

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

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

259 2. Periodically review the status of the state  
260 transportation system including highway, transit, rail, seaport,  
261 intermodal development, and aviation components of the system

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262 and recommend improvements therein to the Governor and the  
263 Legislature.

264 3. Perform an in-depth evaluation of the annual department  
265 budget request, the Florida Transportation Plan, and the  
266 tentative work program for compliance with all applicable laws  
267 and established departmental policies. Except as specifically  
268 provided in s. 339.135(4)(c)2., (d), and (f), the commission may  
269 not consider individual construction projects, but shall  
270 consider methods of accomplishing the goals of the department in  
271 the most effective, efficient, and businesslike manner.

272 4. Monitor the financial status of the department on a  
273 regular basis to assure that the department is managing revenue  
274 and bond proceeds responsibly and in accordance with law and  
275 established policy.

276 5. Monitor on at least a quarterly basis, the efficiency,  
277 productivity, and management of the department, using  
278 performance and production standards developed by the commission  
279 pursuant to s. 334.045.

280 6. Perform an in-depth evaluation of the factors causing  
281 disruption of project schedules in the adopted work program and  
282 recommend to the Legislature and the Governor methods to  
283 eliminate or reduce the disruptive effects of these factors.

284 7. Recommend to the Governor and the Legislature  
285 improvements to the department's organization in order to  
286 streamline and optimize the efficiency of the department. In  
287 reviewing the department's organization, the commission shall  
288 determine if the current district organizational structure is  
289 responsive to Florida's changing economic and demographic  
290 development patterns. The initial report by the commission must

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291 be delivered to the Governor and Legislature by December 15,  
292 2000, and each year thereafter, as appropriate. The commission  
293 may retain ~~such~~ experts that ~~as~~ are reasonably necessary to  
294 effectuate this subparagraph, and the department shall pay the  
295 expenses of the ~~such~~ experts.

296 8. Monitor the efficiency, productivity, and management of  
297 the authorities created under chapters 345, 348, and 349,  
298 including any authority formed using the provisions of part I of  
299 chapter 348, and any authority formed under chapter 343 ~~which is~~  
300 ~~not monitored under subsection (3)~~. The commission shall also  
301 conduct periodic reviews of each authority's operations and  
302 budget, acquisition of property, management of revenue and bond  
303 proceeds, and compliance with applicable laws and generally  
304 accepted accounting principles.

305 ~~(3) There is created the Florida Statewide Passenger Rail~~  
306 ~~Commission.~~

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

309 ~~a. Three members shall be appointed by the Governor, one of~~  
310 ~~whom must have a background in the area of environmental~~  
311 ~~concerns, one of whom must have a legislative background, and~~  
312 ~~one of whom must have a general business background.~~

313 ~~b. Three members shall be appointed by the President of the~~  
314 ~~Senate, one of whom must have a background in civil engineering,~~  
315 ~~one of whom must have a background in transportation~~  
316 ~~construction, and one of whom must have a general business~~  
317 ~~background.~~

318 ~~e. Three members shall be appointed by the Speaker of the~~  
319 ~~House of Representatives, one of whom must have a legal~~

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320 ~~background, one of whom must have a background in financial~~  
321 ~~matters, and one of whom must have a general business~~  
322 ~~background.~~

323 ~~2. The initial term of each member appointed by the~~  
324 ~~Governor shall be for 4 years. The initial term of each member~~  
325 ~~appointed by the President of the Senate shall be for 3 years.~~  
326 ~~The initial term of each member appointed by the Speaker of the~~  
327 ~~House of Representatives shall be for 2 years. Succeeding terms~~  
328 ~~for all members shall be for 4 years.~~

329 ~~3. A vacancy occurring during a term shall be filled by the~~  
330 ~~respective appointing authority in the same manner as the~~  
331 ~~original appointment and only for the balance of the unexpired~~  
332 ~~term. An appointment to fill a vacancy shall be made within 60~~  
333 ~~days after the occurrence of the vacancy.~~

334 ~~4. The commission shall elect one of its members as chair~~  
335 ~~of the commission. The chair shall hold office at the will of~~  
336 ~~the commission. Five members of the commission shall constitute~~  
337 ~~a quorum, and the vote of five members shall be necessary for~~  
338 ~~any action taken by the commission. The commission may meet upon~~  
339 ~~the constitution of a quorum. A vacancy in the commission does~~  
340 ~~not impair the right of a quorum to exercise all rights and~~  
341 ~~perform all duties of the commission.~~

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

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

346 ~~1. Monitoring the efficiency, productivity, and management~~  
347 ~~of all publicly funded passenger rail systems in the state,~~  
348 ~~including, but not limited to, any authority created under~~

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349 ~~chapter 343, chapter 349, or chapter 163 if the authority~~  
350 ~~receives public funds for the provision of passenger rail~~  
351 ~~service. The commission shall advise each monitored authority of~~  
352 ~~its findings and recommendations. The commission shall also~~  
353 ~~conduct periodic reviews of each monitored authority's passenger~~  
354 ~~rail and associated transit operations and budget, acquisition~~  
355 ~~of property, management of revenue and bond proceeds, and~~  
356 ~~compliance with applicable laws and generally accepted~~  
357 ~~accounting principles. The commission may seek the assistance of~~  
358 ~~the Auditor General in conducting such reviews and shall report~~  
359 ~~the findings of such reviews to the Legislature. This paragraph~~  
360 ~~does not preclude the Florida Transportation Commission from~~  
361 ~~conducting its performance and work program monitoring~~  
362 ~~responsibilities.~~

363 ~~2. Advising the department on policies and strategies used~~  
364 ~~in planning, designing, building, operating, financing, and~~  
365 ~~maintaining a coordinated statewide system of passenger rail~~  
366 ~~services.~~

367 ~~3. Evaluating passenger rail policies and providing advice~~  
368 ~~and recommendations to the Legislature on passenger rail~~  
369 ~~operations in the state.~~

370 ~~(c) The commission or a member of the commission may not~~  
371 ~~enter into the day-to-day operation of the department or a~~  
372 ~~monitored authority and is specifically prohibited from taking~~  
373 ~~part in:~~

374 ~~1. The awarding of contracts.~~

375 ~~2. The selection of a consultant or contractor or the~~  
376 ~~prequalification of any individual consultant or contractor.~~

377 ~~However, the commission may recommend to the secretary standards~~

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378 ~~and policies governing the procedure for selection and~~  
379 ~~prequalification of consultants and contractors.~~

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

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

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

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

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

387 ~~(d) The commission is assigned to the Office of the~~  
388 ~~Secretary of the Department of Transportation for administrative~~  
389 ~~and fiscal accountability purposes, but it shall otherwise~~  
390 ~~function independently of the control and direction of the~~  
391 ~~department except that reasonable expenses of the commission~~  
392 ~~shall be subject to approval by the Secretary of Transportation.~~  
393 ~~The department shall provide administrative support and service~~  
394 ~~to the commission.~~

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

397 110.205 Career service; exemptions.—

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

400 (j) The appointed secretaries and the State Surgeon  
401 General, assistant secretaries, deputy secretaries, and deputy  
402 assistant secretaries of all departments; the executive  
403 directors, assistant executive directors, deputy executive  
404 directors, and deputy assistant executive directors of all  
405 departments; the directors of all divisions and those positions  
406 determined by the department to have managerial responsibilities

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407 comparable to such positions, which positions include, but are  
408 not limited to, program directors, assistant program directors,  
409 district administrators, deputy district administrators, the  
410 Director of Central Operations Services of the Department of  
411 Children and Family Services, the State Transportation  
412 Development Administrator, State Freight and Logistics ~~Public~~  
413 ~~Transportation and Modal~~ Administrator, district secretaries,  
414 district directors of transportation development, transportation  
415 operations, transportation support, and the managers of the  
416 offices specified in s. 20.23(3)(b) ~~20.23(4)(b)~~, of the  
417 Department of Transportation. Unless otherwise fixed by law, the  
418 department shall set the salary and benefits of these positions  
419 in accordance with the rules of the Senior Management Service;  
420 and the county health department directors and county health  
421 department administrators of the Department of Health.

422 (m) All assistant division director, deputy division  
423 director, and bureau chief positions in any department, and  
424 those positions determined by the department to have managerial  
425 responsibilities comparable to such positions, which include,  
426 but are not limited to:

427 1. Positions in the Department of Health and the Department  
428 of Children and Family Services that are assigned primary duties  
429 of serving as the superintendent or assistant superintendent of  
430 an institution.

431 2. Positions in the Department of Corrections that are  
432 assigned primary duties of serving as the warden, assistant  
433 warden, colonel, or major of an institution or that are assigned  
434 primary duties of serving as the circuit administrator or deputy  
435 circuit administrator.

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436 3. Positions in the Department of Transportation that are  
437 assigned primary duties of serving as regional toll managers and  
438 managers of offices, as defined in s. 20.23(3)(b) and (4)(c)  
439 ~~20.23(4)(b) and (5)(e)~~.

440 4. Positions in the Department of Environmental Protection  
441 that are assigned the duty of an Environmental Administrator or  
442 program administrator.

443 5. Positions in the Department of Health that are assigned  
444 the duties of Environmental Administrator, Assistant County  
445 Health Department Director, and County Health Department  
446 Financial Administrator.

447  
448 Unless otherwise fixed by law, the department shall set the  
449 salary and benefits of the positions listed in this paragraph in  
450 accordance with the rules established for the Selected Exempt  
451 Service.

452 Section 3. Section 163.3176, Florida Statutes, is created  
453 to read:

454 163.3176 Legislative findings; noise mitigation  
455 requirements in development plans for land abutting the right-  
456 of-way of a limited access facility; compliance required of  
457 local governments.-

458 (1) The Legislature finds that incompatible residential  
459 development of land adjacent to the rights-of-way of limited  
460 access facilities and the failure to provide protections related  
461 to noise abatement have not been in the best interest of the  
462 public welfare or the economic health of the state. The  
463 Legislature finds that the costs of transportation projects are  
464 significantly increased by the added expense of required noise



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465 abatement and by the delay of other potential and needed  
466 transportation projects. The Legislature finds that limited  
467 access facilities generate traffic noise due to the high speed  
468 and high volumes of vehicular traffic on these important  
469 highways. The Legislature finds that important state interests,  
470 including, but not limited to, the protection of future  
471 residential property owners, will be served by ensuring that  
472 local governments have land development ordinances that promote  
473 residential land-use planning and development that is noise  
474 compatible with adjacent limited access facilities, and by  
475 avoiding future noise abatement problems and the related state  
476 expense to provide noise mitigation for residential dwellings  
477 constructed after notice of a planned limited access facility is  
478 made public. Additionally, the Legislature finds that, with  
479 future potential population growth and the resulting need for  
480 future capacity improvements to limited access facilities, noise  
481 compatible residential land-use planning must take into  
482 consideration an evaluation of future impacts of traffic noise  
483 on proposed residential developments that are adjacent to  
484 limited access facilities.

485 (2) Each local government shall ensure that noise  
486 compatible land-use planning is used in its jurisdictions in the  
487 development of land for residential use which is adjacent to  
488 right-of-way acquired for a limited access facility. The  
489 measures must include the incorporation of federal and state  
490 noise mitigation standards and guidelines in all local  
491 government land development regulations and be reflected in and  
492 carried out in the local government comprehensive plans,  
493 amendments of adopted comprehensive plans, zoning plans,

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494 subdivision plat approvals, development permits, and building  
495 permits. Each local government shall ensure that residential  
496 development proposed adjacent to a limited access facility is  
497 planned and constructed in conformance with all noise mitigation  
498 standards, guidelines, and regulations. A local government shall  
499 share equally with the Department of Transportation all related  
500 costs of construction if the local government does not comply  
501 with this section and, as a result, the department is required  
502 to construct a noise wall or other noise mitigation in  
503 connection with a road improvement project.

504 (3) A local government shall consult with the Department of  
505 Economic Opportunity and the department, as needed, in the  
506 formulation and establishment of adequate noise mitigation  
507 requirements in the respective land development regulations as  
508 mandated in this section. A local government shall adopt land  
509 development regulations that are consistent with this section,  
510 as soon as practicable, but not later than July 1, 2014.

511 Section 4. Section 206.86, Florida Statutes, is amended to  
512 read:

513 206.86 Definitions.—As used in this part:

514 (1) "Diesel fuel" means all petroleum distillates commonly  
515 known as diesel #2, biodiesel, or any other product blended with  
516 diesel or any product placed into the storage supply tank of a  
517 diesel-powered motor vehicle.

518 (2) "Taxable diesel fuel" or "fuel" means any diesel fuel  
519 not held in bulk storage at a terminal ~~and~~ which has not been  
520 dyed for exempt use in accordance with Internal Revenue Code  
521 requirements.

522 (3) "User" includes any person who uses diesel fuels within

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523 this state for the propulsion of a motor vehicle on the public  
524 highways of this state, even though the motor is also used for a  
525 purpose other than the propulsion of the vehicle.

526 ~~(4) "Alternative fuel" means any liquefied petroleum gas~~  
527 ~~product or compressed natural gas product or combination thereof~~  
528 ~~used in an internal combustion engine or motor to propel any~~  
529 ~~form of vehicle, machine, or mechanical contrivance. This term~~  
530 ~~includes, but is not limited to, all forms of fuel commonly or~~  
531 ~~commercially known or sold as natural gasoline, butane gas,~~  
532 ~~propane gas, or any other form of liquefied petroleum gas or~~  
533 ~~compressed natural gas.~~

534 ~~(5) "Natural gasoline" is a liquid hydrocarbon that is~~  
535 ~~produced by natural gas and must be blended with other liquid~~  
536 ~~petroleum products to produce motor fuel.~~

537 ~~(4)(6)~~ "Removal" means any physical transfer of diesel fuel  
538 and any use of diesel fuel other than as a material in the  
539 production of diesel fuel.

540 ~~(5)(7)~~ "Blender" means any person who ~~that~~ produces blended  
541 diesel fuel outside the bulk transfer/terminal system.

542 ~~(6)(8)~~ "Colorless marker" means material that is not  
543 perceptible to the senses until the diesel fuel into which it is  
544 introduced is subjected to a scientific test.

545 ~~(7)(9)~~ "Dyed diesel fuel" means diesel fuel that is dyed in  
546 accordance with United States Environmental Protection Agency or  
547 Internal Revenue Service requirements for high sulfur diesel  
548 fuel or low sulfur diesel fuel.

549 ~~(8)(10)~~ "Ultimate vendor" means a licensee that sells  
550 undyed diesel fuel to the United States or its departments or  
551 agencies in bulk lots of not less than 500 gallons in each

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552 delivery or to the user of the diesel fuel for use on a farm for  
553 farming purposes.

554 (9)~~(11)~~ "Local government user of diesel fuel" means any  
555 county, municipality, or school district licensed by the  
556 department to use untaxed diesel fuel in motor vehicles.

557 (10)~~(12)~~ "Mass transit system" means any licensed local  
558 transportation company providing local bus service that is open  
559 to the public and that travels regular routes.

560 (11)~~(13)~~ "Diesel fuel registrant" means anyone required by  
561 this chapter to be licensed to remit diesel fuel taxes,  
562 including, but not limited to, terminal suppliers, importers,  
563 local government users of diesel fuel, and mass transit systems.

564 (12)~~(14)~~ "Biodiesel" means any product made from  
565 nonpetroleum-based oils or fats which is suitable for use in  
566 diesel-powered engines. Biodiesel is also referred to as alkyl  
567 esters.

568 (13)~~(15)~~ "Biodiesel manufacturer" means those industrial  
569 plants, regardless of capacity, where organic products are used  
570 in the production of biodiesel. This includes businesses that  
571 process or blend organic products that are marketed as  
572 biodiesel.

573 Section 5. Paragraph (a) of subsection (1) of section  
574 206.87, Florida Statutes, is amended to read:

575 206.87 Levy of tax.—

576 (1) (a) An excise tax of 4 cents per gallon is hereby  
577 imposed upon each net gallon of diesel fuel subject to the tax  
578 under subsection (2), ~~except alternative fuels which are subject~~  
579 ~~to the fee imposed by s. 206.877.~~

580 Section 6. Section 206.877, Florida Statutes, is repealed.

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581 Section 7. Section 206.89, Florida Statutes, is repealed.

582 Section 8. Subsection (1) of section 206.91, Florida  
583 Statutes, is amended to read:

584 206.91 Tax reports; computation and payment of tax.—

585 (1) For the purpose of determining the amount of taxes  
586 imposed by s. 206.87, each diesel fuel registrant shall, not  
587 later than the 20th day of each calendar month, mail to the  
588 department, on forms prescribed by the department, monthly  
589 reports that provide ~~which shall show such~~ information on  
590 inventories, purchases, nontaxable disposals, and taxable sales  
591 in gallons of diesel fuel ~~and alternative fuel,~~ for the  
592 preceding calendar month ~~as may be~~ required by the department.  
593 However, if the 20th day falls on a Saturday, a Sunday, or a  
594 federal or state legal holiday, returns shall be accepted if  
595 postmarked on the next succeeding workday. The reports must  
596 include, ~~shall contain~~ or be verified by, a written declaration  
597 stating that they are ~~such report is~~ made under the penalties of  
598 perjury. The diesel fuel registrant shall deduct from the amount  
599 of taxes shown by the report to be payable an amount equivalent  
600 to .67 percent of the taxes on diesel fuel imposed by s.  
601 206.87(1)(a) and (e), which deduction is ~~hereby~~ allowed to the  
602 diesel fuel registrant on account of services and expenses in  
603 complying with the provisions of this part. The allowance on  
604 taxable gallons of diesel fuel sold to persons licensed under  
605 this chapter is not ~~shall not be~~ deductible unless the diesel  
606 fuel registrant has allowed 50 percent of the allowance provided  
607 by this section to a purchaser with a valid wholesaler or  
608 terminal supplier license. This allowance is not ~~shall not be~~  
609 deductible unless payment of the taxes is made on or before the

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610 20th day of the month as ~~herein~~ required in this subsection.  
611 ~~Nothing in~~ This subsection does not shall be construed to  
612 authorize a deduction from the constitutional fuel tax or fuel  
613 sales tax.

614 Section 9. Subsection (1) of section 206.9825, Florida  
615 Statutes, is amended to read:

616 206.9825 Aviation fuel tax.—

617 (1) (a) Except as otherwise provided in this part, an excise  
618 tax of 6.9 cents per gallon of aviation fuel is imposed upon  
619 every gallon of aviation fuel sold in this state, or brought  
620 into this state for use, upon which such tax has not been paid  
621 or the payment thereof has not been lawfully assumed by some  
622 person handling the same in this state. Fuel taxed pursuant to  
623 this part shall not be subject to the taxes imposed by ss.  
624 206.41(1)(d), (e), and (f) and 206.87(1)(b), (c), and (d).

625 (b) Any ~~licensed wholesaler or terminal supplier that~~  
626 ~~delivers aviation fuel to an air carrier that offers offering~~  
627 transcontinental jet service and that has, within the preceding  
628 5-year period from January 1 of the year the exemption is being  
629 applied for, increased its that, after January 1, 1996,  
630 increases the air carrier's Florida workforce by more than 1,000  
631 1000 percent and by 250 or more full-time equivalent employee  
632 positions as provided in reports that must be filed pursuant to  
633 s. 443.163, may purchase receive a credit or refund as the  
634 ultimate vendor of the aviation fuel exempt from for the 6.9  
635 cents per gallon tax imposed by this part from terminal  
636 suppliers and wholesalers, provided that the air carrier has no  
637 facility for fueling highway vehicles from the tank in which the  
638 aviation fuel is stored. To qualify for the exemption, an air

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639 carrier must submit a written request to the department stating  
640 that it meets the requirements of this paragraph. The exemption  
641 under this paragraph expires on December 31 of the year it was  
642 granted. The exemption is not allowed for any period before the  
643 effective date of the air carrier exemption letter issued by the  
644 department. To renew the exemption, the air carrier must submit  
645 a written request to the department stating that it meets the  
646 requirements of this paragraph. Terminal suppliers and  
647 wholesalers may receive a credit or may apply for a refund, as  
648 the ultimate vendor of the 6.9 cents per gallon aviation fuel  
649 tax previously paid, within 1 year after the date the right to  
650 the refund has accrued ~~excise tax previously paid, provided that~~  
651 ~~the air carrier has no facility for fueling highway vehicles~~  
652 ~~from the tank in which the aviation fuel is stored.~~ In  
653 calculating the new or additional Florida full-time equivalent  
654 employee positions, any full-time equivalent employee positions  
655 of parent or subsidiary corporations which existed before the  
656 preceding 5-year period from January 1 of the year the  
657 application for exemption or renewal is being applied for, may  
658 ~~January 1, 1996,~~ shall not be counted toward reaching the  
659 Florida employment increase thresholds. The refund allowed under  
660 this paragraph is in furtherance of the goals and policies of  
661 the State Comprehensive Plan set forth in s. 187.201(16) (a),  
662 (b)1., 2., (17) (a), (b)1., 4., (19) (a), (b)5., (21) (a), (b)1.,  
663 2., 4., 7., 9., and 12.

664 (c) If, during the 1-year period in which the exemption is  
665 in place ~~before July 1, 2001,~~ the air carrier fails to maintain  
666 the increase in its Florida workforce by more than 1,000 percent  
667 and by 250 or more full-time equivalent employees ~~number of~~

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668 ~~full-time equivalent employee positions created or added to the~~  
669 ~~air carrier's Florida workforce falls below 250, the exemption~~  
670 granted pursuant to this section does ~~shall~~ not apply during the  
671 period in which the air carrier was no longer qualified to  
672 receive the exemption ~~has fewer than the 250 additional~~  
673 ~~employees.~~

674 (d) The exemption taken by credit or refund pursuant to  
675 paragraph (b) applies ~~shall apply~~ only under the terms and  
676 conditions set forth in this paragraph ~~therein~~. If any part of  
677 the ~~that~~ paragraph is judicially declared to be unconstitutional  
678 or invalid, the validity of any provisions taxing aviation fuel  
679 is ~~shall~~ not be affected and all fuel exempted pursuant to  
680 paragraph (b) shall be subject to tax as if the exemption was  
681 never enacted. Each ~~Every~~ person who benefits ~~benefiting~~ from  
682 the ~~such~~ exemption is ~~shall be~~ liable for and must make payment  
683 of all taxes for which a credit or refund was granted.

684 (e) The department may adopt rules to administer this  
685 subsection.

686 Section 10. The Division of Law Revision and Information is  
687 requested to create part V of chapter 206, Florida Statutes,  
688 consisting of ss. 206.9951-206.998, entitled "NATURAL GAS FUEL."

689 Section 11. Section 206.9951, Florida Statutes, is created  
690 to read:

691 206.9951 Definitions.—As used in this part, the term:

692 (1) "Motor fuel equivalent gallon" means the volume of  
693 natural gas fuel it takes to equal the energy content of 1  
694 gallon of motor fuel.

695 (2) "Natural gas fuel" means any liquefied petroleum gas  
696 product, compressed natural gas product, or combination thereof



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697 used in a motor vehicle as defined in s. 206.01(23). This term  
698 includes, but is not limited to, all forms of fuel commonly or  
699 commercially known or sold as natural gasoline, butane gas,  
700 propane gas, or any other form of liquefied petroleum gas,  
701 compressed natural gas, or liquefied natural gas. The term does  
702 not include natural gas or liquefied petroleum placed in a  
703 separate tank of a motor vehicle for cooking, heating, water  
704 heating, or electric generation.

705 (3) "Natural gas fuel retailer" means any person who sells  
706 natural gas fuel for use in a motor vehicle as defined in s.  
707 206.01(23).

708 (4) "Natural gasoline" is a liquid hydrocarbon that is  
709 produced by natural gas and must be blended with other liquid  
710 petroleum products to produce motor fuel.

711 (5) "Person" means a natural person, corporation,  
712 copartnership, firm, company, agency, or association; a state  
713 agency; a federal agency; or a political subdivision of the  
714 state.

715 Section 12. Section 206.9952, Florida Statutes, is created  
716 to read:

717 206.9952 Application for license as a natural gas fuel  
718 retailer.-

719 (1) It is unlawful for any person to engage in business as  
720 a natural gas fuel retailer within this state unless he or she  
721 is the holder of a valid license issued by the department to  
722 engage in such business.

723 (2) A person who has facilities for placing natural gas  
724 fuel into the supply system of an internal combustion engine  
725 fueled by individual portable containers of 10 gallons or less

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726 is not required to be licensed as a natural gas fuel retailer,  
727 provided that the fuel is only used for exempt purposes.

728 (3) (a) Any person who acts as a natural gas retailer and  
729 does not hold a valid natural gas fuel retailer license shall  
730 pay a penalty of \$200 for each month of operation without a  
731 license. This paragraph expires December 31, 2018.

732 (b) Effective January 1, 2019, any person who acts as a  
733 natural gas fuel retailer and does not hold a valid natural gas  
734 fuel retailer license shall pay a penalty of 25 percent of the  
735 tax assessed on the total purchases made during the unlicensed  
736 period.

737 (4) To procure a natural gas fuel retailer license, a  
738 person shall file an application and a bond with the department  
739 on a form prescribed by the department. The department may not  
740 issue a license upon the receipt of any application unless it is  
741 accompanied by a bond.

742 (5) When a natural gas fuel retailer license application is  
743 filed by a person whose previous license was canceled for cause  
744 by the department or the department believes that such  
745 application was not filed in good faith or is filed by another  
746 person as a subterfuge for the actual person in interest whose  
747 previous license has been canceled, the department may, if  
748 evidence warrants, refuse to issue a license for such an  
749 application.

750 (6) Upon the department's issuance of a natural gas fuel  
751 retailer license, such license remains in effect so long as the  
752 natural gas fuel retailer is in compliance with the requirements  
753 of this part.

754 (7) Such license may not be assigned and is valid only for

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755 the natural gas fuel retailer in whose name the license is  
756 issued. The license shall be displayed conspicuously by the  
757 natural gas fuel retailer in the principal place of business for  
758 which the license was issued.

759 (8) With the exception of a state or federal agency or a  
760 political subdivision licensed under this chapter, each person,  
761 as defined in this part, who operates as a natural gas fuel  
762 retailer shall report monthly to the department and pay a tax on  
763 all natural gas fuel purchases beginning January 1, 2019.

764 (9) The license application requires a license fee of \$5.  
765 Each license shall be renewed annually by submitting a  
766 reapplication and the license fee to the department. The license  
767 fee shall be paid to the department for deposit into the General  
768 Revenue Fund.

769 Section 13. Section 206.9955, Florida Statutes, is created  
770 to read:

771 206.9955 Levy of natural gas fuel tax.—

772 (1) The motor fuel equivalent gallon means the following  
773 for:

774 (a) Compressed natural gas gallon: 5.66 pounds, or per each  
775 126.67 cubic feet.

776 (b) Liquefied natural gas gallon: 6.22 pounds.

777 (c) Liquefied petroleum gas gallon: 1.35 gallons.

778 (2) Effective January 1, 2019, the following taxes shall be  
779 imposed:

780 (a) An excise tax of 4 cents upon each motor fuel  
781 equivalent gallon of natural gas fuel.

782 (b) An additional tax of 1 cent upon each motor fuel  
783 equivalent gallon of natural gas fuel, which is designated as

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784 the "ninth-cent fuel tax."

785 (c) An additional tax of 6 cents on each motor fuel  
786 equivalent gallon of natural gas fuel by each county, which is  
787 designated as the "local option fuel tax."

788 (d) An additional tax on each motor fuel equivalent gallon  
789 of natural gas fuel, which is designated as the "State  
790 Comprehensive Enhanced Transportation System Tax," at a rate  
791 determined pursuant to this paragraph. Each calendar year, the  
792 department shall determine the tax rate applicable to the sale  
793 of natural gas fuel for the following 12-month period beginning  
794 January 1, rounded to the nearest tenth of a cent, by adjusting  
795 the initially established tax rate of 7.1 cents per gallon by  
796 the percentage change in the average of the Consumer Price Index  
797 issued by the United States Department of Labor for the most  
798 recent 12-month period ending September 30.

799 (e)1. An additional tax is imposed on each motor fuel  
800 equivalent gallon of natural gas fuel for the privilege of  
801 selling natural gas fuel and is designated as the "fuel sales  
802 tax." Each calendar year, the department shall determine the tax  
803 rate applicable to the sale of natural gas fuel, rounded to the  
804 nearest tenth of a cent, for the following 12-month period  
805 beginning January 1. The tax rate is calculated by adjusting the  
806 initially established tax rate of 12.9 cents per gallon by the  
807 percentage change in the average of the Consumer Price Index  
808 issued by the United States Department of Labor for the most  
809 recent 12-month period ending September 30.

810 2. The department is authorized to adopt rules and publish  
811 forms to administer this paragraph.

812 (3) Unless otherwise provided by this chapter, the taxes

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813 specified in subsection (2) are imposed on natural gas fuel when  
814 it is placed into the fuel supply tank of a motor vehicle as  
815 defined in s. 206.01(23). The person liable for payment of the  
816 taxes imposed by this section is the person selling the fuel to  
817 the end user, for use in the fuel supply tank of a motor vehicle  
818 as defined in s. 206.01(23).

819 Section 14. Section 206.996, Florida Statutes, is created  
820 to read:

821 206.996 Monthly reports by natural gas fuel retailers;  
822 deductions.-

823 (1) For the purpose of determining the amount of taxes  
824 imposed by s. 206.9955, each natural gas fuel retailer shall  
825 file beginning February 2019, and each month thereafter, no  
826 later than the 20th day of each month, monthly reports  
827 electronically with the department showing information on  
828 inventory, purchases, nontaxable disposals, and taxable sales in  
829 gallons of natural gas fuel for the preceding month. However, if  
830 the 20th day of the month falls on a Saturday, Sunday, or  
831 federal or state legal holiday, a return must be accepted if it  
832 is electronically filed on the next succeeding business day. The  
833 reports must include, or be verified by, a written declaration  
834 stating that such report is made under the penalties of perjury.  
835 The natural gas fuel retailer shall deduct from the amount of  
836 taxes shown by the report to be payable an amount equivalent to  
837 0.67 percent of the taxes on natural gas fuel imposed by s.  
838 206.9955(2)(a) and (e), which deduction is allowed to the  
839 natural gas fuel retailer to compensate it for services rendered  
840 and expenses incurred in complying with the requirements of this  
841 part. This allowance is not deductible unless payment of

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842 applicable taxes is made on or before the 20th day of the month.  
843 This subsection may not be construed as authorizing a deduction  
844 from the constitutional fuel tax or the fuel sales tax.

845 (2) Upon the electronic filing of the monthly report, each  
846 natural gas fuel retailer shall pay the department the full  
847 amount of natural gas fuel taxes for the preceding month at the  
848 rate provided in s. 206.9955, less the amount allowed the  
849 natural gas fuel retailer for services and expenses as provided  
850 in subsection (1).

851 (3) The department may authorize a quarterly return and  
852 payment of taxes when the taxes remitted by the natural gas fuel  
853 retailer for the preceding quarter did not exceed \$100, and the  
854 department may authorize a semiannual return and payment of  
855 taxes when the taxes remitted by the natural gas fuel retailer  
856 for the preceding 6 months did not exceed \$200.

857 (4) In addition to the allowance authorized by subsection  
858 (1), every natural gas fuel retailer is entitled to a deduction  
859 of 1.1 percent of the taxes imposed under s. 206.9955(2)(b) and  
860 (c), on account of services and expenses incurred due to  
861 compliance with the requirements of this part. This allowance  
862 may not be deductible unless payment of the tax is made on or  
863 before the 20th day of the month.

864 Section 15. Section 206.9965, Florida Statutes, is created  
865 to read:

866 206.9965 Exemptions and refunds; natural gas fuel  
867 retailers.—Natural gas fuel may be purchased from natural gas  
868 fuel retailers exempt from the tax imposed by this part when  
869 used or purchased for the following:

870 (1) Exclusive use by the United States or its departments

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871 or agencies. Exclusive use by the United States or its  
872 departments and agencies means the consumption by the United  
873 States or its departments or agencies of the natural gas fuel in  
874 a motor vehicle as defined in s. 206.01(23).

875 (2) Use for agricultural purposes as defined in s.  
876 206.41(4)(c).

877 (3) Uses as provided in s. 206.874(3).

878 (4) Used to propel motor vehicles operated by state and  
879 local government agencies.

880 (5) Individual use resulting from residential refueling  
881 devices located at a person's primary residence.

882 (6) Purchases of natural gas fuel between licensed natural  
883 gas fuel retailers. A natural gas fuel retailer that sells tax-  
884 paid natural gas fuel to another natural gas fuel retailer may  
885 take a credit on its monthly return or may file a claim for  
886 refund with the Chief Financial Officer pursuant to s. 215.26.  
887 All sales of natural gas fuel between natural gas fuel retailers  
888 must be documented on invoices or other evidence of the sale of  
889 such fuel and the seller shall retain a copy of the purchaser's  
890 natural gas fuel retailer license.

891 Section 16. Section 206.879, Florida Statutes, is  
892 transferred and renumbered as section 206.997, Florida Statutes,  
893 and amended to read:

894 206.997 ~~206.879~~ State and local alternative fuel user fee  
895 clearing trust funds; distribution.-

896 ~~(1)~~ Notwithstanding the provisions of s. 206.875, the  
897 revenues from the natural gas fuel tax imposed by s. 206.9955  
898 ~~state alternative fuel fees imposed by s. 206.877~~ shall be  
899 deposited into the State Alternative Fuel User Fee Clearing

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900 Trust Fund, which is hereby created. After deducting the service  
901 charges provided in s. 215.20, the proceeds in this trust fund  
902 shall be distributed as follows: one-half of the proceeds in  
903 calendar year 2019 and ~~one-fifth of the proceeds in calendar~~  
904 ~~year 1991, one-third of the proceeds in calendar year 1992,~~  
905 ~~three-sevenths of the proceeds in calendar year 1993, and one-~~  
906 ~~half of the proceeds in each calendar year thereafter shall be~~  
907 transferred to the State Transportation Trust Fund; the  
908 remainder shall be distributed as follows: 50 percent shall be  
909 transferred to the State Board of Administration for  
910 distribution according to the provisions of s. 16, Art. IX of  
911 the State Constitution of 1885, as amended; 25 percent shall be  
912 transferred to the Revenue Sharing Trust Fund for  
913 Municipalities; and the remaining 25 percent shall be  
914 distributed using the formula contained in s. 206.60(1).

915 ~~(2) Notwithstanding the provisions of s. 206.875, the~~  
916 ~~revenues from the local alternative fuel fees imposed in lieu of~~  
917 ~~s. 206.87(1)(b) or (c) shall be deposited into The Local~~  
918 ~~Alternative Fuel User Fee Clearing Trust Fund, which is hereby~~  
919 ~~created. After deducting the service charges provided in s.~~  
920 ~~215.20, the proceeds in this trust fund shall be returned~~  
921 ~~monthly to the appropriate county.~~

922 Section 17. (1) The Local Alternative Fuel User Fee  
923 Clearing Trust Fund within the Department of Revenue is  
924 terminated.

925 (2) The Department of Revenue shall pay any outstanding  
926 debts or obligations of the terminated fund as soon as  
927 practicable, and the Chief Financial Officer shall close out and  
928 remove the terminated fund from various state accounting systems



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929 using generally accepted accounting principles concerning  
930 warrants outstanding, assets, and liabilities.

931 Section 18. Section 206.998, Florida Statutes, is created  
932 to read:

933 206.998 Applicability of specified sections of parts I and  
934 II.—The provisions of ss. 206.01, 206.02, 206.025, 206.026,  
935 206.027, 206.028, 206.03, 206.05, 206.055, 206.06, 206.07,  
936 206.075, 206.09, 206.10, 206.11, 206.12, 206.13, 206.14, 206.15,  
937 206.16, 206.17, 206.175, 206.18, 206.199, 206.20, 206.204,  
938 206.205, 206.21, 206.215, 206.22, 206.23, 206.24, 206.25,  
939 206.27, 206.28, 206.405, 206.406, 206.41, 206.413, 206.43,  
940 206.44, 206.48, 206.485, 206.49, 206.56, 206.59, 206.606,  
941 206.608, and 206.61 of part I of this chapter and ss. 206.86,  
942 206.872, 206.874, 206.8745, 206.88, 206.90, and 206.93 of part  
943 II of this chapter shall, as far as lawful or practicable, be  
944 applicable to the tax levied and imposed and to the collection  
945 thereof as if fully set out in this part. However, any provision  
946 of any such section does not apply if it conflicts with any  
947 provision of this part.

948 Section 19. Paragraph (d) of subsection (2) of section  
949 212.055, Florida Statutes, is amended to read:

950 212.055 Discretionary sales surtaxes; legislative intent;  
951 authorization and use of proceeds.—It is the legislative intent  
952 that any authorization for imposition of a discretionary sales  
953 surtax shall be published in the Florida Statutes as a  
954 subsection of this section, irrespective of the duration of the  
955 levy. Each enactment shall specify the types of counties  
956 authorized to levy; the rate or rates which may be imposed; the  
957 maximum length of time the surtax may be imposed, if any; the

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958 procedure which must be followed to secure voter approval, if  
959 required; the purpose for which the proceeds may be expended;  
960 and such other requirements as the Legislature may provide.  
961 Taxable transactions and administrative procedures shall be as  
962 provided in s. 212.054.

963 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

964 (d) The proceeds of the surtax authorized by this  
965 subsection and any accrued interest shall be expended by the  
966 school district, within the county and municipalities within the  
967 county, or, in the case of a negotiated joint county agreement,  
968 within another county, to finance, plan, and construct  
969 infrastructure; to acquire land for public recreation,  
970 conservation, or protection of natural resources; to provide  
971 loans, grants, or rebates to residential or commercial property  
972 owners who make energy efficiency improvements to their  
973 residential or commercial property, if a local government  
974 ordinance authorizing such use is approved by referendum; or to  
975 finance the closure of county-owned or municipally owned solid  
976 waste landfills that have been closed or are required to be  
977 closed by order of the Department of Environmental Protection.  
978 Any use of the proceeds or interest for purposes of landfill  
979 closure before July 1, 1993, is ratified. The proceeds and any  
980 interest may not be used for the operational expenses of  
981 infrastructure, except that a county that has a population of  
982 fewer than 75,000 and that is required to close a landfill may  
983 use the proceeds or interest for long-term maintenance costs  
984 associated with landfill closure. Counties, as defined in s.  
985 125.011, and charter counties may, in addition, use the proceeds  
986 or interest to retire or service indebtedness incurred for bonds

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987 issued before July 1, 1987, for infrastructure purposes, and for  
988 bonds subsequently issued to refund such bonds. Any use of the  
989 proceeds or interest for purposes of retiring or servicing  
990 indebtedness incurred for refunding bonds before July 1, 1999,  
991 is ratified.

992 1. For the purposes of this paragraph, the term  
993 "infrastructure" means:

994 a. Any fixed capital expenditure or fixed capital outlay  
995 associated with the construction, reconstruction, or improvement  
996 of public facilities that have a life expectancy of 5 or more  
997 years and any related land acquisition, land improvement,  
998 design, and engineering costs.

999 b. A fire department vehicle, an emergency medical service  
1000 vehicle, a sheriff's office vehicle, a police department  
1001 vehicle, or any other vehicle, and the equipment necessary to  
1002 outfit the vehicle for its official use or equipment that has a  
1003 life expectancy of at least 5 years.

1004 c. Any expenditure for the construction, lease, or  
1005 maintenance of, or provision of utilities or security for,  
1006 facilities, as defined in s. 29.008.

1007 d. Any fixed capital expenditure or fixed capital outlay  
1008 associated with the improvement of private facilities that have  
1009 a life expectancy of 5 or more years and that the owner agrees  
1010 to make available for use on a temporary basis as needed by a  
1011 local government as a public emergency shelter or a staging area  
1012 for emergency response equipment during an emergency officially  
1013 declared by the state or by the local government under s.

1014 252.38. Such improvements are limited to those necessary to  
1015 comply with current standards for public emergency evacuation

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1016 shelters. The owner must enter into a written contract with the  
1017 local government providing the improvement funding to make the  
1018 private facility available to the public for purposes of  
1019 emergency shelter at no cost to the local government for a  
1020 minimum of 10 years after completion of the improvement, with  
1021 the provision that the obligation will transfer to any  
1022 subsequent owner until the end of the minimum period.

1023 e. Any land acquisition expenditure for a residential  
1024 housing project in which at least 30 percent of the units are  
1025 affordable to individuals or families whose total annual  
1026 household income does not exceed 120 percent of the area median  
1027 income adjusted for household size, if the land is owned by a  
1028 local government or by a special district that enters into a  
1029 written agreement with the local government to provide such  
1030 housing. The local government or special district may enter into  
1031 a ground lease with a public or private person or entity for  
1032 nominal or other consideration for the construction of the  
1033 residential housing project on land acquired pursuant to this  
1034 sub-subparagraph.

1035 2. For the purposes of this paragraph, the term "energy  
1036 efficiency improvement" means any energy conservation and  
1037 efficiency improvement that reduces consumption through  
1038 conservation or a more efficient use of electricity, natural  
1039 gas, propane, or other forms of energy on the property,  
1040 including, but not limited to, air sealing; installation of  
1041 insulation; installation of energy-efficient heating, cooling,  
1042 or ventilation systems; installation of solar panels; building  
1043 modifications to increase the use of daylight or shade;  
1044 replacement of windows; installation of energy controls or

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1045 energy recovery systems; installation of electric vehicle  
1046 charging equipment; installation of systems for natural gas fuel  
1047 as defined in s. 206.9951; and installation of efficient  
1048 lighting equipment.

1049 3. Notwithstanding any other provision of this subsection,  
1050 a local government infrastructure surtax imposed or extended  
1051 after July 1, 1998, may allocate up to 15 percent of the surtax  
1052 proceeds for deposit into ~~in~~ a trust fund within the county's  
1053 accounts created for the purpose of funding economic development  
1054 projects having a general public purpose of improving local  
1055 economies, including the funding of operational costs and  
1056 incentives related to economic development. The ballot statement  
1057 must indicate the intention to make an allocation under the  
1058 authority of this subparagraph.

1059 Section 20. Subsection (4) of section 212.08, Florida  
1060 Statutes, is amended to read:

1061 212.08 Sales, rental, use, consumption, distribution, and  
1062 storage tax; specified exemptions.—The sale at retail, the  
1063 rental, the use, the consumption, the distribution, and the  
1064 storage to be used or consumed in this state of the following  
1065 are hereby specifically exempt from the tax imposed by this  
1066 chapter.

1067 (4) EXEMPTIONS; ITEMS BEARING OTHER EXCISE TAXES, ETC.—

1068 (a) Also exempt are:

1069 1. Water delivered to the purchaser through pipes or  
1070 conduits or delivered for irrigation purposes. The sale of  
1071 drinking water in bottles, cans, or other containers, including  
1072 water that contains minerals or carbonation in its natural state  
1073 or water to which minerals have been added at a water treatment

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1074 facility regulated by the Department of Environmental Protection  
1075 or the Department of Health, is exempt. This exemption does not  
1076 apply to the sale of drinking water in bottles, cans, or other  
1077 containers if carbonation or flavorings, except those added at a  
1078 water treatment facility, have been added. Water that has been  
1079 enhanced by the addition of minerals and that does not contain  
1080 any added carbonation or flavorings is also exempt.

1081       2. All fuels used by a public or private utility, including  
1082 any municipal corporation or rural electric cooperative  
1083 association, in the generation of electric power or energy for  
1084 sale. Fuel other than motor fuel and diesel fuel is taxable as  
1085 provided in this chapter with the exception of fuel expressly  
1086 exempt herein. Natural gas fuel as defined in s. 206.9951(2) is  
1087 exempt from the tax imposed by this chapter when placed into the  
1088 fuel supply system of a motor vehicle. Motor fuels and diesel  
1089 fuels are taxable as provided in chapter 206, with the exception  
1090 of those motor fuels and diesel fuels used by railroad  
1091 locomotives or vessels to transport persons or property in  
1092 interstate or foreign commerce, which are taxable under this  
1093 chapter only to the extent provided herein. The basis of the tax  
1094 shall be the ratio of intrastate mileage to interstate or  
1095 foreign mileage traveled by the carrier's railroad locomotives  
1096 or vessels that were used in interstate or foreign commerce and  
1097 that had at least some Florida mileage during the previous  
1098 fiscal year of the carrier, such ratio to be determined at the  
1099 close of the fiscal year of the carrier. However, during the  
1100 fiscal year in which the carrier begins its initial operations  
1101 in this state, the carrier's mileage apportionment factor may be  
1102 determined on the basis of an estimated ratio of anticipated

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1103 miles in this state to anticipated total miles for that year,  
1104 and subsequently, additional tax shall be paid on the motor fuel  
1105 and diesel fuels, or a refund may be applied for, on the basis  
1106 of the actual ratio of the carrier's railroad locomotives' or  
1107 vessels' miles in this state to its total miles for that year.  
1108 This ratio shall be applied each month to the total Florida  
1109 purchases made in this state of motor and diesel fuels to  
1110 establish that portion of the total used and consumed in  
1111 intrastate movement and subject to tax under this chapter. The  
1112 basis for imposition of any discretionary surtax shall be set  
1113 forth in s. 212.054. Fuels used exclusively in intrastate  
1114 commerce do not qualify for the proration of tax.

1115 3. The transmission or wheeling of electricity.

1116 (b) Alcoholic beverages and malt beverages are not exempt.  
1117 The terms "alcoholic beverages" and "malt beverages" as used in  
1118 this paragraph have the same meanings ascribed to them in ss.  
1119 561.01(4) and 563.01, respectively. It is determined by the  
1120 Legislature that the classification of alcoholic beverages made  
1121 in this paragraph for the purpose of extending the tax imposed  
1122 by this chapter is reasonable and just, and it is intended that  
1123 such tax be separate from, and in addition to, any other tax  
1124 imposed on alcoholic beverages.

1125 Section 21. Subsection (3) of section 316.530, Florida  
1126 Statutes, is repealed.

1127 Section 22. Subsection (3) of section 316.545, Florida  
1128 Statutes, is amended to read:

1129 316.545 Weight and load unlawful; special fuel and motor  
1130 fuel tax enforcement; inspection; penalty; review.—

1131 (3) Any person who violates the overloading provisions of

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1132 this chapter shall be conclusively presumed to have damaged the  
1133 highways of this state by reason of such overloading, which  
1134 damage is hereby fixed as follows:

1135 (a) ~~If~~ When the excess weight is 200 pounds or less than  
1136 the maximum ~~herein~~ provided by this chapter, the penalty is  
1137 ~~shall be~~ \$10;

1138 (b) Five cents per pound for each pound of weight in excess  
1139 of the maximum ~~herein~~ provided in this chapter if ~~when~~ the  
1140 excess weight exceeds 200 pounds. However, if ~~whenever~~ the gross  
1141 weight of the vehicle or combination of vehicles does not exceed  
1142 the maximum allowable gross weight, the maximum fine for the  
1143 first 600 pounds of unlawful axle weight is ~~shall be~~ \$10;

1144 (c) For a vehicle equipped with fully functional idle-  
1145 reduction technology, any penalty shall be calculated by  
1146 reducing the actual gross vehicle weight or the internal bridge  
1147 weight by the certified weight of the idle-reduction technology  
1148 or by 550 ~~400~~ pounds, whichever is less. The vehicle operator  
1149 must present written certification of the weight of the idle-  
1150 reduction technology and must demonstrate or certify that the  
1151 idle-reduction technology is fully functional at all times. This  
1152 calculation is not allowed for vehicles described in s.  
1153 316.535(6);

1154 (d) An apportioned motor vehicle, as defined in s. 320.01,  
1155 operating on the highways of this state without being properly  
1156 licensed and registered shall be subject to the penalties as  
1157 ~~herein~~ provided in this section; and

1158 (e) Vehicles operating on the highways of this state from  
1159 nonmember International Registration Plan jurisdictions which  
1160 are not in compliance with the provisions of s. 316.605 shall be



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1161 subject to the penalties as ~~herein~~ provided in this section.

1162 Section 23. Section 331.360, Florida Statutes, is reordered  
1163 and amended to read:

1164 331.360 ~~Joint participation agreement or assistance;~~  
1165 Spaceport system ~~master~~ plan.-

1166 (2) ~~(1)~~ ~~It shall be the duty, function, and responsibility~~  
1167 ~~of~~ The department shall ~~of Transportation to~~ promote the further  
1168 development and improvement of aerospace transportation  
1169 facilities; to address intermodal requirements and impacts of  
1170 the launch ranges, spaceports, and other space transportation  
1171 facilities; to assist in the development of joint-use facilities  
1172 and technology that support aviation and aerospace operations;  
1173 to coordinate and cooperate in the development of spaceport  
1174 infrastructure and related transportation facilities contained  
1175 in the Strategic Intermodal System Plan; to encourage, where  
1176 appropriate, the cooperation and integration of airports and  
1177 spaceports in order to meet transportation-related needs; and to  
1178 facilitate and promote cooperative efforts between federal and  
1179 state government entities to improve space transportation  
1180 capacity and efficiency. In carrying out this duty and  
1181 responsibility, the department may assist and advise, cooperate  
1182 with, and coordinate with federal, state, local, or private  
1183 organizations and individuals. The department may  
1184 administratively house its space transportation responsibilities  
1185 within an existing division or office.

1186 (3) ~~(2)~~ Notwithstanding any other provision of law, the  
1187 department ~~of Transportation~~ may enter into an a joint  
1188 ~~participation~~ agreement with, or otherwise assist, Space Florida  
1189 as necessary to effectuate the provisions of this chapter and

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1190 may allocate funds for such purposes in its 5-year work program.  
 1191 However, the department may not fund the administrative or  
 1192 operational costs of Space Florida.

1193 (1) ~~(3)~~ Space Florida shall develop a spaceport system  
 1194 master plan that identifies statewide spaceport goals and the  
 1195 need for expansion and modernization of space transportation  
 1196 facilities within spaceport territories as defined in s.  
 1197 331.303. The plan must ~~shall~~ contain recommended projects that  
 1198 to meet current and future commercial, national, and state space  
 1199 transportation requirements. Space Florida shall submit the plan  
 1200 to each any appropriate metropolitan planning organization for  
 1201 review of intermodal impacts. Space Florida shall submit the  
 1202 spaceport system master plan to the department of  
 1203 Transportation, which may include those portions of the system  
 1204 plan which are relevant to the Department of Transportation's  
 1205 mission and such plan may be included within the department's 5-  
 1206 year work program of qualifying projects aerospace discretionary  
 1207 capacity improvement under subsection (4). The plan must ~~shall~~  
 1208 identify appropriate funding levels for each project and include  
 1209 recommendations on appropriate sources of revenue that may be  
 1210 developed to contribute to the State Transportation Trust Fund.

1211 (4) (a) Beginning in fiscal year 2013-2014, a minimum of \$15  
 1212 million annually is authorized to be made available from the  
 1213 State Transportation Trust Fund to fund space transportation  
 1214 projects. The funds for this initiative shall be from the funds  
 1215 dedicated to public transportation projects pursuant to s.  
 1216 206.46(3).

1217 (b) Before executing an agreement, Space Florida must  
 1218 provide project-specific information to the department in order

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1219 to demonstrate that the project includes transportation and  
1220 aerospace benefits. The project-specific information must  
1221 include, but need not be limited to:

1222 1. The description, characteristics, and scope of the  
1223 project.

1224 2. The funding sources for and costs of the project.

1225 3. The financing considerations that emphasize federal,  
1226 local, and private participation.

1227 4. A financial feasibility and risk analysis, including a  
1228 description of the efforts to protect the state's investment and  
1229 to ensure that project goals are realized.

1230 5. A demonstration that the project will encourage,  
1231 enhance, or create economic benefits for the state.

1232 (c) The department may fund up to 50 percent of eligible  
1233 project costs. If the project meets the following criteria, the  
1234 department may fund up to 100 percent of eligible project costs.

1235 The project must:

1236 1. Provide important access and on-spaceport capacity  
1237 improvements;

1238 2. Provide capital improvements to strategically position  
1239 the state to maximize opportunities in the aerospace industry or  
1240 foster growth and development of a sustainable and world-leading  
1241 aerospace industry in the state;

1242 3. Meet state goals of an integrated intermodal  
1243 transportation system; and

1244 4. Demonstrate the feasibility and availability of matching  
1245 funds through federal, local, or private partners ~~Subject to the~~  
1246 ~~availability of appropriated funds, the department may~~  
1247 ~~participate in the capital cost of eligible spaceport~~

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1248 ~~discretionary capacity improvement projects. The annual~~  
1249 ~~legislative budget request shall be based on the proposed~~  
1250 ~~funding requested for approved spaceport discretionary capacity~~  
1251 ~~improvement projects.~~

1252 Section 24. Subsection (11) is added to section 332.007,  
1253 Florida Statutes, to read:

1254 332.007 Administration and financing of aviation and  
1255 airport programs and projects; state plan.—

1256 (11) The department may fund strategic airport investment  
1257 projects at up to 100 percent of the project's cost if all the  
1258 following criteria are met:

1259 (a) Important access and on-airport capacity improvements  
1260 are provided.

1261 (b) Capital improvements that strategically position the  
1262 state to maximize opportunities in international trade,  
1263 logistics, and the aviation industry are provided.

1264 (c) Goals of an integrated intermodal transportation system  
1265 for the state are achieved.

1266 (d) Feasibility and availability of matching funds through  
1267 federal, local, or private partners are demonstrated.

1268 Section 25. Subsection (16) of section 334.044, Florida  
1269 Statutes, is amended to read:

1270 334.044 Department; powers and duties.—The department shall  
1271 have the following general powers and duties:

1272 (16) To plan, acquire, lease, construct, maintain, and  
1273 operate toll facilities; to authorize the issuance and refunding  
1274 of bonds; and to fix and collect tolls or other charges for  
1275 travel on any such facilities. Effective July 1, 2013, and  
1276 notwithstanding any other law to the contrary, the department

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1277 may not enter into a lease-purchase agreement with an expressway  
1278 authority, regional transportation authority, or other entity.  
1279 This provision does not invalidate a lease-purchase agreement  
1280 authorized under chapter 348 or chapter 2000-411, Laws of  
1281 Florida, and existing as of July 1, 2013, and does not limit the  
1282 department's authority under s. 334.30.

1283 Section 26. Subsection (13) of section 337.11, Florida  
1284 Statutes, is amended to read:

1285 337.11 Contracting authority of department; bids; emergency  
1286 repairs, supplemental agreements, and change orders; combined  
1287 design and construction contracts; progress payments; records;  
1288 requirements of vehicle registration.-

1289 (13) Each contract let by the department for the  
1290 performance of road or bridge construction or maintenance work  
1291 shall require ~~contain a provision requiring the contractor to~~  
1292 ~~provide proof to the department, in the form of a notarized~~  
1293 ~~affidavit from the contractor, that~~ all motor vehicles that the  
1294 contractor ~~he or she~~ operates or causes to be operated in this  
1295 state to be ~~are~~ registered in compliance with chapter 320.

1296 Section 27. Subsection (1) of section 337.14, Florida  
1297 Statutes, is amended to read:

1298 337.14 Application for qualification; certificate of  
1299 qualification; restrictions; request for hearing.-

1300 (1) A ~~Any~~ person who desires ~~desiring~~ to bid for the  
1301 performance of any construction contract with a proposed budget  
1302 estimate in excess of \$250,000 which the department proposes to  
1303 let must first be certified by the department as qualified  
1304 pursuant to this section and rules of the department. The rules  
1305 of the department must ~~shall~~ address the qualification of a

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1306 person ~~persons~~ to bid on construction contracts with a proposed  
1307 budget estimate that is in excess of \$250,000 and must ~~shall~~  
1308 include requirements with respect to the equipment, past record,  
1309 experience, financial resources, and organizational personnel of  
1310 the applicant necessary to perform the specific class of work  
1311 for which the person seeks certification. The department may  
1312 limit the dollar amount of any contract upon which a person is  
1313 qualified to bid or the aggregate total dollar volume of  
1314 contracts such person may ~~is allowed to~~ have under contract at  
1315 any one time. Each applicant who seeks ~~seeking~~ qualification to  
1316 bid on construction contracts with a proposed budget estimate in  
1317 excess of \$250,000 must ~~shall~~ furnish the department a statement  
1318 under oath, on such forms as the department may prescribe,  
1319 setting forth detailed information as required on the  
1320 application. Each application for certification must ~~shall~~ be  
1321 accompanied by the latest annual financial statement of the  
1322 applicant completed within the last 12 months. If the  
1323 application or the annual financial statement shows the  
1324 financial condition of the applicant more than 4 months before  
1325 ~~prior to~~ the date on which the application is received by the  
1326 department, ~~then~~ an interim financial statement must be  
1327 submitted and be accompanied by an updated application. The  
1328 interim financial statement must cover the period from the end  
1329 date of the annual statement and must show the financial  
1330 condition of the applicant no more than 4 months before ~~prior to~~  
1331 the date the interim financial statement is received by the  
1332 department. However, upon request by the applicant, an  
1333 application and accompanying annual or interim financial  
1334 statement received by the department within 15 days after either

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1335 4-month period provided pursuant to ~~under~~ this subsection must  
1336 ~~shall~~ be considered timely. Each required annual or interim  
1337 financial statement must be audited and accompanied by the  
1338 opinion of a certified public accountant. An applicant desiring  
1339 to bid exclusively for the performance of construction contracts  
1340 with proposed budget estimates of less than \$1 million may  
1341 submit reviewed annual or reviewed interim financial statements  
1342 prepared by a certified public accountant. The information  
1343 required by this subsection is confidential and exempt from the  
1344 provisions of s. 119.07(1). The department shall act upon the  
1345 application for qualification within 30 days after the  
1346 department determines that the application is complete. The  
1347 department may waive the requirements of this subsection for  
1348 projects having a contract price of \$500,000 or less if the  
1349 department determines that the project is of a noncritical  
1350 nature and the waiver will not endanger public health, safety,  
1351 or property.

1352 Section 28. Subsection (2) of section 337.168, Florida  
1353 Statutes, is amended to read:

1354 337.168 Confidentiality of official estimates, identities  
1355 of potential bidders, and bid analysis and monitoring system.—

1356 (2) A document that reveals ~~revealing~~ the identity of a  
1357 person who has ~~persons who have~~ requested or obtained a bid  
1358 package, plan ~~packages, plans,~~ or specifications pertaining to  
1359 any project to be let by the department is confidential and  
1360 exempt from the provisions of s. 119.07(1) for the period that  
1361 ~~which~~ begins 2 working days before ~~prior to~~ the deadline for  
1362 obtaining bid packages, plans, or specifications and ends with  
1363 the letting of the bid. A document that reveals the identity of

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1364 a person who has requested or obtained a bid package, plan, or  
1365 specifications pertaining to any project to be let by the  
1366 department before the 2 working days before the deadline for  
1367 obtaining bid packages, plans, or specifications remains a  
1368 public record subject to the provisions of s. 119.07(1).

1369 Section 29. Subsection (2) of section 337.251, Florida  
1370 Statutes, is amended to read:

1371 337.251 Lease of property for joint public-private  
1372 development and areas above or below department property.-

1373 (2) The department may request proposals for the lease of  
1374 such property or, if the department receives a proposal for to  
1375 negotiate a lease of a particular department property that the  
1376 department desires to consider, the department must ~~it shall~~  
1377 publish a notice in a newspaper of general circulation at least  
1378 once a week for 2 weeks, stating that it has received the  
1379 proposal and will accept, for 120 ~~60~~ days after the date of  
1380 publication, other proposals for lease of the particular  
1381 property ~~use of the space~~. A copy of the notice must be mailed  
1382 to each local government in the affected area. The department  
1383 shall, by rule, establish an application fee for the submission  
1384 of proposals pursuant to this section. The fee must be  
1385 sufficient to pay the anticipated costs of evaluating the  
1386 proposals. The department may engage the services of private  
1387 consultants to assist in the evaluation. Before approval, the  
1388 department must determine that the proposed lease:

1389 (a) Is in the public's best interest;

1390 (b) Does not require state funds to be used; and

1391 (c) Has adequate safeguards in place to ensure that no  
1392 additional costs are borne and no service disruptions are



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1393 experienced by the traveling public and residents of the state  
1394 in the event of default by the private lessee or upon  
1395 termination or expiration of the lease.

1396 Section 30. Subsection (1) of section 337.408, Florida  
1397 Statutes, is amended to read:

1398 337.408 Regulation of bus stops, benches, transit shelters,  
1399 street light poles, waste disposal receptacles, and modular news  
1400 racks within rights-of-way.-

1401 (1) (a) Benches or transit shelters, including advertising  
1402 displayed on benches or transit shelters, may be installed  
1403 within the right-of-way limits of any municipal, county, or  
1404 state road, except a limited access highway, provided that the  
1405 ~~such~~ benches or transit shelters are for the comfort or  
1406 convenience of the general public or are at designated stops on  
1407 official bus routes and provided that written authorization has  
1408 been given to a qualified private supplier of the ~~such~~ service  
1409 by the municipal government within whose incorporated limits the  
1410 ~~such~~ benches or transit shelters are installed or by the county  
1411 government within whose unincorporated limits the ~~such~~ benches  
1412 or transit shelters are installed. A municipality or county may  
1413 authorize the installation, without public bid, of benches and  
1414 transit shelters together with advertising displayed thereon  
1415 within the right-of-way limits of the ~~such~~ roads. All  
1416 installations must ~~shall~~ be in compliance with all applicable  
1417 laws and rules, including, without limitation, the Americans  
1418 with Disabilities Act. A person who installs or has installed a  
1419 transit shelter or a bus bench ~~Municipalities and counties that~~  
1420 ~~authorize or have authorized a bench or transit shelter to be~~  
1421 ~~installed~~ within the right-of-way limits of any road on the

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1422 State Highway System is ~~shall be~~ responsible for ensuring that  
1423 the bench or transit shelter complies with the ~~all~~ applicable  
1424 laws and rules, including, without limitation, the Americans  
1425 with Disabilities Act, or shall remove the bench or transit  
1426 shelter. The department is not liable ~~shall have no liability~~  
1427 for any claims, losses, costs, charges, expenses, damages,  
1428 liabilities, attorney fees, or court costs relating to the  
1429 installation, removal, or relocation of any benches or transit  
1430 shelters authorized by a municipality or county. If the  
1431 department determines that a bench or transit shelter  
1432 installation within the right-of-way limits of any road on the  
1433 State Highway System does not comply with the applicable laws  
1434 and rules, the owner of the bench or transit shelter shall  
1435 remove the bench or transit shelter or bring the bench or  
1436 shelter installation into compliance within 60 days after  
1437 receiving notice from the department. If the bench or transit  
1438 shelter is not removed, the department may, but is not required  
1439 to, remove the bench or transit shelter and assess the cost of  
1440 the removal against the owner of the bench or transit shelter.

1441 (b) On or before December 31, 2013, each owner of a bench  
1442 or transit shelter installed at any location within the right-  
1443 of-way limits of any road on the State Highway System must  
1444 provide to the department a written inventory of the location of  
1445 each bench or transit shelter. On and after July 1, 2013, each  
1446 owner of a new bench or transit shelter that will be installed  
1447 within the right-of-way limits of any road on the State Highway  
1448 System shall identify, in writing, the location of the new  
1449 installation to the department before installing the bench or  
1450 transit shelter. On or after January 1, 2014, the department

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1451 may, but is not required to, remove any unidentified bench or  
1452 transit shelter within the right-of-way limits of any road on  
1453 the State Highway System, and assess the cost of removal against  
1454 the owner of the bench or transit shelter.

1455 (c) On and after July 1, 2013 ~~2012~~, a municipality or  
1456 county that authorizes a bench or transit shelter to be  
1457 installed within the right-of-way limits of any road on the  
1458 State Highway System must require the qualified private  
1459 supplier, or any other person under contract to install the  
1460 bench or transit shelter, to indemnify, defend, and hold  
1461 harmless the department from any suits, actions, proceedings,  
1462 claims, losses, costs, charges, expenses, damages, liabilities,  
1463 attorney fees, and court costs relating to the installation,  
1464 removal, or relocation of such installations, and to maintain  
1465 liability insurance in the minimum amount of \$1 million with  
1466 supplemental liability insurance in the minimum amount of an  
1467 additional \$4 million. Each insurance policy must name the  
1468 department as an additional insured and a certificate of  
1469 insurance shall be furnished to the department before the  
1470 installation of any bench or transit shelter, and annually after  
1471 the initial installation. The certificate of insurance must  
1472 provide that the policy may not be modified, cancelled, or non-  
1473 renewed without providing to the department and to the  
1474 municipality or county written notice 45 days before the  
1475 modification, cancellation, or non-renewal. Each insurance  
1476 policy must specifically include coverage for any alleged  
1477 violation of applicable law, including, but not limited to, the  
1478 Americans with Disabilities Act. The requirements of this  
1479 paragraph do not apply to transit shelters installed by public

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1480 transit providers at designated stops on official transit routes  
1481 ~~shall annually certify to the department in a notarized signed~~  
1482 ~~statement that this requirement has been met. The certification~~  
1483 ~~shall include the name and address of each person responsible~~  
1484 ~~for indemnifying the department for an authorized installation.~~

1485 (d) Municipalities and counties that have authorized the  
1486 installation of benches or transit shelters within the right-of-  
1487 way limits of any road on the State Highway System must remove  
1488 or relocate, or cause the removal or relocation of, the  
1489 installation at no cost to the department within 60 days after  
1490 written notice by the department that the installation is  
1491 unreasonably interfering in any way with the convenient, safe,  
1492 or continuous use of or the maintenance, improvement, extension,  
1493 or expansion of the State Highway System road.

1494 (e) Any contract for the installation of benches or transit  
1495 shelters or advertising on benches or transit shelters which was  
1496 entered into before April 8, 1992, without public bidding is  
1497 ratified and affirmed. The ~~Such~~ benches or transit shelters may  
1498 not interfere with right-of-way preservation and maintenance.

1499 (f) Any bench or transit shelter located on a sidewalk  
1500 within the right-of-way limits of any road on the State Highway  
1501 System or the county road system must ~~shall~~ be located so as to  
1502 leave at least 36 inches of clearance for pedestrians and  
1503 persons in wheelchairs. The ~~Such~~ clearance must ~~shall~~ be  
1504 measured in a direction perpendicular to the centerline of the  
1505 road.

1506 Section 31. Subsection (5) of section 338.161, Florida  
1507 Statutes, is amended to read:

1508 338.161 Authority of department or toll agencies to

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1509 advertise and promote electronic toll collection; expanded uses  
1510 of electronic toll collection system; authority of department to  
1511 collect tolls, fares, and fees for private and public entities.-

1512 (5) If the department finds that it can increase nontoll  
1513 revenues or add convenience or other value for its customers,  
1514 and if a public or private transportation facility owner agrees  
1515 that its facility will become interoperable with the  
1516 department's electronic toll collection and video billing  
1517 systems, the department may ~~is authorized to~~ enter into an  
1518 agreement with the owner of such facility under which the  
1519 department uses ~~private or public entities for the department's~~  
1520 ~~use of~~ its electronic toll collection and video billing systems  
1521 to collect and enforce for the owner tolls, fares,  
1522 administrative fees, and other applicable charges due ~~imposed~~ in  
1523 connection with use of the owner's facility ~~transportation~~  
1524 ~~facilities of the private or public entities that become~~  
1525 ~~interoperable with the department's electronic toll collection~~  
1526 ~~system~~. The department may modify its rules regarding toll  
1527 collection procedures and the imposition of administrative  
1528 charges to be applicable to toll facilities that are not part of  
1529 the turnpike system or otherwise owned by the department. This  
1530 subsection may not be construed to limit the authority of the  
1531 department under any other provision of law or under any  
1532 agreement entered into before ~~prior to~~ July 1, 2012.

1533 Section 32. Subsection (4) of section 338.165, Florida  
1534 Statutes, is amended to read:

1535 338.165 Continuation of tolls.-

1536 (4) Notwithstanding any other law to the contrary, pursuant  
1537 to s. 11, Art. VII of the State Constitution, and subject to the

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1538 requirements of subsection (2), the Department of Transportation  
1539 may request the Division of Bond Finance to issue bonds secured  
1540 by toll revenues collected on the Alligator Alley, the Sunshine  
1541 Skyway Bridge, ~~the Beeline-East Expressway, the Navarre Bridge,~~  
1542 and the Pinellas Bayway to fund transportation projects located  
1543 within the county or counties in which the revenue-producing  
1544 project is located and contained in the adopted work program of  
1545 the department.

1546 Section 33. Subsections (3) and (4) of section 338.26,  
1547 Florida Statutes, are amended to read:

1548 338.26 Alligator Alley toll road.—

1549 (3) Fees generated from tolls shall be deposited in the  
1550 State Transportation Trust Fund, and any amount of funds  
1551 generated annually in excess of that required to reimburse  
1552 outstanding contractual obligations, to operate and maintain the  
1553 highway and toll facilities, including reconstruction and  
1554 restoration, to pay for those projects that are funded with  
1555 Alligator Alley toll revenues and that are contained in the  
1556 1993-1994 adopted work program or the 1994-1995 tentative work  
1557 program submitted to the Legislature on February 22, 1994, and  
1558 to design and construct ~~develop and operate~~ a fire station at  
1559 mile marker 63 on Alligator Alley, which may be used by Collier  
1560 County or other appropriate local governmental entity to provide  
1561 fire, rescue, and emergency management services ~~to the adjacent~~  
1562 ~~counties~~ along Alligator Alley, may be transferred to the  
1563 Everglades Fund of the South Florida Water Management District  
1564 in accordance with the memorandum of understanding of June 30,  
1565 1997, between the district and the department. The South Florida  
1566 Water Management District shall deposit funds for projects

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1567 undertaken pursuant to s. 373.4592 in the Everglades Trust Fund  
1568 pursuant to s. 373.45926(4)(a). Any funds remaining in the  
1569 Everglades Fund may be used for environmental projects to  
1570 restore the natural values of the Everglades, subject to  
1571 compliance with any applicable federal laws and regulations.  
1572 Projects must ~~shall~~ be limited to:

1573 (a) Highway redesign to allow for improved sheet flow of  
1574 water across the southern Everglades.

1575 (b) Water conveyance projects to enable more water  
1576 resources to reach Florida Bay to replenish marine estuary  
1577 functions.

1578 (c) Engineering design plans for wastewater treatment  
1579 facilities as recommended in the Water Quality Protection  
1580 Program Document for the Florida Keys National Marine Sanctuary.

1581 (d) Acquisition of lands to move STA 3/4 out of the Toe of  
1582 the Boot, provided such lands are located within 1 mile of the  
1583 northern border of STA 3/4.

1584 (e) Other Everglades Construction Projects as described in  
1585 the February 15, 1994, conceptual design document.

1586 ~~(4) The district may issue revenue bonds or notes under s.~~  
1587 ~~373.584 and pledge the revenue from the transfers from the~~  
1588 ~~Alligator Alley toll revenues as security for such bonds or~~  
1589 ~~notes. The proceeds from such revenue bonds or notes shall be~~  
1590 ~~used for environmental projects; at least 50 percent of said~~  
1591 ~~proceeds must be used for projects that benefit Florida Bay, as~~  
1592 ~~described in this section subject to resolutions approving such~~  
1593 ~~activity by the Board of Trustees of the Internal Improvement~~  
1594 ~~Trust Fund and the governing board of the South Florida Water~~  
1595 ~~Management District and the remaining proceeds must be used for~~

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1596 ~~restoration activities in the Everglades Protection Area.~~

1597 Section 34. Subsections (2) through (4) of section 339.175,  
1598 Florida Statutes, are amended to read:

1599 339.175 Metropolitan planning organization.—

1600 (2) DESIGNATION.—

1601 (a)1. An M.P.O. shall be designated for each urbanized area  
1602 of the state; however, this does not require that an individual  
1603 M.P.O. be designated for each such area. The M.P.O. ~~Such~~  
1604 designation shall be accomplished by agreement between the  
1605 Governor and units of general-purpose local government that  
1606 together represent ~~representing~~ at least 75 percent of the  
1607 population, including the largest incorporated municipality,  
1608 based on population, ~~of the urbanized area; however, the unit of~~  
1609 ~~general-purpose local government that represents the central~~  
1610 ~~city or cities within the M.P.O. jurisdiction,~~ as named ~~defined~~  
1611 by the United States Bureau of the Census, ~~must be a party to~~  
1612 ~~such agreement.~~

1613 2. To the extent possible, only one M.P.O. shall be  
1614 designated for each urbanized area or group of contiguous  
1615 urbanized areas. More than one M.P.O. may be designated within  
1616 an existing urbanized area only if the Governor and the existing  
1617 M.P.O. determine that the size and complexity of the existing  
1618 urbanized area makes the designation of more than one M.P.O. for  
1619 the area appropriate.

1620 (b) Each M.P.O. designated in a manner prescribed by Title  
1621 23 of the United States Code shall be created and operated under  
1622 the provisions of this section pursuant to an interlocal  
1623 agreement entered into pursuant to s. 163.01. The signatories to  
1624 the interlocal agreement shall be the department and the



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1625 governmental entities designated by the Governor for membership  
1626 on the M.P.O. Each M.P.O. shall be considered separate from the  
1627 state or the governing body of a local government that is  
1628 represented on the governing board of the M.P.O. or that is a  
1629 signatory to the interlocal agreement creating the M.P.O. and  
1630 shall have such powers and privileges that are provided under s.  
1631 163.01. If there is a conflict between this section and s.  
1632 163.01, this section prevails.

1633 (c) The jurisdictional boundaries of an M.P.O. shall be  
1634 determined by agreement between the Governor and the applicable  
1635 M.P.O. The boundaries must include at least the metropolitan  
1636 planning area, which is the existing urbanized area and the  
1637 contiguous area expected to become urbanized within a 20-year  
1638 forecast period, and may encompass the entire metropolitan  
1639 statistical area or the consolidated metropolitan statistical  
1640 area.

1641 (d) In the case of an urbanized area designated as a  
1642 nonattainment area for ozone or carbon monoxide under the Clean  
1643 Air Act, 42 U.S.C. ss. 7401 et seq., the boundaries of the  
1644 metropolitan planning area in existence as of the date of  
1645 enactment of this paragraph shall be retained, except that the  
1646 boundaries may be adjusted by agreement of the Governor and  
1647 affected metropolitan planning organizations in the manner  
1648 described in this section. If more than one M.P.O. has authority  
1649 within a metropolitan area or an area that is designated as a  
1650 nonattainment area, each M.P.O. shall consult with other  
1651 M.P.O.'s designated for such area and with the state in the  
1652 coordination of plans and programs required by this section.

1653 (e) The governing body of the M.P.O. shall designate, at a

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1654 minimum, a chair, vice chair, and agency clerk. The chair and  
1655 vice chair shall be selected from among the member delegates  
1656 comprising the governing board. The agency clerk shall be  
1657 charged with the responsibility of preparing meeting minutes and  
1658 maintaining agency records. The clerk shall be a member of the  
1659 M.P.O. governing board, an employee of the M.P.O., or other  
1660 natural person.

1661  
1662 Each M.P.O. required under this section must be fully operative  
1663 no later than 6 months following its designation.

1664 (3) VOTING MEMBERSHIP.—

1665 (a) The voting membership of an M.P.O. shall consist of not  
1666 fewer than 5 or more than 19 apportioned members, the exact  
1667 number to be determined on an equitable geographic-population  
1668 ratio ~~basis by the Governor~~, based on an agreement among the  
1669 affected units of general-purpose local government and the  
1670 Governor as required by federal ~~rules and~~ regulations. The  
1671 voting membership of an M.P.O. that is redesignated after the  
1672 effective date of this act as a result of the expansion of the  
1673 M.P.O. to include a new urbanized area or the consolidation of  
1674 two or more M.P.O.'s within a single urbanized area may consist  
1675 of no more than 25 members. The Governor, in accordance with 23  
1676 U.S.C. s. 134, may also provide for M.P.O. members who represent  
1677 municipalities to alternate with representatives from other  
1678 municipalities within the metropolitan planning area that do not  
1679 have members on the M.P.O. County commission members shall  
1680 compose not less than one-third of the M.P.O. membership, except  
1681 for an M.P.O. with more than 15 members located in a county with  
1682 a 5-member county commission or an M.P.O. with 19 members

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1683 located in a county with no more than 6 county commissioners, in  
1684 which case county commission members may compose less than one-  
1685 third percent of the M.P.O. membership, but all county  
1686 commissioners must be members. All voting members shall be  
1687 elected officials of general-purpose local governments, except  
1688 that an M.P.O. may include, as part of its apportioned voting  
1689 members, a member of a statutorily authorized planning board, an  
1690 official of an agency that operates or administers a major mode  
1691 of transportation, or an official of Space Florida. As used in  
1692 this section, the term "elected officials of a general-purpose  
1693 local government" excludes ~~shall exclude~~ constitutional  
1694 officers, including sheriffs, tax collectors, supervisors of  
1695 elections, property appraisers, clerks of the court, and similar  
1696 types of officials. County commissioners shall compose not less  
1697 than 20 percent of the M.P.O. membership if an official of an  
1698 agency that operates or administers a major mode of  
1699 transportation has been appointed to an M.P.O.

1700 (b) In metropolitan areas in which authorities or other  
1701 agencies have been or may be created by law to perform  
1702 transportation functions and are performing transportation  
1703 functions that are not under the jurisdiction of a general-  
1704 purpose local government represented on the M.P.O., they may  
1705 ~~shall~~ be provided voting membership on the M.P.O. In all other  
1706 M.P.O.'s where transportation authorities or agencies are to be  
1707 represented by elected officials from general-purpose local  
1708 governments, the M.P.O. shall establish a process by which the  
1709 collective interests of such authorities or other agencies are  
1710 expressed and conveyed.

1711 (c) Any other provision of this section to the contrary

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1712 notwithstanding, a chartered county with a population of more  
1713 than ~~over~~ 1 million ~~population~~ may elect to reapportion the  
1714 membership of an M.P.O. whose jurisdiction is wholly within the  
1715 county. The charter county may exercise the provisions of this  
1716 paragraph if:

1717 1. The M.P.O. approves the reapportionment plan by a three-  
1718 fourths vote of its membership;

1719 2. The M.P.O. and the charter county determine that the  
1720 reapportionment plan is needed to fulfill specific goals and  
1721 policies applicable to that metropolitan planning area; and

1722 3. The charter county determines the reapportionment plan  
1723 otherwise complies with all federal requirements pertaining to  
1724 M.P.O. membership.

1725  
1726 A ~~Any~~ charter county that elects to exercise the provisions of  
1727 this paragraph shall notify the Governor in writing.

1728 (d) Any other provision of this section to the contrary  
1729 notwithstanding, a ~~any~~ county chartered under s. 6(e), Art. VIII  
1730 of the State Constitution may elect to have its county  
1731 commission serve as the M.P.O., if the M.P.O. jurisdiction is  
1732 wholly contained within the county. A ~~Any~~ charter county that  
1733 elects to exercise the provisions of this paragraph shall so  
1734 notify the Governor in writing. Upon receipt of the ~~such~~  
1735 notification, the Governor must designate the county commission  
1736 as the M.P.O. The Governor must appoint four additional voting  
1737 members to the M.P.O., one of whom must be an elected official  
1738 representing a municipality within the county, one of whom must  
1739 be an expressway authority member, one of whom must be a person  
1740 who does not hold elected public office and who resides in the

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1741 unincorporated portion of the county, and one of whom must be a  
1742 school board member.

1743 (4) APPORTIONMENT.—

1744 (a) Each M.P.O. in the state shall review the composition  
1745 of its membership in conjunction with the decennial census, as  
1746 prepared by the United States Department of Commerce, Bureau of  
1747 the Census, and, with the agreement of the affected units of  
1748 general-purpose local government and the Governor, reapportion  
1749 the membership as necessary to comply with subsection (3) ~~The~~  
1750 ~~Governor shall, with the agreement of the affected units of~~  
1751 ~~general-purpose local government as required by federal rules~~  
1752 ~~and regulations, apportion the membership on the applicable~~  
1753 ~~M.P.O. among the various governmental entities within the area.~~

1754 (b) At the request of a majority of the affected units of  
1755 general-purpose local government comprising an M.P.O., the  
1756 Governor and a majority of units of general-purpose local  
1757 government serving on an M.P.O. shall cooperatively agree upon  
1758 and prescribe who may serve as an alternate member and a method  
1759 for appointing alternate members who may vote at any M.P.O.  
1760 meeting that an alternate member attends in place of a regular  
1761 member. The method must ~~shall~~ be set forth as a part of the  
1762 interlocal agreement describing the M.P.O.'s membership or in  
1763 the M.P.O.'s operating procedures and bylaws. The governmental  
1764 entity so designated shall appoint the appropriate number of  
1765 members to the M.P.O. from eligible officials. Representatives  
1766 of the department shall serve as nonvoting advisers to the  
1767 M.P.O. governing board. Additional nonvoting advisers may be  
1768 appointed by the M.P.O. as deemed necessary; however, to the  
1769 maximum extent feasible, each M.P.O. shall seek to appoint

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1770 nonvoting representatives of various multimodal forms of  
1771 transportation not otherwise represented by voting members of  
1772 the M.P.O. An M.P.O. shall appoint nonvoting advisers  
1773 representing major military installations located within the  
1774 jurisdictional boundaries of the M.P.O. upon the request of the  
1775 aforesaid major military installations and subject to the  
1776 agreement of the M.P.O. All nonvoting advisers may attend and  
1777 participate fully in governing board meetings but may not vote  
1778 or be members of the governing board. ~~The Governor shall review~~  
1779 ~~the composition of the M.P.O. membership in conjunction with the~~  
1780 ~~decennial census as prepared by the United States Department of~~  
1781 ~~Commerce, Bureau of the Census, and reapportion it as necessary~~  
1782 ~~to comply with subsection (3).~~

1783 (c) ~~(b)~~ Except for members who represent municipalities on  
1784 the basis of alternating with representatives from other  
1785 municipalities that do not have members on the M.P.O. as  
1786 provided in paragraph (3) (a), the members of an M.P.O. shall  
1787 serve 4-year terms. Members who represent municipalities on the  
1788 basis of alternating with representatives from other  
1789 municipalities that do not have members on the M.P.O. as  
1790 provided in paragraph (3) (a) may serve terms of up to 4 years as  
1791 further provided in the interlocal agreement described in  
1792 paragraph (2) (b). The membership of a member who is a public  
1793 official automatically terminates upon the member's leaving his  
1794 or her elective or appointive office for any reason, or may be  
1795 terminated by a majority vote of the total membership of the  
1796 entity's governing board represented by the member. A vacancy  
1797 shall be filled by the original appointing entity. A member may  
1798 be reappointed for one or more additional 4-year terms.

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1799        (d)~~(e)~~ If a governmental entity fails to fill an assigned  
1800 appointment to an M.P.O. within 60 days after notification by  
1801 the Governor of its duty to appoint, that appointment must ~~shall~~  
1802 be made by the Governor from the eligible representatives of  
1803 that governmental entity.

1804        Section 35. Paragraph (a) of subsection (1) and subsections  
1805 (4) and (5) of section 339.2821, Florida Statutes, are amended  
1806 to read:

1807        339.2821 Economic development transportation projects.—

1808        (1) (a) The department, in consultation with the Department  
1809 of Economic Opportunity and Enterprise Florida, Inc., may make  
1810 and approve expenditures and contract with the appropriate  
1811 governmental body for the direct costs of transportation  
1812 projects. The Department of Economic Opportunity and the  
1813 Department of Environmental Protection may formally review and  
1814 comment on recommended transportation projects, although the  
1815 department has final approval authority for any project  
1816 authorized under this section.

1817        (4) A contract between the department and a governmental  
1818 body for a transportation project must:

1819        (a) Specify that the transportation project is for the  
1820 construction of a new or expanding business and specify the  
1821 number of full-time permanent jobs that will result from the  
1822 project.

1823        (b) Identify the governmental body and require that the  
1824 governmental body award the construction of the particular  
1825 transportation project to the lowest and best bidder in  
1826 accordance with applicable state and federal statutes or rules  
1827 unless the transportation project can be constructed using

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1828 existing local governmental employees within the contract period  
1829 specified by the department.

1830 (c) Require that the governmental body provide the  
1831 department with ~~quarterly~~ progress reports. Each ~~quarterly~~  
1832 progress report must contain:

1833 1. A narrative description of the work completed and  
1834 whether the work is proceeding according to the transportation  
1835 project schedule;

1836 2. A description of each change order executed by the  
1837 governmental body;

1838 3. A budget summary detailing planned expenditures compared  
1839 to actual expenditures; and

1840 4. The identity of each small or minority business used as  
1841 a contractor or subcontractor.

1842 (d) Require that the governmental body make and maintain  
1843 records in accordance with accepted governmental accounting  
1844 principles and practices for each progress payment made for work  
1845 performed in connection with the transportation project, each  
1846 change order executed by the governmental body, and each payment  
1847 made pursuant to a change order. The records are subject to  
1848 financial audit as required by law.

1849 (e) Require that the governmental body, upon completion and  
1850 acceptance of the transportation project, certify to the  
1851 department that the transportation project has been completed in  
1852 compliance with the terms and conditions of the contract between  
1853 the department and the governmental body and meets the minimum  
1854 construction standards established in accordance with s.  
1855 336.045.

1856 (f) Specify that ~~the department transfer funds~~ will not be



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1857 transferred to the governmental body unless construction has  
1858 begun on the facility of the ~~not more often than quarterly, upon~~  
1859 ~~receipt of a request for funds from the governmental body and~~  
1860 ~~consistent with the needs of the transportation project. The~~  
1861 ~~governmental body shall expend funds received from the~~  
1862 ~~department in a timely manner. The department may not transfer~~  
1863 ~~funds unless construction has begun on the facility of a~~  
1864 ~~business on whose behalf the award was made. If construction of~~  
1865 the transportation project does not begin within 4 years after  
1866 the date of the initial grant award, the grant award is  
1867 terminated ~~A contract totaling less than \$200,000 is exempt from~~  
1868 ~~the transfer requirement.~~

1869 (g) Require that funds be used only on a transportation  
1870 project that has been properly reviewed and approved in  
1871 accordance with the criteria set forth in this section.

1872 (h) Require that the governing board of the governmental  
1873 body adopt a resolution accepting future maintenance and other  
1874 attendant costs occurring after completion of the transportation  
1875 project if the transportation project is constructed on a county  
1876 or municipal system.

1877 (5) For purposes of this section, Space Florida may serve  
1878 as the governmental body or as the contracting agency for a  
1879 ~~transportation~~ project within a spaceport territory as defined  
1880 by s. 331.304.

1881 Section 36. Paragraphs (a) and (c) of subsection (2) and  
1882 paragraph (i) of subsection (7) of section 339.55, Florida  
1883 Statutes, are amended to read:

1884 339.55 State-funded infrastructure bank.—

1885 (2) The bank may lend capital costs or provide credit

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1886 enhancements for:

1887 (a) A transportation facility project that is on the State  
1888 Highway System or that provides for increased mobility on the  
1889 state's transportation system or provides intermodal  
1890 connectivity with airports, seaports, spaceports, rail  
1891 facilities, and other transportation terminals, pursuant to s.  
1892 341.053, for the movement of people and goods.

1893 (c)1. Emergency loans for damages incurred to public-use  
1894 commercial deepwater seaports, public-use airports, public-use  
1895 spaceports, and other public-use transit and intermodal  
1896 facilities that are within an area that is part of an official  
1897 state declaration of emergency pursuant to chapter 252 and all  
1898 other applicable laws. Such loans:

1899 a. May not exceed 24 months in duration except in extreme  
1900 circumstances, for which the Secretary of Transportation may  
1901 grant up to 36 months upon making written findings specifying  
1902 the conditions requiring a 36-month term.

1903 b. Require application from the recipient to the department  
1904 that includes documentation of damage claims filed with the  
1905 Federal Emergency Management Agency or an applicable insurance  
1906 carrier and documentation of the recipient's overall financial  
1907 condition.

1908 c. Are subject to approval by the Secretary of  
1909 Transportation and the Legislative Budget Commission.

1910 2. Loans provided under this paragraph must be repaid upon  
1911 receipt by the recipient of eligible program funding for damages  
1912 in accordance with the claims filed with the Federal Emergency  
1913 Management Agency or an applicable insurance carrier, but no  
1914 later than the duration of the loan.

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1915 (7) The department may consider, but is not limited to, the  
1916 following criteria for evaluation of projects for assistance  
1917 from the bank:

1918 (i) The extent to which the project will provide for  
1919 connectivity between the State Highway System and airports,  
1920 seaports, spaceports, rail facilities, and other transportation  
1921 terminals and intermodal options pursuant to s. 341.053 for the  
1922 increased accessibility and movement of people and goods.

1923 Section 37. Subsection (11) of section 341.031, Florida  
1924 Statutes, is amended to read:

1925 341.031 Definitions relating to Florida Public Transit  
1926 Act.—As used in ss. 341.011-341.061, the term:

1927 (11) "Intercity bus service" means regularly scheduled bus  
1928 service for the general public which operates with limited stops  
1929 over fixed routes connecting two or more urban areas not in  
1930 close proximity; has the capacity for transporting baggage  
1931 carried by passengers; and makes meaningful connections with  
1932 scheduled intercity bus service to more distant points, if such  
1933 service is available; ~~maintains scheduled information in the~~  
1934 ~~National Official Bus Guide; and provides package express~~  
1935 ~~service incidental to passenger transportation.~~

1936 Section 38. Section 341.053, Florida Statutes, is amended  
1937 to read:

1938 341.053 Intermodal Development Program; administration;  
1939 eligible projects; limitations.—

1940 (1) There is created within the Department of  
1941 Transportation an Intermodal Development Program to provide for  
1942 major capital investments in fixed-guideway transportation  
1943 systems, access to seaports, airports, spaceports, and other

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1944 transportation terminals, providing for the construction of  
1945 intermodal or multimodal terminals; and to plan or fund  
1946 construction of airport, spaceport, seaport, transit, and rail  
1947 projects that ~~otherwise~~ facilitate the intermodal or multimodal  
1948 movement of people and goods.

1949 (2) The Intermodal Development Program shall be used for  
1950 projects that support statewide goals as outlined in the Florida  
1951 Transportation Plan, the Strategic Intermodal System Plan, the  
1952 Freight Mobility and Trade Plan, or the appropriate department  
1953 modal plan ~~In recognition of the department's role in the~~  
1954 ~~economic development of this state, the department shall develop~~  
1955 ~~a proposed intermodal development plan to connect Florida's~~  
1956 ~~airports, deepwater seaports, rail systems serving both~~  
1957 ~~passenger and freight, and major intermodal connectors to the~~  
1958 ~~Strategic Intermodal System highway corridors as the primary~~  
1959 ~~system for the movement of people and freight in this state in~~  
1960 ~~order to make the intermodal development plan a fully integrated~~  
1961 ~~and interconnected system. The intermodal development plan must:~~

1962 (a) ~~Define and assess the state's freight intermodal~~  
1963 ~~network, including airports, seaports, rail lines and terminals,~~  
1964 ~~intercity bus lines and terminals, and connecting highways.~~

1965 (b) ~~Prioritize statewide infrastructure investments,~~  
1966 ~~including the acceleration of current projects, which are found~~  
1967 ~~by the Freight Stakeholders Task Force to be priority projects~~  
1968 ~~for the efficient movement of people and freight.~~

1969 (c) ~~Be developed in a manner that will assure maximum use~~  
1970 ~~of existing facilities and optimum integration and coordination~~  
1971 ~~of the various modes of transportation, including both~~  
1972 ~~government-owned and privately owned resources, in the most~~

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1973 ~~cost-effective manner possible.~~

1974 (3) The Intermodal Development Program shall be  
1975 administered by the department.

1976 (4) The department shall review funding requests from a  
1977 rail authority created pursuant to chapter 343. The department  
1978 may include projects of the authorities, including planning and  
1979 design, in the tentative work program.

1980 ~~(5) No single transportation authority operating a fixed-~~  
1981 ~~guideway transportation system, or single fixed-guideway~~  
1982 ~~transportation system not administered by a transportation~~  
1983 ~~authority, receiving funds under the Intermodal Development~~  
1984 ~~Program shall receive more than 33 1/3 percent of the total~~  
1985 ~~intermodal development funds appropriated between July 1, 1990,~~  
1986 ~~and June 30, 2015. In determining the distribution of funds~~  
1987 ~~under the Intermodal Development Program in any fiscal year, the~~  
1988 ~~department shall assume that future appropriation levels will be~~  
1989 ~~equal to the current appropriation level.~~

1990 (6) The department may ~~is~~ authorized to fund projects  
1991 within the Intermodal Development Program, which are consistent,  
1992 to the maximum extent feasible, with approved local government  
1993 comprehensive plans of the units of local government in which  
1994 the project is located. Projects that are eligible for funding  
1995 under this program include planning studies, major capital  
1996 investments in public rail and fixed-guideway transportation or  
1997 freight facilities and systems which provide intermodal access;  
1998 road, rail, intercity bus service, or fixed-guideway access to,  
1999 from, or between seaports, airports, spaceports, intermodal  
2000 logistics centers, and other transportation terminals;  
2001 construction of intermodal or multimodal terminals, including

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2002 projects on airports, spaceports, intermodal logistics centers,  
2003 or seaports which assist in the movement or transfer of people  
2004 or goods; development and construction of dedicated bus lanes;  
2005 and projects which otherwise facilitate the intermodal or  
2006 multimodal movement of people and goods.

2007 Section 39. Subsection (17) of section 341.302, Florida  
2008 Statutes, is amended to read:

2009 341.302 Rail program; duties and responsibilities of the  
2010 department.—The department, in conjunction with other  
2011 governmental entities, including the rail enterprise and the  
2012 private sector, shall develop and implement a rail program of  
2013 statewide application designed to ensure the proper maintenance,  
2014 safety, revitalization, and expansion of the rail system to  
2015 assure its continued and increased availability to respond to  
2016 statewide mobility needs. Within the resources provided pursuant  
2017 to chapter 216, and as authorized under federal law, the  
2018 department shall:

2019 (17) In conjunction with the acquisition, ownership,  
2020 construction, operation, maintenance, and management of a rail  
2021 corridor, have the authority to:

2022 (a) Assume obligations pursuant to the following:

2023 1.a. The department may assume the obligation by contract  
2024 to forever protect, defend, indemnify, and hold harmless the  
2025 freight rail operator, or its successors, from whom the  
2026 department has acquired a real property interest in the rail  
2027 corridor, and that freight rail operator's officers, agents, and  
2028 employees, from and against any liability, cost, and expense,  
2029 including, but not limited to, commuter rail passengers and rail  
2030 corridor invitees in the rail corridor, regardless of whether

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2031 the loss, damage, destruction, injury, or death giving rise to  
2032 any such liability, cost, or expense is caused in whole or in  
2033 part, and to whatever nature or degree, by the fault, failure,  
2034 negligence, misconduct, nonfeasance, or misfeasance of such  
2035 freight rail operator, its successors, or its officers, agents,  
2036 and employees, or any other person or persons whomsoever; or

2037       b. The department may assume the obligation by contract to  
2038 forever protect, defend, indemnify, and hold harmless National  
2039 Railroad Passenger Corporation, or its successors, and officers,  
2040 agents, and employees of National Railroad Passenger  
2041 Corporation, from and against any liability, cost, and expense,  
2042 including, but not limited to, commuter rail passengers and rail  
2043 corridor invitees in the rail corridor, regardless of whether  
2044 the loss, damage, destruction, injury, or death giving rise to  
2045 any such liability, cost, or expense is caused in whole or in  
2046 part, and to whatever nature or degree, by the fault, failure,  
2047 negligence, misconduct, nonfeasance, or misfeasance of National  
2048 Railroad Passenger Corporation, its successors, or its officers,  
2049 agents, and employees, or any other person or persons  
2050 whomsoever.

2051       2. The assumption of liability of the department by  
2052 contract pursuant to sub-subparagraph 1.a. or sub-subparagraph  
2053 1.b. may not in any instance exceed the following parameters of  
2054 allocation of risk:

2055       a. The department may be solely responsible for any loss,  
2056 injury, or damage to commuter rail passengers, or rail corridor  
2057 invitees, or trespassers, regardless of circumstances or cause,  
2058 subject to sub-subparagraph b. and subparagraphs 3., 4., 5., and  
2059 6.

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2060           b.(I) In the event of a limited covered accident, the  
2061 authority of the department to protect, defend, and indemnify  
2062 the freight operator for all liability, cost, and expense,  
2063 including punitive or exemplary damages, in excess of the  
2064 deductible or self-insurance retention fund established under  
2065 paragraph (b) and actually in force at the time of the limited  
2066 covered accident exists only if the freight operator agrees,  
2067 with respect to the limited covered accident, to protect,  
2068 defend, and indemnify the department for the amount of the  
2069 deductible or self-insurance retention fund established under  
2070 paragraph (b) and actually in force at the time of the limited  
2071 covered accident.

2072           (II) In the event of a limited covered accident, the  
2073 authority of the department to protect, defend, and indemnify  
2074 National Railroad Passenger Corporation for all liability, cost,  
2075 and expense, including punitive or exemplary damages, in excess  
2076 of the deductible or self-insurance retention fund established  
2077 under paragraph (b) and actually in force at the time of the  
2078 limited covered accident exists only if National Railroad  
2079 Passenger Corporation agrees, with respect to the limited  
2080 covered accident, to protect, defend, and indemnify the  
2081 department for the amount of the deductible or self-insurance  
2082 retention fund established under paragraph (b) and actually in  
2083 force at the time of the limited covered accident.

2084           3. If ~~When~~ only one train is involved in an incident, the  
2085 department may be solely responsible for any loss, injury, or  
2086 damage if the train is a department train or other train  
2087 pursuant to subparagraph 4., but only if:

2088           a. If ~~When~~ an incident occurs with only a freight train



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2089 involved, including incidents with trespassers or at grade  
2090 crossings, the freight rail operator is solely responsible for  
2091 any loss, injury, or damage, except for commuter rail passengers  
2092 and rail corridor invitees; or

2093 b. If ~~When~~ an incident occurs with only a National Railroad  
2094 Passenger Corporation train involved, including incidents with  
2095 trespassers or at grade crossings, National Railroad Passenger  
2096 Corporation is solely responsible for any loss, injury, or  
2097 damage, except for commuter rail passengers and rail corridor  
2098 invitees.

2099 4. For the purposes of this subsection:

2100 a. A ~~Any~~ train involved in an incident which ~~that~~ is not  
2101 ~~neither~~ the department's train or ~~nor~~ the freight rail  
2102 operator's train, hereinafter referred to in this subsection as  
2103 an "other train," may be treated as a department train, solely  
2104 for purposes of any allocation of liability between the  
2105 department and the freight rail operator only, but only if the  
2106 department and the freight rail operator share responsibility  
2107 equally as to third parties outside the rail corridor who incur  
2108 loss, injury, or damage as a result of any incident involving  
2109 both a department train and a freight rail operator train, and  
2110 the allocation as between the department and the freight rail  
2111 operator, regardless of whether the other train is treated as a  
2112 department train, shall remain one-half each as to third parties  
2113 outside the rail corridor who incur loss, injury, or damage as a  
2114 result of the incident. The involvement of any other train does  
2115 ~~shall~~ not alter the sharing of equal responsibility as to third  
2116 parties outside the rail corridor who incur loss, injury, or  
2117 damage as a result of the incident; or

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2118           b. A ~~Any~~ train involved in an incident that is not ~~neither~~  
2119 the department's train or ~~nor~~ the National Railroad Passenger  
2120 Corporation's train, hereinafter referred to in this subsection  
2121 as an "other train," may be treated as a department train,  
2122 solely for purposes of any allocation of liability between the  
2123 department and National Railroad Passenger Corporation only, but  
2124 only if the department and National Railroad Passenger  
2125 Corporation share responsibility equally as to third parties  
2126 outside the rail corridor who incur loss, injury, or damage as a  
2127 result of any incident involving both a department train and a  
2128 National Railroad Passenger Corporation train, and the  
2129 allocation as between the department and National Railroad  
2130 Passenger Corporation, regardless of whether the other train is  
2131 treated as a department train, shall remain one-half each as to  
2132 third parties outside the rail corridor who incur loss, injury,  
2133 or damage as a result of the incident. The involvement of any  
2134 other train does ~~shall~~ not alter the sharing of equal  
2135 responsibility as to third parties outside the rail corridor who  
2136 incur loss, injury, or damage as a result of the incident.

2137           5. If ~~When~~ more than one train is involved in an incident:

2138           a. (I) If only a department train and freight rail  
2139 operator's train, or only an other train as described in sub-  
2140 subparagraph 4.a. and a freight rail operator's train, are  
2141 involved in an incident, the department may be responsible for  
2142 its property and all of its people, all commuter rail  
2143 passengers, and rail corridor invitees, but only if the freight  
2144 rail operator is responsible for its property and all of its  
2145 people, and the department and the freight rail operator each  
2146 share one-half responsibility as to trespassers or third parties

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2147 outside the rail corridor who incur loss, injury, or damage as a  
2148 result of the incident; or

2149 (II) If only a department train and a National Railroad  
2150 Passenger Corporation train, or only an other train as described  
2151 in sub-subparagraph 4.b. and a National Railroad Passenger  
2152 Corporation train, are involved in an incident, the department  
2153 may be responsible for its property and all of its people, all  
2154 commuter rail passengers, and rail corridor invitees, but only  
2155 if National Railroad Passenger Corporation is responsible for  
2156 its property and all of its people, all National Railroad  
2157 Passenger Corporation's rail passengers, and the department and  
2158 National Railroad Passenger Corporation each share one-half  
2159 responsibility as to trespassers or third parties outside the  
2160 rail corridor who incur loss, injury, or damage as a result of  
2161 the incident.

2162 b.(I) If a department train, a freight rail operator train,  
2163 and any other train are involved in an incident, the allocation  
2164 of liability between the department and the freight rail  
2165 operator, regardless of whether the other train is treated as a  
2166 department train, shall remain one-half each as to third parties  
2167 outside the rail corridor who incur loss, injury, or damage as a  
2168 result of the incident; the involvement of any other train does  
2169 ~~shall~~ not alter the sharing of equal responsibility as to third  
2170 parties outside the rail corridor who incur loss, injury, or  
2171 damage as a result of the incident; and, if the owner, operator,  
2172 or insurer of the other train makes any payment to injured third  
2173 parties outside the rail corridor who incur loss, injury, or  
2174 damage as a result of the incident, the allocation of credit  
2175 between the department and the freight rail operator as to such

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2176 payment does ~~shall~~ not in any case reduce the freight rail  
2177 operator's third-party-sharing allocation of one-half under this  
2178 paragraph to less than one-third of the total third party  
2179 liability; or

2180 (II) If a department train, a National Railroad Passenger  
2181 Corporation train, and any other train are involved in an  
2182 incident, the allocation of liability between the department and  
2183 National Railroad Passenger Corporation, regardless of whether  
2184 the other train is treated as a department train, shall remain  
2185 one-half each as to third parties outside the rail corridor who  
2186 incur loss, injury, or damage as a result of the incident; the  
2187 involvement of any other train does ~~shall~~ not alter the sharing  
2188 of equal responsibility as to third parties outside the rail  
2189 corridor who incur loss, injury, or damage as a result of the  
2190 incident; and, if the owner, operator, or insurer of the other  
2191 train makes any payment to injured third parties outside the  
2192 rail corridor who incur loss, injury, or damage as a result of  
2193 the incident, the allocation of credit between the department  
2194 and National Railroad Passenger Corporation as to such payment  
2195 does ~~shall~~ not in any case reduce National Railroad Passenger  
2196 Corporation's third-party-sharing allocation of one-half under  
2197 this sub-subparagraph to less than one-third of the total third  
2198 party liability.

2199 6. Any such contractual duty to protect, defend, indemnify,  
2200 and hold harmless such a freight rail operator or National  
2201 Railroad Passenger Corporation shall expressly include a  
2202 specific cap on the amount of the contractual duty, which amount  
2203 may ~~shall~~ not exceed \$200 million without prior legislative  
2204 approval, and the department to purchase liability insurance and

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2205 establish a self-insurance retention fund in the amount of the  
2206 specific cap established under this subparagraph, provided that:

2207 a. A ~~No such~~ contractual duty may not ~~shall~~ in any case be  
2208 effective or ~~nor~~ otherwise extend the department's liability in  
2209 scope and effect beyond the contractual liability insurance and  
2210 self-insurance retention fund required pursuant to this  
2211 paragraph; and

2212 b.(I) The freight rail operator's compensation to the  
2213 department for future use of the department's rail corridor  
2214 shall include a monetary contribution to the cost of such  
2215 liability coverage for the sole benefit of the freight rail  
2216 operator.

2217 (II) National Railroad Passenger Corporation's compensation  
2218 to the department for future use of the department's rail  
2219 corridor shall include a monetary contribution to the cost of  
2220 such liability coverage for the sole benefit of National  
2221 Railroad Passenger Corporation.

2222 (b) Purchase liability insurance, which amount may ~~shall~~  
2223 not exceed \$200 million, and establish a self-insurance  
2224 retention fund for the purpose of paying the deductible limit  
2225 established in the insurance policies it may obtain, including  
2226 coverage for the department, any freight rail operator as  
2227 described in paragraph (a), National Railroad Passenger  
2228 Corporation, commuter rail service providers, governmental  
2229 entities, or any ancillary development, which self-insurance  
2230 retention fund or deductible may ~~shall~~ not exceed \$10 million.  
2231 The insureds shall pay a reasonable monetary contribution to the  
2232 cost of such liability coverage for the sole benefit of the  
2233 insured. Such insurance and self-insurance retention fund may

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2234 provide coverage for all damages, including, but not limited to,  
2235 compensatory, special, and exemplary, and be maintained to  
2236 provide an adequate fund to cover claims and liabilities for  
2237 loss, injury, or damage arising out of or connected with the  
2238 ownership, operation, maintenance, and management of a rail  
2239 corridor.

2240 (c) Incur expenses for the purchase of advertisements,  
2241 marketing, and promotional items.

2242 (d) Undertake any ancillary development that the department  
2243 determines to be appropriate as a source of revenue for the  
2244 establishment, construction, operation, or maintenance of any  
2245 rail corridor owned by the state. The ancillary development must  
2246 be consistent, to the extent feasible, with applicable local  
2247 government comprehensive plans and local land development  
2248 regulations and otherwise be in compliance with ss. 341.302-  
2249 341.303.

2250  
2251 ~~Neither~~ The assumption by contract to protect, defend,  
2252 indemnify, and hold harmless; the purchase of insurance; or ~~nor~~  
2253 the establishment of a self-insurance retention fund may not  
2254 ~~shall~~ be deemed to be a waiver of any defense of sovereign  
2255 immunity for torts nor deemed to increase the limits of the  
2256 department's or the governmental entity's liability for torts as  
2257 provided in s. 768.28. The requirements of s. 287.022(1) do  
2258 ~~shall~~ not apply to the purchase of any insurance under this  
2259 subsection. The provisions of this subsection ~~shall~~ apply and  
2260 inure fully as to any other governmental entity providing  
2261 commuter rail service and constructing, operating, maintaining,  
2262 or managing a rail corridor on publicly owned right-of-way under

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2263 contract by the governmental entity with the department or a  
2264 governmental entity designated by the department.  
2265 Notwithstanding any law to the contrary, procurement for the  
2266 construction, operation, maintenance, and management of any rail  
2267 corridor described in this subsection, whether by the  
2268 department, a governmental entity under contract with the  
2269 department, or a governmental entity designated by the  
2270 department, must ~~shall~~ be pursuant to s. 287.057 and must ~~shall~~  
2271 include, but not be limited to, criteria for the consideration  
2272 of qualifications, technical aspects of the proposal, and price.  
2273 Further, a ~~any such~~ contract for design-build shall be procured  
2274 pursuant to the criteria in s. 337.11(7).

2275 Section 40. Paragraph (d) of subsection (3) of section  
2276 343.82, Florida Statutes, is amended to read:

2277 343.82 Purposes and powers.—

2278 (3)

2279 (d) The authority may undertake projects or other  
2280 improvements in the master plan in phases as particular projects  
2281 or segments thereof become feasible, as determined by the  
2282 authority. In carrying out its purposes and powers, the  
2283 authority may request funding and technical assistance from the  
2284 department and appropriate federal and local agencies,  
2285 including, but not limited to, state infrastructure bank loans,  
2286 ~~advances from the Toll Facilities Revolving Trust Fund,~~ and from  
2287 any other sources.

2288 Section 41. Subsection (4) of section 343.922, Florida  
2289 Statutes, is amended to read:

2290 343.922 Powers and duties.—

2291 (4) The authority may undertake projects or other

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2292 improvements in the master plan in phases as particular projects  
2293 or segments become feasible, as determined by the authority. The  
2294 authority shall coordinate project planning, development, and  
2295 implementation with the applicable local governments. The  
2296 authority's projects that are transportation oriented shall be  
2297 consistent to the maximum extent feasible with the adopted local  
2298 government comprehensive plans at the time they are funded for  
2299 construction. Authority projects that are not transportation  
2300 oriented and meet the definition of development pursuant to s.  
2301 380.04 shall be consistent with the local comprehensive plans.  
2302 In carrying out its purposes and powers, the authority may  
2303 request funding and technical assistance from the department and  
2304 appropriate federal and local agencies, including, but not  
2305 limited to, state infrastructure bank loans, ~~advances from the~~  
2306 ~~Toll Facilities Revolving Trust Fund,~~ and funding and technical  
2307 assistance from any other source.

2308 Section 42. Chapter 345, Florida Statutes, consisting of  
2309 sections 345.0001, 345.0002, 345.0003, 345.0004, 345.0005,  
2310 345.0006, 345.0007, 345.0008, 345.0009, 345.0010, 345.0011,  
2311 345.0012, 345.0013, 345.0014, 345.0015, 345.0016, and 345.0017,  
2312 is created to read:

2313 345.0001 Short title.—This act may be cited as the "Florida  
2314 Regional Tollway Authority Act."

2315 345.0002 Definitions.—As used in this chapter, the term:

2316 (1) "Agency of the state" means the state and any  
2317 department of, or any corporation, agency, or instrumentality  
2318 heretofore or hereafter created, designated, or established by,  
2319 the state.

2320 (2) "Area served" means the geographical area of the



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2321 counties for which an authority is established.

2322 (3) "Authority" means a regional tollway authority, a body  
2323 politic and corporate, and an agency of the state, established  
2324 pursuant to the Florida Regional Tollway Authority Act.

2325 (4) "Bonds" means the notes, bonds, refunding bonds, or  
2326 other evidences of indebtedness or obligations, in temporary or  
2327 definitive form, which an authority may issue pursuant to this  
2328 act.

2329 (5) "Department" means the Department of Transportation of  
2330 Florida and any successor thereto.

2331 (6) "Division" means the Division of Bond Finance of the  
2332 State Board of Administration.

2333 (7) "Federal agency" means the United States, the President  
2334 of the United States, and any department of, or any bureau,  
2335 corporation, agency, or instrumentality heretofore or hereafter  
2336 created, designated, or established by, the United States.

2337 (8) "Members" means the governing body of an authority, and  
2338 the term "member" means one of the individuals constituting such  
2339 governing body.

2340 (9) "Regional system" or "system" means, generally, a  
2341 modern tolled highway system of roads, bridges, causeways, and  
2342 tunnels within any area of the authority, with access limited or  
2343 unlimited as an authority may determine, and the buildings and  
2344 structures and appurtenances and facilities related to the  
2345 system, including all approaches, streets, roads, bridges, and  
2346 avenues of access for the system.

2347 (10) "Revenues" means the tolls, revenues, rates, fees,  
2348 charges, receipts, rentals, contributions, and other income  
2349 derived from or in connection with the operation or ownership of

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2350 a regional system, including the proceeds of any use and  
2351 occupancy insurance on any portion of the system but excluding  
2352 state funds available to an authority and any other municipal or  
2353 county funds available to an authority under an agreement with a  
2354 municipality or county.

2355 345.0003 Tollway authority; formation; membership.—

2356 (1) A county, or two or more contiguous counties, may,  
2357 after the approval of the Legislature, form a regional tollway  
2358 authority for the purposes of constructing, maintaining, and  
2359 operating transportation projects in a region of this state. An  
2360 authority shall be governed in accordance with the provisions of  
2361 this chapter. An authority may not be created without the  
2362 approval of the Legislature and the approval of the county  
2363 commission of each county that will be a part of the authority.  
2364 An authority may not be created to serve a particular area of  
2365 this state as provided by this subsection if a regional tollway  
2366 authority has been created and is operating within all or a  
2367 portion of the same area served pursuant to an act of the  
2368 Legislature. Each authority shall be the only authority created  
2369 and operating pursuant to this chapter within the area served by  
2370 the authority.

2371 (2) The governing body of an authority shall consist of a  
2372 board of voting members as follows:

2373 (a) The county commission of each county in the area served  
2374 by the authority shall each appoint a member who must be a  
2375 resident of the county from which he or she is appointed. If  
2376 possible, the member must represent the business and civic  
2377 interests of the community.

2378 (b) The Governor shall appoint an equal number of members

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2379 to the board as those appointed by the county commissions. The  
2380 members appointed by the Governor must be residents of the area  
2381 served by the authority.

2382 (c) The secretary of the Department of Transportation shall  
2383 appoint one of the district secretaries, or his or her designee,  
2384 for the districts within which the area served by the authority  
2385 is located.

2386 (3) The term of office of each member shall be for 4 years  
2387 or until his or her successor is appointed and qualified.

2388 (4) A member may not hold an elected office.

2389 (5) A vacancy occurring in the governing body before the  
2390 expiration of the member's term shall be filled by the  
2391 respective appointing authority in the same manner as the  
2392 original appointment and only for the balance of the unexpired  
2393 term.

2394 (6) Each member, before entering upon his or her official  
2395 duties, must take and subscribe to an oath before an official  
2396 authorized by law to administer oaths that he or she will  
2397 honestly, faithfully, and impartially perform the duties  
2398 devolving upon him or her in office as a member of the governing  
2399 body of the authority and that he or she will not neglect any  
2400 duties imposed upon him or her by this chapter.

2401 (7) A member of an authority may be removed from office by  
2402 the Governor for misconduct, malfeasance, misfeasance, or  
2403 nonfeasance in office.

2404 (8) The members of the authority shall designate one of its  
2405 members as chair.

2406 (9) The members of the authority shall serve without  
2407 compensation, but shall be entitled to reimbursement for per

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2408 diem and other expenses in accordance with s. 112.061 while in  
2409 performance of their duties.

2410 (10) A majority of the members of the authority constitutes  
2411 a quorum, and resolutions enacted or adopted by a vote of a  
2412 majority of the members present and voting at any meeting become  
2413 effective without publication, posting, or any further action of  
2414 the authority.

2415 345.0004 Powers and duties.-

2416 (1) (a) An authority created and established, or governed,  
2417 by the Florida Regional Tollway Authority Act shall plan,  
2418 develop, finance, construct, reconstruct, improve, own, operate,  
2419 and maintain a regional system in the area served by the  
2420 authority.

2421 (b) An authority may not exercise the powers in paragraph  
2422 (a) with respect to an existing system for transporting people  
2423 and goods by any means that is owned by another entity without  
2424 the consent of that entity. If an authority acquires, purchases,  
2425 or inherits an existing entity, the authority shall also inherit  
2426 and assume all rights, assets, appropriations, privileges, and  
2427 obligations of the existing entity.

2428 (2) Each authority may exercise all powers necessary,  
2429 appurtenant, convenient, or incidental to the carrying out of  
2430 the purposes of this section, including, but not limited to, the  
2431 following rights and powers:

2432 (a) To sue and be sued, implead and be impleaded, and  
2433 complain and defend in all courts in its own name.

2434 (b) To adopt and use a corporate seal.

2435 (c) To have the power of eminent domain, including the  
2436 procedural powers granted under chapters 73 and 74.

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2437 (d) To acquire, purchase, hold, lease as a lessee, and use  
2438 any property, real, personal, or mixed, tangible or intangible,  
2439 or any interest therein, necessary or desirable for carrying out  
2440 the purposes of the authority.

2441 (e) To sell, convey, exchange, lease, or otherwise dispose  
2442 of any real or personal property acquired by the authority,  
2443 including air rights.

2444 (f) To fix, alter, charge, establish, and collect rates,  
2445 fees, rentals, and other charges for the use of any system owned  
2446 or operated by the authority, which rates, fees, rentals, and  
2447 other charges must always be sufficient to comply with any  
2448 covenants made with the holders of any bonds issued pursuant to  
2449 this act; however, such right and power may be assigned or  
2450 delegated by the authority to the department.

2451 (g) To borrow money, make and issue negotiable notes,  
2452 bonds, refunding bonds, and other evidences of indebtedness or  
2453 obligations, in temporary or definitive form, for the purpose of  
2454 financing all or part of the improvement of the authority's  
2455 system and appurtenant facilities, including the approaches,  
2456 streets, roads, bridges, and avenues of access for the system  
2457 and for any other purpose authorized by this chapter, the bonds  
2458 to mature in not exceeding 30 years after the date of the  
2459 issuance thereof, and to secure the payment of such bonds or any  
2460 part thereof by a pledge of its revenues, rates, fees, rentals,  
2461 or other charges, including municipal or county funds received  
2462 by the authority pursuant to the terms of an agreement between  
2463 the authority and a municipality or county; and, in general, to  
2464 provide for the security of the bonds and the rights and  
2465 remedies of the holders of the bonds; however, municipal or

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2466 county funds may not be pledged for the construction of a  
2467 project for which a toll is to be charged unless the anticipated  
2468 tolls are reasonably estimated by the governing board of the  
2469 municipality or county, at the date of its resolution pledging  
2470 said funds, to be sufficient to cover the principal and interest  
2471 of such obligations during the period when the pledge of funds  
2472 is in effect.

2473 1. An authority shall reimburse a municipality or county  
2474 for sums expended from municipal or county funds used for the  
2475 payment of the bond obligations.

2476 2. If an authority determines to fund or refund any bonds  
2477 issued by the authority before the maturity of the bonds, the  
2478 proceeds of the funding or refunding bonds shall, pending the  
2479 prior redemption of the bonds to be funded or refunded, be  
2480 invested in direct obligations of the United States, and the  
2481 outstanding bonds may be funded or refunded by the issuance of  
2482 bonds pursuant to this chapter.

2483 (h) To make contracts of every name and nature, including,  
2484 but not limited to, partnerships providing for participation in  
2485 ownership and revenues, and to execute each instrument necessary  
2486 or convenient for the conduct of its business.

2487 (i) Without limitation of the foregoing, to cooperate with,  
2488 to borrow money and accept grants from, and to enter into  
2489 contracts or other transactions with any federal agency, the  
2490 state, or any agency or any other public body of the state.

2491 (j) To employ an executive director, attorney, staff, and  
2492 consultants. Upon the request of an authority, the department  
2493 shall furnish the services of a department employee to act as  
2494 the executive director of the authority.

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2495 (k) To enter into joint development agreements.

2496 (l) To accept funds or other property from private  
2497 donations.

2498 (m) To do all acts and things necessary or convenient for  
2499 the conduct of its business and the general welfare of the  
2500 authority, in order to carry out the powers granted to it by  
2501 this act or any other law.

2502 (3) An authority does not have the power at any time or in  
2503 any manner to pledge the credit or taxing power of the state or  
2504 any political subdivision or agency thereof. Obligations of the  
2505 authority may not be deemed to be obligations of the state or of  
2506 any other political subdivision or agency thereof. The state or  
2507 any political subdivision or agency thereof, except the  
2508 authority, is not liable for the payment of the principal of or  
2509 interest on such obligations.

2510 (4) An authority has no power, other than by consent of the  
2511 affected county or an affected municipality, to enter into an  
2512 agreement that would legally prohibit the construction of a road  
2513 by the county or the municipality.

2514 (5) An authority formed pursuant to this chapter shall  
2515 comply with the statutory requirements of general application  
2516 which relate to the filing of a report or documentation required  
2517 by law, including the requirements of ss. 189.4085, 189.415,  
2518 189.417, and 189.418.

2519 345.0005 Bonds.—

2520 (1) (a) Bonds may be issued on behalf of an authority  
2521 pursuant to the State Bond Act.

2522 (b) An authority may also issue bonds in such principal  
2523 amount as is necessary, in the opinion of the authority, to

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2524 provide sufficient moneys for achieving its corporate purposes,  
2525 including construction, reconstruction, improvement, extension,  
2526 repair, maintenance and operation of the system, the cost of  
2527 acquisition of all real property, interest on bonds during  
2528 construction and for a reasonable period thereafter,  
2529 establishment of reserves to secure bonds, and other  
2530 expenditures of the authority incident, and necessary or  
2531 convenient, to carry out its corporate purposes and powers.

2532 (2) (a) Bonds issued by an authority pursuant to paragraph  
2533 (1) (a) or paragraph (1) (b) must be authorized by resolution of  
2534 the members of the authority and must bear such date or dates;  
2535 mature at such time or times, not exceeding 30 years after their  
2536 respective dates; bear interest at such rate or rates, not  
2537 exceeding the maximum rate fixed by general law for authorities;  
2538 be in such denominations; be in such form, either coupon or  
2539 fully registered; carry such registration, exchangeability and  
2540 interchangeability privileges; be payable in such medium of  
2541 payment and at such place or places; be subject to such terms of  
2542 redemption; and be entitled to such priorities of lien on the  
2543 revenues and other available moneys as such resolution or any  
2544 resolution subsequent to the bonds' issuance may provide. The  
2545 bonds must be executed by manual or facsimile signature by such  
2546 officers as the authority shall determine, provided that such  
2547 bonds bear at least one signature that is manually executed on  
2548 the bond. The coupons attached to the bonds must bear the  
2549 facsimile signature or signatures of the officer or officers as  
2550 shall be designated by the authority. The bonds must have the  
2551 seal of the authority affixed, imprinted, reproduced, or  
2552 lithographed thereon.



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2553 (b) Bonds issued pursuant to paragraph (1)(a) or paragraph  
2554 (1)(b) must be sold at public sale in the same manner provided  
2555 in the State Bond Act. Pending the preparation of definitive  
2556 bonds, temporary bonds or interim certificates may be issued to  
2557 the purchaser or purchasers of such bonds and may contain such  
2558 terms and conditions as the authority may determine.

2559 (3) A resolution that authorizes any bonds may contain  
2560 provisions that must be part of the contract with the holders of  
2561 the bonds, as to:

2562 (a) The pledging of all or any part of the revenues,  
2563 available municipal or county funds, or other charges or  
2564 receipts of the authority derived from the regional system.

2565 (b) The construction, reconstruction, improvement,  
2566 extension, repair, maintenance, and operation of the system, or  
2567 any part or parts of the system, and the duties and obligations  
2568 of the authority with reference thereto.

2569 (c) Limitations on the purposes to which the proceeds of  
2570 the bonds, then or thereafter issued, or of any loan or grant by  
2571 any federal agency or the state or any political subdivision of  
2572 the state may be applied.

2573 (d) The fixing, charging, establishing, revising,  
2574 increasing, reducing, and collecting of tolls, rates, fees,  
2575 rentals, or other charges for use of the services and facilities  
2576 of the system or any part of the system.

2577 (e) The setting aside of reserves or of sinking funds and  
2578 the regulation and disposition of the reserves or sinking funds.

2579 (f) Limitations on the issuance of additional bonds.

2580 (g) The terms and provisions of any deed of trust or  
2581 indenture securing the bonds, or under which the bonds may be

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2582 issued.

2583 (h) Any other or additional matters, of like or different  
2584 character, which in any way affect the security or protection of  
2585 the bonds.

2586 (4) The authority may enter into any deeds of trust,  
2587 indentures, or other agreements with any bank or trust company  
2588 within or without the state, as security for such bonds, and  
2589 may, under such agreements, assign and pledge any of the  
2590 revenues and other available moneys, including any available  
2591 municipal or county funds, pursuant to the terms of this  
2592 chapter. The deed of trust, indenture, or other agreement may  
2593 contain provisions that are customary in such instruments or  
2594 that the authority may authorize, including, but without  
2595 limitation, provisions that:

2596 (a) Pledge any part of the revenues or other moneys  
2597 lawfully available therefor.

2598 (b) Apply funds and safeguard funds on hand or on deposit.

2599 (c) Provide for the rights and remedies of the trustee and  
2600 the holders of the bonds.

2601 (d) Provide for the terms and provisions of the bonds or  
2602 for resolutions authorizing the issuance of the bonds.

2603 (e) Provide for any other or additional matters, of like or  
2604 different character, which affect the security or protection of  
2605 the bonds.

2606 (5) Any bonds issued pursuant to this act are negotiable  
2607 instruments and have all the qualities and incidents of  
2608 negotiable instruments under the law merchant and the negotiable  
2609 instruments law of the state.

2610 (6) A resolution that authorizes the issuance of authority

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2611 bonds and pledges the revenues of the system must require that  
2612 revenues of the system be periodically deposited into  
2613 appropriate accounts in such sums as are sufficient to pay the  
2614 costs of operation and maintenance of the system for the current  
2615 fiscal year as set forth in the annual budget of the authority  
2616 and to reimburse the department for any unreimbursed costs of  
2617 operation and maintenance of the system from prior fiscal years  
2618 before revenues of the system are deposited into accounts for  
2619 the payment of interest or principal owing or that may become  
2620 owing on such bonds.

2621 (7) State funds may not be used or pledged to pay the  
2622 principal or interest of any authority bonds, and all such bonds  
2623 must contain a statement on their face to this effect.

2624 345.0006 Remedies of bondholders.—

2625 (1) The rights and the remedies granted to authority  
2626 bondholders under this chapter are in addition to and not in  
2627 limitation of any rights and remedies lawfully granted to such  
2628 bondholders by the resolution or indenture providing for the  
2629 issuance of bonds, or by any deed of trust, indenture, or other  
2630 agreement under which the bonds may be issued or secured. If an  
2631 authority defaults in the payment of the principal of or  
2632 interest on any of the bonds issued pursuant to this chapter  
2633 after such principal of or interest on the bonds becomes due,  
2634 whether at maturity or upon call for redemption, as provided in  
2635 the resolution or indenture, and such default continues for 30  
2636 days, or in the event that the authority fails or refuses to  
2637 comply with the provisions of this chapter or any agreement made  
2638 with, or for the benefit of, the holders of the bonds, the  
2639 holders of 25 percent in aggregate principal amount of the bonds

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2640 then outstanding shall be entitled as of right to the  
2641 appointment of a trustee to represent such bondholders for the  
2642 purposes of the default provided that the holders of 25 percent  
2643 in aggregate principal amount of the bonds then outstanding  
2644 first gave written notice of their intention to appoint a  
2645 trustee, to the authority and to the department.

2646 (2) The trustee, and any trustee under any deed of trust,  
2647 indenture, or other agreement, may, and upon written request of  
2648 the holders of 25 percent, or such other percentages specified  
2649 in any deed of trust, indenture, or other agreement, in  
2650 principal amount of the bonds then outstanding, shall, in any  
2651 court of competent jurisdiction, in his, her, or its own name:

2652 (a) By mandamus or other suit, action, or proceeding at  
2653 law, or in equity, enforce all rights of the bondholders,  
2654 including the right to require the authority to fix, establish,  
2655 maintain, collect, and charge rates, fees, rentals, and other  
2656 charges, adequate to carry out any agreement as to, or pledge  
2657 of, the revenues, and to require the authority to carry out any  
2658 other covenants and agreements with or for the benefit of the  
2659 bondholders, and to perform its and their duties under this  
2660 chapter.

2661 (b) Bring suit upon the bonds.

2662 (c) By action or suit in equity, require the authority to  
2663 account as if it were the trustee of an express trust for the  
2664 bondholders.

2665 (d) By action or suit in equity, enjoin any acts or things  
2666 that may be unlawful or in violation of the rights of the  
2667 bondholders.

2668 (3) A trustee, if appointed pursuant to this section or

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2669 acting under a deed of trust, indenture, or other agreement, and  
2670 whether or not all bonds have been declared due and payable,  
2671 shall be entitled as of right to the appointment of a receiver.  
2672 The receiver may enter upon and take possession of the system or  
2673 the facilities or any part or parts of the system, the revenues  
2674 and other pledged moneys, for and on behalf of and in the name  
2675 of, the authority and the bondholders. The receiver may collect  
2676 and receive all revenues and other pledged moneys in the same  
2677 manner as the authority might do. The receiver shall deposit all  
2678 such revenues and moneys in a separate account and apply all  
2679 such revenues and moneys remaining after allowance for payment  
2680 of all costs of operation and maintenance of the system in such  
2681 manner as the court directs. In a suit, action, or proceeding by  
2682 the trustee, the fees, counsel fees, and expenses of the  
2683 trustee, and said receiver, if any, and all costs and  
2684 disbursements allowed by the court must be a first charge on any  
2685 revenues after payment of the costs of operation and maintenance  
2686 of the system. The trustee also has all other powers necessary  
2687 or appropriate for the exercise of any functions specifically  
2688 set forth in this section or incident to the representation of  
2689 the bondholders in the enforcement and protection of their  
2690 rights.

2691 (4) This section or any other section of this chapter does  
2692 not authorize a receiver appointed pursuant to this section for  
2693 the purpose of operating and maintaining the system or any  
2694 facilities or parts thereof to sell, assign, mortgage, or  
2695 otherwise dispose of any of the assets belonging to the  
2696 authority. The powers of such receiver are limited to the  
2697 operation and maintenance of the system, or any facility or

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2698 parts thereof and to the collection and application of revenues  
2699 and other moneys due the authority, in the name and for and on  
2700 behalf of the authority and the bondholders. A holder of bonds  
2701 or any trustee does not have the right in any suit, action, or  
2702 proceeding, at law or in equity, to compel a receiver, or a  
2703 receiver may not be authorized or a court may not direct a  
2704 receiver to, sell, assign, mortgage, or otherwise dispose of any  
2705 assets of whatever kind or character belonging to the authority.

2706 345.0007 Department to construct, operate, and maintain  
2707 facilities.-

2708 (1) The department is the agent of each authority for the  
2709 purpose of performing all phases of a project, including, but  
2710 not limited to, constructing improvements and extensions to the  
2711 system. The division and the authority shall provide to the  
2712 department complete copies of the documents, agreements,  
2713 resolutions, contracts, and instruments that relate to the  
2714 project and shall request that the department perform the  
2715 construction work, including the planning, surveying, design,  
2716 and actual construction of the completion, extensions, and  
2717 improvements to the system. After the issuance of bonds to  
2718 finance construction of an improvement or addition to the  
2719 system, the division and the authority shall transfer to the  
2720 credit of an account of the department in the State Treasury the  
2721 necessary funds for construction. The department shall proceed  
2722 with construction and use the funds for the purpose authorized  
2723 and as otherwise provided by law for construction of roads and  
2724 bridges. An authority may alternatively, with the consent and  
2725 approval of the department, elect to appoint a local agency  
2726 certified by the department to administer federal aid projects

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2727 in accordance with federal law as the authority's agent for the  
2728 purpose of performing each phase of a project.

2729 (2) Notwithstanding the provisions of subsection (1), the  
2730 department is the agent of each authority for the purpose of  
2731 operating and maintaining the system. The department shall  
2732 operate and maintain the system, and the costs incurred by the  
2733 department for operation and maintenance shall be reimbursed  
2734 from revenues of the system. The appointment of the department  
2735 as agent for each authority does not create an independent  
2736 obligation of the department to operate and maintain a system.  
2737 Each authority shall remain obligated as principal to operate  
2738 and maintain its system, and an authority's bondholders do not  
2739 have an independent right to compel the department to operate or  
2740 maintain the authority's system.

2741 (3) Each authority shall fix, alter, charge, establish, and  
2742 collect tolls, rates, fees, rentals, and other charges for the  
2743 authority's facilities, as otherwise provided in this chapter.

2744 345.0008 Department contributions to authority projects.-

2745 (1) The department may, at the request of an authority,  
2746 provide for or contribute to the payment of costs of financial  
2747 or engineering and traffic feasibility studies and the design,  
2748 financing, acquisition, or construction of an authority project  
2749 or system, subject to appropriation by the Legislature.

2750 (2) The department may use its engineering and other  
2751 personnel, including consulting engineers and traffic engineers,  
2752 to conduct feasibility studies pursuant to subsection (1).

2753 (3) An obligation or expense incurred by the department  
2754 under this section is a part of the cost of the authority  
2755 project for which the obligation or expense was incurred. The

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2756 department may require money contributed by the department under  
2757 this section to be repaid from tolls of the project on which the  
2758 money was spent, other revenue of the authority, or other  
2759 sources of funds.

2760 (4) The department shall receive from an authority a share  
2761 of the authority's net revenues equal to the ratio of the  
2762 department's total contributions to the authority under this  
2763 section to the sum of: the department's total contributions  
2764 under this section; contributions by any local government to the  
2765 cost of revenue producing authority projects; and the sale  
2766 proceeds of authority bonds after payment of costs of issuance.  
2767 For the purpose of this subsection, net revenues are gross  
2768 revenues of an authority after payment of debt service,  
2769 administrative expenses, operations and maintenance expenses,  
2770 and all reserves required to be established under any resolution  
2771 under which authority bonds are issued.

2772 345.0009 Acquisition of lands and property.-

2773 (1) For the purposes of this chapter, an authority may  
2774 acquire private or public property and property rights,  
2775 including rights of access, air, view, and light, by gift,  
2776 devise, purchase, condemnation by eminent domain proceedings, or  
2777 transfer from another political subdivision of the state, as the  
2778 authority may deem necessary for any of the purposes of this  
2779 chapter, including, but not limited to, any lands reasonably  
2780 necessary for securing applicable permits, areas necessary for  
2781 management of access, borrow pits, drainage ditches, water  
2782 retention areas, rest areas, replacement access for landowners  
2783 whose access is impaired due to the construction of a facility,  
2784 and replacement rights-of-way for relocated rail and utility



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2785 facilities; for existing, proposed, or anticipated  
2786 transportation facilities on the system or in a transportation  
2787 corridor designated by the authority; or for the purposes of  
2788 screening, relocation, removal, or disposal of junkyards and  
2789 scrap metal processing facilities. Each authority shall also  
2790 have the power to condemn any material and property necessary  
2791 for such purposes.

2792 (2) An authority shall exercise the right of eminent domain  
2793 conferred under this section in the manner provided by law.

2794 (3) If an authority acquires property for a transportation  
2795 facility or in a transportation corridor, it is not subject to  
2796 any liability imposed by chapter 376 or chapter 403 for  
2797 preexisting soil or groundwater contamination due solely to its  
2798 ownership. This section does not affect the rights or  
2799 liabilities of any past or future owners of the acquired  
2800 property or affect the liability of any governmental entity for  
2801 the results of its actions which create or exacerbate a  
2802 pollution source. An authority and the Department of  
2803 Environmental Protection may enter into interagency agreements  
2804 for the performance, funding, and reimbursement of the  
2805 investigative and remedial acts necessary for property acquired  
2806 by the authority.

2807 345.0010 Cooperation with other units, boards, agencies,  
2808 and individuals.—A county, municipality, drainage district, road  
2809 and bridge district, school district, or any other political  
2810 subdivision, board, commission, or individual in, or of, the  
2811 state may make and enter into a contract, lease, conveyance,  
2812 partnership, or other agreement with an authority within the  
2813 provisions and purposes of this chapter. Each authority may make

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2814 and enter into contracts, leases, conveyances, partnerships, and  
2815 other agreements with any political subdivision, agency, or  
2816 instrumentality of the state and any federal agency,  
2817 corporation, and individual, to carry out the purposes of this  
2818 chapter.

2819 345.0011 Covenant of the state.—The state pledges to, and  
2820 agrees with, any person, firm, or corporation, or federal or  
2821 state agency subscribing to, or acquiring the bonds to be issued  
2822 by an authority for the purposes of this chapter that the state  
2823 will not limit or alter the rights vested by this chapter in the  
2824 authority and the department until all bonds at any time issued,  
2825 together with the interest thereon, are fully paid and  
2826 discharged insofar as the rights vested in the authority and the  
2827 department affect the rights of the holders of bonds issued  
2828 pursuant to this chapter. The state further pledges to, and  
2829 agrees with, the United States that if a federal agency  
2830 constructs or contributes any funds for the completion,  
2831 extension, or improvement of the system, or any parts of the  
2832 system, the state will not alter or limit the rights and powers  
2833 of the authority and the department in any manner that is  
2834 inconsistent with the continued maintenance and operation of the  
2835 system or the completion, extension, or improvement of the  
2836 system, or which would be inconsistent with the due performance  
2837 of any agreements between the authority and any such federal  
2838 agency, and the authority and the department shall continue to  
2839 have and may exercise all powers granted in this section, so  
2840 long as the powers are necessary or desirable to carry out the  
2841 purposes of this chapter and the purposes of the United States  
2842 in the completion, extension, or improvement of the system, or

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2843 any part of the system.

2844 345.0012 Exemption from taxation.—The authority created  
2845 under this chapter is for the benefit of the people of the  
2846 state, for the increase of their commerce and prosperity, and  
2847 for the improvement of their health and living conditions, and  
2848 because the authority will be performing essential governmental  
2849 functions pursuant to this chapter, the authority is not  
2850 required to pay any taxes or assessments of any kind or nature  
2851 whatsoever upon any property acquired or used by it for such  
2852 purposes, or upon any rates, fees, rentals, receipts, income, or  
2853 charges received by it, and the bonds issued by the authority,  
2854 their transfer and the income from their issuance, including any  
2855 profits made on the sale of the bonds, shall be free from  
2856 taxation by the state or by any political subdivision, taxing  
2857 agency, or instrumentality of the state. The exemption granted  
2858 by this section does not apply to any tax imposed by chapter 220  
2859 on interest, income, or profits on debt obligations owned by  
2860 corporations.

2861 345.0013 Eligibility for investments and security.—Any  
2862 bonds or other obligations issued pursuant to this chapter are  
2863 legal investments for banks, savings banks, trustees, executors,  
2864 administrators, and all other fiduciaries, and for all state,  
2865 municipal, and other public funds and are also securities  
2866 eligible for deposit as security for all state, municipal, or  
2867 other public funds, notwithstanding the provisions of any other  
2868 law to the contrary.

2869 345.0014 Applicability.—

2870 (1) The powers conferred by this chapter are in addition to  
2871 the powers conferred by other law and do not repeal the

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2872 provisions of any other general or special law or local  
2873 ordinance, but supplement such other laws in the exercise of the  
2874 powers provided in this chapter, and provide a complete method  
2875 for the exercise of the powers granted in this chapter. The  
2876 extension and improvement of a system, and the issuance of bonds  
2877 pursuant to this chapter to finance all or part of the cost  
2878 thereof, may be accomplished upon compliance with the provisions  
2879 of this chapter without regard to or necessity for compliance  
2880 with the provisions, limitations, or restrictions contained in  
2881 any other general, special, or local law, including, but not  
2882 limited to, s. 215.821, and approval of any bonds issued under  
2883 this act by the qualified electors or qualified electors who are  
2884 freeholders in the state or in any political subdivision of the  
2885 state is not required for the issuance of such bonds pursuant to  
2886 this chapter.

2887 (2) This act does not repeal, rescind, or modify any other  
2888 law or laws relating to the State Board of Administration, the  
2889 Department of Transportation, or the Division of Bond Finance of  
2890 the State Board of Administration, but supersedes any other law  
2891 that is inconsistent with the provisions of this chapter,  
2892 including, but not limited to, s. 215.821.

2893 345.0015 Northwest Florida Regional Tollway Authority.—

2894 (1) There is hereby created and established a body politic  
2895 and corporate, an agency of the state, to be known as the  
2896 Northwest Florida Regional Tollway Authority, hereinafter  
2897 referred to as the "authority."

2898 (2) The area served by the authority shall be Escambia and  
2899 Santa Rosa Counties.

2900 (3) The purposes and powers of the authority are as

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2901 identified in the Florida Regional Tollway Authority Act for the  
2902 area served by the authority, and the authority operates in the  
2903 manner provided by the Florida Regional Tollway Authority Act.

2904 345.0016 Okaloosa-Bay Regional Tollway Authority.-

2905 (1) There is hereby created and established a body politic  
2906 and corporate, an agency of the state, to be known as the  
2907 Okaloosa-Bay Regional Tollway Authority, hereinafter referred to  
2908 as the "authority."

2909 (2) The area served by the authority shall be Okaloosa,  
2910 Walton, and Bay Counties.

2911 (3) The purposes and powers of the authority are as  
2912 identified in the Florida Regional Tollway Authority Act for the  
2913 area served by the authority, and the authority operates in the  
2914 manner provided by the Florida Regional Tollway Authority Act.

2915 345.0017 Suncoast Regional Tollway Authority.-

2916 (1) There is hereby created and established a body politic  
2917 and corporate, an agency of the state, to be known as the  
2918 Suncoast Regional Tollway Authority, hereinafter referred to as  
2919 the "authority."

2920 (2) The area served by the authority shall be Citrus, Levy,  
2921 Marion, and Alachua Counties.

2922 (3) The purposes and powers of the authority are as  
2923 identified in the Florida Regional Tollway Authority Act for the  
2924 area served by the authority, and the authority operates in the  
2925 manner provided by the Florida Regional Tollway Authority Act.

2926 Section 43. Transfer to the Okaloosa-Bay Regional Tollway  
2927 Authority.-The governance and control of the Mid-Bay Bridge  
2928 Authority System, created pursuant to chapter 2000-411, Laws of  
2929 Florida, is transferred to the Okaloosa-Bay Regional Tollway

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2930 Authority.

2931 (1) The assets, facilities, tangible and intangible  
2932 property and any rights in such property, and any other legal  
2933 rights of the bridge authority, including the bridge system  
2934 operated by the authority, are transferred to the regional  
2935 tollway authority. All powers of the bridge authority shall  
2936 succeed to the regional tollway authority, and the operations  
2937 and maintenance of the bridge system shall be under the control  
2938 of the regional tollway authority, pursuant to this section.

2939 Revenues collected on the bridge system may be considered  
2940 regional tollway authority revenues, and the Mid-Bay Bridge may  
2941 be considered part of the regional tollway authority system, if  
2942 bonds of the bridge authority are not outstanding. The regional  
2943 tollway authority also assumes all liability for bonds of the  
2944 bridge authority pursuant to the provisions of subsection (2).  
2945 The regional tollway authority may review other contracts,  
2946 financial obligations, and contractual obligations and  
2947 liabilities of the bridge authority and may assume legal  
2948 liability for the obligations that are determined to be  
2949 necessary for the continued operation of the bridge system.

2950 (2) The transfer pursuant to this section is subject to the  
2951 terms and covenants provided for the protection of the holders  
2952 of the Mid-Bay Bridge Authority bonds in the lease-purchase  
2953 agreement and the resolutions adopted in connection with the  
2954 issuance of the bonds. Further, the transfer does not impair the  
2955 terms of the contract between the bridge authority and the  
2956 bondholders, does not act to the detriment of the bondholders,  
2957 and does not diminish the security for the bonds. After the  
2958 transfer, until the bonds of the bridge authority are fully

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2959 defeased or paid in full, the department shall operate and  
2960 maintain the bridge system and any other facilities of the  
2961 authority in accordance with the terms, conditions, and  
2962 covenants contained in the bond resolutions and lease-purchase  
2963 agreement securing the bonds of the bridge authority. The  
2964 Department of Transportation, as the agent of the regional  
2965 tollway authority, shall collect toll revenues and apply them to  
2966 the payment of debt service as provided in the bond resolution  
2967 securing the bonds. The regional tollway authority shall  
2968 expressly assume all obligations relating to the bonds to ensure  
2969 that the transfer will have no adverse impact on the security  
2970 for the bonds of the bridge authority. The transfer does not  
2971 make the obligation to pay the principal and interest on the  
2972 bonds a general liability of the regional tollway authority or  
2973 pledge the regional tollway authority system revenues to payment  
2974 of the bridge authority bonds. Revenues that are generated by  
2975 the bridge system and other facilities of the bridge authority  
2976 and that were pledged by the bridge authority to the payment of  
2977 the bonds remain subject to the pledge for the benefit of the  
2978 bondholders. The transfer does not modify or eliminate any prior  
2979 obligation of the Department of Transportation to pay certain  
2980 costs of the bridge system from sources other than revenues of  
2981 the bridge system. With regard to the bridge authority's current  
2982 long-term debt of \$16.1 million due to the department as of June  
2983 30, 2011, and to the extent permitted by the bond resolutions  
2984 and lease-purchase agreement securing the bonds, the regional  
2985 tollway authority shall make payment annually to the State  
2986 Transportation Trust Fund, for the purpose of repaying the  
2987 bridge authority's long-term debt due to the department, from

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2988 any bridge system revenues obtained under this section which  
2989 remain after the payment of the costs of operations,  
2990 maintenance, renewal, and replacement of the bridge system; the  
2991 payment of current debt service; and other payments required in  
2992 relation to the bonds. The regional tollway authority shall make  
2993 the annual payments, not to exceed \$1 million per year, to the  
2994 State Transportation Trust Fund until all remaining authority  
2995 long-term debt due to the department has been repaid.

2996 (3) Any remaining toll revenue from the facilities of the  
2997 Mid-Bay Bridge Authority collected by the Okaloosa-Bay Regional  
2998 Tollway Authority after meeting the requirements of subsections  
2999 (1) and (2) shall be used for the construction, maintenance, or  
3000 improvement of any toll facility of the Okaloosa-Bay Regional  
3001 Tollway Authority within the county or counties in which the  
3002 revenue was collected.

3003 Section 44. Except as otherwise expressly provided in this  
3004 act, this act shall take effect upon becoming a law.