

1                   A bill to be entitled  
2           An act relating to the Department of Transportation;  
3           amending s. 11.45, F.S.; removing a provision for  
4           audits of certain transportation corporations by the  
5           Auditor General; amending s. 20.23, F.S.; revising  
6           provisions relating to functions of the Florida  
7           Transportation Commission to add certain monitoring of  
8           the Mid-Bay Bridge Authority; removing Secretary of  
9           Transportation review of the expenses of the Florida  
10          Statewide Passenger Rail Commission; revising the  
11          administrative support requirement for the Florida  
12          Statewide Passenger Rail Commission; designating an  
13          executive director and assistant executive director of  
14          the statewide passenger rail commission; amending s.  
15          110.205, F.S., relating to career service exempt  
16          positions; revising the title of an existing  
17          department position; amending s. 316.530, F.S.,  
18          relating to towing requirements; removing a provision  
19          that prohibits assessment of a penalty for the  
20          combined weights of a disabled vehicle and a wrecker  
21          or tow truck; amending s. 316.545, F.S.; revising the  
22          maximum amount the gross vehicle weight may be reduced  
23          for calculation of a penalty for excess weight when an  
24          auxiliary power units is installed on a commercial  
25          motor vehicle; amending s. 331.360, F.S., relating to  
26          aerospace facilities; removing provisions for a  
27          spaceport master plan; directing Space Florida to  
28          develop a spaceport system plan for certain purposes;

29 | providing for content of the plan; directing Space  
30 | Florida to submit the plan to metropolitan planning  
31 | organizations for review of intermodal impact and to  
32 | the department; authorizing the department to include  
33 | relevant portions in the 5-year work program; revising  
34 | responsibilities of the department relating to  
35 | aerospace facilities; authorizing the department to  
36 | administratively house its space transportation  
37 | responsibilities within an existing division or  
38 | office; authorizing the department to enter into an  
39 | agreement with Space Florida for specified purposes;  
40 | authorizing the department to allocate certain funds  
41 | under specified conditions; requiring Space Florida to  
42 | provide certain information to the department before  
43 | an agreement is executed; amending s. 332.007, F.S.;  
44 | authorizing the department to fund strategic airport  
45 | investment projects that meet specified criteria;  
46 | amending s. 334.044, F.S.; prohibiting the department  
47 | from entering into any lease-purchase agreement with  
48 | any expressway authority, regional transportation  
49 | authority, or other entity; providing the prohibition  
50 | does not invalidate existing specified lease-purchase  
51 | agreements or limit the department's authority  
52 | relating to certain public-private transportation  
53 | facilities; amending s. 335.055, F.S.; authorizing the  
54 | department to enter into contracts with community  
55 | development districts to perform routine maintenance  
56 | work on the State Highway System; limiting liability;

57 | amending s. 335.06, F.S.; authorizing the department  
58 | to improve and maintain any road that is part of a  
59 | county road system or city street system that provides  
60 | access to property within the state park system;  
61 | requiring the county or city to maintain such road if  
62 | the department does not; amending s. 337.11, F.S.;  
63 | removing the requirement that a contractor provide a  
64 | notarized affidavit as proof of motor vehicle  
65 | registration; amending s. 337.14, F.S.; revising  
66 | requirements for a person desiring to bid for the  
67 | performance of certain department construction  
68 | contracts to be prequalified; amending s. 337.168,  
69 | F.S., relating to confidentiality of bid information;  
70 | providing that a document that reveals the identity of  
71 | a person who has requested or received certain  
72 | information before a certain time is a public record;  
73 | amending s. 337.25, F.S.; revising provisions for  
74 | disposition of property by the department; authorizing  
75 | the department to contract for auction services for  
76 | conveyance of property; revising requirements for an  
77 | inventory of property; amending s. 337.251, F.S.;  
78 | revising provisions for lease of property; requiring  
79 | the department to publish a notice of receipt of a  
80 | proposal for lease of particular department property  
81 | and accept other proposals; revising notice  
82 | procedures; requiring the department to establish by  
83 | rule an application fee for lease proposals;  
84 | authorizing the department to engage the services of

85 private consultants to assist in evaluating proposals;  
86 requiring the department to make specified  
87 determinations before approving a proposed lease;  
88 requiring the Florida Transportation Commission to  
89 study the potential for state revenue from parking  
90 meters and other parking time-limit devices;  
91 authorizing to commission to retain experts; requiring  
92 the department to pay for the experts; requiring  
93 certain information from municipalities and counties;  
94 requiring certain information to be considered in the  
95 study; requiring a written report; providing for a  
96 moratorium on new parking meters of other parking  
97 time-limit devices on the state right-of-way;  
98 providing an exception; amending s. 338.161, F.S.;  
99 revising provisions for the department to enter into  
100 agreements for certain purposes with public or private  
101 transportation facility owners whose systems become  
102 interoperable with the department's systems; amending  
103 s. 338.165, F.S.; removing references to certain  
104 facilities from the list of facilities the department  
105 is authorized to request bond issuance secured by  
106 facility revenues amending s. 338.26, F.S.; revising  
107 the uses of fees generated from tolls to include the  
108 design and construction of a fire station that may be  
109 used by certain local governments in accordance with a  
110 specified memorandum; removing a provision that  
111 authorizes a district to issue bonds or notes;  
112 amending s. 339.175, F.S.; revising provisions for

113 designation of metropolitan planning organizations and  
114 provisions for voting membership; revising the  
115 criteria that qualify a local government for  
116 participation in a metropolitan planning organization;  
117 providing that certain counties shall be designated  
118 separate metropolitan planning organizations; revising  
119 the criteria to determine voting membership of a  
120 metropolitan planning organization; providing that  
121 each metropolitan planning organization shall review  
122 its membership and reapportion it as necessary;  
123 providing criteria; removing the requirement that the  
124 Governor review and apportion the voting membership  
125 among the various governmental entities within the  
126 metropolitan planning area; repealing ss. 339.401-  
127 339.421, F.S., relating to the Florida Transportation  
128 Corporation Act, definitions, legislative findings and  
129 purpose, authorization of corporations, type and  
130 structure and income of corporation, contract between  
131 the department and the corporation, articles of  
132 incorporation, boards of directors and advisory  
133 directors, bylaws, meetings and records, amendment of  
134 articles of incorporation, powers of corporations, use  
135 of state property, exemption from taxation, authority  
136 to alter or dissolve corporation, dissolution upon  
137 completion of purposes, transfer of funds and property  
138 upon dissolution, department rules, construction of  
139 provisions, and issuance of debt; amending s. 339.55,  
140 F.S.; providing for the state-funded infrastructure

141 bank to lend capital costs or provide credit  
142 enhancements for projects that provide intermodal  
143 connectivity with spaceports and to make emergency  
144 loans for damages to public-use spaceports; revising  
145 criteria the department may consider for evaluation of  
146 projects for assistance from the bank; amending s.  
147 341.031, F.S.; revising the definition of the term  
148 "intercity bus service," as used in the Florida Public  
149 Transit Act; amending s. 341.053, F.S.; revising  
150 provisions for use of Intermodal Development Program  
151 funds; amending ss. 343.82 and 343.922, F.S.; removing  
152 reference to advances from the Toll Facilities  
153 Revolving Trust Fund as a source of funding for  
154 certain projects by an authority; creating ch. 345,  
155 F.S., relating to the Florida Regional Transportation  
156 Finance Authority Act; creating s. 345.0001, F.S.;  
157 providing a short title; creating s. 345.0002, F.S.;  
158 providing definitions; creating s. 345.0003, F.S.;  
159 providing for counties to form a regional  
160 transportation finance authority to construct,  
161 maintain, or operate transportation projects in a  
162 region of the state; providing for governance of an  
163 authority; providing for membership and organization  
164 of an authority; creating s. 345.0004, F.S.; providing  
165 for the powers and duties of an authority; limiting an  
166 authority's power with respect to an existing system;  
167 prohibiting an authority from pledging the credit or  
168 taxing power of the state or any political subdivision

169 or agency of the state; requiring that an authority  
170 comply with certain reporting and documentation  
171 requirements; creating s. 345.0005, F.S.; authorizing  
172 an authority to issue bonds; providing that the issued  
173 bonds must meet certain requirements; providing that  
174 the resolution that authorizes the issuance of bonds  
175 meet certain requirements; authorizing an authority to  
176 enter into security agreements for issued bonds with a  
177 bank or trust company; providing that the issued bonds  
178 are negotiable instruments and have certain qualities;  
179 providing that a resolution authorizing the issuance  
180 of bonds and pledging of revenues of the system must  
181 meet certain requirements; prohibiting the use or  
182 pledge of state funds to pay principal or interest of  
183 an authority's bonds; creating s. 345.0006, F.S.;  
184 providing rights and remedies granted to certain  
185 bondholders; providing actions a trustee may take on  
186 behalf of the bondholders; providing for the  
187 appointment of a receiver; providing for the authority  
188 of the receiver; providing limitations to a receiver's  
189 authority; creating s. 345.0007, F.S.; providing that  
190 the Department of Transportation is the agent of each  
191 authority for specified purposes; providing for the  
192 administration and management of projects by the  
193 department; providing limits on the department as an  
194 agent; providing for the fiscal responsibilities of  
195 the authority; creating s. 345.0008, F.S.; authorizing  
196 the department to provide resources for an authority

197 project or system if included in a specific plan and  
198 approved by the Legislature; providing for feasibility  
199 studies; requiring certain criteria to be met before  
200 department approval; providing for payment of expenses  
201 incurred by the department on behalf of an authority;  
202 requiring the department to receive a share of the  
203 revenue from the authority; providing for disbursement  
204 of revenues; creating s. 345.0009, F.S.; authorizing  
205 the authority to acquire private or public property  
206 and property rights for a project or plan; authorizing  
207 the authority to exercise the right of eminent domain;  
208 providing for the rights and liabilities and remedial  
209 actions relating to property acquired for a  
210 transportation project or corridor; creating s.  
211 345.0010, F.S.; providing for contracts between  
212 certain entities and an authority; creating s.  
213 345.0011, F.S.; providing that the state will not  
214 limit or alter the vested rights of a bondholder with  
215 regard to any issued bonds or rights relating to the  
216 bonds under certain conditions; creating s. 345.0012,  
217 F.S.; exempting the authority from paying certain  
218 taxes or assessments for property acquired or used for  
219 certain public purposes or for revenues received  
220 relating to the issuance of bonds; providing  
221 exceptions; creating s. 345.0013, F.S.; providing that  
222 the bonds or obligations issued are legal investments  
223 of specified entities; creating s. 345.0014, F.S.;  
224 providing applicability; amending s. 348.754, F.S.;



225 | revising the term limitation for leases that the  
226 | Orlando-Orange County Expressway Authority may enter;  
227 | amending s. 373.406, F.S.; exempting specified ponds,  
228 | ditches, and wetlands from surface water management  
229 | and storage requirements; amending s. 373.4137, F.S.;  
230 | revising provisions relating to mitigation  
231 | requirements for certain transportation projects;  
232 | revising legislative intent; revising requirements and  
233 | procedures for determination and payment of mitigation  
234 | costs; revising provisions for an environmental impact  
235 | inventory; providing for transportation projects to  
236 | include mitigation options that meet state and federal  
237 | requirements; providing for the use of the Uniform  
238 | Mitigation Assessment Method to determine the amount  
239 | of mitigation needed for transportation projects;  
240 | requiring consideration of mitigation banks in the  
241 | Department of Transportation inventories before  
242 | transportation projects can be submitted for inclusion  
243 | in a water management district mitigation plan;  
244 | providing that the department may purchase credits  
245 | directly from mitigation banks, mitigation services  
246 | from the Department of Environmental Protection, or  
247 | other mitigation services; removing a requirement for  
248 | the Department of Transportation to establish an  
249 | escrow account; requiring funding for the identified  
250 | mitigation option be included in the department's work  
251 | program; removing impact acre cost as the basis for  
252 | mitigation payments; revising provisions for

253 determination of cost as the basis for mitigation  
 254 payments; providing for the Department of  
 255 Transportation and certain transportation authorities  
 256 to program amounts based on an estimated cost of  
 257 credits; providing for periodic adjustment of the  
 258 estimated cost of credits; providing for alternative  
 259 use of funds associated with a project excluded from a  
 260 mitigation plan; providing for continuing  
 261 responsibility upon final payment for a mitigation  
 262 project; revising procedures for payments; providing  
 263 transition procedures; revising requirements for water  
 264 management district mitigation plans; providing for  
 265 the exclusion of projects from a mitigation plan upon  
 266 the election of one or more agencies; providing an  
 267 effective date.

268

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

270

271 Section 1. Paragraph (m) of subsection (3) of section  
 272 11.45, Florida Statutes, is amended, and present paragraphs (n)  
 273 through (x) are redesignated as paragraphs (m) through (w),  
 274 respectively, to read:

275 11.45 Definitions; duties; authorities; reports; rules.—

276 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The  
 277 Auditor General may, pursuant to his or her own authority, or at  
 278 the direction of the Legislative Auditing Committee, conduct  
 279 audits or other engagements as determined appropriate by the  
 280 Auditor General of:

281 ~~(m) The transportation corporations under contract with~~  
282 ~~the Department of Transportation that are acting on behalf of~~  
283 ~~the state to secure and obtain rights-of-way for urgently needed~~  
284 ~~transportation systems and to assist in the planning and design~~  
285 ~~of such systems pursuant to ss. 339.401-339.421.~~

286 Section 2. Paragraph (b) of subsection (2) and paragraph  
287 (d) of subsection (3) of section 20.23, Florida Statutes, are  
288 amended to read:

289 20.23 Department of Transportation.—There is created a  
290 Department of Transportation which shall be a decentralized  
291 agency.

292 (2)

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

294 1. Recommend major transportation policies for the  
295 Governor's approval, and assure that approved policies and any  
296 revisions thereto are properly executed.

297 2. Periodically review the status of the state  
298 transportation system including highway, transit, rail, seaport,  
299 intermodal development, and aviation components of the system  
300 and recommend improvements therein to the Governor and the  
301 Legislature.

302 3. Perform an in-depth evaluation of the annual department  
303 budget request, the Florida Transportation Plan, and the  
304 tentative work program for compliance with all applicable laws  
305 and established departmental policies. Except as specifically  
306 provided in s. 339.135(4)(c)2., (d), and (f), the commission may  
307 not consider individual construction projects, but shall

308 consider methods of accomplishing the goals of the department in  
309 the most effective, efficient, and businesslike manner.

310 4. Monitor the financial status of the department on a  
311 regular basis to assure that the department is managing revenue  
312 and bond proceeds responsibly and in accordance with law and  
313 established policy.

314 5. Monitor on at least a quarterly basis, the efficiency,  
315 productivity, and management of the department, using  
316 performance and production standards developed by the commission  
317 pursuant to s. 334.045.

318 6. Perform an in-depth evaluation of the factors causing  
319 disruption of project schedules in the adopted work program and  
320 recommend to the Legislature and the Governor methods to  
321 eliminate or reduce the disruptive effects of these factors.

322 7. Recommend to the Governor and the Legislature  
323 improvements to the department's organization in order to  
324 streamline and optimize the efficiency of the department. In  
325 reviewing the department's organization, the commission shall  
326 determine if the current district organizational structure is  
327 responsive to Florida's changing economic and demographic  
328 development patterns. The initial report by the commission must  
329 be delivered to the Governor and Legislature by December 15,  
330 2000, and each year thereafter, as appropriate. The commission  
331 may retain such experts as are reasonably necessary to  
332 effectuate this subparagraph, and the department shall pay the  
333 expenses of such experts.

334 8. Monitor the efficiency, productivity, and management of  
335 the authorities created under chapters 348 and 349, including

336 any authority formed using the provisions of part I of chapter  
337 348; the Mid-Bay Bridge Authority created pursuant to chapter  
338 2000-411, Laws of Florida; and any authority formed under  
339 chapter 343 which is not monitored under subsection (3). The  
340 commission shall also conduct periodic reviews of each  
341 authority's operations and budget, acquisition of property,  
342 management of revenue and bond proceeds, and compliance with  
343 applicable laws and generally accepted accounting principles.

344 (3) There is created the Florida Statewide Passenger Rail  
345 Commission.

346 (d) The commission is assigned to the Office of the  
347 Secretary of the Department of Transportation for administrative  
348 and fiscal accountability purposes, but it shall otherwise  
349 function independently of the control and direction of the  
350 department ~~except that reasonable expenses of the commission~~  
351 ~~shall be subject to approval by the Secretary of Transportation.~~  
352 ~~The department shall provide administrative support and service~~  
353 ~~to the commission.~~ The executive director and assistant  
354 executive director of the Florida Transportation Commission  
355 shall serve as the executive director and assistant executive  
356 director of the Florida Statewide Passenger Rail Commission. The  
357 staff of the Florida Transportation Commission shall provide  
358 administrative support and service to the Florida Statewide  
359 Passenger Rail Commission.

360 Section 3. Paragraph (j) of subsection (2) of section  
361 110.205, Florida Statutes, is amended to read:

362 110.205 Career service; exemptions.—

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

365 (j) The appointed secretaries and the State Surgeon  
366 General, assistant secretaries, deputy secretaries, and deputy  
367 assistant secretaries of all departments; the executive  
368 directors, assistant executive directors, deputy executive  
369 directors, and deputy assistant executive directors of all  
370 departments; the directors of all divisions and those positions  
371 determined by the department to have managerial responsibilities  
372 comparable to such positions, which positions include, but are  
373 not limited to, program directors, assistant program directors,  
374 district administrators, deputy district administrators, the  
375 Director of Central Operations Services of the Department of  
376 Children and Family Services, the State Transportation  
377 Development Administrator, State Freight and Logistics Public  
378 ~~Transportation and Modal~~ Administrator, district secretaries,  
379 district directors of transportation development, transportation  
380 operations, transportation support, and the managers of the  
381 offices specified in s. 20.23(4)(b), of the Department of  
382 Transportation. Unless otherwise fixed by law, the department  
383 shall set the salary and benefits of these positions in  
384 accordance with the rules of the Senior Management Service; and  
385 the county health department directors and county health  
386 department administrators of the Department of Health.

387 Section 4. Subsections (3) and (4) of section 316.530,  
388 Florida Statutes, are amended to read:

389 316.530 Towing requirements.—

390 ~~(3) Whenever a motor vehicle becomes disabled upon the~~

CS/HB 7127

2013

391 ~~highways of this state and a wrecker or tow truck is required to~~  
392 ~~remove it to a repair shop or other appropriate location, if the~~  
393 ~~combined weights of those two vehicles and the loads thereon~~  
394 ~~exceed the maximum allowable weights as established by s.~~  
395 ~~316.535, no penalty shall be assessed either vehicle or driver.~~  
396 ~~However, this exception shall not apply to the load limits for~~  
397 ~~bridges and culverts established by the department as provided~~  
398 ~~in s. 316.555.~~

399 (3)~~(4)~~ A violation of this section is a noncriminal  
400 traffic infraction, punishable as a moving violation as provided  
401 in chapter 318.

402 Section 5. Paragraph (c) of subsection (3) of section  
403 316.545, Florida Statutes, is amended to read:

404 316.545 Weight and load unlawful; special fuel and motor  
405 fuel tax enforcement; inspection; penalty; review.—

406 (3) Any person who violates the overloading provisions of  
407 this chapter shall be conclusively presumed to have damaged the  
408 highways of this state by reason of such overloading, which  
409 damage is ~~hereby~~ fixed as follows:

410 (c) For a vehicle equipped with fully functional idle-  
411 reduction technology, any penalty shall be calculated by  
412 reducing the actual gross vehicle weight or the internal bridge  
413 weight by the certified weight of the idle-reduction technology  
414 or by 550 ~~400~~ pounds, whichever is less. The vehicle operator  
415 must present written certification of the weight of the idle-  
416 reduction technology and must demonstrate or certify that the  
417 idle-reduction technology is fully functional at all times. This

418 calculation is not allowed for vehicles described in s.

419 316.535(6);

420 Section 6. Section 331.360, Florida Statutes, is amended to  
421 read:

422 331.360 Spaceport system ~~Joint participation agreement or~~  
423 ~~assistance; spaceport master plan.-~~

424 ~~(1) It shall be the duty, function, and responsibility of~~  
425 ~~the Department of Transportation to promote the further~~  
426 ~~development and improvement of aerospace transportation~~  
427 ~~facilities; to address intermodal requirements and impacts of~~  
428 ~~the launch ranges, spaceports, and other space transportation~~  
429 ~~facilities; to assist in the development of joint-use facilities~~  
430 ~~and technology that support aviation and aerospace operations;~~  
431 ~~to coordinate and cooperate in the development of spaceport~~  
432 ~~infrastructure and related transportation facilities contained~~  
433 ~~in the Strategic Intermodal System Plan; to encourage, where~~  
434 ~~appropriate, the cooperation and integration of airports and~~  
435 ~~spaceports in order to meet transportation-related needs; and to~~  
436 ~~facilitate and promote cooperative efforts between federal and~~  
437 ~~state government entities to improve space transportation~~  
438 ~~capacity and efficiency. In carrying out this duty and~~  
439 ~~responsibility, the department may assist and advise, cooperate~~  
440 ~~with, and coordinate with federal, state, local, or private~~  
441 ~~organizations and individuals. The department may~~  
442 ~~administratively house its space transportation responsibilities~~  
443 ~~within an existing division or office.~~

444 ~~(2) Notwithstanding any other provision of law, the~~  
445 ~~Department of Transportation may enter into a joint~~



446 ~~participation agreement with, or otherwise assist, Space Florida~~  
447 ~~as necessary to effectuate the provisions of this chapter and~~  
448 ~~may allocate funds for such purposes in its 5-year work program.~~  
449 ~~However, the department may not fund the administrative or~~  
450 ~~operational costs of Space Florida.~~

451 (1) ~~(3)~~ Space Florida shall develop a spaceport system  
452 ~~master plan that addresses statewide spaceport goals and the~~  
453 need for expansion and modernization of space transportation  
454 facilities within spaceport territories as defined in s.  
455 331.303. The plan shall contain recommended projects to meet  
456 current and future commercial, national, and state space  
457 transportation requirements. Space Florida shall submit the plan  
458 to all any appropriate metropolitan planning organizations  
459 ~~organization~~ for review of intermodal impacts. Space Florida  
460 shall submit the spaceport system ~~master~~ plan to the Department  
461 of Transportation, which may include those portions of the  
462 system plan relevant to the department's mission and such plan  
463 ~~may be included~~ within the department's 5-year work program of  
464 qualifying projects aerospace discretionary capacity improvement  
465 ~~under subsection (4).~~ The plan shall identify appropriate  
466 funding levels for each project and include recommendations on  
467 ~~appropriate sources of revenue that may be developed to~~  
468 ~~contribute to the State Transportation Trust Fund.~~

469 (2) The Department of Transportation shall promote the  
470 further development and improvement of aerospace transportation  
471 facilities; address intermodal requirements and impacts of the  
472 launch ranges, spaceports, and other space transportation  
473 facilities; assist in the development of joint-use facilities

474 and technology that support aviation and aerospace operations;  
475 coordinate and cooperate in the development of spaceport  
476 infrastructure and related transportation facilities contained  
477 in the Strategic Intermodal System Plan; encourage, where  
478 appropriate, the cooperation and integration of airports and  
479 spaceports in order to meet transportation-related needs; and  
480 facilitate and promote cooperative efforts between federal and  
481 state government entities to improve space transportation  
482 capacity and efficiency. In carrying out such duties and  
483 responsibilities, the department may assist and advise,  
484 cooperate with, and coordinate with federal, state, local, or  
485 private entities and individuals. The department may  
486 administratively house its space transportation responsibilities  
487 within an existing division or office.

488 (3) Notwithstanding any other provision of law, the  
489 Department of Transportation may enter into an agreement with,  
490 or otherwise assist, Space Florida as necessary to effectuate  
491 the provisions of this chapter and may allocate funds for such  
492 purposes in its 5-year work program. However, the department may  
493 not fund the administrative or operational costs of Space  
494 Florida.

495 (4) (a) Beginning in fiscal year 2013-2014, a minimum of  
496 \$15 million annually may be made available from the State  
497 Transportation Trust Fund to fund space transportation projects.  
498 The funds for this initiative shall be from the funds dedicated  
499 to public transportation projects pursuant to s. 206.46(3)  
500 ~~Subject to the availability of appropriated funds, the~~  
501 ~~department may participate in the capital cost of eligible~~

502 ~~spaceport discretionary capacity improvement projects. The~~  
503 ~~annual legislative budget request shall be based on the proposed~~  
504 ~~funding requested for approved spaceport discretionary capacity~~  
505 ~~improvement projects.~~

506 (b) Before executing an agreement, Space Florida must  
507 provide project-specific information to the Department of  
508 Transportation in order to demonstrate that the project includes  
509 transportation and aerospace benefits. Project information to be  
510 provided includes, but is not limited to:

- 511 1. Project description, characteristics, and scope.
- 512 2. Project funding sources and costs.
- 513 3. Project financing considerations with emphasis on  
514 federal, local, and private participation.
- 515 4. Financial feasibility and risk analysis, including  
516 efforts to protect the state's investment and ensure project  
517 goals are realized.
- 518 5. Demonstration that the project will encourage, enhance,  
519 or create economic benefits.

520 (c) The Department of Transportation is authorized to fund  
521 up to 50 percent of eligible project costs. The department may  
522 fund up to 100 percent of eligible project costs if the project:

- 523 1. Provides important access and on-spaceport capacity  
524 improvements;
- 525 2. Provides capital improvements to strategically position  
526 the state to maximize opportunities in the aerospace industry or  
527 foster growth and development of a sustainable and world-leading  
528 aerospace industry in the state;

529 3. Meets state goals of an integrated intermodal  
530 transportation system; and

531 4. Demonstrates the feasibility and availability of  
532 matching funds through federal, local, or private partners.

533 Section 7. Subsection (11) is added to section 332.007,  
534 Florida Statutes, to read:

535 332.007 Administration and financing of aviation and  
536 airport programs and projects; state plan.—

537 (11) (a) The department is authorized to fund strategic  
538 airport investment projects that:

539 1. Provide important access and on-airport capacity  
540 improvements;

541 2. Provide capital improvements to strategically position  
542 the state to maximize opportunities in international trade,  
543 logistics, and the aviation industry;

544 3. Achieve state goals of an integrated intermodal  
545 transportation system; and

546 4. Demonstrate the feasibility and availability of  
547 matching funds through federal, local, or private partners.

548 (b) Strategic airport investment projects may be funded at  
549 up to 100 percent of the project's cost.

550 Section 8. Subsection (16) of section 334.044, Florida  
551 Statutes, is amended to read:

552 334.044 Department; powers and duties.—The department  
553 shall have the following general powers and duties:

554 (16) To plan, acquire, lease, construct, maintain, and  
555 operate toll facilities; to authorize the issuance and refunding  
556 of bonds; and to fix and collect tolls or other charges for

CS/HB 7127

2013

557 | travel on any such facilities. Effective July 1, 2013, and  
558 | notwithstanding any other law to the contrary, the department  
559 | may not enter into any lease-purchase agreement with any  
560 | expressway authority, regional transportation authority, or  
561 | other entity. This provision does not invalidate any lease-  
562 | purchase agreement authorized under chapter 348 or chapter 2000-  
563 | 411, Laws of Florida, and existing as of July 1, 2013, and does  
564 | not limit the department's authority under s. 334.30.

565 |       Section 9. Section 335.055, Florida Statutes, is amended  
566 | to read:

567 |       335.055 Routine maintenance contracts.—

568 |       (1) The Department of Transportation may enter into  
569 | contracts with counties, ~~and~~ municipalities, and community  
570 | development districts to perform routine maintenance work on the  
571 | State Highway System within the appropriate boundaries.

572 |       (2) Each county, ~~or~~ municipality, or community development  
573 | district that ~~which~~ completes the work described in subsection  
574 | (1) shall be relieved from any tort liability arising after  
575 | completion of such work if the completed project conforms to the  
576 | standards of the contract as agreed to by the department.

577 |       (3) Each county, ~~or~~ municipality, or community development  
578 | district shall be entitled to receive payment or reimbursement  
579 | from the department, in accordance with the contract, if the  
580 | work is completed to the standards of the contract as agreed to  
581 | by the department.

582 |       (4) Nothing contained in this section shall impair,  
583 | suspend, contract, enlarge, extend, or affect in any manner the  
584 | powers and duties of the department.

585 Section 10. Section 335.06, Florida Statutes, is amended  
 586 to read:

587 335.06 Access roads to the state park system.—Any road  
 588 which provides access to property within the state park system  
 589 shall be maintained by the department if the road is a part of  
 590 the State Highway System and may be improved and maintained by  
 591 the department if the road is part of a county road system or  
 592 city street system. If the department does not maintain a county  
 593 or city road that provides access to the state park system, the  
 594 road ~~or~~ shall be maintained by the appropriate county or  
 595 municipality ~~if the road is a part of the county road system or~~  
 596 ~~the city street system.~~

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

599 337.11 Contracting authority of department; bids;  
 600 emergency repairs, supplemental agreements, and change orders;  
 601 combined design and construction contracts; progress payments;  
 602 records; requirements of vehicle registration.—

603 (13) Each contract let by the department for the  
 604 performance of road or bridge construction or maintenance work  
 605 shall require ~~contain a provision requiring the contractor to~~  
 606 ~~provide proof to the department, in the form of a notarized~~  
 607 ~~affidavit from the contractor, that all motor vehicles that~~ the  
 608 contractor ~~he or she~~ operates or causes to be operated in this  
 609 state to be ~~are~~ registered in compliance with chapter 320.

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

612           337.14 Application for qualification; certificate of  
613 qualification; restrictions; request for hearing.—

614           (1) Any person desiring to bid for the performance of any  
615 construction contract with a proposed budget estimate in excess  
616 of \$250,000 which the department proposes to let must first be  
617 certified by the department as qualified pursuant to this  
618 section and rules of the department. The rules of the department  
619 shall address the qualification of persons to bid on  
620 construction contracts with proposed budget estimates in excess  
621 of \$250,000 and shall include requirements with respect to the  
622 equipment, past record, experience, financial resources, and  
623 organizational personnel of the applicant necessary to perform  
624 the specific class of work for which the person seeks  
625 certification. The department may limit the dollar amount of any  
626 contract upon which a person is qualified to bid or the  
627 aggregate total dollar volume of contracts such person is  
628 allowed to have under contract at any one time. Each applicant  
629 seeking qualification to bid on construction contracts with  
630 proposed budget estimates in excess of \$250,000 shall furnish  
631 the department a statement under oath, on such forms as the  
632 department may prescribe, setting forth detailed information as  
633 required on the application. Each application for certification  
634 shall be accompanied by the latest annual financial statement of  
635 the applicant completed within the last 12 months. If the  
636 application or the annual financial statement shows the  
637 financial condition of the applicant more than 4 months before  
638 ~~prior to~~ the date on which the application is received by the  
639 department, then an interim financial statement must be

640 submitted and be accompanied by an updated application. The  
641 interim financial statement must cover the period from the end  
642 date of the annual statement and must show the financial  
643 condition of the applicant no more than 4 months before ~~prior to~~  
644 the date the interim financial statement is received by the  
645 department. However, upon request by the applicant, an  
646 application and accompanying annual or interim financial  
647 statement received by the department within 15 days after either  
648 4-month period under this subsection shall be considered timely.  
649 Each required annual or interim financial statement must be  
650 audited and accompanied by the opinion of a certified public  
651 accountant. An applicant desiring to bid exclusively for the  
652 performance of construction contracts with proposed budget  
653 estimates of less than \$1 million may submit reviewed annual or  
654 reviewed interim financial statements prepared by a certified  
655 public accountant. The information required by this subsection  
656 is confidential and exempt from the provisions of s. 119.07(1).  
657 The department shall act upon the application for qualification  
658 within 30 days after the department determines that the  
659 application is complete. The department may waive the  
660 requirements of this subsection for projects having a contract  
661 price of \$500,000 or less if the department determines that the  
662 project is of a noncritical nature and the waiver will not  
663 endanger public health, safety, or property.

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

666 337.168 Confidentiality of official estimates, identities  
667 of potential bidders, and bid analysis and monitoring system.—



668 (2) A document that reveals ~~revealing~~ the identity of a  
669 person who has ~~persons who have~~ requested or obtained a bid  
670 package, plan ~~packages, plans,~~ or specifications pertaining to  
671 any project to be let by the department is confidential and  
672 exempt from the provisions of s. 119.07(1) for the period that  
673 ~~which~~ begins 2 working days before ~~prior to~~ the deadline for  
674 obtaining bid packages, plans, or specifications and ends with  
675 the letting of the bid. A document that reveals the identity of  
676 a person who has requested or obtained a bid package, plan, or  
677 specifications pertaining to any project to be let by the  
678 department before the 2 working days before the deadline for  
679 obtaining bid packages, plans, or specifications remains a  
680 public record subject to the provisions of s. 119.07(1).

681 Section 14. Section 337.25, Florida Statutes, is amended  
682 to read:

683 337.25 Acquisition, lease, and disposal of real and  
684 personal property.—

685 (1) (a) The department may purchase, lease, exchange, or  
686 otherwise acquire any land, property interests, or buildings or  
687 other improvements, including personal property within such  
688 buildings or on such lands, necessary to secure or utilize  
689 transportation rights-of-way for existing, proposed, or  
690 anticipated transportation facilities on the State Highway  
691 System, on the State Park Road System, in a rail corridor, or in  
692 a transportation corridor designated by the department. Such  
693 property shall be held in the name of the state.

694 (b) The department may accept donations of any land or  
695 buildings or other improvements, including personal property

696 within such buildings or on such lands with or without such  
697 conditions, reservations, or reverter provisions as are  
698 acceptable to the department. Such donations may be used as  
699 transportation rights-of-way or to secure or utilize  
700 transportation rights-of-way for existing, proposed, or  
701 anticipated transportation facilities on the State Highway  
702 System, on the State Park Road System, or in a transportation  
703 corridor designated by the department.

704 (c) When lands, buildings, or other improvements are  
705 needed for transportation purposes, but are held by a federal,  
706 state, or local governmental entity and utilized for public  
707 purposes other than transportation, the department may  
708 compensate the entity for such properties by providing  
709 functionally equivalent replacement facilities. The providing of  
710 replacement facilities under this subsection may only be  
711 undertaken with the agreement of the governmental entity  
712 affected.

713 (d) The department may contract pursuant to s. 287.055 for  
714 auction services used in the conveyance of real or personal  
715 property or the conveyance of leasehold interests under the  
716 provisions of subsections (4) and (5). The contract may allow  
717 for the contractor to retain a portion of the proceeds as  
718 compensation for its services.

719 (2) A complete inventory shall be made of all real or  
720 personal property immediately upon possession or acquisition.  
721 Such inventory shall include a statement of the location or site  
722 of each piece of realty, structure, or severable item ~~an~~  
723 ~~itemized listing of all appliances, fixtures, and other~~

724 ~~severable items; a statement of the location or site of each~~  
725 ~~piece of realty, structure, or severable item; and the serial~~  
726 ~~number assigned to each.~~ Copies of each inventory shall be filed  
727 in the district office in which the property is located. Such  
728 inventory shall be carried forward to show the final disposition  
729 of each item of property, both real and personal.

730 (3) The inventory of real property which was acquired by  
731 the state after December 31, 1988, which has been owned by the  
732 state for 10 or more years, and which is not within a  
733 transportation corridor or within the right-of-way of a  
734 transportation facility shall be evaluated to determine the  
735 necessity for retaining the property. If the property is not  
736 needed for the construction, operation, and maintenance of a  
737 transportation facility, or is not located within a  
738 transportation corridor, the department may dispose of the  
739 property pursuant to subsection (4).

740 (4) The department may convey ~~sell~~, in the name of the  
741 state, any land, building, or other property, real or personal,  
742 which was acquired under the provisions of subsection (1) and  
743 which the department has determined is not needed for the  
744 construction, operation, and maintenance of a transportation  
745 facility. ~~With the exception of any parcel governed by paragraph~~  
746 ~~(c), paragraph (d), paragraph (f), paragraph (g), or paragraph~~  
747 ~~(i), the department shall afford first right of refusal to the~~  
748 ~~local government in the jurisdiction of which the parcel is~~  
749 ~~situated.~~ When such a determination has been made, property may  
750 be disposed of through negotiation, sealed competitive bid,  
751 auction, or any other means the department deems to be in its

752 best interest. A sale may not occur at a price less than the  
753 department's current estimate of value except as provided in  
754 paragraphs (a)-(d). The department may afford the right of first  
755 refusal to the local government or other political subdivision  
756 in the jurisdiction in which the parcel is situated, except in  
757 conveyances transacted under paragraphs (a), (c), or (e). ~~in the~~  
758 following manner:

759 (a) If ~~a~~ ~~the value of the~~ property ~~has been~~ donated to the  
760 state for transportation purposes, the facility has not been  
761 constructed for a period of at least 5 years, no plans have been  
762 prepared for the construction of such facility, and the property  
763 is not located in a transportation corridor, the governmental  
764 entity may authorize reconveyance of the donated property for no  
765 consideration to the original donor or the donor's heirs,  
766 successors, assigns, or representatives ~~is \$10,000 or less as~~  
767 determined by department estimate, ~~the department may negotiate~~  
768 the sale.

769 (b) If ~~the value of the~~ property ~~is~~ to be used for a  
770 public purpose, the property may be conveyed to a governmental  
771 entity without consideration ~~exceeds \$10,000 as determined by~~  
772 department estimate, ~~such property may be sold to the highest~~  
773 bidder through receipt of sealed competitive bids, after due  
774 advertisement, ~~or by public auction held at the site of the~~  
775 improvement which is being sold.

776 (c) If ~~the~~ property was originally acquired specifically  
777 to provide replacement housing for persons displaced by  
778 transportation projects, the department may negotiate for the  
779 sale of such property as replacement housing. As compensation,

780 the state shall receive no less than its investment in such  
781 properties or the department's current estimate of value,  
782 whichever is lower. It is expressly intended that this benefit  
783 be extended only to those persons actually displaced by such  
784 project. Disposition to any other person must be for no less  
785 than the department's current estimate of value, ~~in the~~  
786 ~~discretion of the department, public sale would be inequitable,~~  
787 ~~properties may be sold by negotiation to the owner holding title~~  
788 ~~to the property abutting the property to be sold, provided such~~  
789 ~~sale is at a negotiated price not less than fair market value as~~  
790 ~~determined by an independent appraisal, the cost of which shall~~  
791 ~~be paid by the owner of the abutting land. If negotiations do~~  
792 ~~not result in the sale of the property to the owner of the~~  
793 ~~abutting land and the property is sold to someone else, the cost~~  
794 ~~of the independent appraisal shall be borne by the purchaser;~~  
795 ~~and the owner of the abutting land shall have the cost of the~~  
796 ~~appraisal refunded to him or her. If, however, no purchase takes~~  
797 ~~place, the owner of the abutting land shall forfeit the sum paid~~  
798 ~~by him or her for the independent appraisal. If, due to action~~  
799 ~~of the department, the property is removed from eligibility for~~  
800 ~~sale, the cost of any appraisal prepared shall be refunded to~~  
801 ~~the owner of the abutting land.~~

802 (d) If the department determines that the property will  
803 require significant costs to be incurred or that continued  
804 ownership of the property exposes the department to significant  
805 liability risks, the department may use the projected  
806 maintenance costs over the next 10 years to offset the  
807 property's value in establishing a value for disposal of the

CS/HB 7127

2013

808 property, even if that value is zero ~~property acquired for use~~  
809 ~~as a borrow pit is no longer needed, the department may sell~~  
810 ~~such property to the owner of the parcel of abutting land from~~  
811 ~~which the borrow pit was originally acquired, provided the sale~~  
812 ~~is at a negotiated price not less than fair market value as~~  
813 ~~determined by an independent appraisal, the cost of which shall~~  
814 ~~be paid by the owner of such abutting land.~~

815 (e) If, in the discretion of the department, a sale to  
816 anyone other than an abutting property owner would be  
817 inequitable, the property may be sold to the abutting owner for  
818 the department's current estimate of value ~~the department begins~~  
819 ~~the process for disposing of the property on its own initiative,~~  
820 ~~either by negotiation under the provisions of paragraph (a),~~  
821 ~~paragraph (c), paragraph (d), or paragraph (i), or by receipt of~~  
822 ~~sealed competitive bids or public auction under the provisions~~  
823 ~~of paragraph (b) or paragraph (i), a department staff appraiser~~  
824 ~~may determine the fair market value of the property by an~~  
825 ~~appraisal.~~

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

834 (g) ~~If a property has been donated to the state for~~  
835 ~~transportation purposes and the facility has not been~~

836 ~~constructed for a period of at least 5 years and no plans have~~  
837 ~~been prepared for the construction of such facility and the~~  
838 ~~property is not located in a transportation corridor, the~~  
839 ~~governmental entity may authorize reconveyance of the donated~~  
840 ~~property for no consideration to the original donor or the~~  
841 ~~donor's heirs, successors, assigns, or representatives.~~

842 ~~(h) If property is to be used for a public purpose, the~~  
843 ~~property may be conveyed without consideration to a governmental~~  
844 ~~entity.~~

845 ~~(i) If property was originally acquired specifically to~~  
846 ~~provide replacement housing for persons displaced by~~  
847 ~~transportation projects, the department may negotiate for the~~  
848 ~~sale of such property as replacement housing. As compensation,~~  
849 ~~the state shall receive no less than its investment in such~~  
850 ~~properties or fair market value, whichever is lower. It is~~  
851 ~~expressly intended that this benefit be extended only to those~~  
852 ~~persons actually displaced by such project. Dispositions to any~~  
853 ~~other persons must be for fair market value.~~

854 ~~(j) If the department determines that the property will~~  
855 ~~require significant costs to be incurred or that continued~~  
856 ~~ownership of the property exposes the department to significant~~  
857 ~~liability risks, the department may use the projected~~  
858 ~~maintenance costs over the next 5 years to offset the market~~  
859 ~~value in establishing a value for disposal of the property, even~~  
860 ~~if that value is zero.~~

861 (5) The department may convey a leasehold interest for  
862 commercial or other purposes, in the name of the state, to any  
863 land, building, or other property, real or personal, which was

CS/HB 7127

2013

864 acquired under the provisions of subsection (1). A lease may not  
865 occur at a price less than the department's current estimate of  
866 value.

867 (a) All leases shall be entered into by negotiation,  
868 sealed competitive bid, auction, or any other means the  
869 department deems to be in its best interest. ~~The department may~~  
870 ~~negotiate such a lease at the prevailing market value with the~~  
871 ~~owner from whom the property was acquired; with the holders of~~  
872 ~~leasehold estates existing at the time of the department's~~  
873 ~~acquisition; or, if public bidding would be inequitable, with~~  
874 ~~the owner holding title to privately owned abutting property, if~~  
875 ~~reasonable notice is provided to all other owners of abutting~~  
876 ~~property.~~ The department may allow an outdoor advertising sign  
877 to remain on the property acquired, or be relocated on  
878 department property, and such sign shall not be considered a  
879 nonconforming sign pursuant to chapter 479.

880 (b) If, in the discretion of the department, a lease to  
881 anyone other than an abutting property owner or a tenant with a  
882 leasehold interest in the abutting property would be  
883 inequitable, the property may be leased to the abutting owner or  
884 tenant for no less than the department's current estimate of  
885 value. ~~All other leases shall be by competitive bid.~~

886 (c) A ~~No~~ lease signed pursuant to paragraph (a) may not ~~or~~  
887 ~~paragraph (b)~~ shall be for a period of more than 5 years;  
888 however, the department may renegotiate or extend such a lease  
889 for an additional term of 5 years as the department deems  
890 appropriate ~~without rebidding.~~



891 (d) Each lease shall provide that unless otherwise  
892 directed by the lessor, any improvements made to the property  
893 during the term of the lease shall be removed at the lessee's  
894 expense.

895 (e) If property is to be used for a public purpose,  
896 ~~including a fair, art show, or other educational, cultural, or~~  
897 ~~fundraising activity,~~ the property may be leased without  
898 consideration to a governmental entity ~~or school board~~. Any  
899 public-purpose lease is exempt from the term limits provided in  
900 paragraph (c).

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

904 (g) No lease executed under this subsection may be  
905 utilized by the lessee to establish the ~~4 years'~~ standing  
906 required by s. 73.071(3)(b) if the business had not been  
907 established for the specified number of 4 years on the date  
908 title passed to the department.

909 (h) The department may enter into a long-term lease  
910 without compensation with a public port listed in s.  
911 403.021(9)(b) for rail corridors used for the operation of a  
912 short-line railroad to the port.

913 (6) Nothing in this chapter prevents the joint use of  
914 right-of-way for alternative modes of transportation; provided  
915 that the joint use does not impair the integrity and safety of  
916 the transportation facility.

917 (7) The department's estimate of value, as required in  
918 subsections (4) and (5), shall be prepared in accordance with

919 department procedures, guidelines, and rules for valuation of  
920 real property. If the value of the property exceeds \$50,000 as  
921 determined by department estimate, the sale will be at a  
922 negotiated price not less than fair market value as determined  
923 by an independent appraisal prepared in accordance with  
924 department procedures, guidelines, and rules for valuation of  
925 real property, the cost of which shall be paid by the party  
926 seeking the purchase of the property ~~appraisal required by~~  
927 ~~paragraphs (4) (c) and (d) shall be prepared in accordance with~~  
928 ~~department guidelines and rules by an independent appraiser who~~  
929 ~~has been certified by the department. If federal funds were used~~  
930 ~~in the acquisition of the property, the appraisal shall also be~~  
931 ~~subject to the approval of the Federal Highway Administration.~~

932 ~~(8) A "due advertisement" under this section is an~~  
933 ~~advertisement in a newspaper of general circulation in the area~~  
934 ~~of the improvements of not less than 14 calendar days prior to~~  
935 ~~the date of the receipt of bids or the date on which a public~~  
936 ~~auction is to be held.~~

937 (8) ~~(9)~~ The department, with the approval of the Chief  
938 Financial Officer, is authorized to disburse state funds for  
939 real estate closings in a manner consistent with good business  
940 practices and in a manner minimizing costs and risks to the  
941 state.

942 (9) ~~(10)~~ The department is authorized to purchase title  
943 insurance in those instances where it is determined that such  
944 insurance is necessary to protect the public's investment in  
945 property being acquired for transportation purposes. The  
946 department shall adopt procedures to be followed in making the

947 | determination to purchase title insurance for a particular  
 948 | parcel or group of parcels which, at a minimum, shall set forth  
 949 | criteria which the parcels shall ~~must~~ meet.

950 | (10) This section does not modify the requirements of s.  
 951 | 73.013.

952 | Section 15. Subsection (2) of section 337.251, Florida  
 953 | Statutes, is amended to read:

954 | 337.251 Lease of property for joint public-private  
 955 | development and areas above or below department property.-

956 | (2) The department may request proposals for the lease of  
 957 | such property or, if the department receives a proposal for ~~to~~  
 958 | negotiate a lease of particular department property that the  
 959 | department desires to consider, it shall publish a notice in a  
 960 | newspaper of general circulation at least once a week for 2  
 961 | weeks, stating that it has received the proposal and will  
 962 | accept, for 120 ~~60~~ days after the date of publication, other  
 963 | proposals for lease of the particular property ~~use of the space~~.  
 964 | A copy of the notice must be mailed to each local government in  
 965 | the affected area. The department shall adopt rules establishing  
 966 | an application fee for the submission of proposals under this  
 967 | section. The fee must be limited to the amount needed to pay the  
 968 | anticipated costs of evaluating the proposals. The department  
 969 | may engage the services of private consultants to assist in the  
 970 | evaluation. Before approval, the department must determine that  
 971 | the proposed lease:

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

973 | (b) Would not require state funds to be used; and

974 (c) Would have adequate safeguards in place to ensure that  
975 no additional costs or service disruptions would be realized by  
976 the traveling public and residents of the state in the event of  
977 default by the private lessee or upon termination or expiration  
978 of the lease.

979 Section 16. (1) The Florida Transportation Commission  
980 shall conduct a study of the potential for the state to obtain  
981 revenue from any parking meters or other parking time-limit  
982 devices that regulate designated parking spaces located within  
983 or along the right-of-way limits of a state road. The commission  
984 may retain such experts as are reasonably necessary to complete  
985 the study, and the department shall pay the expenses of such  
986 experts. On or before August 31, 2013, each municipality and  
987 county that receives revenue from any parking meters or other  
988 parking time-limit devices that regulate designated parking  
989 spaces located within or along the right-of-way limits of a  
990 state road shall provide the commission a written inventory of  
991 the location of each such meter or device and the total revenue  
992 collected from such locations during the last 3 fiscal years.  
993 Each municipality and county shall at the same time inform the  
994 commission of any pledge or commitment by the municipality or  
995 county of such revenues to the payment of debt service on any  
996 bonds or other debt issued by the municipality or county. The  
997 commission shall consider the information provided by the  
998 municipalities and counties, together with such other matters as  
999 it deems appropriate, and shall develop policy recommendations  
1000 regarding the manner and extent that revenues generated by  
1001 regulating parking within the right-of-way limits of a state

1002 road may be allocated between the department and municipalities  
 1003 and counties. The commission shall develop specific  
 1004 recommendations concerning the allocation of revenues generated  
 1005 by meters or devices regulating such parking that were installed  
 1006 before July 1, 2013, and the allocation of revenues that may be  
 1007 generated by meters or devices installed thereafter. The  
 1008 commission shall complete the study and provide a written report  
 1009 of its findings and conclusions to the Governor, the President  
 1010 of the Senate, the Speaker of the House of Representatives, and  
 1011 the chairs of each of the appropriations committees of the  
 1012 Legislature by October 31, 2013.

1013 (2) The Legislature finds that preservation of the status  
 1014 quo pending the commission's study and the Legislature's review  
 1015 of the commission's report is appropriate and desirable. From  
 1016 July 1, 2013, through July 1, 2014, no county or municipality  
 1017 shall install any parking meters or other parking time-limit  
 1018 devices that regulate designated parking spaces located within  
 1019 or along the right-of-way limits of a state road. This  
 1020 subsection does not prohibit the replacement of meters or  
 1021 similar devices installed before July 1, 2013, with new devices  
 1022 that regulate the same designated parking spaces.

1023 Section 17. Subsection (5) of section 338.161, Florida  
 1024 Statutes, is amended to read:

1025 338.161 Authority of department or toll agencies to  
 1026 advertise and promote electronic toll collection; expanded uses  
 1027 of electronic toll collection system; authority of department to  
 1028 collect tolls, fares, and fees for private and public entities.-

1029 (5) If the department finds that it can increase nontoll  
 1030 revenues or add convenience or other value for its customers,  
 1031 and if a public or private transportation facility owner agrees  
 1032 that its facility will become interoperable with the  
 1033 department's electronic toll collection and video billing  
 1034 systems, the department is authorized to enter into an agreement  
 1035 with the owner of such facility under which the department uses  
 1036 ~~private or public entities for the department's use of its~~  
 1037 electronic toll collection and video billing systems to collect  
 1038 and enforce for the owner tolls, fares, administrative fees, and  
 1039 other applicable charges due imposed in connection with use of  
 1040 the owner's facility ~~transportation facilities of the private or~~  
 1041 ~~public entities that become interoperable with the department's~~  
 1042 ~~electronic toll collection system.~~ The department may modify its  
 1043 rules regarding toll collection procedures and the imposition of  
 1044 administrative charges to be applicable to toll facilities that  
 1045 are not part of the turnpike system or otherwise owned by the  
 1046 department. This subsection may not be construed to limit the  
 1047 authority of the department under any other provision of law or  
 1048 under any agreement entered into before ~~prior to~~ July 1, 2012.

1049 Section 18. Subsection (4) of section 338.165, Florida  
 1050 Statutes, is amended to read:

1051 338.165 Continuation of tolls.—

1052 (4) Notwithstanding any other law to the contrary,  
 1053 pursuant to s. 11, Art. VII of the State Constitution, and  
 1054 subject to the requirements of subsection (2), the Department of  
 1055 Transportation may request the Division of Bond Finance to issue  
 1056 bonds secured by toll revenues collected on the Alligator Alley,

1057 | the Sunshine Skyway Bridge, ~~the Beeline East Expressway, the~~  
 1058 | ~~Navarre Bridge,~~ and the Pinellas Bayway to fund transportation  
 1059 | projects located within the county or counties in which the  
 1060 | project is located and contained in the adopted work program of  
 1061 | the department.

1062 | Section 19. Subsections (3) and (4) of section 338.26,  
 1063 | Florida Statutes, are amended to read:

1064 | 338.26 Alligator Alley toll road.—

1065 | (3) Fees generated from tolls shall be deposited in the  
 1066 | State Transportation Trust Fund, and any amount of funds  
 1067 | generated annually in excess of that required to reimburse  
 1068 | outstanding contractual obligations, to operate and maintain the  
 1069 | highway and toll facilities, including reconstruction and  
 1070 | restoration, to pay for those projects that are funded with  
 1071 | Alligator Alley toll revenues and that are contained in the  
 1072 | 1993-1994 adopted work program or the 1994-1995 tentative work  
 1073 | program submitted to the Legislature on February 22, 1994, and  
 1074 | to design and construct ~~develop and operate~~ a fire station at  
 1075 | mile marker 63 on Alligator Alley, which may be used by Collier  
 1076 | County or other appropriate local governmental entity to provide  
 1077 | fire, rescue, and emergency management services ~~to the adjacent~~  
 1078 | ~~counties~~ along Alligator Alley, may be transferred to the  
 1079 | Everglades Fund of the South Florida Water Management District  
 1080 | in accordance with the memorandum of understanding of June 30,  
 1081 | 1997, between the district and the department. The South Florida  
 1082 | Water Management District shall deposit funds for projects  
 1083 | undertaken pursuant to s. 373.4592 in the Everglades Trust Fund  
 1084 | pursuant to s. 373.45926(4)(a). Any funds remaining in the

1085 Everglades Fund may be used for environmental projects to  
 1086 restore the natural values of the Everglades, subject to  
 1087 compliance with any applicable federal laws and regulations.  
 1088 Projects must ~~shall~~ be limited to:

1089 (a) Highway redesign to allow for improved sheet flow of  
 1090 water across the southern Everglades.

1091 (b) Water conveyance projects to enable more water  
 1092 resources to reach Florida Bay to replenish marine estuary  
 1093 functions.

1094 (c) Engineering design plans for wastewater treatment  
 1095 facilities as recommended in the Water Quality Protection  
 1096 Program Document for the Florida Keys National Marine Sanctuary.

1097 (d) Acquisition of lands to move STA 3/4 out of the Toe of  
 1098 the Boot, provided such lands are located within 1 mile of the  
 1099 northern border of STA 3/4.

1100 (e) Other Everglades Construction Projects as described in  
 1101 the February 15, 1994, conceptual design document.

1102 ~~(4) The district may issue revenue bonds or notes under s.~~  
 1103 ~~373.584 and pledge the revenue from the transfers from the~~  
 1104 ~~Alligator Alley toll revenues as security for such bonds or~~  
 1105 ~~notes. The proceeds from such revenue bonds or notes shall be~~  
 1106 ~~used for environmental projects; at least 50 percent of said~~  
 1107 ~~proceeds must be used for projects that benefit Florida Bay, as~~  
 1108 ~~described in this section subject to resolutions approving such~~  
 1109 ~~activity by the Board of Trustees of the Internal Improvement~~  
 1110 ~~Trust Fund and the governing board of the South Florida Water~~  
 1111 ~~Management District and the remaining proceeds must be used for~~  
 1112 ~~restoration activities in the Everglades Protection Area.~~



CS/HB 7127

2013

1113 Section 20. Paragraph (a) of subsection (2) and  
1114 subsections (3) and (4) of section 339.175, Florida Statutes,  
1115 are amended, and paragraph (f) is added to subsection (2) of  
1116 that section, to read:

1117 339.175 Metropolitan planning organization.—

1118 (2) DESIGNATION.—

1119 (a)1. An M.P.O. shall be designated for each urbanized  
1120 area of the state; however, this does not require that an  
1121 individual M.P.O. be designated for each such area. The M.P.O.  
1122 ~~Such~~ designation shall be accomplished by agreement between the  
1123 Governor and units of general-purpose local government that  
1124 together represent ~~representing~~ at least 75 percent of the  
1125 population, including the largest incorporated municipality,  
1126 based on population, ~~of the urbanized area; however, the unit of~~  
1127 ~~general-purpose local government that represents the central~~  
1128 ~~city or cities within the M.P.O. jurisdiction,~~ as named ~~defined~~  
1129 by the United States Bureau of the Census, ~~must be a party to~~  
1130 ~~such agreement.~~

1131 2. To the extent possible, only one M.P.O. shall be  
1132 designated for each urbanized area or group of contiguous  
1133 urbanized areas. More than one M.P.O. may be designated within  
1134 an existing urbanized area only if the Governor and the existing  
1135 M.P.O. determine that the size and complexity of the existing  
1136 urbanized area makes the designation of more than one M.P.O. for  
1137 the area appropriate.

1138 (f) Notwithstanding any other provision of this section,  
1139 any county operating under a home rule charter adopted pursuant  
1140 to s. 11, Art. VIII of the Constitution of 1885, as preserved by

CS/HB 7127

2013

1141 s. 6(e), Art. VIII of the Constitution of 1968, shall be  
1142 designated a separate M.P.O. coterminous with the boundaries of  
1143 such county.

1144

1145 Each M.P.O. required under this section must be fully operative  
1146 no later than 6 months following its designation.

1147 (3) VOTING MEMBERSHIP.—

1148 (a) The voting membership of an M.P.O. shall consist of  
1149 not fewer than 5 or more than 19 apportioned members, the exact  
1150 number to be determined on an equitable geographic-population  
1151 ratio ~~basis by the Governor~~, based on an agreement among the  
1152 affected units of general-purpose local government and the  
1153 Governor as required by federal ~~rules and~~ regulations. The  
1154 voting membership of an M.P.O. that is redesignated after the  
1155 effective date of this act as a result of the expansion of the  
1156 M.P.O. to include a new urbanized area or the consolidation of  
1157 two or more M.P.O.'s may consist of no more than 25 members. The  
1158 Governor, in accordance with 23 U.S.C. s. 134, may also provide  
1159 for M.P.O. members who represent municipalities to alternate  
1160 with representatives from other municipalities within the  
1161 metropolitan planning area that do not have members on the  
1162 M.P.O. County commission members shall compose not less than  
1163 one-third of the M.P.O. membership, except for an M.P.O. with  
1164 more than 15 members located in a county with a 5-member county  
1165 commission or an M.P.O. with 19 members located in a county with  
1166 no more than 6 county commissioners, in which case county  
1167 commission members may compose less than one-third percent of  
1168 the M.P.O. membership, but all county commissioners must be

1169 members. All voting members shall be elected officials of  
 1170 general-purpose local governments, except that an M.P.O. may  
 1171 include, as part of its apportioned voting members, a member of  
 1172 a statutorily authorized planning board, an official of an  
 1173 agency that operates or administers a major mode of  
 1174 transportation, or an official of Space Florida. As used in this  
 1175 section, the term "elected officials of a general-purpose local  
 1176 government" excludes ~~shall exclude~~ constitutional officers,  
 1177 including sheriffs, tax collectors, supervisors of elections,  
 1178 property appraisers, clerks of the court, and similar types of  
 1179 officials. County commissioners shall compose not less than 20  
 1180 percent of the M.P.O. membership if an official of an agency  
 1181 that operates or administers a major mode of transportation has  
 1182 been appointed to an M.P.O.

1183 (b) In metropolitan areas in which authorities or other  
 1184 agencies have been or may be created by law to perform  
 1185 transportation functions and are performing transportation  
 1186 functions that are not under the jurisdiction of a general-  
 1187 purpose local government represented on the M.P.O., they may  
 1188 ~~shall~~ be provided voting membership on the M.P.O. In all other  
 1189 M.P.O.'s where transportation authorities or agencies are to be  
 1190 represented by elected officials from general-purpose local  
 1191 governments, the M.P.O. shall establish a process by which the  
 1192 collective interests of such authorities or other agencies are  
 1193 expressed and conveyed.

1194 (c) Any other provision of this section to the contrary  
 1195 notwithstanding, a chartered county with a population of more  
 1196 than ~~over~~ 1 million ~~population~~ may elect to reapportion the

1197 membership of an M.P.O. whose jurisdiction is wholly within the  
 1198 county. The charter county may exercise the provisions of this  
 1199 paragraph if:

1200 1. The M.P.O. approves the reapportionment plan by a  
 1201 three-fourths vote of its membership;

1202 2. The M.P.O. and the charter county determine that the  
 1203 reapportionment plan is needed to fulfill specific goals and  
 1204 policies applicable to that metropolitan planning area; and

1205 3. The charter county determines the reapportionment plan  
 1206 otherwise complies with all federal requirements pertaining to  
 1207 M.P.O. membership.

1208  
 1209 A ~~Any~~ charter county that elects to exercise the provisions of  
 1210 this paragraph shall notify the Governor in writing.

1211 (d) Any other provision of this section to the contrary  
 1212 notwithstanding, a ~~any~~ county chartered under s. 6(e), Art. VIII  
 1213 of the State Constitution may elect to have its county  
 1214 commission serve as the M.P.O., if the M.P.O. jurisdiction is  
 1215 wholly contained within the county. A ~~Any~~ charter county that  
 1216 elects to exercise the provisions of this paragraph shall so  
 1217 notify the Governor in writing. Upon receipt of the ~~such~~  
 1218 notification, the Governor must designate the county commission  
 1219 as the M.P.O. The Governor must appoint four additional voting  
 1220 members to the M.P.O., one of whom must be an elected official  
 1221 representing a municipality within the county, one of whom must  
 1222 be an expressway authority member, one of whom must be a person  
 1223 who does not hold elected public office and who resides in the  
 1224 unincorporated portion of the county, and one of whom must be a

1225 school board member.

1226 (4) APPORTIONMENT.—

1227 (a) Each metropolitan planning organization shall review  
 1228 the composition of its membership in conjunction with the  
 1229 decennial census, as prepared by the United States Department of  
 1230 Commerce, Bureau of the Census, and, with the agreement of the  
 1231 affected units of general-purpose local government and the  
 1232 Governor, reapportion the membership as necessary to comply with  
 1233 subsection (3) The Governor shall, with the agreement of the  
 1234 affected units of general purpose local government as required  
 1235 by federal rules and regulations, apportion the membership on  
 1236 the applicable M.P.O. among the various governmental entities  
 1237 within the area.

1238 (b) At the request of a majority of the affected units of  
 1239 general-purpose local government comprising an M.P.O., the  
 1240 Governor and a majority of units of general-purpose local  
 1241 government serving on an M.P.O. shall cooperatively agree upon  
 1242 and prescribe who may serve as an alternate member and a method  
 1243 for appointing alternate members who may vote at any M.P.O.  
 1244 meeting that an alternate member attends in place of a regular  
 1245 member. The method must ~~shall~~ be set forth as a part of the  
 1246 interlocal agreement describing the M.P.O.'s membership or in  
 1247 the M.P.O.'s operating procedures and bylaws. The governmental  
 1248 entity so designated shall appoint the appropriate number of  
 1249 members to the M.P.O. from eligible officials. Representatives  
 1250 of the department shall serve as nonvoting advisers to the  
 1251 M.P.O. governing board. Additional nonvoting advisers may be  
 1252 appointed by the M.P.O. as deemed necessary; however, to the

CS/HB 7127

2013

1253 maximum extent feasible, each M.P.O. shall seek to appoint  
1254 nonvoting representatives of various multimodal forms of  
1255 transportation not otherwise represented by voting members of  
1256 the M.P.O. An M.P.O. shall appoint nonvoting advisers  
1257 representing major military installations located within the  
1258 jurisdictional boundaries of the M.P.O. upon the request of the  
1259 aforesaid major military installations and subject to the  
1260 agreement of the M.P.O. All nonvoting advisers may attend and  
1261 participate fully in governing board meetings but may not vote  
1262 or be members of the governing board. ~~The Governor shall review~~  
1263 ~~the composition of the M.P.O. membership in conjunction with the~~  
1264 ~~decennial census as prepared by the United States Department of~~  
1265 ~~Commerce, Bureau of the Census, and reapportion it as necessary~~  
1266 ~~to comply with subsection (3).~~

1267 (c) ~~(b)~~ Except for members who represent municipalities on  
1268 the basis of alternating with representatives from other  
1269 municipalities that do not have members on the M.P.O. as  
1270 provided in paragraph (3) (a), the members of an M.P.O. shall  
1271 serve 4-year terms. Members who represent municipalities on the  
1272 basis of alternating with representatives from other  
1273 municipalities that do not have members on the M.P.O. as  
1274 provided in paragraph (3) (a) may serve terms of up to 4 years as  
1275 further provided in the interlocal agreement described in  
1276 paragraph (2) (b). The membership of a member who is a public  
1277 official automatically terminates upon the member's leaving his  
1278 or her elective or appointive office for any reason, or may be  
1279 terminated by a majority vote of the total membership of the  
1280 entity's governing board represented by the member. A vacancy

1281 shall be filled by the original appointing entity. A member must  
 1282 ~~may~~ be reappointed for one or more additional 4-year terms.

1283 (d)~~(e)~~ If a governmental entity fails to fill an assigned  
 1284 appointment to an M.P.O. within 60 days after notification by  
 1285 the Governor of its duty to appoint, that appointment shall be  
 1286 made by the Governor from the eligible representatives of that  
 1287 governmental entity.

1288 Section 21. Sections 339.401, 339.402, 339.403, 339.404,  
 1289 339.405, 339.406, 339.407, 339.408, 339.409, 339.410, 339.411,  
 1290 339.412, 339.414, 339.415, 339.416, 339.417, 339.418, 339.419,  
 1291 339.420, and 339.421, Florida Statutes, are repealed.

1292 Section 22. Subsection (2) and paragraph (i) of subsection  
 1293 (7) of section 339.55, Florida Statutes, are amended to read:

1294 339.55 State-funded infrastructure bank.—

1295 (2) The bank may lend capital costs or provide credit  
 1296 enhancements for:

1297 (a) A transportation facility project that is on the State  
 1298 Highway System or that provides for increased mobility on the  
 1299 state's transportation system or provides intermodal  
 1300 connectivity with airports, seaports, spaceports, rail  
 1301 facilities, and other transportation terminals, pursuant to s.  
 1302 341.053, for the movement of people and goods.

1303 (b) Projects of the Transportation Regional Incentive  
 1304 Program which are identified pursuant to s. 339.2819(4).

1305 (c)1. Emergency loans for damages incurred to public-use  
 1306 commercial deepwater seaports, public-use airports, public-use  
 1307 spaceports, and other public-use transit and intermodal  
 1308 facilities that are within an area that is part of an official

1309 state declaration of emergency pursuant to chapter 252 and all  
 1310 other applicable laws. Such loans:

1311 a. May not exceed 24 months in duration except in extreme  
 1312 circumstances, for which the Secretary of Transportation may  
 1313 grant up to 36 months upon making written findings specifying  
 1314 the conditions requiring a 36-month term.

1315 b. Require application from the recipient to the  
 1316 department that includes documentation of damage claims filed  
 1317 with the Federal Emergency Management Agency or an applicable  
 1318 insurance carrier and documentation of the recipient's overall  
 1319 financial condition.

1320 c. Are subject to approval by the Secretary of  
 1321 Transportation and the Legislative Budget Commission.

1322 2. Loans provided under this paragraph must be repaid upon  
 1323 receipt by the recipient of eligible program funding for damages  
 1324 in accordance with the claims filed with the Federal Emergency  
 1325 Management Agency or an applicable insurance carrier, but no  
 1326 later than the duration of the loan.

1327 (7) The department may consider, but is not limited to,  
 1328 the following criteria for evaluation of projects for assistance  
 1329 from the bank:

1330 (i) The extent to which the project will provide for  
 1331 connectivity between the State Highway System and airports,  
 1332 seaports, spaceports, rail facilities, and other transportation  
 1333 terminals and intermodal options pursuant to s. 341.053 for the  
 1334 increased accessibility and movement of people and goods.

1335 Section 23. Subsection (11) of section 341.031, Florida  
 1336 Statutes, is amended to read:



1337 341.031 Definitions relating to Florida Public Transit  
 1338 Act.—As used in ss. 341.011-341.061, the term:

1339 (11) "Intercity bus service" means regularly scheduled bus  
 1340 service for the general public which operates with limited stops  
 1341 over fixed routes connecting two or more urban areas not in  
 1342 close proximity; has the capacity for transporting baggage  
 1343 carried by passengers; and makes meaningful connections with  
 1344 scheduled intercity bus service to more distant points, if such  
 1345 service is available; ~~maintains scheduled information in the~~  
 1346 ~~National Official Bus Guide; and provides package express~~  
 1347 ~~service incidental to passenger transportation.~~

1348 Section 24. Section 341.053, Florida Statutes, is amended  
 1349 to read:

1350 341.053 Intermodal Development Program; administration;  
 1351 eligible projects; limitations.—

1352 (1) There is created within the Department of  
 1353 Transportation an Intermodal Development Program to provide for  
 1354 major capital investments in fixed-guideway transportation  
 1355 systems, access to seaports, airports, spaceports, and other  
 1356 transportation terminals, providing for the construction of  
 1357 intermodal or multimodal terminals; and to plan or fund  
 1358 construction of airport, spaceport, seaport, transit, and rail  
 1359 projects that ~~otherwise~~ facilitate the intermodal or multimodal  
 1360 movement of people and goods.

1361 (2) The Intermodal Development Program shall be used for  
 1362 projects that support statewide goals as outlined in the Florida  
 1363 Transportation Plan, the Strategic Intermodal System Plan, the  
 1364 Freight Mobility and Trade Plan, or the appropriate department

1365 modal plan. ~~In recognition of the department's role in the~~  
1366 ~~economic development of this state, the department shall develop~~  
1367 ~~a proposed intermodal development plan to connect Florida's~~  
1368 ~~airports, deepwater seaports, rail systems serving both~~  
1369 ~~passenger and freight, and major intermodal connectors to the~~  
1370 ~~Strategic Intermodal System highway corridors as the primary~~  
1371 ~~system for the movement of people and freight in this state in~~  
1372 ~~order to make the intermodal development plan a fully integrated~~  
1373 ~~and interconnected system. The intermodal development plan must:~~  
1374 ~~(a) Define and assess the state's freight intermodal~~  
1375 ~~network, including airports, seaports, rail lines and terminals,~~  
1376 ~~intercity bus lines and terminals, and connecting highways.~~  
1377 ~~(b) Prioritize statewide infrastructure investments,~~  
1378 ~~including the acceleration of current projects, which are found~~  
1379 ~~by the Freight Stakeholders Task Force to be priority projects~~  
1380 ~~for the efficient movement of people and freight.~~  
1381 ~~(c) Be developed in a manner that will assure maximum use~~  
1382 ~~of existing facilities and optimum integration and coordination~~  
1383 ~~of the various modes of transportation, including both~~  
1384 ~~government-owned and privately owned resources, in the most~~  
1385 ~~cost-effective manner possible.~~  
1386 (3) The Intermodal Development Program shall be  
1387 administered by the department.  
1388 (4) The department shall review funding requests from a  
1389 rail authority created pursuant to chapter 343. The department  
1390 may include projects of the authorities, including planning and  
1391 design, in the tentative work program.

1392 ~~(5) No single transportation authority operating a fixed-~~  
 1393 ~~guideway transportation system, or single fixed-guideway~~  
 1394 ~~transportation system not administered by a transportation~~  
 1395 ~~authority, receiving funds under the Intermodal Development~~  
 1396 ~~Program shall receive more than 33 1/3 percent of the total~~  
 1397 ~~intermodal development funds appropriated between July 1, 1990,~~  
 1398 ~~and June 30, 2015. In determining the distribution of funds~~  
 1399 ~~under the Intermodal Development Program in any fiscal year, the~~  
 1400 ~~department shall assume that future appropriation levels will be~~  
 1401 ~~equal to the current appropriation level.~~

1402 (5) ~~(6)~~ The department is authorized to fund projects  
 1403 within the Intermodal Development Program, which are consistent,  
 1404 to the maximum extent feasible, with approved local government  
 1405 comprehensive plans of the units of local government in which  
 1406 the project is located. Projects that are eligible for funding  
 1407 under this program include planning studies, major capital  
 1408 investments in public rail, and fixed-guideway transportation or  
 1409 freight facilities and systems that ~~which~~ provide intermodal  
 1410 access; road, rail, intercity bus service, or fixed-guideway  
 1411 access to, from, or between seaports, airports, spaceports,  
 1412 intermodal logistics centers, and other transportation  
 1413 terminals; construction of intermodal or multimodal terminals,  
 1414 including projects on airports, spaceports, intermodal logistics  
 1415 centers or seaports that assist in the movement or transfer of  
 1416 people or goods; development and construction of dedicated bus  
 1417 lanes; and projects that ~~which~~ otherwise facilitate the  
 1418 intermodal or multimodal movement of people and goods.

1419 Section 25. Paragraph (d) of subsection (3) of section  
 1420 343.82, Florida Statutes, is amended to read:

1421 343.82 Purposes and powers.—

1422 (3)

1423 (d) The authority may undertake projects or other  
 1424 improvements in the master plan in phases as particular projects  
 1425 or segments thereof become feasible, as determined by the  
 1426 authority. In carrying out its purposes and powers, the  
 1427 authority may request funding and technical assistance from the  
 1428 department and appropriate federal and local agencies,  
 1429 including, but not limited to, state infrastructure bank loans,  
 1430 ~~advances from the Toll Facilities Revolving Trust Fund,~~ and from  
 1431 any other sources.

1432 Section 26. Subsection (4) of section 343.922, Florida  
 1433 Statutes, is amended to read:

1434 343.922 Powers and duties.—

1435 (4) The authority may undertake projects or other  
 1436 improvements in the master plan in phases as particular projects  
 1437 or segments become feasible, as determined by the authority. The  
 1438 authority shall coordinate project planning, development, and  
 1439 implementation with the applicable local governments. The  
 1440 authority's projects that are transportation oriented shall be  
 1441 consistent to the maximum extent feasible with the adopted local  
 1442 government comprehensive plans at the time they are funded for  
 1443 construction. Authority projects that are not transportation  
 1444 oriented and meet the definition of development pursuant to s.  
 1445 380.04 shall be consistent with the local comprehensive plans.  
 1446 In carrying out its purposes and powers, the authority may

1447 request funding and technical assistance from the department and  
1448 appropriate federal and local agencies, including, but not  
1449 limited to, state infrastructure bank loans, ~~advances from the~~  
1450 ~~Toll Facilities Revolving Trust Fund,~~ and funding and technical  
1451 assistance from any other source.

1452 Section 27. Chapter 345, Florida Statutes, consisting of  
1453 sections 345.0001, 345.0002, 345.003, 345.0004, 345.0005,  
1454 345.0006, 345.0007, 345.0008, 345.0009, 345.0010, 345.0011,  
1455 345.0012, 345.0013, and 345.0014, is created to read:

1456 345.0001 Short title.-This chapter may be cited as the  
1457 "Florida Regional Transportation Finance Authority Act."

1458 345.0002 Definitions.-

1459 (1) As used in this chapter, the term:

1460 (a) "Agency of the state" means the state and a department  
1461 of, or corporation, agency, or instrumentality heretofore or  
1462 hereafter created, designated, or established by, the state.

1463 (b) "Area served" means the geographical area of the  
1464 counties for which an authority is established.

1465 (c) "Authority" means a regional transportation finance  
1466 authority, a body politic and corporate and an agency of the  
1467 state, established pursuant to this chapter.

1468 (d) "Bonds" means the notes, bonds, refunding bonds, or  
1469 other evidences of indebtedness or obligations, in temporary or  
1470 definitive form, which an authority is authorized to issue  
1471 pursuant to this chapter.

1472 (e) "Department" means the Department of Transportation.

1473 (f) "Division" means the Division of Bond Finance of the  
1474 State Board of Administration.

1475 (g) "Federal agency" means the United States, the  
 1476 President of the United States, and any department of, or  
 1477 bureau, corporation, agency, or instrumentality heretofore or  
 1478 hereafter created, designated, or established by, the United  
 1479 States.

1480 (h) "Members" means the governing body of an authority,  
 1481 and the term "member" means one of the individuals constituting  
 1482 such governing body.

1483 (i) "Regional system" or "system" means, generally, a  
 1484 modern highway system of roads, bridges, causeways, and tunnels  
 1485 within any area of the authority, with access limited or  
 1486 unlimited as an authority may determine, and such buildings and  
 1487 structures and appurtenances and facilities related thereto,  
 1488 including all approaches, streets, roads, bridges, and avenues  
 1489 of access for such system.

1490 (j) "Revenues" means all tolls, revenues, rates, fees,  
 1491 charges, receipts, rentals, contributions, and other income  
 1492 derived from or in connection with the operation or ownership of  
 1493 a regional system, including the proceeds of any use and  
 1494 occupancy insurance on any portion of the system but excluding  
 1495 any state funds available to an authority and any other city or  
 1496 county funds available to an authority under any agreement with  
 1497 a city or county.

1498 (2) Words importing singular number include the plural  
 1499 number in each case and vice versa, and words importing persons  
 1500 include firms and corporations.

1501 345.0003 Transportation finance authority; formation;  
 1502 membership.-

1503       (1) Any county, or two or more contiguous counties, may,  
1504 with the approval of the Legislature, form a regional  
1505 transportation finance authority for the purposes of financing,  
1506 constructing, maintaining, and operating transportation projects  
1507 in a region of this state. An authority shall be governed in  
1508 accordance with this chapter. An authority may only be created  
1509 with the approval of the Legislature and the approval of the  
1510 county commission of each county that will be a part of the  
1511 authority. An authority may not be created to serve a particular  
1512 area of the state as provided in this section if a regional  
1513 transportation finance authority has been created and is  
1514 operating within all or a portion of the same area served  
1515 pursuant to an act of the Legislature. Each authority shall be  
1516 the only authority created and operating pursuant to this  
1517 chapter within the area served by the authority.

1518       (2) The governing body of an authority shall consist of a  
1519 board of voting members, as follows:

1520       (a) The county commission of each county in the area  
1521 served by the authority shall each appoint a member who must be  
1522 a resident of the county from which he or she is appointed. The  
1523 county commission of each county with a population of more than  
1524 250,000 shall appoint a second member who must be a resident of  
1525 the county. Insofar as possible, each member shall represent the  
1526 business and civic interests of the community.

1527       (b) The Governor shall appoint an equal number of members  
1528 to the board as those appointed by the county commissions. The  
1529 members appointed by the Governor must be residents of the area  
1530 served by the authority.

1531           (c) The secretary of the Department of Transportation  
1532 shall appoint one of the district secretaries, or his or her  
1533 designee, for the districts within which the area served by the  
1534 authority is located.

1535           (3) Each member's term of office shall be 4 years or until  
1536 his or her successor is appointed and qualified.

1537           (4) A member may not hold an elected office.

1538           (5) A vacancy occurring in the governing body before the  
1539 expiration of the member's term shall be filled by the  
1540 respective appointing authority in the same manner as the  
1541 original appointment and only for the balance of the unexpired  
1542 term.

1543           (6) Each member, before entering upon his or her official  
1544 duties, shall take and subscribe to an oath before an official  
1545 authorized by law to administer oaths that he or she will  
1546 honestly, faithfully, and impartially perform the duties  
1547 devolving upon him or her in office as a member of the governing  
1548 body of the authority and that he or she will not neglect any  
1549 duty imposed upon him or her by this chapter.

1550           (7) Members of an authority may be removed from office by  
1551 the Governor for misconduct, malfeasance, misfeasance, or  
1552 nonfeasance in office.

1553           (8) The authority shall designate one of its members as  
1554 chair.

1555           (9) The members of the authority shall serve without  
1556 compensation but are entitled to receive travel and other  
1557 necessary expenses as provided in s. 112.061.



1558       (10) A majority of the members of the authority shall  
1559 constitute a quorum, and resolutions enacted or adopted by a  
1560 vote of a majority of the members present and voting at any  
1561 meeting shall take effect without publication, posting, or any  
1562 further action of the authority.

1563       345.0004 Powers and duties.—

1564       (1) (a) An authority created and established or governed by  
1565 this chapter may plan, develop, finance, construct, reconstruct,  
1566 improve, own, operate, and maintain a regional system in the  
1567 area served by the authority.

1568       (b) An authority may not exercise the powers in paragraph  
1569 (a) with respect to an existing system for transporting people  
1570 and goods by any means which is owned by another entity without  
1571 the consent of that entity. If an authority acquires, purchases,  
1572 or inherits an existing entity, the authority shall also inherit  
1573 and assume all rights, assets, appropriations, privileges, and  
1574 obligations of the existing entity.

1575       (2) Each authority may exercise all powers necessary,  
1576 appurtenant, convenient, or incidental to the carrying out of  
1577 the purposes under this section, including, but not limited to,  
1578 the following rights and powers:

1579       (a) To sue and be sued, implead and be impleaded, and  
1580 complain and defend in all courts in its own name.

1581       (b) To adopt and use a corporate seal.

1582       (c) To have the power of eminent domain, including the  
1583 procedural powers granted under chapters 73 and 74.

1584       (d) To acquire, purchase, hold, lease as a lessee, and use  
1585 any property, real, personal, or mixed, tangible or intangible,

1586 or any interest therein, necessary or desirable for carrying out  
1587 the purposes of the authority.

1588 (e) To sell, convey, exchange, lease, or otherwise dispose  
1589 of any real or personal property acquired by the authority,  
1590 which the authority and the department have determined is not  
1591 needed for the construction, operation, and maintenance of the  
1592 system, including air rights.

1593 (f) To fix, alter, charge, establish, and collect rates,  
1594 fees, rentals, and other charges for the use of any system owned  
1595 or operated by the authority, which rates, fees, rentals, and  
1596 other charges shall always be sufficient to comply with any  
1597 covenant made with the holders of any bonds issued pursuant to  
1598 this chapter; however, such right and power may be assigned or  
1599 delegated by the authority to the department.

1600 (g) To borrow money and make and issue negotiable notes,  
1601 bonds, refunding bonds, and other evidences of indebtedness or  
1602 obligations, either in temporary or definitive form, for the  
1603 purpose of financing all or part of the improvement of the  
1604 authority's system and appurtenant facilities, including all  
1605 approaches, streets, roads, bridges, and avenues of access for  
1606 said system and for any other purpose authorized by this  
1607 chapter, said bonds to mature no more than 30 years after the  
1608 date of the issuance thereof, and to secure the payment of such  
1609 bonds or any part thereof by a pledge of any or all of its  
1610 revenues, rates, fees, rentals, or other charges, including any  
1611 or all city or county funds received by the authority pursuant  
1612 to the terms of any agreement between the authority and a city  
1613 or county; and in general to provide for the security of said

1614 bonds and the rights and remedies of the holders thereof.  
1615 However, no city or county funds may be pledged for the  
1616 construction of any project for which a toll is to be charged  
1617 unless the anticipated tolls are reasonably estimated by the  
1618 governing board of the city or county, at the date of its  
1619 resolution pledging said funds, to be sufficient to cover the  
1620 principal and interest of such obligations during the period  
1621 when said pledge of funds are in effect. An authority shall  
1622 reimburse any city or county for any sums expended from city or  
1623 county funds used for the payment of such obligations.

1624 (h) To make contracts of every name and nature, including,  
1625 but not limited to, partnerships providing for participation in  
1626 ownership and revenues, and to execute all instruments necessary  
1627 or convenient for the carrying on of its business.

1628 (i) Without limitation of the foregoing, to cooperate  
1629 with, accept grants from, and to enter into contracts or other  
1630 transactions with any federal agency, the state, any agency of  
1631 the state, or with any other public body of the state.

1632 (j) To employ an executive director, attorney, staff, and  
1633 consultants. Upon the request of an authority, the department  
1634 shall furnish the services of a department employee to act as  
1635 the executive director of the authority.

1636 (k) To accept funds or other property from private  
1637 donations.

1638 (l) To do all acts and things necessary or convenient for  
1639 the conduct of its business and the general welfare of the  
1640 authority, in order to carry out the powers granted to it by  
1641 this chapter or any other law.

1642           (3) An authority does not have the power at any time or in  
 1643 any manner to pledge the credit or taxing power of the state or  
 1644 any political subdivision or agency thereof, nor shall any of an  
 1645 authority's obligations be deemed to be obligations of the state  
 1646 or of any other political subdivision or agency thereof, nor  
 1647 shall the state or any political subdivision or agency thereof,  
 1648 except the authority, be liable for the payment of the principal  
 1649 of or interest on such obligations.

1650           (4) An authority shall have no power, other than by  
 1651 consent of the affected county or any affected city, to enter  
 1652 into any agreement that would legally prohibit the construction  
 1653 of any road by the county or the city.

1654           (5) Any authority formed pursuant to this chapter shall  
 1655 comply with all statutory requirements of general application  
 1656 which relate to the filing of any report or documentation  
 1657 required by law, including the requirements of ss. 189.4085,  
 1658 189.415, 189.417, and 189.418.

1659           345.0005 Bonds.—

1660           (1) (a) Bonds may be issued on behalf of an authority  
 1661 pursuant to the State Bond Act.

1662           (b) Alternatively, an authority may issue bonds in such  
 1663 principal amount as, in the opinion of the authority, is  
 1664 necessary to provide sufficient moneys for achieving its  
 1665 corporate purposes, including construction, reconstruction,  
 1666 improvement, extension, and repair of the system; the cost of  
 1667 acquisition of all real property; interest on bonds during  
 1668 construction and for a reasonable period thereafter;  
 1669 establishment of reserves to secure bonds; and all other

1670 expenditures of the authority incident to and necessary or  
1671 convenient to carry out its corporate purposes and powers.

1672 (2) (a) Bonds issued by an authority pursuant to paragraph  
1673 (1) (a) or paragraph (1) (b) must be authorized by resolution of  
1674 the members of the authority and shall bear such date or dates;  
1675 mature at such time or times, not exceeding 30 years after their  
1676 respective dates; bear interest at such rate or rates, not  
1677 exceeding the maximum rate fixed by general law for authorities;  
1678 be in such denominations; be in such form, either coupon or  
1679 fully registered; carry such registration, exchangeability, and  
1680 interchangeability privileges; be payable in such medium of  
1681 payment and at such place or places; be subject to such terms of  
1682 redemption; and be entitled to such priorities of lien on the  
1683 revenues and other available moneys as such resolution or any  
1684 resolution subsequent to the bonds' issuance may provide. The  
1685 bonds shall be executed either by manual or facsimile signature  
1686 by such officers as the authority shall determine, provided that  
1687 such bonds shall bear at least one signature that is manually  
1688 executed thereon. The coupons attached to such bonds shall bear  
1689 the facsimile signature or signatures of such officer or  
1690 officers as designated by the authority. Such bonds shall have  
1691 the seal of the authority affixed, imprinted, reproduced, or  
1692 lithographed thereon.

1693 (b) Bonds issued pursuant to paragraph (1) (a) or paragraph  
1694 (1) (b) shall be sold at public sale in the same manner provided  
1695 in the State Bond Act. Pending the preparation of definitive  
1696 bonds, temporary bonds or interim certificates may be issued to

1697 the purchaser or purchasers of such bonds and may contain such  
1698 terms and conditions as the authority may determine.

1699 (3) Any such resolution or resolutions authorizing any  
1700 bonds may contain provisions that shall be part of the contract  
1701 with the holders of such bonds as to:

1702 (a) The pledging of all or any part of the revenues,  
1703 available city or county funds, or other charges or receipts of  
1704 the authority derived from the regional system.

1705 (b) The construction, reconstruction, improvement,  
1706 extension, repair, maintenance, and operation of the system, or  
1707 any part thereof, and the duties and obligations of the  
1708 authority with reference thereto.

1709 (c) Limitations on the purposes to which the proceeds of  
1710 the bonds, then or thereafter to be issued, or of any loan or  
1711 grant by any federal agency or the state or any political  
1712 subdivision thereof may be applied.

1713 (d) The fixing, charging, establishing, revising,  
1714 increasing, reducing, and collecting of tolls, rates, fees,  
1715 rentals, or other charges for use of the services and facilities  
1716 of the system or any part thereof.

1717 (e) The setting aside of reserves or of sinking funds and  
1718 the regulation and disposition thereof.

1719 (f) Limitations on the issuance of additional bonds.

1720 (g) The terms and provisions of any deed of trust or  
1721 indenture securing the bonds, or under which the bonds may be  
1722 issued.

1723 (h) Any other or additional matter, of like or different  
 1724 character, which in any way affects the security or protection  
 1725 of the bonds.

1726 (4) The authority may enter into any deeds of trust,  
 1727 indentures, or other agreements with any bank or trust company  
 1728 within or without the state, as security for such bonds and may,  
 1729 under such agreements, assign and pledge all or any of the  
 1730 revenues and other available moneys, including all or any  
 1731 available city or county funds, pursuant to the terms of this  
 1732 chapter. Such deed of trust, indenture, or other agreement may  
 1733 contain such provisions as are customary in such instruments or  
 1734 as the authority may authorize, including, but not limited to:

1735 (a) The pledging of all or any part of the revenues or  
 1736 other moneys lawfully available therefor.

1737 (b) The application of funds and the safeguarding of funds  
 1738 on hand or on deposit.

1739 (c) The rights and remedies of the trustee and the holders  
 1740 of the bonds.

1741 (d) The terms and provisions of the bonds or the  
 1742 resolutions authorizing the issuance of the same.

1743 (e) Any other or additional matter, of like or different  
 1744 character, which in any way affects the security or protection  
 1745 of the bonds.

1746 (5) Bonds issued pursuant to this chapter are, and are  
 1747 hereby declared to be, negotiable instruments, and shall have  
 1748 all the qualities and incidents of negotiable instruments under  
 1749 the law merchant and the negotiable instruments law of the  
 1750 state.

1751 (6) Any resolution authorizing the issuance of authority  
1752 bonds and pledging the revenues of the system shall require that  
1753 revenues of the system be periodically deposited into  
1754 appropriate accounts in such sums as will be sufficient to pay  
1755 the costs of operation and maintenance of the system for the  
1756 current fiscal year as set forth in the annual budget of the  
1757 authority and to reimburse the department for any unreimbursed  
1758 costs of operation and maintenance of the system from prior  
1759 fiscal years before revenues of the system are deposited into  
1760 accounts for the payment of interest or principal owing or that  
1761 may become owing on such bonds.

1762 (7) State funds may not be used or pledged to pay the  
1763 principal or interest of any authority bonds, and all such bonds  
1764 shall contain a statement on their face to this effect.

1765 345.0006 Remedies of bondholders.—

1766 (1) The rights and the remedies herein conferred upon or  
1767 granted to authority bondholders are in addition to, and do not  
1768 limit, any rights and remedies lawfully granted to such  
1769 bondholders by the resolution or indenture providing for the  
1770 issuance of bonds, or by any deed of trust, indenture, or other  
1771 agreement under which the bonds may be issued or secured. If an  
1772 authority defaults in the payment of the principal of or  
1773 interest on any of the bonds issued pursuant to this chapter  
1774 after such principal of or interest on the bonds becomes due,  
1775 whether at maturity or upon call for redemption, as provided in  
1776 said resolution or indenture, and such default continues for a  
1777 period of 30 days, or, if the authority fails or refuses to  
1778 comply with this chapter or any agreement made with or for the



1779 benefit of the holders of the bonds, the holders of 25 percent  
1780 in aggregate principal amount of the bonds then outstanding  
1781 shall be entitled as of right to the appointment of a trustee to  
1782 represent such bondholders for the purposes of this section;  
1783 however, such holders of 25 percent in aggregate principal  
1784 amount of the bonds then outstanding must first give to the  
1785 authority and to the department written notice of their  
1786 intention to appoint a trustee.

1787 (2) Such trustee and any trustee under any deed of trust,  
1788 indenture, or other agreement may, and, upon written request of  
1789 the holders of 25 percent or such other percentage as may be  
1790 specified in any deed of trust, indenture, or other agreement in  
1791 principal amount of the bonds then outstanding, shall, in any  
1792 court of competent jurisdiction, in his, her, or its own name:

1793 (a) By mandamus or other suit, action, or proceeding at  
1794 law or in equity, enforce all rights of the bondholders,  
1795 including the right to require the authority to fix, establish,  
1796 maintain, collect, and charge rates, fees, rentals, and other  
1797 charges adequate to carry out any agreement as to or pledge of  
1798 the revenues, and to require the authority to carry out any  
1799 other covenants and agreements with or for the benefit of the  
1800 bondholders, and to perform its and their duties under this  
1801 chapter.

1802 (b) Bring suit upon the bonds.

1803 (c) By action or suit in equity require the authority to  
1804 account as if it were the trustee of an express trust for the  
1805 bondholders.

1806 (d) By action or suit in equity enjoin any act or thing  
 1807 that may be unlawful or in violation of the rights of the  
 1808 bondholders.

1809 (3) Any trustee when appointed as aforesaid, or acting  
 1810 under a deed of trust, indenture, or other agreement, and  
 1811 whether or not all bonds have been declared due and payable,  
 1812 shall be entitled as of right to the appointment of a receiver,  
 1813 who may enter upon and take possession of the system or the  
 1814 facilities or any part or parts thereof, the revenues and other  
 1815 pledged moneys, for and on behalf of and in the name of, the  
 1816 authority and the bondholders, and collect and receive all  
 1817 revenues and other pledged moneys in the same manner as the  
 1818 authority might, and shall deposit all such revenues and moneys  
 1819 in a separate account and apply all such revenues and moneys  
 1820 remaining after allowance for payment of all costs of operation  
 1821 and maintenance of the system in such manner as the court shall  
 1822 direct. In any suit, action, or proceeding by the trustee, the  
 1823 fees, counsel fees, and expenses of the trustee, and said  
 1824 receiver, if any, and all costs and disbursements allowed by the  
 1825 court shall be a first charge on any revenues after payment of  
 1826 the costs of operation and maintenance of the system. In  
 1827 addition, such trustee shall have and possess all other powers  
 1828 necessary or appropriate for the exercise of any function  
 1829 specifically set forth in this chapter or incident to the  
 1830 representation of the bondholders in the enforcement and  
 1831 protection of their rights.

1832 (4) Nothing in this chapter authorizes any receiver  
 1833 appointed pursuant to this section for the purpose of operating

1834 and maintaining the system or any facility or part or parts  
1835 thereof to sell, assign, mortgage, or otherwise dispose of any  
1836 of the assets of whatever kind and character belonging to the  
1837 authority. It is the intention of this chapter to limit the  
1838 powers of such receiver to the operation and maintenance of the  
1839 system, or any facility or part or parts thereof, and the  
1840 collection and application of revenues and other moneys due the  
1841 authority, in the name and for and on behalf of the authority  
1842 and the bondholders, and no holder of bonds nor any trustee  
1843 shall ever have the right in any suit, action, or proceeding at  
1844 law or in equity to compel a receiver, nor shall any receiver be  
1845 authorized or any court be empowered to direct the receiver, to  
1846 sell, assign, mortgage or otherwise dispose of any assets of  
1847 whatever kind or character belonging to the authority.

1848 345.0007 Department to construct, operate, and maintain  
1849 facilities.-

1850 (1) The department is the agent of each authority for the  
1851 purpose of performing all phases of a project, including, but  
1852 not limited to, constructing improvements and extensions to the  
1853 system. The authority shall provide to the department complete  
1854 copies of the documents, agreements, resolutions, contracts, and  
1855 instruments relating thereto and shall request that the  
1856 department perform such construction work, including the  
1857 planning, surveying, design, and actual construction of the  
1858 completion, extensions, and improvements to the system. After  
1859 the issuance of bonds to finance construction of any improvement  
1860 or addition to the system, the authority shall transfer to the  
1861 credit of an account of the department in the State Treasury the

1862 necessary funds for construction. The department shall proceed  
 1863 with construction and use the funds for the purpose authorized  
 1864 and as otherwise provided by law for construction of roads and  
 1865 bridges. An authority may alternatively, with the consent and  
 1866 approval of the department, elect to appoint a local agency  
 1867 certified by the department to administer federal aid projects  
 1868 in accordance with federal law as its agent for the purpose of  
 1869 performing all phases of a project.

1870 (2) Notwithstanding subsection (1), the department is the  
 1871 agent of each authority for the purpose of operating and  
 1872 maintaining the system. The department shall operate and  
 1873 maintain the system, and the costs incurred by the department  
 1874 for operation and maintenance shall be reimbursed from revenues  
 1875 of the system. This appointment of the department as agent for  
 1876 each authority shall not be construed to create an independent  
 1877 obligation of the department to operate and maintain a system.  
 1878 Each authority shall remain obligated as principal to operate  
 1879 and maintain its system and an authority's bondholders shall  
 1880 have no independent right to compel the department to operate or  
 1881 maintain the authority's system.

1882 (3) Each authority shall fix, alter, charge, establish,  
 1883 and collect tolls, rates, fees, rentals, and other charges for  
 1884 the authority's facilities, as otherwise provided in this  
 1885 chapter.

1886 345.0008 Department contributions to authority projects.-

1887 (1) The department may agree with an authority to provide  
 1888 for or contribute to the payment of costs of financial or  
 1889 engineering and traffic feasibility studies and the design,

CS/HB 7127

2013

1890 financing, acquisition, or construction of an authority project  
1891 or system included in the 10-year Strategic Intermodal Plan,  
1892 subject to appropriation by the Legislature.

1893 (a) In the manner required by chapter 216, the department  
1894 shall include any issue or issues in its legislative budget  
1895 request for funding the payment of costs of financial or  
1896 engineering and traffic feasibility studies and the design,  
1897 financing, acquisition, or construction of an authority project  
1898 or system. The request for funding may be included as part of  
1899 the 5-year Tentative Work Program; however, it will be decided  
1900 upon separately as a distinct funding item for consideration by  
1901 the Legislature. The department must include a financial  
1902 feasibility test to accompany such legislative budget request  
1903 for consideration of funding any authority project.

1904 (b) As determined by the Legislature in the General  
1905 Appropriations Act, funding provided for authority projects  
1906 shall be appropriated in a specific fixed capital outlay  
1907 appropriation category that clearly identifies the authority  
1908 project.

1909 (c) The department may not request legislative approval of  
1910 acquisition or construction of a proposed authority project  
1911 unless the estimated net revenues of the proposed project will  
1912 be sufficient to pay at least 50 percent of the annual debt  
1913 service on the bonds associated with the project by the end of  
1914 the 12th year of operation and to pay at least 100 percent of  
1915 the debt service on the bonds by the end of the 30th year of  
1916 operation.

1917           (2) The department may use its engineering and other  
1918 personnel, including consulting engineers and traffic engineers,  
1919 to conduct feasibility studies under subsection (1). The  
1920 department may participate in authority-funded projects that, at  
1921 a minimum:

1922           (a) Serve national, statewide, or regional functions and  
1923 function as part of an integrated regional transportation  
1924 system.

1925           (b) Are identified in the capital improvements element of  
1926 a comprehensive plan that has been determined to be in  
1927 compliance with part II of chapter 163. Further, the project  
1928 shall be in compliance with local government comprehensive plan  
1929 policies relative to corridor management.

1930           (c) Are consistent with the Strategic Intermodal System  
1931 Plan developed under s. 339.64.

1932           (d) Have a commitment for local, regional, or private  
1933 financial matching funds as a percentage of the overall project  
1934 cost.

1935           (3) Before approval, the department must determine that  
1936 the proposed project:

1937           (a) Is in the public's best interest;

1938           (b) Would not require state funds to be used unless the  
1939 project is on the State Highway System;

1940           (c) Would have adequate safeguards in place to ensure that  
1941 no additional costs or service disruptions would be realized by  
1942 the traveling public and residents of the state in the event of  
1943 default or cancellation of the agreement by the department; and

1944 (d) Would have adequate safeguards in place to ensure that  
 1945 the department and the regional transportation finance authority  
 1946 have the opportunity to add capacity to the proposed project and  
 1947 other transportation facilities serving similar origins and  
 1948 destinations.

1949 (4) An obligation or expense incurred by the department  
 1950 under this section is a part of the cost of the authority  
 1951 project for which the obligation or expense was incurred. The  
 1952 department may require money contributed by the department under  
 1953 this section to be repaid from tolls of the project on which the  
 1954 money was spent, other revenue of the authority, or other  
 1955 sources of funds.

1956 (5) (a) The department shall receive from an authority a  
 1957 share of the authority's net revenues equal to the ratio of the  
 1958 department's total contributions to the authority under this  
 1959 section to the sum of the department's total contributions under  
 1960 this section, contributions by any local government to the cost  
 1961 of revenue-producing authority projects, and the sale proceeds  
 1962 of authority bonds after payment of costs of issuance.

1963 (b) As used in this subsection, "net revenues" means gross  
 1964 revenues of an authority after payment of debt service,  
 1965 administrative expenses, operations and maintenance expenses,  
 1966 and all reserves required to be established under any resolution  
 1967 under which authority bonds are issued.

1968 345.0009 Acquisition of lands and property.—

1969 (1) For the purposes of this chapter, an authority may  
 1970 acquire private or public property and property rights,  
 1971 including rights of access, air, view, and light, by gift,

1972 devise, purchase, condemnation by eminent domain proceedings, or  
 1973 transfer from another political subdivision of the state, as the  
 1974 authority deems necessary for any of the purposes of this  
 1975 chapter, including, but not limited to, any lands reasonably  
 1976 necessary for securing applicable permits, areas necessary for  
 1977 management of access, borrow pits, drainage ditches, water  
 1978 retention areas, rest areas, replacement access for landowners  
 1979 whose access is impaired due to the construction of a facility,  
 1980 and replacement rights-of-way for relocated rail and utility  
 1981 facilities; for existing, proposed, or anticipated  
 1982 transportation facilities on the system or in a transportation  
 1983 corridor designated by the authority; or for the purposes of  
 1984 screening, relocating, removing, or disposing of junkyards and  
 1985 scrap metal processing facilities. Each authority shall also  
 1986 have the power to condemn any material and property necessary  
 1987 for such purposes.

1988 (2) The right of eminent domain conferred in this section  
 1989 shall be exercised by an authority in the manner provided by  
 1990 law.

1991 (3) When an authority acquires property for a  
 1992 transportation facility or in a transportation corridor, it is  
 1993 not subject to any liability imposed by chapter 376 or chapter  
 1994 403 for preexisting soil or groundwater contamination due solely  
 1995 to its ownership. This section does not affect the rights or  
 1996 liabilities of any past or future owner of the acquired property  
 1997 and does not affect the liability of any governmental entity for  
 1998 the results of its actions that create or exacerbate a pollution  
 1999 source. An authority and the Department of Environmental



2000 Protection may enter into interagency agreements for the  
 2001 performance, funding, and reimbursement of the investigative and  
 2002 remedial acts necessary for property acquired by the authority.

2003 345.0010 Cooperation with other units, boards, agencies,  
 2004 and individuals.—Any county, municipality, drainage district,  
 2005 road and bridge district, school district, or other political  
 2006 subdivision, board, commission, or individual in or of the state  
 2007 may make and enter into with an authority any contract, lease,  
 2008 conveyance, partnership, or other agreement within the  
 2009 provisions and purposes of this chapter. Each authority is  
 2010 authorized to make and enter into contracts, leases,  
 2011 conveyances, partnerships, and other agreements with any  
 2012 political subdivision, agency, or instrumentality of the state  
 2013 and any federal agency, corporation, and individual for the  
 2014 purpose of carrying out the provisions of this chapter.

2015 345.0011 Covenant of the state.—The state pledges to and  
 2016 agrees with any person, firm, or corporation or federal or state  
 2017 agency subscribing to or acquiring the bonds to be issued by an  
 2018 authority for the purposes of this chapter that the state will  
 2019 not limit or alter the rights vested by this chapter in the  
 2020 authority and the department until all bonds at any time issued,  
 2021 together with the interest thereon, are fully paid and  
 2022 discharged insofar as the same affects the rights of the holders  
 2023 of bonds issued hereunder. The state further pledges to and  
 2024 agrees with the United States that in the event a federal agency  
 2025 shall construct or contribute funds for the completion,  
 2026 extension, or improvement of the system, or a part or portion  
 2027 thereof, the state will not alter or limit the rights and powers

CS/HB 7127

2013

2028 of the authority and the department in a manner that would be  
2029 inconsistent with the continued maintenance and operation of the  
2030 system or the completion, extension, or improvement thereof, or  
2031 that would be inconsistent with the due performance of an  
2032 agreement between the authority and such federal agency, and the  
2033 authority and the department shall continue to have and may  
2034 exercise all powers herein granted, so long as the same are  
2035 necessary or desirable for the carrying out of the purposes of  
2036 this chapter and the purposes of the United States in the  
2037 completion, extension, or improvement of the system or a part  
2038 thereof.

2039 345.0012 Exemption from taxation.—The effectuation of the  
2040 authorized purposes of an authority created under this chapter  
2041 is, in all respects, for the benefit of the people of the state,  
2042 for the increase of their commerce and prosperity, and for the  
2043 improvement of their health and living conditions; and, because  
2044 such authority will be performing essential governmental  
2045 functions in effectuating such purposes, such authority is not  
2046 required to pay any taxes or assessments of any kind or nature  
2047 whatsoever upon any property acquired or used by it for such  
2048 purposes, or upon any rates, fees, rentals, receipts, income, or  
2049 charges at any time received by it; and the bonds issued by the  
2050 authority, their transfer, and the income therefrom, including  
2051 any profits made on the sale thereof, shall at all times be free  
2052 from taxation of any kind by the state, or by any political  
2053 subdivision, taxing agency, or instrumentality thereof. The  
2054 exemption granted by this section does not apply to any tax

2055 imposed by chapter 220 on interest, income, or profits on debt  
 2056 obligations owned by corporations.

2057 345.0013 Eligibility for investments and security.—Any  
 2058 bonds or other obligations issued pursuant to this chapter  
 2059 constitute legal investments for banks, savings banks, trustees,  
 2060 executors, administrators, and all other fiduciaries, and for  
 2061 all state, municipal, and other public funds; and constitute  
 2062 securities eligible for deposit as security for all state,  
 2063 municipal, or other public funds, notwithstanding any other law  
 2064 to the contrary.

2065 345.0014 This chapter complete and additional authority.—

2066 (1) The powers conferred by this chapter are in addition  
 2067 and supplemental to the powers conferred by any other law, and  
 2068 this chapter does not repeal any provisions of general, special,  
 2069 or local law, but supersedes such other laws in the exercise of  
 2070 the powers provided in this chapter, and provides a complete  
 2071 method for the exercise of the powers granted in this chapter.  
 2072 The extension and improvement of a system, and the issuance of  
 2073 bonds hereunder to finance all or part of the cost thereof, may  
 2074 be accomplished upon compliance with the provisions of this  
 2075 chapter without regard to or necessity for compliance with the  
 2076 provisions, limitations, or restrictions contained in any other  
 2077 general, special, or local law, including, but not limited to,  
 2078 s. 215.821, and no approval of any bonds issued under this  
 2079 chapter by the qualified electors or qualified electors who are  
 2080 freeholders in the state or in any political subdivision of the  
 2081 state shall be required for the issuance of such bonds pursuant  
 2082 to this act.

2083           (2) This chapter does not repeal, rescind, or modify any  
 2084 other law relating to the State Board of Administration, the  
 2085 Department of Transportation, or the Division of Bond Finance of  
 2086 the State Board of Administration, but supersedes any other law  
 2087 that is inconsistent with the provisions of this chapter,  
 2088 including, but not limited to, s. 215.821.

2089           Section 28. Paragraph (d) of subsection (2) of section  
 2090 348.754, Florida Statutes, is amended to read:

2091           348.754 Purposes and powers.—

2092           (2) The authority is hereby granted, and shall have and  
 2093 may exercise all powers necessary, appurtenant, convenient or  
 2094 incidental to the carrying out of the aforesaid purposes,  
 2095 including, but without being limited to, the following rights  
 2096 and powers:

2097           (d) To enter into and make leases for terms not exceeding  
 2098 99 ~~40~~ years, as either lessee or lessor, in order to carry out  
 2099 the right to lease as set forth in this part.

2100           Section 29. Subsections (13) and (14) are added to section  
 2101 373.406, Florida Statutes, to read:

2102           373.406 Exemptions.—The following exemptions shall apply:

2103           (13) Nothing in this part or in any rule, regulation, or  
 2104 order adopted pursuant to this part applies to construction,  
 2105 operation, maintenance, or alteration of any wholly owned,  
 2106 manmade ponds constructed entirely in uplands or drainage  
 2107 ditches constructed in uplands, except for the discharge of  
 2108 dredged or fill material into waters of the United States,  
 2109 including wetlands, subject to federal jurisdiction under  
 2110 section 404 of the Clean Water Act, 33 U.S.C. s. 1344.

CS/HB 7127

2013

2111           (14) Nothing in this part, or in any rule, regulation, or  
2112 order adopted pursuant to this part, may require a permit for  
2113 activities affecting wetlands created solely by the unreasonable  
2114 and negligent flooding or interference with the natural flow of  
2115 surface water caused by an adjoining landowner, except for the  
2116 discharge of dredged or fill material into waters of the United  
2117 States, including wetlands, subject to federal jurisdiction  
2118 under section 404 of the Clean Water Act, 33 U.S.C. s. 1344.

2119           Section 30. Section 373.4137, Florida Statutes, is amended  
2120 to read:

2121           373.4137 Mitigation requirements for specified  
2122 transportation projects.—

2123           (1) The Legislature finds that environmental mitigation  
2124 for the impact of transportation projects proposed by the  
2125 Department of Transportation or a transportation authority  
2126 established pursuant to chapter 348 or chapter 349 can be more  
2127 effectively achieved by regional, long-range mitigation planning  
2128 rather than on a project-by-project basis. It is the intent of  
2129 the Legislature that mitigation to offset the adverse effects of  
2130 these transportation projects be funded by the Department of  
2131 Transportation and be carried out by the use of mitigation banks  
2132 and any other mitigation options that satisfy state and federal  
2133 requirements in a manner that promotes efficiency, timeliness in  
2134 project delivery, and cost-effectiveness.

2135           (2) Environmental impact inventories for transportation  
2136 projects proposed by the Department of Transportation or a  
2137 transportation authority established pursuant to chapter 348 or  
2138 chapter 349 shall be developed as follows:

2139 (a) By July 1 of each year, the Department of  
 2140 Transportation, or a transportation authority established  
 2141 pursuant to chapter 348 or chapter 349 which chooses to  
 2142 participate in the program, shall submit to the water management  
 2143 districts a list of its projects in the adopted work program and  
 2144 an environmental impact inventory of habitat impacts and the  
 2145 anticipated amount of mitigation needed to offset impacts. The  
 2146 environmental impact inventory shall be based on ~~habitats~~  
 2147 ~~addressed in the rules adopted pursuant to this part, and s. 404~~  
 2148 ~~of the Clean Water Act, 33 U.S.C. s. 1344, and the Department of~~  
 2149 ~~Transportation's which may be impacted by its~~ plan of  
 2150 construction for transportation projects in the next 3 years of  
 2151 the tentative work program. The Department of Transportation or  
 2152 a transportation authority established pursuant to chapter 348  
 2153 or chapter 349 may also include in its environmental impact  
 2154 inventory the habitat impacts and anticipated amount of  
 2155 mitigation needed for ~~of~~ any future transportation project. The  
 2156 Department of Transportation and each transportation authority  
 2157 established pursuant to chapter 348 or chapter 349 may fund any  
 2158 mitigation activities for future projects using current year  
 2159 funds.

2160 (b) The environmental impact inventory shall include a  
 2161 description of ~~these~~ habitat impacts, including ~~their~~ location,  
 2162 acreage, and type; the anticipated amount of mitigation needed  
 2163 based on the functional loss as determined through the Uniform  
 2164 Mitigation Assessment Method (UMAM) adopted in chapter 62-345,  
 2165 Florida Administrative Code; identification of the proposed  
 2166 mitigation option; state water quality classification of

2167 impacted wetlands and other surface waters; any other state or  
 2168 regional designations for these habitats; and a list of  
 2169 threatened species, endangered species, and species of special  
 2170 concern affected by the proposed project.

2171 (c) Before projects are identified for inclusion in a  
 2172 water management district mitigation plan pursuant to subsection  
 2173 (4), the Department of Transportation must consider using  
 2174 credits from a permitted mitigation bank. The Department of  
 2175 Transportation must consider the availability of suitable and  
 2176 sufficient mitigation bank credits within the transportation  
 2177 project's area, its ability to satisfy commitments to regulatory  
 2178 and resource agencies, the availability of suitable and  
 2179 sufficient mitigation purchased or developed through this  
 2180 section, its ability to complete existing water management  
 2181 district or Department of Environmental Protection suitable  
 2182 mitigation sites initiated with Department of Transportation  
 2183 mitigation funds, and the ability to satisfy state and federal  
 2184 requirements including long-term maintenance and liability.

2185 (3) (a) ~~To implement the mitigation option fund development~~  
 2186 ~~and implementation of the mitigation plan for the projected~~  
 2187 ~~impacts identified in the environmental impact inventory~~  
 2188 ~~described in subsection (2), the Department of Transportation~~  
 2189 may purchase credits for current and future use directly from a  
 2190 mitigation bank, purchase mitigation services through the water  
 2191 management districts, purchase mitigation services from the  
 2192 Department of Environmental Protection for mitigation on state  
 2193 lands, conduct its own mitigation, or purchase other mitigation  
 2194 services that meet state and federal requirements. Funding for

2195 | the identified mitigation option as described in the  
 2196 | environmental impact inventory shall be included in ~~shall~~  
 2197 | ~~identify funds quarterly in an escrow account within the State~~  
 2198 | ~~Transportation Trust Fund for the environmental mitigation phase~~  
 2199 | ~~of projects budgeted by the Department of~~ Transportation's work  
 2200 | program developed pursuant to s. 339.135 ~~Transportation for the~~  
 2201 | ~~current fiscal year. The escrow account shall be maintained by~~  
 2202 | ~~the Department of Transportation for the benefit of the water~~  
 2203 | ~~management districts. Any interest earnings from the escrow~~  
 2204 | ~~account shall remain with the Department of Transportation.~~

2205 | (b) Each transportation authority established pursuant to  
 2206 | chapter 348 or chapter 349 that chooses to participate in this  
 2207 | program shall create an escrow account within its financial  
 2208 | structure and deposit funds in the account to pay for the  
 2209 | environmental mitigation phase of projects budgeted for the  
 2210 | current fiscal year. The escrow account shall be maintained by  
 2211 | the authority for the benefit of the water management districts.  
 2212 | Any interest earnings from the escrow account shall remain with  
 2213 | the authority.

2214 | (c) For mitigation implemented by the water management  
 2215 | district or the Department of Environmental Protection, as  
 2216 | appropriate, the amount paid each year shall be based on  
 2217 | mitigation services provided by the water management districts  
 2218 | or the Department of Environmental Protection pursuant to an  
 2219 | approved water management district mitigation plan, as described  
 2220 | in subsection (4). ~~Except for current mitigation projects in the~~  
 2221 | ~~monitoring and maintenance phase and except as allowed by~~  
 2222 | ~~paragraph (d),~~ The water management districts or the Department



CS/HB 7127

2013

2223 of Environmental Protection, as appropriate, may request payment  
2224 ~~a transfer of funds from an escrow account no sooner than 30~~  
2225 ~~days before the date the funds are needed to pay for activities~~  
2226 ~~associated with development or implementation of permitted~~  
2227 ~~mitigation meeting the requirements pursuant to this part, 33~~  
2228 ~~U.S.C. s. 1344, and 33 C.F.R. part 332, in the approved~~  
2229 ~~mitigation plan described in subsection (4) for the current~~  
2230 ~~fiscal year, including, but not limited to, design, engineering,~~  
2231 ~~production, and staff support. Actual conceptual plan~~  
2232 ~~preparation costs incurred before plan approval may be submitted~~  
2233 ~~to the Department of Transportation or the appropriate~~  
2234 ~~transportation authority each year with the plan. The conceptual~~  
2235 ~~plan preparation costs of each water management district will be~~  
2236 ~~paid from mitigation funds associated with the environmental~~  
2237 ~~impact inventory for the current year. The amount programmed~~  
2238 ~~transferred to the escrow accounts each year by the Department~~  
2239 ~~of Transportation and participating transportation authorities~~  
2240 ~~established pursuant to chapter 348 or chapter 349 shall~~  
2241 ~~correspond to an estimated a cost per credit acre of \$150,000~~  
2242 ~~\$75,000 multiplied by the projected number of credits acres of~~  
2243 ~~impact identified in the environmental impact inventory~~  
2244 ~~described in subsection (2). This estimated cost per credit will~~  
2245 ~~be adjusted every 2 years by the Department of Transportation~~  
2246 ~~based on the average cost per UMAM credit paid pursuant to this~~  
2247 ~~section. However, the \$75,000 cost per acre does not constitute~~  
2248 ~~an admission against interest by the state or its subdivisions~~  
2249 ~~and is not admissible as evidence of full compensation for any~~  
2250 ~~property acquired by eminent domain or through inverse~~

CS/HB 7127

2013

2251 ~~condemnation. Each July 1, the cost per acre shall be adjusted~~  
2252 ~~by the percentage change in the average of the Consumer Price~~  
2253 ~~Index issued by the United States Department of Labor for the~~  
2254 ~~most recent 12-month period ending September 30, compared to the~~  
2255 ~~base year average, which is the average for the 12-month period~~  
2256 ~~ending September 30, 1996. Each quarter, the projected amount of~~  
2257 ~~mitigation acreage of impact shall be reconciled with the actual~~  
2258 ~~amount of mitigation needed for acreage of impact of projects as~~  
2259 ~~permitted, including permit modifications, pursuant to this part~~  
2260 ~~and s. 404 of the Clean Water Act, 33 U.S.C. s. 1344. The~~  
2261 ~~subject year's programming transfer of funds shall be adjusted~~  
2262 ~~accordingly to reflect the mitigation acreage of impacts as~~  
2263 ~~permitted. If the water management district excludes a project~~  
2264 ~~from an approved mitigation plan, the district cannot timely~~  
2265 ~~permit a mitigation site, or the proposed mitigation does not~~  
2266 ~~meet state and federal requirements, the Department of~~  
2267 ~~Transportation may use the associated funds for the purchase of~~  
2268 ~~mitigation bank credits or any other mitigation option that~~  
2269 ~~satisfies state and federal requirements. ~~The Department of~~~~  
2270 ~~Transportation and participating transportation authorities~~  
2271 ~~established pursuant to chapter 348 or chapter 349 are~~  
2272 ~~authorized to transfer such funds from the escrow accounts to~~  
2273 ~~the water management districts to carry out the mitigation~~  
2274 ~~programs. Environmental mitigation funds that are identified for~~  
2275 ~~or maintained in an escrow account for the benefit of a water~~  
2276 ~~management district may be released if the associated~~  
2277 ~~transportation project is excluded in whole or part from the~~  
2278 ~~mitigation plan. For a mitigation project that is in the~~

CS/HB 7127

2013

2279 ~~maintenance and monitoring phase, the water management district~~  
2280 ~~may request and receive a one-time payment based on the~~  
2281 ~~project's expected future maintenance and monitoring costs. Upon~~  
2282 final disbursement of the final maintenance and monitoring  
2283 payment for mitigation of a transportation project as permitted,  
2284 the obligation of the Department of Transportation or the  
2285 participating transportation authority is satisfied and the  
2286 water management district or the Department of Environmental  
2287 Protection, as appropriate, will have continuing responsibility  
2288 for the mitigation project, ~~the escrow account for the project~~  
2289 ~~established by the Department of Transportation or the~~  
2290 ~~participating transportation authority may be closed. Any~~  
2291 ~~interest earned on these disbursed funds shall remain with the~~  
2292 ~~water management district and must be used as authorized under~~  
2293 ~~this section.~~

2294 (d) Beginning with the March 2014 water management  
2295 district mitigation plans in the 2005-2006 fiscal year, each  
2296 water management district or the Department of Environmental  
2297 Protection, as appropriate, shall invoice the Department of  
2298 Transportation for mitigation services rendered in planning and  
2299 implementing the mitigation sites, including planning, design,  
2300 construction, maintenance, monitoring, and other costs necessary  
2301 to meet requirements pursuant to this section, 33 U.S.C. s.  
2302 1344, and 33 C.F.R. 332. When the water management district  
2303 identifies the use of mitigation bank credits as part of the  
2304 mitigation plan, the water management district must exclude that  
2305 purchase from the mitigation plan and the Department of  
2306 Transportation must purchase the identified mitigation bank

CS/HB 7127

2013

2307 ~~credits. be paid a lump-sum amount of \$75,000 per acre, adjusted~~  
2308 ~~as provided under paragraph (c), for federally funded~~  
2309 ~~transportation projects that are included on the environmental~~  
2310 ~~impact inventory and that have an approved mitigation plan.~~  
2311 ~~Beginning in the 2009-2010 fiscal year, each water management~~  
2312 ~~district shall be paid a lump-sum amount of \$75,000 per acre,~~  
2313 ~~adjusted as provided under paragraph (c), for federally funded~~  
2314 ~~and nonfederally funded transportation projects that have an~~  
2315 ~~approved mitigation plan. All mitigation costs, including, but~~  
2316 ~~not limited to, the costs of preparing conceptual plans and the~~  
2317 ~~costs of design, construction, staff support, future~~  
2318 ~~maintenance, and monitoring the mitigated acres shall be funded~~  
2319 ~~through these lump-sum amounts.~~

2320 (e) For purposes of preparing and implementing the  
2321 mitigation plans to be adopted by the water management districts  
2322 before March 1, 2013, for transportation impacts based on the  
2323 July 1, 2012, environmental impact inventory, the funds  
2324 identified in the Department of Transportation's work program or  
2325 participating transportation authorities' escrow accounts shall  
2326 correspond to a cost per acre of \$75,000 multiplied by the  
2327 projected acres of impact as identified in the environmental  
2328 impact inventory. The cost per acre shall be adjusted by the  
2329 percentage change in the average of the Consumer Price Index  
2330 issued by the United States Department of Labor for the most  
2331 recent 12-month period ending September 30, compared to the base  
2332 year average, which is the average for the 12-month period  
2333 ending September 30, 1996. Payment as provided under this  
2334 paragraph is limited to mitigation activities that are

CS/HB 7127

2013

2335 identified in the first year of the 2013 mitigation plan and for  
2336 which the transportation project is permitted and is in the  
2337 Department of Transportation's adopted work program, or  
2338 equivalent for a transportation authority. When implementing the  
2339 mitigation activities necessary to offset the permitted  
2340 transportation impacts as provided in the approved mitigation  
2341 plan, the water management district shall maintain records of  
2342 the costs incurred in implementing the mitigation. These costs  
2343 shall include, but not be limited to, conceptual planning, land  
2344 acquisition, design, construction, staff support, long-term  
2345 maintenance and monitoring of the mitigation site, and other  
2346 costs necessary to meet the requirements of 33 U.S.C. s. 1344  
2347 and 33 C.F.R. part 332. To the extent moneys paid to a water  
2348 management district by the Department of Transportation or a  
2349 participating transportation authority exceed the amount  
2350 expended by the water management districts in implementing the  
2351 mitigation to offset the permitted transportation impacts, these  
2352 funds shall be refunded to the Department of Transportation or  
2353 participating transportation authority. This paragraph expires  
2354 June 30, 2014.

2355 (4) Before March 1 of each year, each water management  
2356 district, in consultation with the Department of Environmental  
2357 Protection, the United States Army Corps of Engineers, the  
2358 Department of Transportation, participating transportation  
2359 authorities established pursuant to chapter 348 or chapter 349,  
2360 and other appropriate federal, state, and local governments, and  
2361 other interested parties, including entities operating  
2362 mitigation banks, shall develop a plan for the primary purpose

CS/HB 7127

2013

2363 of complying with the mitigation requirements adopted pursuant  
2364 to this part, ~~and~~ 33 U.S.C. s. 1344, and 33 C.F.R. part 332. In  
2365 developing such plans, the districts shall use sound ecosystem  
2366 management practices to address significant water resource needs  
2367 and consider ~~shall focus on~~ activities of the Department of  
2368 Environmental Protection and the water management districts,  
2369 such as surface water improvement and management (SWIM) projects  
2370 and lands identified for potential acquisition for preservation,  
2371 restoration, or enhancement, and the control of invasive and  
2372 exotic plants in wetlands and other surface waters, to the  
2373 extent that the activities comply with the mitigation  
2374 requirements adopted under this part, ~~and~~ 33 U.S.C. s. 1344, and  
2375 33 C.F.R. part 332. For transportation projects in the  
2376 environmental impact inventory for which a water management  
2377 district is implementing mitigation, the mitigation plan shall  
2378 identify the site where the water management district will  
2379 mitigate for the transportation project, the scope of the  
2380 mitigation activities at each mitigation site, the Functional  
2381 Gain at each mitigation site as determined through the Uniform  
2382 Mitigation Assessment Method per chapter 62-345, Florida  
2383 Administrative Code, describe how the mitigation offsets the  
2384 impacts of each transportation project as permitted, and a  
2385 schedule for the mitigation activities. The water management  
2386 districts shall maintain records of costs incurred and payments  
2387 received for implementing mitigation activities to offset  
2388 impacts of permitted transportation projects. Records shall  
2389 include, but not be limited to, conceptual planning, land  
2390 acquisition, design, construction, staff support, long-term

2391 maintenance and monitoring of the mitigation site, and other  
 2392 costs necessary to meet the requirements of 33 U.S.C. s. 1344,  
 2393 and 33 C.F.R. part 332. To the extent moneys paid to a water  
 2394 management district by the Department of Transportation or a  
 2395 participating transportation authority exceed the amount  
 2396 expended by the water management districts in implementing the  
 2397 mitigation to offset the permitted transportation impacts, these  
 2398 funds shall be refunded to the Department of Transportation or  
 2399 participating transportation authority ~~In determining the~~  
 2400 ~~activities to be included in the plans, the districts shall~~  
 2401 ~~consider the purchase of credits from public or private~~  
 2402 ~~mitigation banks permitted under s. 373.4136 and associated~~  
 2403 ~~federal authorization and shall include the purchase as a part~~  
 2404 ~~of the mitigation plan when the purchase would offset the impact~~  
 2405 ~~of the transportation project, provide equal benefits to the~~  
 2406 ~~water resources than other mitigation options being considered,~~  
 2407 ~~and provide the most cost-effective mitigation option. The~~  
 2408 ~~mitigation plan shall be submitted to the water management~~  
 2409 ~~district governing board, or its designee, for review and~~  
 2410 ~~approval. At least 14 days before approval by the governing~~  
 2411 ~~board, the water management district shall provide a copy of the~~  
 2412 ~~draft mitigation plan to the Department of Environmental~~  
 2413 ~~Protection and any person who has requested a copy. Subsequent~~  
 2414 ~~to governing board approval the mitigation plan must be~~  
 2415 ~~submitted to the Department of Environmental Protection for~~  
 2416 ~~approval. The plan may not be implemented until it is submitted~~  
 2417 ~~to and approved, in part or in its entirety, by the Department~~  
 2418 ~~of Environmental Protection.~~

CS/HB 7127

2013

2419 ~~(a) For each transportation project with a funding request~~  
2420 ~~for the next fiscal year, the mitigation plan must include a~~  
2421 ~~brief explanation of why a mitigation bank was or was not chosen~~  
2422 ~~as a mitigation option, including an estimation of identifiable~~  
2423 ~~costs of the mitigation bank and nonbank options and other~~  
2424 ~~factors such as time saved, liability for success of the~~  
2425 ~~mitigation, and long-term maintenance.~~

2426 (a) ~~(b)~~ Specific projects may be excluded from the  
2427 mitigation plan, in whole or in part, and are not subject to  
2428 this section upon the election of the Department of  
2429 Transportation, a transportation authority if applicable, or the  
2430 appropriate water management district. Neither the Department of  
2431 Transportation nor a participating transportation authority  
2432 shall exclude a transportation project from the mitigation plan  
2433 when mitigation is scheduled for implementation by the water  
2434 management district in the current fiscal year, except when the  
2435 transportation project is removed from the Department of  
2436 Transportation's work program or transportation authority  
2437 funding plan, the mitigation cannot be timely permitted, or the  
2438 proposed mitigation does not meet state and federal  
2439 requirements. If a project is removed from the work program or  
2440 the mitigation plan, costs expended by the water management  
2441 districts before removal are eligible for reimbursement by the  
2442 Department of Transportation or participating transportation  
2443 authority.

2444 (b) ~~(e)~~ When determining which projects to include in or  
2445 exclude from the mitigation plan, the Department of  
2446 Transportation shall investigate using credits from a permitted



2447 mitigation bank before those projects are submitted for  
2448 inclusion in a water management district ~~the~~ plan. The  
2449 Department of Transportation shall exclude a project from the  
2450 mitigation plan when the investigation undertaken pursuant to  
2451 this paragraph results in the conclusion that the use of credits  
2452 from a permitted mitigation bank promotes efficiency, timeliness  
2453 in project delivery, and cost-effectiveness and transfers  
2454 responsibility for success and long-term maintenance  
2455 ~~investigation shall consider the cost-effectiveness of~~  
2456 ~~mitigation bank credits, including, but not limited to, factors~~  
2457 ~~such as time saved, transfer of liability for success of the~~  
2458 ~~mitigation, and long-term maintenance.~~

2459 (5) The water management district shall ensure that  
2460 mitigation requirements pursuant to 33 U.S.C. s. 1344 and 33  
2461 C.F.R. part 332 are met for the impacts identified in the  
2462 environmental impact inventory described in subsection (2), by  
2463 implementation of the approved mitigation plan described in  
2464 subsection (4) to the extent funding is provided by the  
2465 Department of Transportation, or a transportation authority  
2466 established pursuant to chapter 348 or chapter 349, if  
2467 applicable. In developing and implementing the mitigation plan,  
2468 the water management district shall comply with federal  
2469 permitting requirements pursuant to 33 U.S.C. s. 1344 and 33  
2470 C.F.R. part 332. During the federal permitting process, the  
2471 water management district may deviate from the approved  
2472 mitigation plan in order to comply with federal permitting  
2473 requirements upon notice and coordination with the Department of  
2474 Transportation or participating transportation authority.

CS/HB 7127

2013

2475 (6) The water management district mitigation plans shall  
2476 be updated annually to reflect the most current Department of  
2477 Transportation work program and project list of a transportation  
2478 authority established pursuant to chapter 348 or chapter 349, if  
2479 applicable, and may be amended throughout the year to anticipate  
2480 schedule changes or additional projects which may arise. Before  
2481 amending the mitigation plan to include new projects, the  
2482 Department of Transportation shall consider mitigation banks and  
2483 other available mitigation options that meet state and federal  
2484 requirements. Each update and amendment of the mitigation plan  
2485 shall be submitted to the governing board of the water  
2486 management district or its designee for approval. However, such  
2487 approval shall not be applicable to a deviation as described in  
2488 subsection (5).

2489 (7) Upon approval by the governing board of the water  
2490 management district and the Department of Environmental  
2491 Protection ~~or its designee~~, the mitigation plan shall be deemed  
2492 to satisfy the mitigation requirements under this part for  
2493 impacts specifically identified in the environmental impact  
2494 inventory described in subsection (2) and any other mitigation  
2495 requirements imposed by local, regional, and state agencies for  
2496 these same impacts. The approval of the governing board of the  
2497 water management district and the Department of Environmental  
2498 Protection ~~or its designee~~ shall authorize the activities  
2499 proposed in the mitigation plan, and no other state, regional,  
2500 or local permit or approval shall be necessary.

2501 (8) This section shall not be construed to eliminate the  
2502 need for the Department of Transportation or a transportation

CS/HB 7127

2013

2503 authority established pursuant to chapter 348 or chapter 349 to  
2504 comply with the requirement to implement practicable design  
2505 modifications, including realignment of transportation projects,  
2506 to reduce or eliminate the impacts of its transportation  
2507 projects on wetlands and other surface waters as required by  
2508 rules adopted pursuant to this part, or to diminish the  
2509 authority under this part to regulate other impacts, including  
2510 water quantity or water quality impacts, or impacts regulated  
2511 under this part that are not identified in the environmental  
2512 impact inventory described in subsection (2).

2513 ~~(9) The process for environmental mitigation for the~~  
2514 ~~impact of transportation projects under this section shall be~~  
2515 ~~available to an expressway, bridge, or transportation authority~~  
2516 ~~established under chapter 348 or chapter 349. Use of this~~  
2517 ~~process may be initiated by an authority depositing the~~  
2518 ~~requisite funds into an escrow account set up by the authority~~  
2519 ~~and filing an environmental impact inventory with the~~  
2520 ~~appropriate water management district. An authority that~~  
2521 ~~initiates the environmental mitigation process established by~~  
2522 ~~this section shall comply with subsection (6) by timely~~  
2523 ~~providing the appropriate water management district with the~~  
2524 ~~requisite work program information. A water management district~~  
2525 ~~may draw down funds from the escrow account as provided in this~~  
2526 ~~section.~~

2527 Section 31. This act shall take effect July 1, 2013.