

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 Regional Transportation Finance Authorities and the
9 Mid-Bay Bridge Authority; removing Secretary of
10 Transportation review of the expenses of the Florida
11 Statewide Passenger Rail Commission; revising the
12 administrative support requirement for the Florida
13 Statewide Passenger Rail Commission; designating an
14 executive director and assistant executive director of
15 the statewide passenger rail commission; amending s.
16 110.205, F.S., relating to career service exempt
17 positions; revising the title of an existing
18 department position; amending s. 125.35, F.S.;
19 authorizing counties to lease real or personal
20 property belonging to the county; amending s. 125.42,
21 F.S.; providing that an entity granted a license to
22 construct and maintain utility or television lines
23 shall move or remove such lines at no cost to the
24 county if the lines are found by the county to be
25 unreasonably interfering with road widening, repair,
26 or reconstruction; creating s. 316.01, F.S.; providing
27 that a local governmental entity may not prevent
28 vehicular ingress or egress on a transportation

29 facility into or out of a state university facility;
30 amending s. 316.530, F.S., relating to towing
31 requirements; removing a provision that prohibits
32 assessment of a penalty for the combined weights of a
33 disabled vehicle and a wrecker or tow truck; amending
34 s. 316.545, F.S.; revising the maximum amount the
35 gross vehicle weight may be reduced for calculation of
36 a penalty for excess weight when an auxiliary power
37 units is installed on a commercial motor vehicle;
38 amending s. 331.360, F.S., relating to aerospace
39 facilities; removing provisions for a spaceport master
40 plan; directing Space Florida to develop a spaceport
41 system plan for certain purposes; providing for
42 content of the plan; directing Space Florida to submit
43 the plan to metropolitan planning organizations for
44 review of intermodal impact and to the department;
45 authorizing the department to include relevant
46 portions in the 5-year work program; revising
47 responsibilities of the department relating to
48 aerospace facilities; authorizing the department to
49 administratively house its space transportation
50 responsibilities within an existing division or
51 office; authorizing the department to enter into an
52 agreement with Space Florida for specified purposes;
53 authorizing the department to allocate certain funds
54 under specified conditions; requiring Space Florida to
55 provide certain information to the department before
56 an agreement is executed; amending s. 332.007, F.S.;

57 | authorizing the department to fund strategic airport
58 | investment projects that meet specified criteria;
59 | amending s. 334.044, F.S.; prohibiting the department
60 | from entering into any lease-purchase agreement with
61 | any expressway authority, regional transportation
62 | authority, or other entity; providing the prohibition
63 | does not invalidate existing specified lease-purchase
64 | agreements or limit the department's authority
65 | relating to certain public-private transportation
66 | facilities; providing an exception from the
67 | requirement to purchase all plant materials from
68 | Florida commercial nursery stock when prohibited by
69 | applicable federal law or regulation; amending s.
70 | 335.055, F.S.; authorizing the department to enter
71 | into contracts with community development districts to
72 | perform routine maintenance work on the State Highway
73 | System; limiting liability; amending s. 335.06, F.S.;
74 | authorizing the department to improve and maintain any
75 | road that is part of a county road system or city
76 | street system that provides access to property within
77 | the state park system; requiring the county or city to
78 | maintain such road if the department does not;
79 | amending s. 337.11, F.S.; removing the requirement
80 | that a contractor provide a notarized affidavit as
81 | proof of motor vehicle registration; amending s.
82 | 337.14, F.S.; revising requirements for a person
83 | desiring to bid for the performance of certain
84 | department construction contracts to be prequalified;

85 | amending s. 337.168, F.S., relating to confidentiality
86 | of bid information; providing that a document that
87 | reveals the identity of a person who has requested or
88 | received certain information before a certain time is
89 | a public record; amending s. 337.25, F.S.; revising
90 | provisions for disposition of property by the
91 | department; authorizing the department to contract for
92 | auction services for conveyance of property; revising
93 | requirements for an inventory of property; amending s.
94 | 337.251, F.S.; revising provisions for lease of
95 | property; requiring the department to publish a notice
96 | of receipt of a proposal for lease of particular
97 | department property and accept other proposals;
98 | revising notice procedures; requiring the department
99 | to establish by rule an application fee for lease
100 | proposals; authorizing the department to engage the
101 | services of private consultants to assist in
102 | evaluating proposals; requiring the department to make
103 | specified determinations before approving a proposed
104 | lease; amending s. 337.403, F.S., relating to
105 | interference by a utility of the use of a public road
106 | or publicly owned rail corridor; providing for an
107 | authority to bear certain costs to eliminate
108 | interference when the utility certifies that it cannot
109 | prove or disprove it has a compensable property right
110 | where the utility is located; requiring the department
111 | to pay for utility work related to commuter rail or
112 | intercity passenger rail under certain circumstances;

113 providing an exception; authorizing the department to
114 pay for utility relocation in rural areas of critical
115 economic concern under certain circumstances;
116 requiring the Florida Transportation Commission to
117 study the potential for state revenue from parking
118 meters and other parking time-limit devices;
119 authorizing to commission to retain experts; requiring
120 the department to pay for the experts; requiring
121 certain information from municipalities and counties;
122 requiring certain information to be considered in the
123 study; requiring a written report; providing for the
124 removal of parking meters and parking time-limit
125 devices under certain circumstance; providing for
126 municipalities and counties to pay the cost of
127 removal; providing for a moratorium on new parking
128 meters of other parking time-limit devices on the
129 state right-of-way; providing an exception; amending
130 s. 338.161, F.S.; revising provisions for the
131 department to enter into agreements for certain
132 purposes with public or private transportation
133 facility owners whose systems become interoperable
134 with the department's systems; amending s. 338.165,
135 F.S.; removing references to certain facilities from
136 the list of facilities the department is authorized to
137 request bond issuance secured by facility revenues
138 amending s. 338.26, F.S.; revising the uses of fees
139 generated from tolls to include the design and
140 construction of a fire station that may be used by

141 certain local governments in accordance with a
142 specified memorandum; removing a provision that
143 authorizes a district to issue bonds or notes;
144 amending s. 339.175, F.S.; revising provisions for
145 designation of metropolitan planning organizations and
146 provisions for voting membership; revising the
147 criteria that qualify a local government for
148 participation in a metropolitan planning organization;
149 providing that certain counties shall be designated
150 separate metropolitan planning organizations; revising
151 the criteria to determine voting membership of a
152 metropolitan planning organization; providing that
153 each metropolitan planning organization shall review
154 its membership and reapportion it as necessary;
155 providing criteria; removing the requirement that the
156 Governor review and apportion the voting membership
157 among the various governmental entities within the
158 metropolitan planning area; amending s. 339.2821,
159 F.S.; authorizing Enterprise Florida, Inc., to be a
160 consultant to the department for consideration of
161 expenditures associated with and contracts for
162 transportation projects; revising the requirements for
163 economic development transportation project contracts
164 between the department and a governmental entity;
165 repealing ss. 339.401-339.421, F.S., relating to the
166 Florida Transportation Corporation Act, definitions,
167 legislative findings and purpose, authorization of
168 corporations, type and structure and income of

169 corporation, contract between the department and the
170 corporation, articles of incorporation, boards of
171 directors and advisory directors, bylaws, meetings and
172 records, amendment of articles of incorporation,
173 powers of corporations, use of state property,
174 exemption from taxation, authority to alter or
175 dissolve corporation, dissolution upon completion of
176 purposes, transfer of funds and property upon
177 dissolution, department rules, construction of
178 provisions, and issuance of debt; amending s. 339.55,
179 F.S.; providing for the state-funded infrastructure
180 bank to lend capital costs or provide credit
181 enhancements for projects that provide intermodal
182 connectivity with spaceports and to make emergency
183 loans for damages to public-use spaceports; revising
184 criteria the department may consider for evaluation of
185 projects for assistance from the bank; amending s.
186 341.031, F.S.; revising the definition of the term
187 "intercity bus service," as used in the Florida Public
188 Transit Act; amending s. 341.052, F.S.; prohibiting an
189 eligible public transit provider from using public
190 transit block grant funds to pursue or promote the
191 levying of new or additional taxes through public
192 referenda; requiring the amount of the provider's
193 grant to be reduced by any amount so spent; defining
194 the term "public funds" for purposes of the
195 prohibition; amending s. 341.053, F.S.; revising
196 provisions for use of Intermodal Development Program

197 funds; amending s. 341.8203, F.S.; defining
198 "communication facilities" and "railroad company" as
199 used in the Florida Rail Enterprise Act; amending s.
200 341.822, F.S.; requiring the rail enterprise to
201 establish a process to issue permits for railroad
202 companies to construct communication facilities within
203 a high speed rail system; providing rulemaking
204 authority; providing for fees for issuing a permit;
205 creating s. 341.825, F.S.; providing for a permit
206 authorizing the permittee to locate, construct,
207 operate, and maintain communication facilities within
208 a new or existing high speed rail system; providing
209 for application procedures and fees; providing for the
210 effects of a permit; providing an exemption from local
211 land use and zoning regulations; authorizing the
212 enterprise to permit variances and exemptions from
213 rules of the enterprise or other agencies; providing
214 that a permit is in lieu of licenses, permits,
215 certificates, or similar documents required under
216 specified laws; providing for a modification of a
217 permit; amends s. 341.840, F.S.; conforming a cross-
218 reference; amending ss. 343.82 and 343.922, F.S.;
219 removing reference to advances from the Toll
220 Facilities Revolving Trust Fund as a source of funding
221 for certain projects by an authority; creating ch.
222 345, F.S., relating to the Florida Regional
223 Transportation Finance Authority Act; creating s.
224 345.0001, F.S.; providing a short title; creating s.

225 | 345.0002, F.S.; providing definitions; creating s.
226 | 345.0003, F.S.; providing for counties to form a
227 | regional transportation finance authority to
228 | construct, maintain, or operate transportation
229 | projects in a region of the state; providing for
230 | governance of an authority; providing for membership
231 | and organization of an authority; creating s.
232 | 345.0004, F.S.; providing for the powers and duties of
233 | an authority; limiting an authority's power with
234 | respect to an existing system; prohibiting an
235 | authority from pledging the credit or taxing power of
236 | the state or any political subdivision or agency of
237 | the state; requiring that an authority comply with
238 | certain reporting and documentation requirements;
239 | creating s. 345.0005, F.S.; authorizing an authority
240 | to issue bonds; providing that the issued bonds must
241 | meet certain requirements; providing that the
242 | resolution that authorizes the issuance of bonds meet
243 | certain requirements; authorizing an authority to
244 | enter into security agreements for issued bonds with a
245 | bank or trust company; providing that the issued bonds
246 | are negotiable instruments and have certain qualities;
247 | providing that a resolution authorizing the issuance
248 | of bonds and pledging of revenues of the system must
249 | meet certain requirements; prohibiting the use or
250 | pledge of state funds to pay principal or interest of
251 | an authority's bonds; creating s. 345.0006, F.S.;
252 | providing rights and remedies granted to certain

253 | bondholders; providing actions a trustee may take on
254 | behalf of the bondholders; providing for the
255 | appointment of a receiver; providing for the authority
256 | of the receiver; providing limitations to a receiver's
257 | authority; creating s. 345.0007, F.S.; providing that
258 | the Department of Transportation is the agent of each
259 | authority for specified purposes; providing for the
260 | administration and management of projects by the
261 | department; providing limits on the department as an
262 | agent; providing for the fiscal responsibilities of
263 | the authority; creating s. 345.0008, F.S.; authorizing
264 | the department to provide resources for an authority
265 | project or system if included in a specific plan and
266 | approved by the Legislature; providing for feasibility
267 | studies; requiring certain criteria to be met before
268 | department approval; providing for payment of expenses
269 | incurred by the department on behalf of an authority;
270 | requiring the department to receive a share of the
271 | revenue from the authority; providing for disbursement
272 | of revenues; creating s. 345.0009, F.S.; authorizing
273 | the authority to acquire private or public property
274 | and property rights for a project or plan; authorizing
275 | the authority to exercise the right of eminent domain;
276 | providing for the rights and liabilities and remedial
277 | actions relating to property acquired for a
278 | transportation project or corridor; creating s.
279 | 345.0010, F.S.; providing for contracts between
280 | certain entities and an authority; creating s.

281 345.0011, F.S.; providing that the state will not
282 limit or alter the vested rights of a bondholder with
283 regard to any issued bonds or rights relating to the
284 bonds under certain conditions; creating s. 345.0012,
285 F.S.; exempting the authority from paying certain
286 taxes or assessments for property acquired or used for
287 certain public purposes or for revenues received
288 relating to the issuance of bonds; providing
289 exceptions; creating s. 345.0013, F.S.; providing that
290 the bonds or obligations issued are legal investments
291 of specified entities; creating s. 345.0014, F.S.;
292 providing applicability; amending s. 348.754, F.S.;
293 revising the term limitation for leases that the
294 Orlando-Orange County Expressway Authority may enter;
295 amending s. 373.406, F.S.; exempting specified ponds,
296 ditches, and wetlands from surface water management
297 and storage requirements; exempting certain water
298 control districts from certain wetlands regulation;
299 amending s. 373.4137, F.S.; providing legislative
300 intent that mitigation be implemented in a manner that
301 promotes efficiency, timeliness, and cost-
302 effectiveness in project delivery; revising the
303 criteria of the environmental impact inventory;
304 revising the criteria for mitigation of projected
305 impacts identified in the environmental impact
306 inventory; requiring the Department of Transportation
307 to include funding for environmental mitigation for
308 its projects in its work program; revising the process

309 and criteria for the payment by the department or
310 participating transportation authorities of mitigation
311 implemented by water management districts or the
312 Department of Environmental Protection; revising the
313 requirements for the payment to a water management
314 district or the Department of Environmental Protection
315 of the costs of mitigation planning and implementation
316 of the mitigation required by a permit; revising the
317 payment criteria for preparing and implementing
318 mitigation plans adopted by water management districts
319 for transportation impacts based on the environmental
320 impact inventory; adding federal requirements for the
321 development of a mitigation plan; providing for
322 transportation projects in the environmental
323 mitigation plan for which mitigation has not been
324 specified; revising a water management district's
325 responsibilities relating to a mitigation plan;
326 creating s. 373.6053, F.S., authorizing water
327 management districts to reassess the designation of
328 positions for inclusion in the Senior Management
329 Service Class; authorizing the removal of positions
330 from the class; providing effective dates.

331

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

333

334 Section 1. Paragraph (m) of subsection (3) of section
335 11.45, Florida Statutes, is amended, and present paragraphs (n)
336 through (x) are redesignated as paragraphs (m) through (w),

337 | respectively, to read:

338 | 11.45 Definitions; duties; authorities; reports; rules.—

339 | (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The
 340 | Auditor General may, pursuant to his or her own authority, or at
 341 | the direction of the Legislative Auditing Committee, conduct
 342 | audits or other engagements as determined appropriate by the
 343 | Auditor General of:

344 | ~~(m) The transportation corporations under contract with~~
 345 | ~~the Department of Transportation that are acting on behalf of~~
 346 | ~~the state to secure and obtain rights-of-way for urgently needed~~
 347 | ~~transportation systems and to assist in the planning and design~~
 348 | ~~of such systems pursuant to ss. 339.401-339.421.~~

349 | Section 2. Paragraph (b) of subsection (2) and paragraph
 350 | (d) of subsection (3) of section 20.23, Florida Statutes, are
 351 | amended to read:

352 | 20.23 Department of Transportation.—There is created a
 353 | Department of Transportation which shall be a decentralized
 354 | agency.

355 | (2)

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

357 | 1. Recommend major transportation policies for the
 358 | Governor's approval, and assure that approved policies and any
 359 | revisions thereto are properly executed.

360 | 2. Periodically review the status of the state
 361 | transportation system including highway, transit, rail, seaport,
 362 | intermodal development, and aviation components of the system
 363 | and recommend improvements therein to the Governor and the
 364 | Legislature.

365 3. Perform an in-depth evaluation of the annual department
366 budget request, the Florida Transportation Plan, and the
367 tentative work program for compliance with all applicable laws
368 and established departmental policies. Except as specifically
369 provided in s. 339.135(4)(c)2., (d), and (f), the commission may
370 not consider individual construction projects, but shall
371 consider methods of accomplishing the goals of the department in
372 the most effective, efficient, and businesslike manner.

373 4. Monitor the financial status of the department on a
374 regular basis to assure that the department is managing revenue
375 and bond proceeds responsibly and in accordance with law and
376 established policy.

377 5. Monitor on at least a quarterly basis, the efficiency,
378 productivity, and management of the department, using
379 performance and production standards developed by the commission
380 pursuant to s. 334.045.

381 6. Perform an in-depth evaluation of the factors causing
382 disruption of project schedules in the adopted work program and
383 recommend to the Legislature and the Governor methods to
384 eliminate or reduce the disruptive effects of these factors.

385 7. Recommend to the Governor and the Legislature
386 improvements to the department's organization in order to
387 streamline and optimize the efficiency of the department. In
388 reviewing the department's organization, the commission shall
389 determine if the current district organizational structure is
390 responsive to Florida's changing economic and demographic
391 development patterns. The initial report by the commission must
392 be delivered to the Governor and Legislature by December 15,

393 2000, and each year thereafter, as appropriate. The commission
394 may retain such experts as are reasonably necessary to
395 effectuate this subparagraph, and the department shall pay the
396 expenses of such experts.

397 8. Monitor the efficiency, productivity, and management of
398 the authorities created under chapters 345, 348 and 349,
399 including any authority formed using the provisions of part I of
400 chapter 348; the Mid-Bay Bridge Authority created pursuant to
401 chapter 2000-411, Laws of Florida; and any authority formed
402 under chapter 343 which is not monitored under subsection (3).
403 The commission shall also conduct periodic reviews of each
404 authority's operations and budget, acquisition of property,
405 management of revenue and bond proceeds, and compliance with
406 applicable laws and generally accepted accounting principles.

407 (3) There is created the Florida Statewide Passenger Rail
408 Commission.

409 (d) The commission is assigned to the Office of the
410 Secretary of the Department of Transportation for administrative
411 and fiscal accountability purposes, but it shall otherwise
412 function independently of the control and direction of the
413 department ~~except that reasonable expenses of the commission~~
414 ~~shall be subject to approval by the Secretary of Transportation.~~
415 ~~The department shall provide administrative support and service~~
416 ~~to the commission.~~ The executive director and assistant
417 executive director of the Florida Transportation Commission
418 shall serve as the executive director and assistant executive
419 director of the Florida Statewide Passenger Rail Commission. The
420 staff of the Florida Transportation Commission shall provide

421 administrative support and service to the Florida Statewide
422 Passenger Rail Commission.

423 Section 3. Paragraph (j) of subsection (2) of section
424 110.205, Florida Statutes, is amended to read:

425 110.205 Career service; exemptions.—

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

428 (j) The appointed secretaries and the State Surgeon
429 General, assistant secretaries, deputy secretaries, and deputy
430 assistant secretaries of all departments; the executive
431 directors, assistant executive directors, deputy executive
432 directors, and deputy assistant executive directors of all
433 departments; the directors of all divisions and those positions
434 determined by the department to have managerial responsibilities
435 comparable to such positions, which positions include, but are
436 not limited to, program directors, assistant program directors,
437 district administrators, deputy district administrators, the
438 Director of Central Operations Services of the Department of
439 Children and Family Services, the State Transportation
440 Development Administrator, State Freight and Logistics Public
441 ~~Transportation and Modal~~ Administrator, district secretaries,
442 district directors of transportation development, transportation
443 operations, transportation support, and the managers of the
444 offices specified in s. 20.23(4)(b), of the Department of
445 Transportation. Unless otherwise fixed by law, the department
446 shall set the salary and benefits of these positions in
447 accordance with the rules of the Senior Management Service; and

448 the county health department directors and county health
 449 department administrators of the Department of Health.

450 Section 4. Paragraph (b) of subsection (1) of section
 451 125.35, Florida Statutes, is amended to read:

452 125.35 County authorized to sell real and personal
 453 property and to lease real property.-

454 (1)

455 (b) Notwithstanding the provisions of paragraph (a), the
 456 board of county commissioners is expressly authorized to:

457 1. Negotiate the lease of an airport or seaport facility;

458 2. Modify or extend an existing lease of real property for
 459 an additional term not to exceed 25 years, where the improved
 460 value of the lease has an appraised value in excess of \$20
 461 million; ~~or~~

462 3. Lease a professional sports franchise facility financed
 463 by revenues received pursuant to s. 125.0104 or s. 212.20; or

464 4. Lease real or personal property belonging to the county
 465 pursuant to s. 125.045;

466
 467 under such terms and conditions as negotiated by the board.

468 Section 5. Subsection (5) of section 125.42, Florida
 469 Statutes, is amended to read:

470 125.42 Water, sewage, gas, power, telephone, other
 471 utility, and television lines along county roads and highways.-

472 (5) In the event of widening, repair, or reconstruction of
 473 any such road, the licensee shall move or remove such water,
 474 sewage, gas, power, telephone, and other utility lines and
 475 television lines at no cost to the county if they are found by

476 | the county to be unreasonably interfering, except as provided in
 477 | s. 337.403(1)(d)-(i) ~~337.403(1)(e)~~.

478 | Section 6. Section 316.01, Florida Statutes, is created to
 479 | read:

480 | 316.01 Vehicular access to state universities.—A local
 481 | governmental entity as defined in s. 334.03(13) may not prevent
 482 | vehicular ingress or egress on a transportation facility into or
 483 | out of a state university facility that is regulated by the
 484 | Board of Governors of the State University System as provided in
 485 | s. 20.155.

486 | Section 7. Subsections (3) and (4) of section 316.530,
 487 | Florida Statutes, are amended to read:

488 | 316.530 Towing requirements.—

489 | ~~(3) Whenever a motor vehicle becomes disabled upon the~~
 490 | ~~highways of this state and a wrecker or tow truck is required to~~
 491 | ~~remove it to a repair shop or other appropriate location, if the~~
 492 | ~~combined weights of those two vehicles and the loads thereon~~
 493 | ~~exceed the maximum allowable weights as established by s.~~
 494 | ~~316.535, no penalty shall be assessed either vehicle or driver.~~
 495 | ~~However, this exception shall not apply to the load limits for~~
 496 | ~~bridges and culverts established by the department as provided~~
 497 | ~~in s. 316.555.~~

498 | (3)-(4) A violation of this section is a noncriminal
 499 | traffic infraction, punishable as a moving violation as provided
 500 | in chapter 318.

501 | Section 8. Paragraph (c) of subsection (3) of section
 502 | 316.545, Florida Statutes, is amended to read:

503 316.545 Weight and load unlawful; special fuel and motor
 504 fuel tax enforcement; inspection; penalty; review.—

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

509 (c) For a vehicle equipped with fully functional idle-
 510 reduction technology, any penalty shall be calculated by
 511 reducing the actual gross vehicle weight or the internal bridge
 512 weight by the certified weight of the idle-reduction technology
 513 or by 550 ~~400~~ pounds, whichever is less. The vehicle operator
 514 must present written certification of the weight of the idle-
 515 reduction technology and must demonstrate or certify that the
 516 idle-reduction technology is fully functional at all times. This
 517 calculation is not allowed for vehicles described in s.

518 316.535(6);

519 Section 9. Section 331.360, Florida Statutes, is amended
 520 to read:

521 331.360 Spaceport system ~~Joint participation agreement or~~
 522 ~~assistance; spaceport master plan.—~~

523 ~~(1) It shall be the duty, function, and responsibility of~~
 524 ~~the Department of Transportation to promote the further~~
 525 ~~development and improvement of aerospace transportation~~
 526 ~~facilities; to address intermodal requirements and impacts of~~
 527 ~~the launch ranges, spaceports, and other space transportation~~
 528 ~~facilities; to assist in the development of joint-use facilities~~
 529 ~~and technology that support aviation and aerospace operations;~~
 530 ~~to coordinate and cooperate in the development of spaceport~~

531 ~~infrastructure and related transportation facilities contained~~
532 ~~in the Strategic Intermodal System Plan; to encourage, where~~
533 ~~appropriate, the cooperation and integration of airports and~~
534 ~~spaceports in order to meet transportation-related needs; and to~~
535 ~~facilitate and promote cooperative efforts between federal and~~
536 ~~state government entities to improve space transportation~~
537 ~~capacity and efficiency. In carrying out this duty and~~
538 ~~responsibility, the department may assist and advise, cooperate~~
539 ~~with, and coordinate with federal, state, local, or private~~
540 ~~organizations and individuals. The department may~~
541 ~~administratively house its space transportation responsibilities~~
542 ~~within an existing division or office.~~

543 ~~(2) Notwithstanding any other provision of law, the~~
544 ~~Department of Transportation may enter into a joint~~
545 ~~participation agreement with, or otherwise assist, Space Florida~~
546 ~~as necessary to effectuate the provisions of this chapter and~~
547 ~~may allocate funds for such purposes in its 5-year work program.~~
548 ~~However, the department may not fund the administrative or~~
549 ~~operational costs of Space Florida.~~

550 ~~(1)(3)~~ Space Florida shall develop a spaceport system
551 ~~master~~ plan that addresses statewide spaceport goals and the
552 need for expansion and modernization of space transportation
553 facilities within spaceport territories as defined in s.
554 331.303. The plan shall contain recommended projects to meet
555 current and future commercial, national, and state space
556 transportation requirements. Space Florida shall submit the plan
557 to all any appropriate metropolitan planning organizations
558 ~~organization~~ for review of intermodal impacts. Space Florida

559 shall submit the spaceport system ~~master~~ plan to the Department
560 of Transportation, which may include those portions of the
561 system plan relevant to the department's mission and such plan
562 ~~may be included~~ within the department's 5-year work program of
563 qualifying projects ~~aerospace discretionary capacity improvement~~
564 ~~under subsection (4)~~. The plan shall identify appropriate
565 funding levels for each project ~~and include recommendations on~~
566 ~~appropriate sources of revenue that may be developed to~~
567 ~~contribute to the State Transportation Trust Fund.~~

568 (2) The Department of Transportation shall promote the
569 further development and improvement of aerospace transportation
570 facilities; address intermodal requirements and impacts of the
571 launch ranges, spaceports, and other space transportation
572 facilities; assist in the development of joint-use facilities
573 and technology that support aviation and aerospace operations;
574 coordinate and cooperate in the development of spaceport
575 infrastructure and related transportation facilities contained
576 in the Strategic Intermodal System Plan; encourage, where
577 appropriate, the cooperation and integration of airports and
578 spaceports in order to meet transportation-related needs; and
579 facilitate and promote cooperative efforts between federal and
580 state government entities to improve space transportation
581 capacity and efficiency. In carrying out such duties and
582 responsibilities, the department may assist and advise,
583 cooperate with, and coordinate with federal, state, local, or
584 private entities and individuals. The department may
585 administratively house its space transportation responsibilities
586 within an existing division or office.

587 (3) Notwithstanding any other provision of law, the
588 Department of Transportation may enter into an agreement with,
589 or otherwise assist, Space Florida as necessary to effectuate
590 the provisions of this chapter and may allocate funds for such
591 purposes in its 5-year work program. However, the department may
592 not fund the administrative or operational costs of Space
593 Florida.

594 (4) (a) Beginning in fiscal year 2013-2014, a minimum of
595 \$15 million annually may be made available from the State
596 Transportation Trust Fund to fund space transportation projects.
597 The funds for this initiative shall be from the funds dedicated
598 to public transportation projects pursuant to s. 206.46(3)
599 ~~Subject to the availability of appropriated funds, the~~
600 ~~department may participate in the capital cost of eligible~~
601 ~~spaceport discretionary capacity improvement projects. The~~
602 ~~annual legislative budget request shall be based on the proposed~~
603 ~~funding requested for approved spaceport discretionary capacity~~
604 ~~improvement projects.~~

605 (b) Before executing an agreement, Space Florida must
606 provide project-specific information to the Department of
607 Transportation in order to demonstrate that the project includes
608 transportation and aerospace benefits. Project information to be
609 provided includes, but is not limited to:

- 610 1. Project description, characteristics, and scope.
611 2. Project funding sources and costs.
612 3. Project financing considerations with emphasis on
613 federal, local, and private participation.

614 4. Financial feasibility and risk analysis, including
615 efforts to protect the state's investment and ensure project
616 goals are realized.

617 5. Demonstration that the project will encourage, enhance,
618 or create economic benefits.

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

622 1. Provides important access and on-spaceport capacity
623 improvements;

624 2. Provides capital improvements to strategically position
625 the state to maximize opportunities in the aerospace industry or
626 foster growth and development of a sustainable and world-leading
627 aerospace industry in the state;

628 3. Meets state goals of an integrated intermodal
629 transportation system; and

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

632 Section 10. Subsection (11) is added to section 332.007,
633 Florida Statutes, to read:

634 332.007 Administration and financing of aviation and
635 airport programs and projects; state plan.—

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

638 1. Provide important access and on-airport capacity
639 improvements;

640 2. Provide capital improvements to strategically position
641 the state to maximize opportunities in international trade,
642 logistics, and the aviation industry;

643 3. Achieve state goals of an integrated intermodal
644 transportation system; and

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

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

649 Section 11. Subsections (16) and (26) of section 334.044,
650 Florida Statutes, are amended to read:

651 334.044 Department; powers and duties.—The department
652 shall have the following general powers and duties:

653 (16) To plan, acquire, lease, construct, maintain, and
654 operate toll facilities; to authorize the issuance and refunding
655 of bonds; and to fix and collect tolls or other charges for
656 travel on any such facilities. Effective July 1, 2013, and
657 notwithstanding any other law to the contrary, the department
658 may not enter into any lease-purchase agreement with any
659 expressway authority, regional transportation authority, or
660 other entity. This provision does not invalidate any lease-
661 purchase agreement authorized under chapter 348 or chapter 2000-
662 411, Laws of Florida, and existing as of July 1, 2013, and does
663 not limit the department's authority under s. 334.30.

664 (26) To provide for the enhancement of environmental
665 benefits, including air and water quality; to prevent roadside
666 erosion; to conserve the natural roadside growth and scenery;
667 and to provide for the implementation and maintenance of

668 roadside conservation, enhancement, and stabilization programs.
669 No less than 1.5 percent of the amount contracted for
670 construction projects shall be allocated by the department on a
671 statewide basis for the purchase of plant materials. Department
672 districts may not expend funds for landscaping in connection
673 with any project that is limited to resurfacing existing lanes
674 unless the expenditure has been approved by the department's
675 secretary or the secretary's designee. To the greatest extent
676 practical, a minimum of 50 percent of the funds allocated under
677 this subsection shall be allocated for large plant materials and
678 the remaining funds for other plant materials. Except as
679 prohibited by applicable federal law or regulation, all plant
680 materials shall be purchased from Florida commercial nursery
681 stock in this state on a uniform competitive bid basis. The
682 department shall develop grades and standards for landscaping
683 materials purchased through this process. To accomplish these
684 activities, the department may contract with nonprofit
685 organizations having the primary purpose of developing youth
686 employment opportunities.

687 Section 12. Section 335.055, Florida Statutes, is amended
688 to read:

689 335.055 Routine maintenance contracts.—

690 (1) The Department of Transportation may enter into
691 contracts with counties, ~~and municipalities,~~ and community
692 development districts to perform routine maintenance work on the
693 State Highway System within the appropriate boundaries.

694 (2) Each county, ~~or municipality,~~ or community development
695 district that ~~which~~ completes the work described in subsection

696 (1) shall be relieved from any tort liability arising after
 697 completion of such work if the completed project conforms to the
 698 standards of the contract as agreed to by the department.

699 (3) Each county, ~~or~~ municipality, or community development
 700 district shall be entitled to receive payment or reimbursement
 701 from the department, in accordance with the contract, if the
 702 work is completed to the standards of the contract as agreed to
 703 by the department.

704 (4) Nothing contained in this section shall impair,
 705 suspend, contract, enlarge, extend, or affect in any manner the
 706 powers and duties of the department.

707 Section 13. Section 335.06, Florida Statutes, is amended
 708 to read:

709 335.06 Access roads to the state park system.—Any road
 710 which provides access to property within the state park system
 711 shall be maintained by the department if the road is a part of
 712 the State Highway System and may be improved and maintained by
 713 the department if the road is part of a county road system or
 714 city street system. If the department does not maintain a county
 715 or city road that provides access to the state park system, the
 716 road ~~or~~ shall be maintained by the appropriate county or
 717 municipality ~~if the road is a part of the county road system or~~
 718 ~~the city street system.~~

719 Section 14. Subsection (13) of section 337.11, Florida
 720 Statutes, is amended to read:

721 337.11 Contracting authority of department; bids;
 722 emergency repairs, supplemental agreements, and change orders;
 723 combined design and construction contracts; progress payments;

724 records; requirements of vehicle registration.—

725 (13) Each contract let by the department for the
726 performance of road or bridge construction or maintenance work
727 shall require ~~contain a provision requiring the contractor to~~
728 ~~provide proof to the department, in the form of a notarized~~
729 ~~affidavit from the contractor, that all motor vehicles that the~~
730 ~~contractor~~ he or she operates or causes to be operated in this
731 state ~~to be~~ are registered in compliance with chapter 320.

732 Section 15. Subsection (1) of section 337.14, Florida
733 Statutes, is amended to read:

734 337.14 Application for qualification; certificate of
735 qualification; restrictions; request for hearing.—

736 (1) Any person desiring to bid for the performance of any
737 construction contract with a proposed budget estimate in excess
738 of \$250,000 which the department proposes to let must first be
739 certified by the department as qualified pursuant to this
740 section and rules of the department. The rules of the department
741 shall address the qualification of persons to bid on
742 construction contracts with proposed budget estimates in excess
743 of \$250,000 and shall include requirements with respect to the
744 equipment, past record, experience, financial resources, and
745 organizational personnel of the applicant necessary to perform
746 the specific class of work for which the person seeks
747 certification. The department may limit the dollar amount of any
748 contract upon which a person is qualified to bid or the
749 aggregate total dollar volume of contracts such person is
750 allowed to have under contract at any one time. Each applicant
751 seeking qualification to bid on construction contracts with

752 proposed budget estimates in excess of \$250,000 shall furnish
753 the department a statement under oath, on such forms as the
754 department may prescribe, setting forth detailed information as
755 required on the application. Each application for certification
756 shall be accompanied by the latest annual financial statement of
757 the applicant completed within the last 12 months. If the
758 application or the annual financial statement shows the
759 financial condition of the applicant more than 4 months before
760 ~~prior to~~ the date on which the application is received by the
761 department, then an interim financial statement must be
762 submitted and be accompanied by an updated application. The
763 interim financial statement must cover the period from the end
764 date of the annual statement and must show the financial
765 condition of the applicant no more than 4 months before ~~prior to~~
766 the date the interim financial statement is received by the
767 department. However, upon request by the applicant, an
768 application and accompanying annual or interim financial
769 statement received by the department within 15 days after either
770 4-month period under this subsection shall be considered timely.
771 Each required annual or interim financial statement must be
772 audited and accompanied by the opinion of a certified public
773 accountant. An applicant desiring to bid exclusively for the
774 performance of construction contracts with proposed budget
775 estimates of less than \$1 million may submit reviewed annual or
776 reviewed interim financial statements prepared by a certified
777 public accountant. The information required by this subsection
778 is confidential and exempt from the provisions of s. 119.07(1).
779 The department shall act upon the application for qualification

780 within 30 days after the department determines that the
 781 application is complete. The department may waive the
 782 requirements of this subsection for projects having a contract
 783 price of \$500,000 or less if the department determines that the
 784 project is of a noncritical nature and the waiver will not
 785 endanger public health, safety, or property.

786 Section 16. Subsection (2) of section 337.168, Florida
 787 Statutes, is amended to read:

788 337.168 Confidentiality of official estimates, identities
 789 of potential bidders, and bid analysis and monitoring system.—

790 (2) A document that reveals ~~revealing~~ the identity of a
 791 person who has ~~persons who have~~ requested or obtained a bid
 792 package, plan ~~packages, plans,~~ or specifications pertaining to
 793 any project to be let by the department is confidential and
 794 exempt from the provisions of s. 119.07(1) for the period that
 795 ~~which~~ begins 2 working days before ~~prior to~~ the deadline for
 796 obtaining bid packages, plans, or specifications and ends with
 797 the letting of the bid. A document that reveals the identity of
 798 a person who has requested or obtained a bid package, plan, or
 799 specifications pertaining to any project to be let by the
 800 department before the 2 working days before the deadline for
 801 obtaining bid packages, plans, or specifications remains a
 802 public record subject to the provisions of s. 119.07(1).

803 Section 17. Section 337.25, Florida Statutes, is amended
 804 to read:

805 337.25 Acquisition, lease, and disposal of real and
 806 personal property.—

807 (1) (a) The department may purchase, lease, exchange, or

808 otherwise acquire any land, property interests, or buildings or
809 other improvements, including personal property within such
810 buildings or on such lands, necessary to secure or utilize
811 transportation rights-of-way for existing, proposed, or
812 anticipated transportation facilities on the State Highway
813 System, on the State Park Road System, in a rail corridor, or in
814 a transportation corridor designated by the department. Such
815 property shall be held in the name of the state.

816 (b) The department may accept donations of any land or
817 buildings or other improvements, including personal property
818 within such buildings or on such lands with or without such
819 conditions, reservations, or reverter provisions as are
820 acceptable to the department. Such donations may be used as
821 transportation rights-of-way or to secure or utilize
822 transportation rights-of-way for existing, proposed, or
823 anticipated transportation facilities on the State Highway
824 System, on the State Park Road System, or in a transportation
825 corridor designated by the department.

826 (c) When lands, buildings, or other improvements are
827 needed for transportation purposes, but are held by a federal,
828 state, or local governmental entity and utilized for public
829 purposes other than transportation, the department may
830 compensate the entity for such properties by providing
831 functionally equivalent replacement facilities. The providing of
832 replacement facilities under this subsection may only be
833 undertaken with the agreement of the governmental entity
834 affected.

835 (d) The department may contract pursuant to s. 287.055 for
836 auction services used in the conveyance of real or personal
837 property or the conveyance of leasehold interests under the
838 provisions of subsections (4) and (5). The contract may allow
839 for the contractor to retain a portion of the proceeds as
840 compensation for its services.

841 (2) A complete inventory shall be made of all real or
842 personal property immediately upon possession or acquisition.
843 Such inventory shall include a statement of the location or site
844 of each piece of realty, structure, or severable item an
845 ~~itemized listing of all appliances, fixtures, and other~~
846 ~~severable items; a statement of the location or site of each~~
847 ~~piece of realty, structure, or severable item; and the serial~~
848 ~~number assigned to each.~~ Copies of each inventory shall be filed
849 in the district office in which the property is located. Such
850 inventory shall be carried forward to show the final disposition
851 of each item of property, both real and personal.

852 (3) The inventory of real property which was acquired by
853 the state after December 31, 1988, which has been owned by the
854 state for 10 or more years, and which is not within a
855 transportation corridor or within the right-of-way of a
856 transportation facility shall be evaluated to determine the
857 necessity for retaining the property. If the property is not
858 needed for the construction, operation, and maintenance of a
859 transportation facility, or is not located within a
860 transportation corridor, the department may dispose of the
861 property pursuant to subsection (4).

862 (4) The department may convey ~~sell~~, in the name of the
863 state, any land, building, or other property, real or personal,
864 which was acquired under the provisions of subsection (1) and
865 which the department has determined is not needed for the
866 construction, operation, and maintenance of a transportation
867 facility. ~~With the exception of any parcel governed by paragraph~~
868 ~~(c), paragraph (d), paragraph (f), paragraph (g), or paragraph~~
869 ~~(i), the department shall afford first right of refusal to the~~
870 ~~local government in the jurisdiction of which the parcel is~~
871 ~~situated.~~ When such a determination has been made, property may
872 be disposed of through negotiation, sealed competitive bid,
873 auction, or any other means the department deems to be in its
874 best interest, with due advertisement for property valued by the
875 department at more than \$10,000. A sale may not occur at a price
876 less than the department's current estimate of value except as
877 provided in paragraphs (a)-(d). The department may afford the
878 right of first refusal to the local government or other
879 political subdivision in the jurisdiction in which the parcel is
880 situated, except in conveyances transacted under paragraphs (a),
881 (c), or (e). ~~in the following manner:~~

882 (a) If a ~~the value of the property~~ has been donated to the
883 state for transportation purposes, the facility has not been
884 constructed for a period of at least 5 years, no plans have been
885 prepared for the construction of such facility, and the property
886 is not located in a transportation corridor, the governmental
887 entity may authorize reconveyance of the donated property for no
888 consideration to the original donor or the donor's heirs,
889 successors, assigns, or representatives ~~is \$10,000 or less as~~

890 ~~determined by department estimate, the department may negotiate~~
 891 ~~the sale.~~

892 (b) ~~If the value of the property is to be used for a~~
 893 ~~public purpose, the property may be conveyed to a governmental~~
 894 ~~entity without consideration exceeds \$10,000 as determined by~~
 895 ~~department estimate, such property may be sold to the highest~~
 896 ~~bidder through receipt of sealed competitive bids, after due~~
 897 ~~advertisement, or by public auction held at the site of the~~
 898 ~~improvement which is being sold.~~

899 (c) ~~If the property was originally acquired specifically~~
 900 ~~to provide replacement housing for persons displaced by~~
 901 ~~transportation projects, the department may negotiate for the~~
 902 ~~sale of such property as replacement housing. As compensation,~~
 903 ~~the state shall receive no less than its investment in such~~
 904 ~~properties or the department's current estimate of value,~~
 905 ~~whichever is lower. It is expressly intended that this benefit~~
 906 ~~be extended only to those persons actually displaced by such~~
 907 ~~project. Disposition to any other person must be for no less~~
 908 ~~than the department's current estimate of value, in the~~
 909 ~~discretion of the department, public sale would be inequitable,~~
 910 ~~properties may be sold by negotiation to the owner holding title~~
 911 ~~to the property abutting the property to be sold, provided such~~
 912 ~~sale is at a negotiated price not less than fair market value as~~
 913 ~~determined by an independent appraisal, the cost of which shall~~
 914 ~~be paid by the owner of the abutting land. If negotiations do~~
 915 ~~not result in the sale of the property to the owner of the~~
 916 ~~abutting land and the property is sold to someone else, the cost~~
 917 ~~of the independent appraisal shall be borne by the purchaser;~~

918 ~~and the owner of the abutting land shall have the cost of the~~
919 ~~appraisal refunded to him or her. If, however, no purchase takes~~
920 ~~place, the owner of the abutting land shall forfeit the sum paid~~
921 ~~by him or her for the independent appraisal. If, due to action~~
922 ~~of the department, the property is removed from eligibility for~~
923 ~~sale, the cost of any appraisal prepared shall be refunded to~~
924 ~~the owner of the abutting land.~~

925 (d) If the department determines that the property will
926 require significant costs to be incurred or that continued
927 ownership of the property exposes the department to significant
928 liability risks, the department may use the projected
929 maintenance costs over the next 10 years to offset the
930 property's value in establishing a value for disposal of the
931 property, even if that value is zero ~~property acquired for use~~
932 ~~as a borrow pit is no longer needed, the department may sell~~
933 ~~such property to the owner of the parcel of abutting land from~~
934 ~~which the borrow pit was originally acquired, provided the sale~~
935 ~~is at a negotiated price not less than fair market value as~~
936 ~~determined by an independent appraisal, the cost of which shall~~
937 ~~be paid by the owner of such abutting land.~~

938 (e) If, in the discretion of the department, a sale to
939 anyone other than an abutting property owner would be
940 inequitable, the property may be sold to the abutting owner for
941 the department's current estimate of value ~~the department begins~~
942 ~~the process for disposing of the property on its own initiative,~~
943 ~~either by negotiation under the provisions of paragraph (a),~~
944 ~~paragraph (c), paragraph (d), or paragraph (i), or by receipt of~~
945 ~~sealed competitive bids or public auction under the provisions~~

946 ~~of paragraph (b) or paragraph (i), a department staff appraiser~~
947 ~~may determine the fair market value of the property by an~~
948 ~~appraisal.~~

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

957 ~~(g) If a property has been donated to the state for~~
958 ~~transportation purposes and the facility has not been~~
959 ~~constructed for a period of at least 5 years and no plans have~~
960 ~~been prepared for the construction of such facility and the~~
961 ~~property is not located in a transportation corridor, the~~
962 ~~governmental entity may authorize reconveyance of the donated~~
963 ~~property for no consideration to the original donor or the~~
964 ~~donor's heirs, successors, assigns, or representatives.~~

965 ~~(h) If property is to be used for a public purpose, the~~
966 ~~property may be conveyed without consideration to a governmental~~
967 ~~entity.~~

968 ~~(i) If property was originally acquired specifically to~~
969 ~~provide replacement housing for persons displaced by~~
970 ~~transportation projects, the department may negotiate for the~~
971 ~~sale of such property as replacement housing. As compensation,~~
972 ~~the state shall receive no less than its investment in such~~
973 ~~properties or fair market value, whichever is lower. It is~~

974 ~~expressly intended that this benefit be extended only to those~~
975 ~~persons actually displaced by such project. Dispositions to any~~
976 ~~other persons must be for fair market value.~~

977 ~~(j) If the department determines that the property will~~
978 ~~require significant costs to be incurred or that continued~~
979 ~~ownership of the property exposes the department to significant~~
980 ~~liability risks, the department may use the projected~~
981 ~~maintenance costs over the next 5 years to offset the market~~
982 ~~value in establishing a value for disposal of the property, even~~
983 ~~if that value is zero.~~

984 (5) The department may convey a leasehold interest for
985 commercial or other purposes, in the name of the state, to any
986 land, building, or other property, real or personal, which was
987 acquired under the provisions of subsection (1). A lease may not
988 occur at a price less than the department's current estimate of
989 value.

990 (a) All leases shall be entered into by negotiation,
991 sealed competitive bid, auction, or any other means the
992 department deems to be in its best interest. ~~The department may~~
993 ~~negotiate such a lease at the prevailing market value with the~~
994 ~~owner from whom the property was acquired; with the holders of~~
995 ~~leasehold estates existing at the time of the department's~~
996 ~~acquisition; or, if public bidding would be inequitable, with~~
997 ~~the owner holding title to privately owned abutting property, if~~
998 ~~reasonable notice is provided to all other owners of abutting~~
999 ~~property.~~ The department may allow an outdoor advertising sign
1000 to remain on the property acquired, or be relocated on

1001 department property, and such sign shall not be considered a
 1002 nonconforming sign pursuant to chapter 479.

1003 (b) If, in the discretion of the department, a lease to
 1004 anyone other than an abutting property owner or a tenant with a
 1005 leasehold interest in the abutting property would be
 1006 inequitable, the property may be leased to the abutting owner or
 1007 tenant for no less than the department's current estimate of
 1008 value ~~All other leases shall be by competitive bid.~~

1009 (c) A ~~No~~ lease signed pursuant to paragraph (a) may not ~~ex~~
 1010 ~~paragraph (b)~~ shall be for a period of more than 5 years;
 1011 however, the department may renegotiate or extend such a lease
 1012 for an additional term of 5 years as the department deems
 1013 appropriate ~~without rebidding.~~

1014 (d) Each lease shall provide that unless otherwise
 1015 directed by the lessor, any improvements made to the property
 1016 during the term of the lease shall be removed at the lessee's
 1017 expense.

1018 (e) If property is to be used for a public purpose,
 1019 ~~including a fair, art show, or other educational, cultural, or~~
 1020 ~~fundraising activity,~~ the property may be leased without
 1021 consideration to a governmental entity ~~or school board.~~ Any
 1022 public-purpose lease is exempt from the term limits provided in
 1023 paragraph (c).

1024 (f) Paragraphs (c) and (e) ~~(d)~~ do not apply to leases
 1025 entered into pursuant to s. 260.0161(3), except as provided in
 1026 such a lease.

1027 (g) No lease executed under this subsection may be
 1028 utilized by the lessee to establish the ~~4 years'~~ standing

1029 required by s. 73.071(3)(b) if the business had not been
1030 established for the specified number of 4 years on the date
1031 title passed to the department.

1032 (h) The department may enter into a long-term lease
1033 without compensation with a public port listed in s.
1034 403.021(9)(b) for rail corridors used for the operation of a
1035 short-line railroad to the port.

1036 (6) Nothing in this chapter prevents the joint use of
1037 right-of-way for alternative modes of transportation; provided
1038 that the joint use does not impair the integrity and safety of
1039 the transportation facility.

1040 (7) The department's estimate of value, as required in
1041 subsections (4) and (5), shall be prepared in accordance with
1042 department procedures, guidelines, and rules for valuation of
1043 real property. If the value of the property exceeds \$50,000 as
1044 determined by department estimate, the sale will be at a
1045 negotiated price not less than fair market value as determined
1046 by an independent appraisal prepared in accordance with
1047 department procedures, guidelines, and rules for valuation of
1048 real property, the cost of which shall be paid by the party
1049 seeking the purchase of the property. If the estimated value is
1050 \$50,000 or less, the department may use a department staff
1051 appraiser or obtain an independent appraisal ~~required by~~
1052 ~~paragraphs (4)(c) and (d) shall be prepared in accordance with~~
1053 ~~department guidelines and rules by an independent appraiser who~~
1054 ~~has been certified by the department. If federal funds were used~~
1055 ~~in the acquisition of the property, the appraisal shall also be~~
1056 ~~subject to the approval of the Federal Highway Administration.~~

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1057 (8) A "due advertisement" under this section is an
1058 advertisement in a newspaper of general circulation in the area
1059 of the improvements of not less than 14 calendar days before
1060 ~~prior to~~ the date of the receipt of bids or the date on which a
1061 public auction is to be held.

1062 (9) The department, with the approval of the Chief
1063 Financial Officer, is authorized to disburse state funds for
1064 real estate closings in a manner consistent with good business
1065 practices and in a manner minimizing costs and risks to the
1066 state.

1067 (10) The department is authorized to purchase title
1068 insurance in those instances where it is determined that such
1069 insurance is necessary to protect the public's investment in
1070 property being acquired for transportation purposes. The
1071 department shall adopt procedures to be followed in making the
1072 determination to purchase title insurance for a particular
1073 parcel or group of parcels which, at a minimum, shall set forth
1074 criteria which the parcels shall ~~must~~ meet.

1075 (11) This section does not modify the requirements of s.
1076 73.013.

1077 Section 18. Subsection (2) of section 337.251, Florida
1078 Statutes, is amended to read:

1079 337.251 Lease of property for joint public-private
1080 development and areas above or below department property.-

1081 (2) The department may request proposals for the lease of
1082 such property or, if the department receives a proposal for ~~to~~
1083 negotiate a lease of particular department property that the
1084 department desires to consider, it shall publish a notice in a

1085 newspaper of general circulation at least once a week for 2
 1086 weeks, stating that it has received the proposal and will
 1087 accept, for 120 ~~60~~ days after the date of publication, other
 1088 proposals for lease of the particular property ~~use of the space~~.
 1089 A copy of the notice must be mailed to each local government in
 1090 the affected area. The department shall adopt rules establishing
 1091 an application fee for the submission of proposals under this
 1092 section. The fee must be limited to the amount needed to pay the
 1093 anticipated costs of evaluating the proposals. The department
 1094 may engage the services of private consultants to assist in the
 1095 evaluation. Before approval, the department must determine that
 1096 the proposed lease:

- 1097 (a) Is in the public's best interest;
- 1098 (b) Would not require state funds to be used; and
- 1099 (c) Would have adequate safeguards in place to ensure that
 1100 no additional costs or service disruptions would be realized by
 1101 the traveling public and residents of the state in the event of
 1102 default by the private lessee or upon termination or expiration
 1103 of the lease.

1104 Section 19. Subsection (1) of section 337.403, Florida
 1105 Statutes, is amended to read:

1106 337.403 Interference caused by ~~relocation of~~ utility;
 1107 expenses.—

1108 (1) If a utility that is placed upon, under, over, or
 1109 along any public road or publicly owned rail corridor is found
 1110 by the authority to be unreasonably interfering in any way with
 1111 the convenient, safe, or continuous use, or the maintenance,
 1112 improvement, extension, or expansion, of such public road or

1113 publicly owned rail corridor, the utility owner shall, upon 30
1114 days' written notice to the utility or its agent by the
1115 authority, initiate the work necessary to alleviate the
1116 interference at its own expense except as provided in paragraphs
1117 (a)-(i) ~~(a)-(g)~~. The work must be completed within such
1118 reasonable time as stated in the notice or such time as agreed
1119 to by the authority and the utility owner.

1120 (a) If the relocation of utility facilities, as referred
1121 to in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.
1122 627 of the 84th Congress, is necessitated by the construction of
1123 a project on the federal-aid interstate system, including
1124 extensions thereof within urban areas, and the cost of the
1125 project is eligible and approved for reimbursement by the
1126 Federal Government to the extent of 90 percent or more under the
1127 Federal Aid Highway Act, or any amendment thereof, then in that
1128 event the utility owning or operating such facilities shall
1129 perform any necessary work upon notice from the department, and
1130 the state shall pay the entire expense properly attributable to
1131 such work after deducting therefrom any increase in the value of
1132 a new facility and any salvage value derived from an old
1133 facility.

1134 (b) When a joint agreement between the department and the
1135 utility is executed for utility work to be accomplished as part
1136 of a contract for construction of a transportation facility, the
1137 department may participate in those utility work costs that
1138 exceed the department's official estimate of the cost of the
1139 work by more than 10 percent. The amount of such participation
1140 shall be limited to the difference between the official estimate

1141 of all the work in the joint agreement plus 10 percent and the
1142 amount awarded for this work in the construction contract for
1143 such work. The department may not participate in any utility
1144 work costs that occur as a result of changes or additions during
1145 the course of the contract.

1146 (c) When an agreement between the department and utility
1147 is executed for utility work to be accomplished in advance of a
1148 contract for construction of a transportation facility, the
1149 department may participate in the cost of clearing and grubbing
1150 necessary to perform such work.

1151 (d) If the utility facility was initially installed to
1152 exclusively serve the authority or its tenants, or both, the
1153 authority shall bear the costs of the utility work. However, the
1154 authority is not responsible for the cost of utility work
1155 related to any subsequent additions to that facility for the
1156 purpose of serving others.

1157 (e) If, under an agreement between a utility and the
1158 authority entered into after July 1, 2009, the utility conveys,
1159 subordinates, or relinquishes a compensable property right to
1160 the authority for the purpose of accommodating the acquisition
1161 or use of the right-of-way by the authority, without the
1162 agreement expressly addressing future responsibility for the
1163 cost of necessary utility work, the authority shall bear the
1164 cost of removal or relocation. This paragraph does not impair or
1165 restrict, and may not be used to interpret, the terms of any
1166 such agreement entered into before July 1, 2009.

1167 (f) If the utility is an electric facility being relocated
1168 underground in order to enhance vehicular, bicycle, and

1169 pedestrian safety and in which ownership of the electric
1170 facility to be placed underground has been transferred from a
1171 private to a public utility within the past 5 years, the
1172 department shall incur all costs of the necessary utility work.

1173 (g) An authority may bear the costs of utility work
1174 required to eliminate an unreasonable interference when the
1175 utility is not able to establish that it has a compensable
1176 property right in the particular property where the utility is
1177 located if:

1178 1. The utility was physically located on the particular
1179 property before the authority acquired rights in the property;

1180 2. The utility demonstrates that it has a compensable
1181 property right in ~~all~~ adjacent properties along the alignment of
1182 the utility or, after due diligence, certifies that the utility
1183 does not have evidence to prove or disprove that it has a
1184 compensable property right in the particular property where the
1185 utility is located; and

1186 3. The information available to the authority does not
1187 establish the relative priorities of the authority's and the
1188 utility's interests in the particular property.

1189 (h) If the relocation of utility facilities is
1190 necessitated by the construction of a commuter rail service
1191 project or an intercity passenger rail service project and the
1192 cost of the project is eligible and approved for reimbursement
1193 by the Federal Government, the utility that owns or operates
1194 such facilities located by permit on a department-owned rail
1195 corridor shall perform any necessary utility relocation work
1196 upon notice from the department, and the department shall pay

1197 the expense properly attributable to such utility relocation
1198 work in the same proportion as Federal funds are expended on the
1199 commuter rail service project or an intercity passenger rail
1200 service project after deducting therefrom any increase in the
1201 value of a new facility and any salvage value derived from an
1202 old facility. In no event shall the state be required to use
1203 state dollars for such utility relocation work. This paragraph
1204 shall not apply to any phase of the Central Florida Rail
1205 Corridor project known as SunRail.

1206 (i) If a city-owned or county-owned utility is located in
1207 a rural area of critical economic concern, designated pursuant
1208 to s. 288.0656, and the department's comptroller determines that
1209 the utility is not able, and will not within the following 10
1210 years be able, to pay for the cost of utility work necessitated
1211 by a department project on the State Highway System, the
1212 department may pay the cost of such utility work performed by
1213 the department or the department's contractor, in whole or in
1214 part.

1215 Section 20. (1) The Florida Transportation Commission
1216 shall conduct a study of the potential for the state to obtain
1217 revenue from any parking meters or other parking time-limit
1218 devices that regulate designated parking spaces located within
1219 or along the right-of-way limits of a state road. The commission
1220 may retain such experts as are reasonably necessary to complete
1221 the study, and the department shall pay the expenses of such
1222 experts. On or before August 31, 2013, each municipality and
1223 county that receives revenue from any parking meters or other
1224 parking time-limit devices that regulate designated parking

1225 spaces located within or along the right-of-way limits of a
1226 state road shall provide the commission a written inventory of
1227 the location of each such meter or device and the total revenue
1228 collected from such locations during the last 3 fiscal years.
1229 Each municipality and county shall at the same time inform the
1230 commission of any pledge or commitment by the municipality or
1231 county of such revenues to the payment of debt service on any
1232 bonds or other debt issued by the municipality or county. The
1233 commission shall consider the information provided by the
1234 municipalities and counties, together with such other matters as
1235 it deems appropriate, and shall develop policy recommendations
1236 regarding the manner and extent that revenues generated by
1237 regulating parking within the right-of-way limits of a state
1238 road may be allocated between the department and municipalities
1239 and counties. The commission shall develop specific
1240 recommendations concerning the allocation of revenues generated
1241 by meters or devices regulating such parking that were installed
1242 before July 1, 2013, and the allocation of revenues that may be
1243 generated by meters or devices installed thereafter. The
1244 commission shall complete the study and provide a written report
1245 of its findings and conclusions to the Governor, the President
1246 of the Senate, the Speaker of the House of Representatives, and
1247 the chairs of each of the appropriations committees of the
1248 Legislature by October 31, 2013.

1249 (2) If, by August 31, 2013, a municipality or county does
1250 not provide the information requested by the commission, the
1251 department is authorized to remove the parking meters or parking
1252 time-limit devices that regulate designated parking spaces

1253 located within or along the right-of-way limits of a state road,
1254 and all costs incurred in connection with the removal shall be
1255 assessed against and collected from the municipality or county.

1256 (3) The Legislature finds that preservation of the status
1257 quo pending the commission's study and the Legislature's review
1258 of the commission's report is appropriate and desirable. From
1259 July 1, 2013, through July 1, 2014, no county or municipality
1260 shall install any parking meters or other parking time-limit
1261 devices that regulate designated parking spaces located within
1262 or along the right-of-way limits of a state road. This
1263 subsection does not prohibit the replacement of meters or
1264 similar devices installed before July 1, 2013, with new devices
1265 that regulate the same designated parking spaces.

1266 (4) This section shall take effect upon this act becoming
1267 law.

1268 Section 21. Subsection (5) of section 338.161, Florida
1269 Statutes, is amended to read:

1270 338.161 Authority of department or toll agencies to
1271 advertise and promote electronic toll collection; expanded uses
1272 of electronic toll collection system; authority of department to
1273 collect tolls, fares, and fees for private and public entities.-

1274 (5) If the department finds that it can increase nontoll
1275 revenues or add convenience or other value for its customers,
1276 and if a public or private transportation facility owner agrees
1277 that its facility will become interoperable with the
1278 department's electronic toll collection and video billing
1279 systems, the department is authorized to enter into an agreement
1280 with the owner of such facility under which the department uses

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1281 ~~private or public entities for the department's use of its~~
1282 electronic toll collection and video billing systems to collect
1283 and enforce for the owner tolls, fares, administrative fees, and
1284 other applicable charges due ~~imposed~~ in connection with use of
1285 the owner's facility ~~transportation facilities of the private or~~
1286 ~~public entities that become interoperable with the department's~~
1287 ~~electronic toll collection system.~~ The department may modify its
1288 rules regarding toll collection procedures and the imposition of
1289 administrative charges to be applicable to toll facilities that
1290 are not part of the turnpike system or otherwise owned by the
1291 department. This subsection may not be construed to limit the
1292 authority of the department under any other provision of law or
1293 under any agreement entered into before ~~prior to~~ July 1, 2012.

1294 Section 22. Subsection (4) of section 338.165, Florida
1295 Statutes, is amended to read:

1296 338.165 Continuation of tolls.—

1297 (4) Notwithstanding any other law to the contrary,
1298 pursuant to s. 11, Art. VII of the State Constitution, and
1299 subject to the requirements of subsection (2), the Department of
1300 Transportation may request the Division of Bond Finance to issue
1301 bonds secured by toll revenues collected on the Alligator Alley,
1302 the Sunshine Skyway Bridge, ~~the Beeline-East Expressway, the~~
1303 ~~Navarre Bridge,~~ and the Pinellas Bayway to fund transportation
1304 projects located within the county or counties in which the
1305 project is located and contained in the adopted work program of
1306 the department.

1307 Section 23. Subsections (3) and (4) of section 338.26,
1308 Florida Statutes, are amended to read:

1309 | 338.26 Alligator Alley toll road.—

1310 | (3) Fees generated from tolls shall be deposited in the

1311 | State Transportation Trust Fund, and any amount of funds

1312 | generated annually in excess of that required to reimburse

1313 | outstanding contractual obligations, to operate and maintain the

1314 | highway and toll facilities, including reconstruction and

1315 | restoration, to pay for those projects that are funded with

1316 | Alligator Alley toll revenues and that are contained in the

1317 | 1993-1994 adopted work program or the 1994-1995 tentative work

1318 | program submitted to the Legislature on February 22, 1994, and

1319 | to design and construct ~~develop and operate~~ a fire station at

1320 | mile marker 63 on Alligator Alley, which may be used by Collier

1321 | County or other appropriate local governmental entity to provide

1322 | fire, rescue, and emergency management services ~~to the adjacent~~

1323 | ~~counties~~ along Alligator Alley, may be transferred to the

1324 | Everglades Fund of the South Florida Water Management District

1325 | in accordance with the memorandum of understanding of June 30,

1326 | 1997, between the district and the department. The South Florida

1327 | Water Management District shall deposit funds for projects

1328 | undertaken pursuant to s. 373.4592 in the Everglades Trust Fund

1329 | pursuant to s. 373.45926(4)(a). Any funds remaining in the

1330 | Everglades Fund may be used for environmental projects to

1331 | restore the natural values of the Everglades, subject to

1332 | compliance with any applicable federal laws and regulations.

1333 | Projects must ~~shall~~ be limited to:

1334 | (a) Highway redesign to allow for improved sheet flow of

1335 | water across the southern Everglades.

1336 | (b) Water conveyance projects to enable more water

1337 resources to reach Florida Bay to replenish marine estuary
 1338 functions.

1339 (c) Engineering design plans for wastewater treatment
 1340 facilities as recommended in the Water Quality Protection
 1341 Program Document for the Florida Keys National Marine Sanctuary.

1342 (d) Acquisition of lands to move STA 3/4 out of the Toe of
 1343 the Boot, provided such lands are located within 1 mile of the
 1344 northern border of STA 3/4.

1345 (e) Other Everglades Construction Projects as described in
 1346 the February 15, 1994, conceptual design document.

1347 ~~(4) The district may issue revenue bonds or notes under s.~~
 1348 ~~373.584 and pledge the revenue from the transfers from the~~
 1349 ~~Alligator Alley toll revenues as security for such bonds or~~
 1350 ~~notes. The proceeds from such revenue bonds or notes shall be~~
 1351 ~~used for environmental projects; at least 50 percent of said~~
 1352 ~~proceeds must be used for projects that benefit Florida Bay, as~~
 1353 ~~described in this section subject to resolutions approving such~~
 1354 ~~activity by the Board of Trustees of the Internal Improvement~~
 1355 ~~Trust Fund and the governing board of the South Florida Water~~
 1356 ~~Management District and the remaining proceeds must be used for~~
 1357 ~~restoration activities in the Everglades Protection Area.~~

1358 Section 24. Paragraph (a) of subsection (2) and
 1359 subsections (3) and (4) of section 339.175, Florida Statutes,
 1360 are amended, and paragraph (f) is added to subsection (2) of
 1361 that section, to read:

1362 339.175 Metropolitan planning organization.—

1363 (2) DESIGNATION.—

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1364 (a)1. An M.P.O. shall be designated for each urbanized
1365 area of the state; however, this does not require that an
1366 individual M.P.O. be designated for each such area. The M.P.O.
1367 ~~Such~~ designation shall be accomplished by agreement between the
1368 Governor and units of general-purpose local government that
1369 together represent ~~representing~~ at least 75 percent of the
1370 population, including the largest incorporated municipality,
1371 based on population, ~~of the urbanized area; however, the unit of~~
1372 ~~general-purpose local government that represents the central~~
1373 ~~city or cities within the M.P.O. jurisdiction, as named~~ defined
1374 by the United States Bureau of the Census, ~~must be a party to~~
1375 ~~such agreement.~~

1376 2. To the extent possible, only one M.P.O. shall be
1377 designated for each urbanized area or group of contiguous
1378 urbanized areas. More than one M.P.O. may be designated within
1379 an existing urbanized area only if the Governor and the existing
1380 M.P.O. determine that the size and complexity of the existing
1381 urbanized area makes the designation of more than one M.P.O. for
1382 the area appropriate.

1383 (f) Notwithstanding any other provision of this section,
1384 any county operating under a home rule charter adopted pursuant
1385 to s. 11, Art. VIII of the Constitution of 1885, as preserved by
1386 s. 6(e), Art. VIII of the Constitution of 1968, shall be
1387 designated a separate M.P.O. coterminous with the boundaries of
1388 such county.

1389
1390 Each M.P.O. required under this section must be fully operative
1391 no later than 6 months following its designation.

1392 (3) VOTING MEMBERSHIP.—

1393 (a) The voting membership of an M.P.O. shall consist of
1394 not fewer than 5 or more than 19 apportioned members, the exact
1395 number to be determined on an equitable geographic-population
1396 ratio ~~basis by the Governor~~, based on an agreement among the
1397 affected units of general-purpose local government and the
1398 Governor as required by federal ~~rules and~~ regulations. The
1399 voting membership of an M.P.O. that is redesignated after the
1400 effective date of this act as a result of the expansion of the
1401 M.P.O. to include a new urbanized area or the consolidation of
1402 two or more M.P.O.'s may consist of no more than 25 members. The
1403 Governor, in accordance with 23 U.S.C. s. 134, may also provide
1404 for M.P.O. members who represent municipalities to alternate
1405 with representatives from other municipalities within the
1406 metropolitan planning area that do not have members on the
1407 M.P.O. County commission members shall compose not less than
1408 one-third of the M.P.O. membership, except for an M.P.O. with
1409 more than 15 members located in a county with a 5-member county
1410 commission or an M.P.O. with 19 members located in a county with
1411 no more than 6 county commissioners, in which case county
1412 commission members may compose less than one-third percent of
1413 the M.P.O. membership, but all county commissioners must be
1414 members. All voting members shall be elected officials of
1415 general-purpose local governments, except that an M.P.O. may
1416 include, as part of its apportioned voting members, a member of
1417 a statutorily authorized planning board, an official of an
1418 agency that operates or administers a major mode of
1419 transportation, or an official of Space Florida. As used in this

1420 section, the term "elected officials of a general-purpose local
 1421 government" excludes ~~shall exclude~~ constitutional officers,
 1422 including sheriffs, tax collectors, supervisors of elections,
 1423 property appraisers, clerks of the court, and similar types of
 1424 officials. County commissioners shall compose not less than 20
 1425 percent of the M.P.O. membership if an official of an agency
 1426 that operates or administers a major mode of transportation has
 1427 been appointed to an M.P.O.

1428 (b) In metropolitan areas in which authorities or other
 1429 agencies have been or may be created by law to perform
 1430 transportation functions and are performing transportation
 1431 functions that are not under the jurisdiction of a general-
 1432 purpose local government represented on the M.P.O., they may
 1433 ~~shall~~ be provided voting membership on the M.P.O. In all other
 1434 M.P.O.'s where transportation authorities or agencies are to be
 1435 represented by elected officials from general-purpose local
 1436 governments, the M.P.O. shall establish a process by which the
 1437 collective interests of such authorities or other agencies are
 1438 expressed and conveyed.

1439 (c) Any other provision of this section to the contrary
 1440 notwithstanding, a chartered county with a population of more
 1441 than ~~over~~ 1 million ~~population~~ may elect to reapportion the
 1442 membership of an M.P.O. whose jurisdiction is wholly within the
 1443 county. The charter county may exercise the provisions of this
 1444 paragraph if:

1445 1. The M.P.O. approves the reapportionment plan by a
 1446 three-fourths vote of its membership;

1447 2. The M.P.O. and the charter county determine that the

1448 reapportionment plan is needed to fulfill specific goals and
 1449 policies applicable to that metropolitan planning area; and

1450 3. The charter county determines the reapportionment plan
 1451 otherwise complies with all federal requirements pertaining to
 1452 M.P.O. membership.

1453
 1454 A ~~Any~~ charter county that elects to exercise the provisions of
 1455 this paragraph shall notify the Governor in writing.

1456 (d) Any other provision of this section to the contrary
 1457 notwithstanding, a ~~any~~ county chartered under s. 6(e), Art. VIII
 1458 of the State Constitution may elect to have its county
 1459 commission serve as the M.P.O., if the M.P.O. jurisdiction is
 1460 wholly contained within the county. A ~~Any~~ charter county that
 1461 elects to exercise the provisions of this paragraph shall so
 1462 notify the Governor in writing. Upon receipt of the ~~such~~
 1463 notification, the Governor must designate the county commission
 1464 as the M.P.O. The Governor must appoint four additional voting
 1465 members to the M.P.O., one of whom must be an elected official
 1466 representing a municipality within the county, one of whom must
 1467 be an expressway authority member, one of whom must be a person
 1468 who does not hold elected public office and who resides in the
 1469 unincorporated portion of the county, and one of whom must be a
 1470 school board member.

1471 (4) APPORTIONMENT.—

1472 (a) Each metropolitan planning organization shall review
 1473 the composition of its membership in conjunction with the
 1474 decennial census, as prepared by the United States Department of
 1475 Commerce, Bureau of the Census, and, with the agreement of the

1476 affected units of general-purpose local government and the
1477 Governor, reapportion the membership as necessary to comply with
1478 subsection (3) ~~The Governor shall, with the agreement of the~~
1479 ~~affected units of general-purpose local government as required~~
1480 ~~by federal rules and regulations, apportion the membership on~~
1481 ~~the applicable M.P.O. among the various governmental entities~~
1482 ~~within the area.~~

1483 **(b)** At the request of a majority of the affected units of
1484 general-purpose local government comprising an M.P.O., the
1485 Governor and a majority of units of general-purpose local
1486 government serving on an M.P.O. shall cooperatively agree upon
1487 and prescribe who may serve as an alternate member and a method
1488 for appointing alternate members who may vote at any M.P.O.
1489 meeting that an alternate member attends in place of a regular
1490 member. The method must ~~shall~~ be set forth as a part of the
1491 interlocal agreement describing the M.P.O.'s membership or in
1492 the M.P.O.'s operating procedures and bylaws. The governmental
1493 entity so designated shall appoint the appropriate number of
1494 members to the M.P.O. from eligible officials. Representatives
1495 of the department shall serve as nonvoting advisers to the
1496 M.P.O. governing board. Additional nonvoting advisers may be
1497 appointed by the M.P.O. as deemed necessary; however, to the
1498 maximum extent feasible, each M.P.O. shall seek to appoint
1499 nonvoting representatives of various multimodal forms of
1500 transportation not otherwise represented by voting members of
1501 the M.P.O. An M.P.O. shall appoint nonvoting advisers
1502 representing major military installations located within the
1503 jurisdictional boundaries of the M.P.O. upon the request of the

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1504 aforesaid major military installations and subject to the
1505 agreement of the M.P.O. All nonvoting advisers may attend and
1506 participate fully in governing board meetings but may not vote
1507 or be members of the governing board. ~~The Governor shall review~~
1508 ~~the composition of the M.P.O. membership in conjunction with the~~
1509 ~~decennial census as prepared by the United States Department of~~
1510 ~~Commerce, Bureau of the Census, and reapportion it as necessary~~
1511 ~~to comply with subsection (3).~~

1512 (c) ~~(b)~~ Except for members who represent municipalities on
1513 the basis of alternating with representatives from other
1514 municipalities that do not have members on the M.P.O. as
1515 provided in paragraph (3) (a), the members of an M.P.O. shall
1516 serve 4-year terms. Members who represent municipalities on the
1517 basis of alternating with representatives from other
1518 municipalities that do not have members on the M.P.O. as
1519 provided in paragraph (3) (a) may serve terms of up to 4 years as
1520 further provided in the interlocal agreement described in
1521 paragraph (2) (b). The membership of a member who is a public
1522 official automatically terminates upon the member's leaving his
1523 or her elective or appointive office for any reason, or may be
1524 terminated by a majority vote of the total membership of the
1525 entity's governing board represented by the member. A vacancy
1526 shall be filled by the original appointing entity. A member must
1527 ~~may~~ be reappointed for one or more additional 4-year terms.

1528 (d) ~~(e)~~ If a governmental entity fails to fill an assigned
1529 appointment to an M.P.O. within 60 days after notification by
1530 the Governor of its duty to appoint, that appointment shall be
1531 made by the Governor from the eligible representatives of that

1532 governmental entity.

1533 Section 25. Paragraph (a) of subsection (1) and
1534 subsections (4) and (5) of section 339.2821, Florida Statutes,
1535 are amended to read:

1536 339.2821 Economic development transportation projects.—

1537 (1) (a) The department, in consultation with the Department
1538 of Economic Opportunity and Enterprise Florida, Inc., may make
1539 and approve expenditures and contract with the appropriate
1540 governmental body for the direct costs of transportation
1541 projects. The Department of Economic Opportunity and the
1542 Department of Environmental Protection may formally review and
1543 comment on recommended transportation projects, although the
1544 department has final approval authority for any project
1545 authorized under this section.

1546 (4) A contract between the department and a governmental
1547 body for a transportation project must:

1548 (a) Specify that the transportation project is for the
1549 construction of a new or expanding business and specify the
1550 number of full-time permanent jobs that will result from the
1551 project.

1552 (b) Identify the governmental body and require that the
1553 governmental body award the construction of the particular
1554 transportation project to the lowest and best bidder in
1555 accordance with applicable state and federal statutes or rules
1556 unless the transportation project can be constructed using
1557 existing local governmental employees within the contract period
1558 specified by the department.

1559 (c) Require that the governmental body provide the
 1560 department with ~~quarterly~~ progress reports. Each ~~quarterly~~
 1561 progress report must contain:

1562 1. A narrative description of the work completed and
 1563 whether the work is proceeding according to the transportation
 1564 project schedule;

1565 2. A description of each change order executed by the
 1566 governmental body;

1567 3. A budget summary detailing planned expenditures
 1568 compared to actual expenditures; and

1569 4. The identity of each small or minority business used as
 1570 a contractor or subcontractor.

1571 (d) Require that the governmental body make and maintain
 1572 records in accordance with accepted governmental accounting
 1573 principles and practices for each progress payment made for work
 1574 performed in connection with the transportation project, each
 1575 change order executed by the governmental body, and each payment
 1576 made pursuant to a change order. The records are subject to
 1577 financial audit as required by law.

1578 (e) Require that the governmental body, upon completion
 1579 and acceptance of the transportation project, certify to the
 1580 department that the transportation project has been completed in
 1581 compliance with the terms and conditions of the contract between
 1582 the department and the governmental body and meets the minimum
 1583 construction standards established in accordance with s.
 1584 336.045.

1585 (f) Specify that ~~the department transfer funds~~ will not be
 1586 transferred to the governmental body unless construction has

1587 ~~begun on the facility of the not more often than quarterly, upon~~
 1588 ~~receipt of a request for funds from the governmental body and~~
 1589 ~~consistent with the needs of the transportation project. The~~
 1590 ~~governmental body shall expend funds received from the~~
 1591 ~~department in a timely manner. The department may not transfer~~
 1592 ~~funds unless construction has begun on the facility of a~~
 1593 ~~business on whose behalf the award was made. If construction of~~
 1594 ~~the transportation project does not begin within 4 years after~~
 1595 ~~the date of the initial grant award, the grant award is~~
 1596 ~~terminated A contract totaling less than \$200,000 is exempt from~~
 1597 ~~the transfer requirement.~~

1598 (g) Require that funds be used only on a transportation
 1599 project that has been properly reviewed and approved in
 1600 accordance with the criteria set forth in this section.

1601 (h) Require that the governing board of the governmental
 1602 body adopt a resolution accepting future maintenance and other
 1603 attendant costs occurring after completion of the transportation
 1604 project if the transportation project is constructed on a county
 1605 or municipal system.

1606 (5) For purposes of this section, Space Florida may serve
 1607 as the governmental body or as the contracting agency for a
 1608 ~~transportation~~ project within a spaceport territory as defined
 1609 by s. 331.304.

1610 Section 26. Sections 339.401, 339.402, 339.403, 339.404,
 1611 339.405, 339.406, 339.407, 339.408, 339.409, 339.410, 339.411,
 1612 339.412, 339.414, 339.415, 339.416, 339.417, 339.418, 339.419,
 1613 339.420, and 339.421, Florida Statutes, are repealed.

1614 Section 27. Subsection (2) and paragraph (i) of subsection
 1615 (7) of section 339.55, Florida Statutes, are amended to read:

1616 339.55 State-funded infrastructure bank.—

1617 (2) The bank may lend capital costs or provide credit
 1618 enhancements for:

1619 (a) A transportation facility project that is on the State
 1620 Highway System or that provides for increased mobility on the
 1621 state's transportation system or provides intermodal
 1622 connectivity with airports, seaports, spaceports, rail
 1623 facilities, and other transportation terminals, pursuant to s.
 1624 341.053, for the movement of people and goods.

1625 (b) Projects of the Transportation Regional Incentive
 1626 Program which are identified pursuant to s. 339.2819(4).

1627 (c)1. Emergency loans for damages incurred to public-use
 1628 commercial deepwater seaports, public-use airports, public-use
 1629 spaceports, and other public-use transit and intermodal
 1630 facilities that are within an area that is part of an official
 1631 state declaration of emergency pursuant to chapter 252 and all
 1632 other applicable laws. Such loans:

1633 a. May not exceed 24 months in duration except in extreme
 1634 circumstances, for which the Secretary of Transportation may
 1635 grant up to 36 months upon making written findings specifying
 1636 the conditions requiring a 36-month term.

1637 b. Require application from the recipient to the
 1638 department that includes documentation of damage claims filed
 1639 with the Federal Emergency Management Agency or an applicable
 1640 insurance carrier and documentation of the recipient's overall
 1641 financial condition.

1642 c. Are subject to approval by the Secretary of
 1643 Transportation and the Legislative Budget Commission.

1644 2. Loans provided under this paragraph must be repaid upon
 1645 receipt by the recipient of eligible program funding for damages
 1646 in accordance with the claims filed with the Federal Emergency
 1647 Management Agency or an applicable insurance carrier, but no
 1648 later than the duration of the loan.

1649 (7) The department may consider, but is not limited to,
 1650 the following criteria for evaluation of projects for assistance
 1651 from the bank:

1652 (i) The extent to which the project will provide for
 1653 connectivity between the State Highway System and airports,
 1654 seaports, spaceports, rail facilities, and other transportation
 1655 terminals and intermodal options pursuant to s. 341.053 for the
 1656 increased accessibility and movement of people and goods.

1657 Section 28. Subsection (11) of section 341.031, Florida
 1658 Statutes, is amended to read:

1659 341.031 Definitions relating to Florida Public Transit
 1660 Act.—As used in ss. 341.011-341.061, the term:

1661 (11) "Intercity bus service" means regularly scheduled bus
 1662 service for the general public which operates with limited stops
 1663 over fixed routes connecting two or more urban areas not in
 1664 close proximity; has the capacity for transporting baggage
 1665 carried by passengers; and makes meaningful connections with
 1666 scheduled intercity bus service to more distant points, if such
 1667 service is available; ~~maintains scheduled information in the~~
 1668 ~~National Official Bus Guide; and provides package express~~
 1669 ~~service incidental to passenger transportation.~~

1670 Section 29. Paragraph (d) of subsection (3) of section
 1671 341.052, Florida Statutes, is redesignated as paragraph (e) and
 1672 a new paragraph (d) is added to that subsection to read:

1673 341.052 Public transit block grant program;
 1674 administration; eligible projects; limitation.—

1675 (3) The following limitations shall apply to the use of
 1676 public transit block grant program funds:

1677 (d) Notwithstanding any provision of law, no eligible
 1678 public transit provider shall use public transit block grant
 1679 funds in pursuit of strategies or actions leading to or
 1680 promoting the levying of new or additional taxes through public
 1681 referenda. To the extent that a public transit provider uses
 1682 other public funds in pursuit of strategies or actions leading
 1683 to or promoting the levying of new or additional taxes through
 1684 public referenda, the amount of the provider's grant must be
 1685 reduced by the same amount. As used in this paragraph, the term
 1686 "public funds" means all moneys under the jurisdiction or
 1687 control of a federal agency, the state, a county, or a
 1688 municipality, including any district, authority, commission,
 1689 board, or agency thereof for any public purpose.

1690 Section 30. Section 341.053, Florida Statutes, is amended
 1691 to read:

1692 341.053 Intermodal Development Program; administration;
 1693 eligible projects; limitations.—

1694 (1) There is created within the Department of
 1695 Transportation an Intermodal Development Program to provide for
 1696 major capital investments in fixed-guideway transportation
 1697 systems, access to seaports, airports, spaceports, and other

1698 transportation terminals, providing for the construction of
1699 intermodal or multimodal terminals; and to plan or fund
1700 construction of airport, spaceport, seaport, transit, and rail
1701 projects that ~~otherwise~~ facilitate the intermodal or multimodal
1702 movement of people and goods.

1703 (2) The Intermodal Development Program shall be used for
1704 projects that support statewide goals as outlined in the Florida
1705 Transportation Plan, the Strategic Intermodal System Plan, the
1706 Freight Mobility and Trade Plan, or the appropriate department
1707 modal plan. ~~In recognition of the department's role in the~~
1708 ~~economic development of this state, the department shall develop~~
1709 ~~a proposed intermodal development plan to connect Florida's~~
1710 ~~airports, deepwater seaports, rail systems serving both~~
1711 ~~passenger and freight, and major intermodal connectors to the~~
1712 ~~Strategic Intermodal System highway corridors as the primary~~
1713 ~~system for the movement of people and freight in this state in~~
1714 ~~order to make the intermodal development plan a fully integrated~~
1715 ~~and interconnected system. The intermodal development plan must:~~

1716 (a) ~~Define and assess the state's freight intermodal~~
1717 ~~network, including airports, seaports, rail lines and terminals,~~
1718 ~~intercity bus lines and terminals, and connecting highways.~~

1719 (b) ~~Prioritize statewide infrastructure investments,~~
1720 ~~including the acceleration of current projects, which are found~~
1721 ~~by the Freight Stakeholders Task Force to be priority projects~~
1722 ~~for the efficient movement of people and freight.~~

1723 (c) ~~Be developed in a manner that will assure maximum use~~
1724 ~~of existing facilities and optimum integration and coordination~~
1725 ~~of the various modes of transportation, including both~~

1726 ~~government-owned and privately owned resources, in the most~~
1727 ~~cost-effective manner possible.~~

1728 (3) The Intermodal Development Program shall be
1729 administered by the department.

1730 (4) The department shall review funding requests from a
1731 rail authority created pursuant to chapter 343. The department
1732 may include projects of the authorities, including planning and
1733 design, in the tentative work program.

1734 ~~(5) No single transportation authority operating a fixed-~~
1735 ~~guideway transportation system, or single fixed-guideway~~
1736 ~~transportation system not administered by a transportation~~
1737 ~~authority, receiving funds under the Intermodal Development~~
1738 ~~Program shall receive more than 33 1/3 percent of the total~~
1739 ~~intermodal development funds appropriated between July 1, 1990,~~
1740 ~~and June 30, 2015. In determining the distribution of funds~~
1741 ~~under the Intermodal Development Program in any fiscal year, the~~
1742 ~~department shall assume that future appropriation levels will be~~
1743 ~~equal to the current appropriation level.~~

1744 (5)~~(6)~~ The department is authorized to fund projects
1745 within the Intermodal Development Program, which are consistent,
1746 to the maximum extent feasible, with approved local government
1747 comprehensive plans of the units of local government in which
1748 the project is located. Projects that are eligible for funding
1749 under this program include planning studies, major capital
1750 investments in public rail, and fixed-guideway transportation or
1751 freight facilities and systems that ~~which~~ provide intermodal
1752 access; road, rail, intercity bus service, or fixed-guideway
1753 access to, from, or between seaports, airports, spaceports,

1754 intermodal logistics centers, and other transportation
 1755 terminals; construction of intermodal or multimodal terminals,
 1756 including projects on airports, spaceports, intermodal logistics
 1757 centers or seaports that assist in the movement or transfer of
 1758 people or goods; development and construction of dedicated bus
 1759 lanes; and projects that ~~which~~ otherwise facilitate the
 1760 intermodal or multimodal movement of people and goods.

1761 Section 31. Section 341.8203, Florida Statutes, is amended
 1762 to read:

1763 341.8203 Definitions.—As used in ss. 341.8201-341.842,
 1764 unless the context clearly indicates otherwise, the term:

1765 (1) "Associated development" means property, equipment,
 1766 buildings, or other related facilities which are built,
 1767 installed, used, or established to provide financing, funding,
 1768 or revenues for the planning, building, managing, and operation
 1769 of a high-speed rail system and which are associated with or
 1770 part of the rail stations. The term includes air and subsurface
 1771 rights, services that provide local area network devices for
 1772 transmitting data over wireless networks, parking facilities,
 1773 retail establishments, restaurants, hotels, offices,
 1774 advertising, or other commercial, civic, residential, or support
 1775 facilities.

1776 (2) "Communication facilities" means the communication
 1777 systems related to high-speed passenger rail operations,
 1778 including those that are built, installed, used, or established
 1779 for the planning, building, managing, and operating of a high-
 1780 speed rail system. The term includes the land, structures,
 1781 improvements, rights-of-way, easements, positive train control

1782 systems, wireless communication towers, and facilities that are
1783 designed to provide voice and data services for the safe and
1784 efficient operation of the high-speed rail system and as
1785 amenities that may be made available to its crew and passengers
1786 as part of a high-speed rail service, and any other facilities
1787 or equipment used for operation of, or the facilitation of
1788 communications for, a high-speed rail system.

1789 (3)~~(2)~~ "Enterprise" means the Florida Rail Enterprise.

1790 (4)~~(3)~~ "High-speed rail system" means any high-speed fixed
1791 guideway system for transporting people or goods, which system
1792 is, by definition of the United States Department of
1793 Transportation, reasonably expected to reach speeds of at least
1794 110 miles per hour, including, but not limited to, a monorail
1795 system, dual track rail system, suspended rail system, magnetic
1796 levitation system, pneumatic repulsion system, or other system
1797 approved by the enterprise. The term includes a corridor,
1798 associated intermodal connectors, and structures essential to
1799 the operation of the line, including the land, structures,
1800 improvements, rights-of-way, easements, rail lines, rail beds,
1801 guideway structures, switches, yards, parking facilities, power
1802 relays, switching houses, and rail stations and also includes
1803 facilities or equipment used exclusively for the purposes of
1804 design, construction, operation, maintenance, or the financing
1805 of the high-speed rail system.

1806 (5)~~(4)~~ "Joint development" means the planning, managing,
1807 financing, or constructing of projects adjacent to, functionally
1808 related to, or otherwise related to a high-speed rail system
1809 pursuant to agreements between any person, firm, corporation,

1810 association, organization, agency, or other entity, public or
 1811 private.

1812 (6)~~(5)~~ "Rail station," "station," or "high-speed rail
 1813 station" means any structure or transportation facility that is
 1814 part of a high-speed rail system designed to accommodate the
 1815 movement of passengers from one mode of transportation to
 1816 another at which passengers board or disembark from
 1817 transportation conveyances and transfer from one mode of
 1818 transportation to another.

1819 (7) "Railroad company" means a person providing high-speed
 1820 passenger rail service.

1821 (8)~~(6)~~ "Selected person or entity" means the person or
 1822 entity to whom the enterprise awards a contract to establish a
 1823 high-speed rail system pursuant to ss. 341.8201-341.842.

1824 Section 32. Paragraph (c) is added to subsection (2) of
 1825 section 341.822, Florida Statutes, to read:

1826 341.822 Powers and duties.—

1827 (2)

1828 (c) The enterprise shall establish a process to issue
 1829 permits to railroad companies for the construction of
 1830 communication facilities within a new or existing public or
 1831 private high-speed rail system. The enterprise may adopt rules
 1832 to administer such permits, including rules regarding the form,
 1833 content, and necessary supporting documentation for permit
 1834 applications, the process for submitting applications, and the
 1835 application fee for a permit under s. 341.825.

1836 Section 33. Section 341.825, Florida Statutes, is created
 1837 to read:

1838 341.825 Communication facilities.—
 1839 (1) LEGISLATIVE INTENT.—The Legislature intends to:
 1840 (a) Establish a streamlined process to authorize the
 1841 location, construction, operation, and maintenance of
 1842 communication facilities within new and existing high-speed rail
 1843 systems.
 1844 (b) Expedite the expansion of the high-speed rail system's
 1845 wireless voice and data coverage and capacity for the safe and
 1846 efficient operation of the high-speed rail system and the safety
 1847 and efficiency of and use by its crew and passengers as a
 1848 critical communication facility component.
 1849 (2) PERMIT APPLICATION.—A railroad company may submit to
 1850 the enterprise an application to obtain a permit to construct
 1851 communication facilities within a new or existing high-speed
 1852 rail system. The application shall include an application fee
 1853 limited to the amount needed to pay the anticipated costs of
 1854 reviewing the application, not to exceed \$10,000, which shall be
 1855 deposited into the State Transportation Trust Fund. The
 1856 application must include the following information:
 1857 (a) The location of the proposed communication facilities.
 1858 (b) A description of the proposed communication
 1859 facilities.
 1860 (c) Any other information reasonably required by the
 1861 enterprise.
 1862 (3) APPLICATION REVIEW.—The enterprise shall review each
 1863 application for completeness within 30 days after receipt of the
 1864 application.
 1865 (a) If the enterprise determines that an application is

1866 not complete, the enterprise shall, within 30 days after the
1867 receipt of the initial application, notify the applicant in
1868 writing of any errors or omissions. The applicant shall have 30
1869 days within which to correct the errors or omissions in the
1870 initial application.

1871 (b) If the enterprise determines that an application is
1872 complete, the enterprise shall act upon the permit application
1873 within 60 days after receipt of the completed application by
1874 approving in whole, approving with conditions as the enterprise
1875 deems appropriate, or denying the application and stating the
1876 reason for issuance or denial. In determining whether an
1877 application shall be approved, approved with modifications or
1878 conditions, or denied, the enterprise shall consider the extent
1879 to which the proposed communication facilities:

1880 1. Are located in a manner that is appropriate for the
1881 communication technology specified by the applicant.

1882 2. Serve an existing or projected future need for
1883 communication facilities.

1884 3. Provide sufficient wireless voice and data coverage and
1885 capacity for the safe and efficient operation of the high-speed
1886 rail system and the safety and efficiency of and use by its crew
1887 and passengers.

1888 (4) EFFECT OF PERMIT.—Subject to the conditions set forth
1889 therein, a permit issued by the enterprise shall constitute the
1890 sole permit of the state and any agency as to the approval of
1891 the location, construction, operation, and maintenance of the
1892 communication facilities within the new or existing high-speed
1893 rail system.

1894 (a) A permit authorizes the permittee to locate,
 1895 construct, operate, and maintain the communication facilities
 1896 within a new or existing high-speed rail system, subject only to
 1897 the conditions set forth in the permit. Such activities are not
 1898 subject to local government land use or zoning regulations.

1899 (b) A permit may include conditions that constitute
 1900 variances and exemptions from rules of the enterprise or any
 1901 other agency, which would otherwise be applicable to the
 1902 communication facilities within the new or existing high-speed
 1903 rail system.

1904 (c) The permit shall be in lieu of any license, permit,
 1905 certificate, or similar document required by any state,
 1906 regional, or local agency under, but not limited to, chapter
 1907 125, chapter 161, chapter 163, chapter 166, chapter 186, chapter
 1908 253, chapter 258, chapter 298, chapter 373, chapter 376, chapter
 1909 379, chapter 380, chapter 381, chapter 403, chapter 404, chapter
 1910 553, and the Florida Transportation Code.

1911 (d) If any provision of this section is in conflict with
 1912 any other provision, limitation, or restriction under any law,
 1913 rule, regulation, or ordinance of this state or any political
 1914 subdivision, municipality, or agency, this section shall control
 1915 and such law, rule, regulation, or ordinance shall be deemed
 1916 superseded. Nothing in this section is intended to impose
 1917 procedures or restrictions on railroad companies that are
 1918 subject to the exclusive jurisdiction of the federal Surface
 1919 Transportation Board pursuant to the Interstate Commerce
 1920 Commission Termination Act of 1995, 49 U.S.C. ss. 10101, et seq.

1921 (5) MODIFICATION OF PERMIT.—A permit may be modified by

1922 | the applicant after issuance upon the filing of a petition with
 1923 | the enterprise.

1924 | (a) A petition for modification must set forth the
 1925 | proposed modification and the factual reasons asserted for the
 1926 | modification.

1927 | (b) The enterprise shall act upon the petition within 30
 1928 | days by approving or denying the application and stating the
 1929 | reason for issuance or denial.

1930 | Section 34. Paragraph (b) of subsection (2) of section
 1931 | 341.840, Florida Statutes, is amended to read:

1932 | 341.840 Tax exemption.—

1933 | (2)

1934 | (b) For the purposes of this section, any item or property
 1935 | that is within the definition of the term "associated
 1936 | development" in s. 341.8203(1) may not be considered part of the
 1937 | high-speed rail system as defined in s. 341.8203(4) ~~s.~~
 1938 | ~~341.8203(3)~~.

1939 | Section 35. Paragraph (d) of subsection (3) of section
 1940 | 343.82, Florida Statutes, is amended to read:

1941 | 343.82 Purposes and powers.—

1942 | (3)

1943 | (d) The authority may undertake projects or other
 1944 | improvements in the master plan in phases as particular projects
 1945 | or segments thereof become feasible, as determined by the
 1946 | authority. In carrying out its purposes and powers, the
 1947 | authority may request funding and technical assistance from the
 1948 | department and appropriate federal and local agencies,
 1949 | including, but not limited to, state infrastructure bank loans~~7~~

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2013

1950 ~~advances from the Toll Facilities Revolving Trust Fund,~~ and from
 1951 any other sources.

1952 Section 36. Subsection (4) of section 343.922, Florida
 1953 Statutes, is amended to read:

1954 343.922 Powers and duties.—

1955 (4) The authority may undertake projects or other
 1956 improvements in the master plan in phases as particular projects
 1957 or segments become feasible, as determined by the authority. The
 1958 authority shall coordinate project planning, development, and
 1959 implementation with the applicable local governments. The
 1960 authority's projects that are transportation oriented shall be
 1961 consistent to the maximum extent feasible with the adopted local
 1962 government comprehensive plans at the time they are funded for
 1963 construction. Authority projects that are not transportation
 1964 oriented and meet the definition of development pursuant to s.
 1965 380.04 shall be consistent with the local comprehensive plans.
 1966 In carrying out its purposes and powers, the authority may
 1967 request funding and technical assistance from the department and
 1968 appropriate federal and local agencies, including, but not
 1969 limited to, state infrastructure bank loans, ~~advances from the~~
 1970 ~~Toll Facilities Revolving Trust Fund,~~ and funding and technical
 1971 assistance from any other source.

1972 Section 37. Chapter 345, Florida Statutes, consisting of
 1973 sections 345.0001, 345.0002, 345.0003, 345.0004, 345.0005,
 1974 345.0006, 345.0007, 345.0008, 345.0009, 345.0010, 345.0011,
 1975 345.0012, 345.0013, and 345.0014, is created to read:

1976 345.0001 Short title.—This chapter may be cited as the
 1977 "Florida Regional Transportation Finance Authority Act."

1978 | 345.0002 Definitions.-

1979 | (1) As used in this chapter, the term:

1980 | (a) "Agency of the state" means the state and a department

1981 | of, or corporation, agency, or instrumentality heretofore or

1982 | hereafter created, designated, or established by, the state.

1983 | (b) "Area served" means the geographical area of the

1984 | counties for which an authority is established.

1985 | (c) "Authority" means a regional transportation finance

1986 | authority, a body politic and corporate and an agency of the

1987 | state, established pursuant to this chapter.

1988 | (d) "Bonds" means the notes, bonds, refunding bonds, or

1989 | other evidences of indebtedness or obligations, in temporary or

1990 | definitive form, which an authority is authorized to issue

1991 | pursuant to this chapter.

1992 | (e) "Department" means the Department of Transportation.

1993 | (f) "Division" means the Division of Bond Finance of the

1994 | State Board of Administration.

1995 | (g) "Federal agency" means the United States, the

1996 | President of the United States, and any department of, or

1997 | bureau, corporation, agency, or instrumentality heretofore or

1998 | hereafter created, designated, or established by, the United

1999 | States.

2000 | (h) "Members" means the governing body of an authority,

2001 | and the term "member" means one of the individuals constituting

2002 | such governing body.

2003 | (i) "Regional system" or "system" means, generally, a

2004 | modern highway system of roads, bridges, causeways, and tunnels

2005 | within any area of the authority, with access limited or

2006 unlimited as an authority may determine, and such buildings and
 2007 structures and appurtenances and facilities related thereto,
 2008 including all approaches, streets, roads, bridges, and avenues
 2009 of access for such system.

2010 (j) "Revenues" means all tolls, revenues, rates, fees,
 2011 charges, receipts, rentals, contributions, and other income
 2012 derived from or in connection with the operation or ownership of
 2013 a regional system, including the proceeds of any use and
 2014 occupancy insurance on any portion of the system but excluding
 2015 any state funds available to an authority and any other city or
 2016 county funds available to an authority under any agreement with
 2017 a city or county.

2018 (2) Words importing singular number include the plural
 2019 number in each case and vice versa, and words importing persons
 2020 include firms and corporations.

2021 345.0003 Transportation finance authority; formation;
 2022 membership.-

2023 (1) Any county, or two or more contiguous counties, may,
 2024 with the approval of the Legislature, form a regional
 2025 transportation finance authority for the purposes of financing,
 2026 constructing, maintaining, and operating transportation projects
 2027 in a region of this state. An authority shall be governed in
 2028 accordance with this chapter. An authority may only be created
 2029 with the approval of the Legislature and the approval of the
 2030 county commission of each county that will be a part of the
 2031 authority. An authority may not be created to serve a particular
 2032 area of the state as provided in this section if a regional
 2033 transportation finance authority has been created and is

2034 operating within all or a portion of the same area served
2035 pursuant to an act of the Legislature. Each authority shall be
2036 the only authority created and operating pursuant to this
2037 chapter within the area served by the authority.

2038 (2) The governing body of an authority shall consist of a
2039 board of voting members, as follows:

2040 (a) The county commission of each county in the area
2041 served by the authority shall each appoint a member who must be
2042 a resident of the county from which he or she is appointed. The
2043 county commission of each county with a population of more than
2044 250,000 shall appoint a second member who must be a resident of
2045 the county. Insofar as possible, each member shall represent the
2046 business and civic interests of the community.

2047 (b) The Governor shall appoint an equal number of members
2048 to the board as those appointed by the county commissions. The
2049 members appointed by the Governor must be residents of the area
2050 served by the authority.

2051 (c) The secretary of the Department of Transportation
2052 shall appoint one of the district secretaries, or his or her
2053 designee, for the districts within which the area served by the
2054 authority is located.

2055 (3) Each member's term of office shall be 4 years or until
2056 his or her successor is appointed and qualified.

2057 (4) A member may not hold an elected office.

2058 (5) A vacancy occurring in the governing body before the
2059 expiration of the member's term shall be filled by the
2060 respective appointing authority in the same manner as the

2061 original appointment and only for the balance of the unexpired
 2062 term.

2063 (6) Each member, before entering upon his or her official
 2064 duties, shall take and subscribe to an oath before an official
 2065 authorized by law to administer oaths that he or she will
 2066 honestly, faithfully, and impartially perform the duties
 2067 devolving upon him or her in office as a member of the governing
 2068 body of the authority and that he or she will not neglect any
 2069 duty imposed upon him or her by this chapter.

2070 (7) Members of an authority may be removed from office by
 2071 the Governor for misconduct, malfeasance, misfeasance, or
 2072 nonfeasance in office.

2073 (8) The authority shall designate one of its members as
 2074 chair.

2075 (9) The members of the authority shall serve without
 2076 compensation but are entitled to receive travel and other
 2077 necessary expenses as provided in s. 112.061.

2078 (10) A majority of the members of the authority shall
 2079 constitute a quorum, and resolutions enacted or adopted by a
 2080 vote of a majority of the members present and voting at any
 2081 meeting shall take effect without publication, posting, or any
 2082 further action of the authority.

2083 345.0004 Powers and duties.—

2084 (1) (a) An authority created and established or governed by
 2085 this chapter may plan, develop, finance, construct, reconstruct,
 2086 improve, own, operate, and maintain a regional system in the
 2087 area served by the authority.

2088 (b) An authority may not exercise the powers in paragraph
 2089 (a) with respect to an existing system for transporting people
 2090 and goods by any means which is owned by another entity without
 2091 the consent of that entity. If an authority acquires, purchases,
 2092 or inherits an existing entity, the authority shall also inherit
 2093 and assume all rights, assets, appropriations, privileges, and
 2094 obligations of the existing entity.

2095 (2) Each authority may exercise all powers necessary,
 2096 appurtenant, convenient, or incidental to the carrying out of
 2097 the purposes under this section, including, but not limited to,
 2098 the following rights and powers:

2099 (a) To sue and be sued, implead and be impleaded, and
 2100 complain and defend in all courts in its own name.

2101 (b) To adopt and use a corporate seal.

2102 (c) To have the power of eminent domain, including the
 2103 procedural powers granted under chapters 73 and 74.

2104 (d) To acquire, purchase, hold, lease as a lessee, and use
 2105 any property, real, personal, or mixed, tangible or intangible,
 2106 or any interest therein, necessary or desirable for carrying out
 2107 the purposes of the authority.

2108 (e) To sell, convey, exchange, lease, or otherwise dispose
 2109 of any real or personal property acquired by the authority,
 2110 which the authority and the department have determined is not
 2111 needed for the construction, operation, and maintenance of the
 2112 system, including air rights.

2113 (f) To fix, alter, charge, establish, and collect rates,
 2114 fees, rentals, and other charges for the use of any system owned
 2115 or operated by the authority, which rates, fees, rentals, and

2116 other charges shall always be sufficient to comply with any
2117 covenant made with the holders of any bonds issued pursuant to
2118 this chapter; however, such right and power may be assigned or
2119 delegated by the authority to the department.

2120 (g) To borrow money and make and issue negotiable notes,
2121 bonds, refunding bonds, and other evidences of indebtedness or
2122 obligations, either in temporary or definitive form, for the
2123 purpose of financing all or part of the improvement of the
2124 authority's system and appurtenant facilities, including all
2125 approaches, streets, roads, bridges, and avenues of access for
2126 said system and for any other purpose authorized by this
2127 chapter, said bonds to mature no more than 30 years after the
2128 date of the issuance thereof, and to secure the payment of such
2129 bonds or any part thereof by a pledge of any or all of its
2130 revenues, rates, fees, rentals, or other charges, including any
2131 or all city or county funds received by the authority pursuant
2132 to the terms of any agreement between the authority and a city
2133 or county; and in general to provide for the security of said
2134 bonds and the rights and remedies of the holders thereof.
2135 However, no city or county funds may be pledged for the
2136 construction of any project for which a toll is to be charged
2137 unless the anticipated tolls are reasonably estimated by the
2138 governing board of the city or county, at the date of its
2139 resolution pledging said funds, to be sufficient to cover the
2140 principal and interest of such obligations during the period
2141 when said pledge of funds are in effect. An authority shall
2142 reimburse any city or county for any sums expended from city or
2143 county funds used for the payment of such obligations.

2144 (h) To make contracts of every name and nature, including,
2145 but not limited to, partnerships providing for participation in
2146 ownership and revenues, and to execute all instruments necessary
2147 or convenient for the carrying on of its business.

2148 (i) Without limitation of the foregoing, to cooperate
2149 with, accept grants from, and to enter into contracts or other
2150 transactions with any federal agency, the state, any agency of
2151 the state, or with any other public body of the state.

2152 (j) To employ an executive director, attorney, staff, and
2153 consultants. Upon the request of an authority, the department
2154 shall furnish the services of a department employee to act as
2155 the executive director of the authority.

2156 (k) To accept funds or other property from private
2157 donations.

2158 (l) To do all acts and things necessary or convenient for
2159 the conduct of its business and the general welfare of the
2160 authority, in order to carry out the powers granted to it by
2161 this chapter or any other law.

2162 (3) An authority does not have the power at any time or in
2163 any manner to pledge the credit or taxing power of the state or
2164 any political subdivision or agency thereof, nor shall any of an
2165 authority's obligations be deemed to be obligations of the state
2166 or of any other political subdivision or agency thereof, nor
2167 shall the state or any political subdivision or agency thereof,
2168 except the authority, be liable for the payment of the principal
2169 of or interest on such obligations.

2170 (4) An authority shall have no power, other than by
2171 consent of the affected county or any affected city, to enter

2172 into any agreement that would legally prohibit the construction
2173 of any road by the county or the city.

2174 (5) Any authority formed pursuant to this chapter shall
2175 comply with all statutory requirements of general application
2176 which relate to the filing of any report or documentation
2177 required by law, including the requirements of ss. 189.4085,
2178 189.415, 189.417, and 189.418.

2179 345.0005 Bonds.—

2180 (1) (a) Bonds may be issued on behalf of an authority
2181 pursuant to the State Bond Act.

2182 (b) Alternatively, an authority may issue bonds in such
2183 principal amount as, in the opinion of the authority, is
2184 necessary to provide sufficient moneys for achieving its
2185 corporate purposes, including construction, reconstruction,
2186 improvement, extension, and repair of the system; the cost of
2187 acquisition of all real property; interest on bonds during
2188 construction and for a reasonable period thereafter;
2189 establishment of reserves to secure bonds; and all other
2190 expenditures of the authority incident to and necessary or
2191 convenient to carry out its corporate purposes and powers.

2192 (2) (a) Bonds issued by an authority pursuant to paragraph
2193 (1) (a) or paragraph (1) (b) must be authorized by resolution of
2194 the members of the authority and shall bear such date or dates;
2195 mature at such time or times, not exceeding 30 years after their
2196 respective dates; bear interest at such rate or rates, not
2197 exceeding the maximum rate fixed by general law for authorities;
2198 be in such denominations; be in such form, either coupon or
2199 fully registered; carry such registration, exchangeability, and

2200 interchangeability privileges; be payable in such medium of
 2201 payment and at such place or places; be subject to such terms of
 2202 redemption; and be entitled to such priorities of lien on the
 2203 revenues and other available moneys as such resolution or any
 2204 resolution subsequent to the bonds' issuance may provide. The
 2205 bonds shall be executed either by manual or facsimile signature
 2206 by such officers as the authority shall determine, provided that
 2207 such bonds shall bear at least one signature that is manually
 2208 executed thereon. The coupons attached to such bonds shall bear
 2209 the facsimile signature or signatures of such officer or
 2210 officers as designated by the authority. Such bonds shall have
 2211 the seal of the authority affixed, imprinted, reproduced, or
 2212 lithographed thereon.

2213 (b) Bonds issued pursuant to paragraph (1) (a) or paragraph
 2214 (1) (b) shall be sold at public sale in the same manner provided
 2215 in the State Bond Act. Pending the preparation of definitive
 2216 bonds, temporary bonds or interim certificates may be issued to
 2217 the purchaser or purchasers of such bonds and may contain such
 2218 terms and conditions as the authority may determine.

2219 (3) Any such resolution or resolutions authorizing any
 2220 bonds may contain provisions that shall be part of the contract
 2221 with the holders of such bonds as to:

2222 (a) The pledging of all or any part of the revenues,
 2223 available city or county funds, or other charges or receipts of
 2224 the authority derived from the regional system.

2225 (b) The construction, reconstruction, improvement,
 2226 extension, repair, maintenance, and operation of the system, or

2227 any part thereof, and the duties and obligations of the
 2228 authority with reference thereto.

2229 (c) Limitations on the purposes to which the proceeds of
 2230 the bonds, then or thereafter to be issued, or of any loan or
 2231 grant by any federal agency or the state or any political
 2232 subdivision thereof may be applied.

2233 (d) The fixing, charging, establishing, revising,
 2234 increasing, reducing, and collecting of tolls, rates, fees,
 2235 rentals, or other charges for use of the services and facilities
 2236 of the system or any part thereof.

2237 (e) The setting aside of reserves or of sinking funds and
 2238 the regulation and disposition thereof.

2239 (f) Limitations on the issuance of additional bonds.

2240 (g) The terms and provisions of any deed of trust or
 2241 indenture securing the bonds, or under which the bonds may be
 2242 issued.

2243 (h) Any other or additional matter, of like or different
 2244 character, which in any way affects the security or protection
 2245 of the bonds.

2246 (4) The authority may enter into any deeds of trust,
 2247 indentures, or other agreements with any bank or trust company
 2248 within or without the state, as security for such bonds and may,
 2249 under such agreements, assign and pledge all or any of the
 2250 revenues and other available moneys, including all or any
 2251 available city or county funds, pursuant to the terms of this
 2252 chapter. Such deed of trust, indenture, or other agreement may
 2253 contain such provisions as are customary in such instruments or
 2254 as the authority may authorize, including, but not limited to:

2255 (a) The pledging of all or any part of the revenues or
 2256 other moneys lawfully available therefor.

2257 (b) The application of funds and the safeguarding of funds
 2258 on hand or on deposit.

2259 (c) The rights and remedies of the trustee and the holders
 2260 of the bonds.

2261 (d) The terms and provisions of the bonds or the
 2262 resolutions authorizing the issuance of the same.

2263 (e) Any other or additional matter, of like or different
 2264 character, which in any way affects the security or protection
 2265 of the bonds.

2266 (5) Bonds issued pursuant to this chapter are, and are
 2267 hereby declared to be, negotiable instruments, and shall have
 2268 all the qualities and incidents of negotiable instruments under
 2269 the law merchant and the negotiable instruments law of the
 2270 state.

2271 (6) Any resolution authorizing the issuance of authority
 2272 bonds and pledging the revenues of the system shall require that
 2273 revenues of the system be periodically deposited into
 2274 appropriate accounts in such sums as will be sufficient to pay
 2275 the costs of operation and maintenance of the system for the
 2276 current fiscal year as set forth in the annual budget of the
 2277 authority and to reimburse the department for any unreimbursed
 2278 costs of operation and maintenance of the system from prior
 2279 fiscal years before revenues of the system are deposited into
 2280 accounts for the payment of interest or principal owing or that
 2281 may become owing on such bonds.

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2282 (7) State funds may not be used or pledged to pay the
2283 principal or interest of any authority bonds, and all such bonds
2284 shall contain a statement on their face to this effect.

2285 345.0006 Remedies of bondholders.—

2286 (1) The rights and the remedies herein conferred upon or
2287 granted to authority bondholders are in addition to, and do not
2288 limit, any rights and remedies lawfully granted to such
2289 bondholders by the resolution or indenture providing for the
2290 issuance of bonds, or by any deed of trust, indenture, or other
2291 agreement under which the bonds may be issued or secured. If an
2292 authority defaults in the payment of the principal of or
2293 interest on any of the bonds issued pursuant to this chapter
2294 after such principal of or interest on the bonds becomes due,
2295 whether at maturity or upon call for redemption, as provided in
2296 said resolution or indenture, and such default continues for a
2297 period of 30 days, or, if the authority fails or refuses to
2298 comply with this chapter or any agreement made with or for the
2299 benefit of the holders of the bonds, the holders of 25 percent
2300 in aggregate principal amount of the bonds then outstanding
2301 shall be entitled as of right to the appointment of a trustee to
2302 represent such bondholders for the purposes of this section;
2303 however, such holders of 25 percent in aggregate principal
2304 amount of the bonds then outstanding must first give to the
2305 authority and to the department written notice of their
2306 intention to appoint a trustee.

2307 (2) Such trustee and any trustee under any deed of trust,
2308 indenture, or other agreement may, and, upon written request of
2309 the holders of 25 percent or such other percentage as may be

2310 specified in any deed of trust, indenture, or other agreement in
2311 principal amount of the bonds then outstanding, shall, in any
2312 court of competent jurisdiction, in his, her, or its own name:

2313 (a) By mandamus or other suit, action, or proceeding at
2314 law or in equity, enforce all rights of the bondholders,
2315 including the right to require the authority to fix, establish,
2316 maintain, collect, and charge rates, fees, rentals, and other
2317 charges adequate to carry out any agreement as to or pledge of
2318 the revenues, and to require the authority to carry out any
2319 other covenants and agreements with or for the benefit of the
2320 bondholders, and to perform its and their duties under this
2321 chapter.

2322 (b) Bring suit upon the bonds.

2323 (c) By action or suit in equity require the authority to
2324 account as if it were the trustee of an express trust for the
2325 bondholders.

2326 (d) By action or suit in equity enjoin any act or thing
2327 that may be unlawful or in violation of the rights of the
2328 bondholders.

2329 (3) Any trustee when appointed as aforesaid, or acting
2330 under a deed of trust, indenture, or other agreement, and
2331 whether or not all bonds have been declared due and payable,
2332 shall be entitled as of right to the appointment of a receiver,
2333 who may enter upon and take possession of the system or the
2334 facilities or any part or parts thereof, the revenues and other
2335 pledged moneys, for and on behalf of and in the name of, the
2336 authority and the bondholders, and collect and receive all
2337 revenues and other pledged moneys in the same manner as the

2338 authority might, and shall deposit all such revenues and moneys
2339 in a separate account and apply all such revenues and moneys
2340 remaining after allowance for payment of all costs of operation
2341 and maintenance of the system in such manner as the court shall
2342 direct. In any suit, action, or proceeding by the trustee, the
2343 fees, counsel fees, and expenses of the trustee, and said
2344 receiver, if any, and all costs and disbursements allowed by the
2345 court shall be a first charge on any revenues after payment of
2346 the costs of operation and maintenance of the system. In
2347 addition, such trustee shall have and possess all other powers
2348 necessary or appropriate for the exercise of any function
2349 specifically set forth in this chapter or incident to the
2350 representation of the bondholders in the enforcement and
2351 protection of their rights.

2352 (4) Nothing in this chapter authorizes any receiver
2353 appointed pursuant to this section for the purpose of operating
2354 and maintaining the system or any facility or part or parts
2355 thereof to sell, assign, mortgage, or otherwise dispose of any
2356 of the assets of whatever kind and character belonging to the
2357 authority. It is the intention of this chapter to limit the
2358 powers of such receiver to the operation and maintenance of the
2359 system, or any facility or part or parts thereof, and the
2360 collection and application of revenues and other moneys due the
2361 authority, in the name and for and on behalf of the authority
2362 and the bondholders, and no holder of bonds nor any trustee
2363 shall ever have the right in any suit, action, or proceeding at
2364 law or in equity to compel a receiver, nor shall any receiver be
2365 authorized or any court be empowered to direct the receiver, to

2366 sell, assign, mortgage or otherwise dispose of any assets of
2367 whatever kind or character belonging to the authority.

2368 345.0007 Department to construct, operate, and maintain
2369 facilities.-

2370 (1) The department is the agent of each authority for the
2371 purpose of performing all phases of a project, including, but
2372 not limited to, constructing improvements and extensions to the
2373 system. The authority shall provide to the department complete
2374 copies of the documents, agreements, resolutions, contracts, and
2375 instruments relating thereto and shall request that the
2376 department perform such construction work, including the
2377 planning, surveying, design, and actual construction of the
2378 completion, extensions, and improvements to the system. After
2379 the issuance of bonds to finance construction of any improvement
2380 or addition to the system, the authority shall transfer to the
2381 credit of an account of the department in the State Treasury the
2382 necessary funds for construction. The department shall proceed
2383 with construction and use the funds for the purpose authorized
2384 and as otherwise provided by law for construction of roads and
2385 bridges. An authority may alternatively, with the consent and
2386 approval of the department, elect to appoint a local agency
2387 certified by the department to administer federal aid projects
2388 in accordance with federal law as its agent for the purpose of
2389 performing all phases of a project.

2390 (2) Notwithstanding subsection (1), the department is the
2391 agent of each authority for the purpose of operating and
2392 maintaining the system. The department shall operate and
2393 maintain the system, and the costs incurred by the department

2394 for operation and maintenance shall be reimbursed from revenues
 2395 of the system. This appointment of the department as agent for
 2396 each authority shall not be construed to create an independent
 2397 obligation of the department to operate and maintain a system.
 2398 Each authority shall remain obligated as principal to operate
 2399 and maintain its system and an authority's bondholders shall
 2400 have no independent right to compel the department to operate or
 2401 maintain the authority's system.

2402 (3) Each authority shall fix, alter, charge, establish,
 2403 and collect tolls, rates, fees, rentals, and other charges for
 2404 the authority's facilities, as otherwise provided in this
 2405 chapter.

2406 345.0008 Department contributions to authority projects.-

2407 (1) The department may agree with an authority to provide
 2408 for or contribute to the payment of costs of financial or
 2409 engineering and traffic feasibility studies and the design,
 2410 financing, acquisition, or construction of an authority project
 2411 or system included in the 10-year Strategic Intermodal Plan,
 2412 subject to appropriation by the Legislature.

2413 (a) In the manner required by chapter 216, the department
 2414 shall include any issue or issues in its legislative budget
 2415 request for funding the payment of costs of financial or
 2416 engineering and traffic feasibility studies and the design,
 2417 financing, acquisition, or construction of an authority project
 2418 or system. The request for funding may be included as part of
 2419 the 5-year Tentative Work Program; however, it will be decided
 2420 upon separately as a distinct funding item for consideration by
 2421 the Legislature. The department must include a financial

2422 feasibility test to accompany such legislative budget request
2423 for consideration of funding any authority project.

2424 (b) As determined by the Legislature in the General
2425 Appropriations Act, funding provided for authority projects
2426 shall be appropriated in a specific fixed capital outlay
2427 appropriation category that clearly identifies the authority
2428 project.

2429 (c) The department may not request legislative approval of
2430 acquisition or construction of a proposed authority project
2431 unless the estimated net revenues of the proposed project will
2432 be sufficient to pay at least 50 percent of the annual debt
2433 service on the bonds associated with the project by the end of
2434 the 12th year of operation and to pay at least 100 percent of
2435 the debt service on the bonds by the end of the 30th year of
2436 operation.

2437 (2) The department may use its engineering and other
2438 personnel, including consulting engineers and traffic engineers,
2439 to conduct feasibility studies under subsection (1). The
2440 department may participate in authority-funded projects that, at
2441 a minimum:

2442 (a) Serve national, statewide, or regional functions and
2443 function as part of an integrated regional transportation
2444 system.

2445 (b) Are identified in the capital improvements element of
2446 a comprehensive plan that has been determined to be in
2447 compliance with part II of chapter 163. Further, the project
2448 shall be in compliance with local government comprehensive plan
2449 policies relative to corridor management.

2450 (c) Are consistent with the Strategic Intermodal System
2451 Plan developed under s. 339.64.

2452 (d) Have a commitment for local, regional, or private
2453 financial matching funds as a percentage of the overall project
2454 cost.

2455 (3) Before approval, the department must determine that
2456 the proposed project:

2457 (a) Is in the public's best interest;

2458 (b) Would not require state funds to be used unless the
2459 project is on the State Highway System;

2460 (c) Would have adequate safeguards in place to ensure that
2461 no additional costs or service disruptions would be realized by
2462 the traveling public and residents of the state in the event of
2463 default or cancellation of the agreement by the department; and

2464 (d) Would have adequate safeguards in place to ensure that
2465 the department and the regional transportation finance authority
2466 have the opportunity to add capacity to the proposed project and
2467 other transportation facilities serving similar origins and
2468 destinations.

2469 (4) An obligation or expense incurred by the department
2470 under this section is a part of the cost of the authority
2471 project for which the obligation or expense was incurred. The
2472 department may require money contributed by the department under
2473 this section to be repaid from tolls of the project on which the
2474 money was spent, other revenue of the authority, or other
2475 sources of funds.

2476 (5) (a) The department shall receive from an authority a
2477 share of the authority's net revenues equal to the ratio of the

2478 department's total contributions to the authority under this
 2479 section to the sum of the department's total contributions under
 2480 this section, contributions by any local government to the cost
 2481 of revenue-producing authority projects, and the sale proceeds
 2482 of authority bonds after payment of costs of issuance.

2483 (b) As used in this subsection, "net revenues" means gross
 2484 revenues of an authority after payment of debt service,
 2485 administrative expenses, operations and maintenance expenses,
 2486 and all reserves required to be established under any resolution
 2487 under which authority bonds are issued.

2488 345.0009 Acquisition of lands and property.—

2489 (1) For the purposes of this chapter, an authority may
 2490 acquire private or public property and property rights,
 2491 including rights of access, air, view, and light, by gift,
 2492 devise, purchase, condemnation by eminent domain proceedings, or
 2493 transfer from another political subdivision of the state, as the
 2494 authority deems necessary for any of the purposes of this
 2495 chapter, including, but not limited to, any lands reasonably
 2496 necessary for securing applicable permits, areas necessary for
 2497 management of access, borrow pits, drainage ditches, water
 2498 retention areas, rest areas, replacement access for landowners
 2499 whose access is impaired due to the construction of a facility,
 2500 and replacement rights-of-way for relocated rail and utility
 2501 facilities; for existing, proposed, or anticipated
 2502 transportation facilities on the system or in a transportation
 2503 corridor designated by the authority; or for the purposes of
 2504 screening, relocating, removing, or disposing of junkyards and
 2505 scrap metal processing facilities. Each authority shall also

2506 have the power to condemn any material and property necessary
 2507 for such purposes.

2508 (2) The right of eminent domain conferred in this section
 2509 shall be exercised by an authority in the manner provided by
 2510 law.

2511 (3) When an authority acquires property for a
 2512 transportation facility or in a transportation corridor, it is
 2513 not subject to any liability imposed by chapter 376 or chapter
 2514 403 for preexisting soil or groundwater contamination due solely
 2515 to its ownership. This section does not affect the rights or
 2516 liabilities of any past or future owner of the acquired property
 2517 and does not affect the liability of any governmental entity for
 2518 the results of its actions that create or exacerbate a pollution
 2519 source. An authority and the Department of Environmental
 2520 Protection may enter into interagency agreements for the
 2521 performance, funding, and reimbursement of the investigative and
 2522 remedial acts necessary for property acquired by the authority.

2523 345.0010 Cooperation with other units, boards, agencies,
 2524 and individuals.-Any county, municipality, drainage district,
 2525 road and bridge district, school district, or other political
 2526 subdivision, board, commission, or individual in or of the state
 2527 may make and enter into with an authority any contract, lease,
 2528 conveyance, partnership, or other agreement within the
 2529 provisions and purposes of this chapter. Each authority is
 2530 authorized to make and enter into contracts, leases,
 2531 conveyances, partnerships, and other agreements with any
 2532 political subdivision, agency, or instrumentality of the state

2533 and any federal agency, corporation, and individual for the
 2534 purpose of carrying out the provisions of this chapter.

2535 345.0011 Covenant of the state.—The state pledges to and
 2536 agrees with any person, firm, or corporation or federal or state
 2537 agency subscribing to or acquiring the bonds to be issued by an
 2538 authority for the purposes of this chapter that the state will
 2539 not limit or alter the rights vested by this chapter in the
 2540 authority and the department until all bonds at any time issued,
 2541 together with the interest thereon, are fully paid and
 2542 discharged insofar as the same affects the rights of the holders
 2543 of bonds issued hereunder. The state further pledges to and
 2544 agrees with the United States that in the event a federal agency
 2545 shall construct or contribute funds for the completion,
 2546 extension, or improvement of the system, or a part or portion
 2547 thereof, the state will not alter or limit the rights and powers
 2548 of the authority and the department in a manner that would be
 2549 inconsistent with the continued maintenance and operation of the
 2550 system or the completion, extension, or improvement thereof, or
 2551 that would be inconsistent with the due performance of an
 2552 agreement between the authority and such federal agency, and the
 2553 authority and the department shall continue to have and may
 2554 exercise all powers herein granted, so long as the same are
 2555 necessary or desirable for the carrying out of the purposes of
 2556 this chapter and the purposes of the United States in the
 2557 completion, extension, or improvement of the system or a part
 2558 thereof.

2559 345.0012 Exemption from taxation.—The effectuation of the
 2560 authorized purposes of an authority created under this chapter

2561 is, in all respects, for the benefit of the people of the state,
2562 for the increase of their commerce and prosperity, and for the
2563 improvement of their health and living conditions; and, because
2564 such authority will be performing essential governmental
2565 functions in effectuating such purposes, such authority is not
2566 required to pay any taxes or assessments of any kind or nature
2567 whatsoever upon any property acquired or used by it for such
2568 purposes, or upon any rates, fees, rentals, receipts, income, or
2569 charges at any time received by it; and the bonds issued by the
2570 authority, their transfer, and the income therefrom, including
2571 any profits made on the sale thereof, shall at all times be free
2572 from taxation of any kind by the state, or by any political
2573 subdivision, taxing agency, or instrumentality thereof. The
2574 exemption granted by this section does not apply to any tax
2575 imposed by chapter 220 on interest, income, or profits on debt
2576 obligations owned by corporations.

2577 345.0013 Eligibility for investments and security.—Any
2578 bonds or other obligations issued pursuant to this chapter
2579 constitute legal investments for banks, savings banks, trustees,
2580 executors, administrators, and all other fiduciaries, and for
2581 all state, municipal, and other public funds; and constitute
2582 securities eligible for deposit as security for all state,
2583 municipal, or other public funds, notwithstanding any other law
2584 to the contrary.

2585 345.0014 This chapter complete and additional authority.—

2586 (1) The powers conferred by this chapter are in addition
2587 and supplemental to the powers conferred by any other law, and
2588 this chapter does not repeal any provisions of general, special,

2589 or local law, but supersedes such other laws in the exercise of
 2590 the powers provided in this chapter, and provides a complete
 2591 method for the exercise of the powers granted in this chapter.
 2592 The extension and improvement of a system, and the issuance of
 2593 bonds hereunder to finance all or part of the cost thereof, may
 2594 be accomplished upon compliance with the provisions of this
 2595 chapter without regard to or necessity for compliance with the
 2596 provisions, limitations, or restrictions contained in any other
 2597 general, special, or local law, including, but not limited to,
 2598 s. 215.821, and no approval of any bonds issued under this
 2599 chapter by the qualified electors or qualified electors who are
 2600 freeholders in the state or in any political subdivision of the
 2601 state shall be required for the issuance of such bonds pursuant
 2602 to this act.

2603 (2) This chapter does not repeal, rescind, or modify any
 2604 other law relating to the State Board of Administration, the
 2605 Department of Transportation, authorities created pursuant to
 2606 chapters 343, 348, or 349, or the Division of Bond Finance of
 2607 the State Board of Administration, and does not it supersede any
 2608 provision of chapters 343, 348, or 349, but does supersede any
 2609 other law that is inconsistent with the provisions of this
 2610 chapter, including, but not limited to, s. 215.821.

2611 (3) This section does not supersede any applicable
 2612 requirements of part II of chapter 163, s. 339.155, or s.
 2613 339.175.

2614 Section 38. Paragraph (d) of subsection (2) of section
 2615 348.754, Florida Statutes, is amended to read:

2616 348.754 Purposes and powers.—

2617 (2) The authority is hereby granted, and shall have and
 2618 may exercise all powers necessary, appurtenant, convenient or
 2619 incidental to the carrying out of the aforesaid purposes,
 2620 including, but without being limited to, the following rights
 2621 and powers:

2622 (d) To enter into and make leases for terms not exceeding
 2623 99 ~~40~~ years, as either lessee or lessor, in order to carry out
 2624 the right to lease as set forth in this part.

2625 Section 39. Subsections (13), (14), and (15) are added to
 2626 section 373.406, Florida Statutes, to read:

2627 373.406 Exemptions.—The following exemptions shall apply:

2628 (13) Nothing in this part, or in any rule, regulation, or
 2629 order adopted pursuant to this part, applies to construction,
 2630 alteration, operation, or maintenance of any wholly owned,
 2631 manmade excavated farm pond, as defined in s. 403.927,
 2632 constructed entirely in uplands. Alteration or maintenance may
 2633 not involve any work to connect the farm pond to, or expand the
 2634 farm pond into, other wetlands or other surface waters.

2635 (14) Nothing in this part or in any rule, regulation, or
 2636 order adopted pursuant to this part may require a permit for
 2637 activities affecting wetlands created solely by the unauthorized
 2638 flooding or interference with the natural flow of surface water
 2639 caused by an unaffiliated adjoining landowner. Requests to
 2640 qualify for this exemption must be made within 7 years after the
 2641 cause of such unauthorized flooding or unauthorized interference
 2642 with the natural flow of surface water and must be submitted in
 2643 writing to the district or department. Such activities may not
 2644 begin without a written determination from the district or

2645 department confirming that the activity qualifies for the
2646 exemption. This exemption does not expand the jurisdiction of
2647 the department or water management districts and does not apply
2648 to activities that discharge dredged or fill material into
2649 waters of the United States, including wetlands, subject to
2650 federal jurisdiction under section 404 of the federal Clean
2651 Water Act, 33 U.S.C. s. 1344.

2652 (15) Any independent water control district created and
2653 operating pursuant to chapter 298 for which a valid
2654 environmental resource permit or management and storage of
2655 surface waters permit has been issued pursuant to this part is
2656 exempt from further wetlands regulation imposed pursuant to
2657 chapters 125, 163, and 166.

2658 Section 40. Section 373.4137, Florida Statutes, is amended
2659 to read:

2660 373.4137 Mitigation requirements for specified
2661 transportation projects.—

2662 (1) The Legislature finds that environmental mitigation
2663 for the impact of transportation projects proposed by the
2664 Department of Transportation or a transportation authority
2665 established pursuant to chapter 348 or chapter 349 can be more
2666 effectively achieved by regional, long-range mitigation planning
2667 rather than on a project-by-project basis. It is the intent of
2668 the Legislature that mitigation to offset the adverse effects of
2669 these transportation projects be funded by the Department of
2670 Transportation and be carried out by the use of mitigation banks
2671 and any other mitigation options that satisfy state and federal

2672 requirements in a manner that promotes efficiency, timeliness in
2673 project delivery, and cost-effectiveness.

2674 (2) Environmental impact inventories for transportation
2675 projects proposed by the Department of Transportation or a
2676 transportation authority established pursuant to chapter 348 or
2677 chapter 349 shall be developed as follows:

2678 (a) By July 1 of each year, the Department of
2679 Transportation, or a transportation authority established
2680 pursuant to chapter 348 or chapter 349 which chooses to
2681 participate in the program, shall submit to the water management
2682 districts a list of its projects in the adopted work program and
2683 an environmental impact inventory of habitat impacts and the
2684 anticipated amount of mitigation needed to offset impacts as
2685 described in paragraph (b). The environmental impact inventory
2686 must be based on ~~habitats addressed in~~ the rules adopted
2687 pursuant to this part, ~~and~~ s. 404 of the Clean Water Act, 33
2688 U.S.C. s. 1344, and the Department of Transportation's ~~which may~~
2689 ~~be impacted by its~~ plan of construction for transportation
2690 projects in the next 3 years of the tentative work program. The
2691 Department of Transportation or a transportation authority
2692 established pursuant to chapter 348 or chapter 349 may also
2693 include in its environmental impact inventory the habitat
2694 impacts and the anticipated amount of mitigation needed for ~~of~~
2695 any future transportation project. The Department of
2696 Transportation and each transportation authority established
2697 pursuant to chapter 348 or chapter 349 may fund any mitigation
2698 activities for future projects using current year funds.

2699 (b) The environmental impact inventory must ~~shall~~ include
2700 a description of ~~these~~ habitat impacts, including ~~their~~
2701 location, acreage, and type; the anticipated amount of
2702 mitigation needed based on the functional loss as determined
2703 through the Uniform Mitigation Assessment Method (UMAM) adopted
2704 in chapter 62-345, Florida Administrative Code; identification
2705 of the proposed mitigation option; state water quality
2706 classification of impacted wetlands and other surface waters;
2707 any other state or regional designations for these habitats; and
2708 a list of threatened species, endangered species, and species of
2709 special concern affected by the proposed project.

2710 (c) Before projects are identified for inclusion in a
2711 water management district mitigation plan as described in
2712 subsection (4), the Department of Transportation must consider
2713 using credits from a permitted mitigation bank. The Department
2714 of Transportation must consider the availability of suitable and
2715 sufficient mitigation bank credits within the transportation
2716 project's area, the ability to satisfy commitments to regulatory
2717 and resource agencies, the availability of suitable and
2718 sufficient mitigation purchased or developed through this
2719 section, the ability to complete existing water management
2720 district or Department of Environmental Protection suitable
2721 mitigation sites initiated with Department of Transportation
2722 mitigation funds, and the ability to satisfy state and federal
2723 requirements including long-term maintenance and liability.

2724 (3) (a) To implement the mitigation option ~~fund development~~
2725 ~~and implementation of the mitigation plan for the projected~~
2726 ~~impacts~~ identified in the environmental impact inventory

2727 described in subsection (2), the Department of Transportation
2728 may purchase credits for current and future use directly from a
2729 mitigation bank, purchase mitigation services through the water
2730 management districts or the Department of Environmental
2731 Protection, conduct its own mitigation, or use other mitigation
2732 options that meet state and federal requirements. Funding for
2733 the identified mitigation option as described in the
2734 environmental impact inventory must be included in ~~shall~~
2735 identify funds quarterly in an escrow account within the State
2736 Transportation Trust Fund for the environmental mitigation phase
2737 of projects budgeted by the Department of Transportation's work
2738 program developed pursuant to s. 339.135. The amount programmed
2739 each year by the Department of Transportation and participating
2740 transportation authorities established pursuant to chapter 348
2741 or chapter 349 must correspond to an estimated cost per credit
2742 of \$150,000 multiplied by the projected number of credits
2743 identified in the environmental impact inventory described in
2744 subsection (2). This estimated cost per credit will be adjusted
2745 every 2 years by the Department of Transportation based on the
2746 average cost per UMAM credit paid through this section.
2747 ~~Transportation for the current fiscal year. The escrow account~~
2748 ~~shall be maintained by the Department of Transportation for the~~
2749 ~~benefit of the water management districts. Any interest earnings~~
2750 ~~from the escrow account shall remain with the Department of~~
2751 ~~Transportation.~~

2752 (b) Each transportation authority established pursuant to
2753 chapter 348 or chapter 349 that chooses to participate in this
2754 program shall create an escrow account within its financial

2755 structure and deposit funds in the account to pay for the
2756 environmental mitigation phase of projects budgeted for the
2757 current fiscal year. The escrow account shall be maintained by
2758 the authority for the benefit of the water management districts.
2759 Any interest earnings from the escrow account shall remain with
2760 the authority.

2761 (c) For mitigation implemented by the water management
2762 district or the Department of Environmental Protection, as
2763 appropriate, the amount paid each year must be based on
2764 mitigation services provided by the water management districts
2765 or Department of Environmental Protection pursuant to an
2766 approved water management district plan, as described in
2767 subsection (4). ~~Except for current mitigation projects in the~~
2768 ~~monitoring and maintenance phase and except as allowed by~~
2769 ~~paragraph (d),~~ The water management districts or the Department
2770 of Environmental Protection, as appropriate, may request payment
2771 ~~a transfer of funds from an escrow account~~ no sooner than 30
2772 days before the date the funds are needed to pay for activities
2773 associated with development or implementation of permitted
2774 mitigation meeting the requirements pursuant to this part, 33
2775 U.S.C. s. 1344, and 33 C.F.R. part 332, in the approved
2776 mitigation plan described in subsection (4) for the current
2777 fiscal year, ~~including, but not limited to, design, engineering,~~
2778 ~~production, and staff support.~~ Actual conceptual plan
2779 preparation costs incurred before plan approval may be submitted
2780 to the Department of Transportation or the appropriate
2781 transportation authority each year with the plan. ~~The conceptual~~
2782 ~~plan preparation costs of each water management district will be~~

2783 ~~paid from mitigation funds associated with the environmental~~
2784 ~~impact inventory for the current year. The amount transferred to~~
2785 ~~the escrow accounts each year by the Department of~~
2786 ~~Transportation and participating transportation authorities~~
2787 ~~established pursuant to chapter 348 or chapter 349 shall~~
2788 ~~correspond to a cost per acre of \$75,000 multiplied by the~~
2789 ~~projected acres of impact identified in the environmental impact~~
2790 ~~inventory described in subsection (2). However, the \$75,000 cost~~
2791 ~~per acre does not constitute an admission against interest by~~
2792 ~~the state or its subdivisions and is not admissible as evidence~~
2793 ~~of full compensation for any property acquired by eminent domain~~
2794 ~~or through inverse condemnation. Each July 1, the cost per acre~~
2795 ~~shall be adjusted by the percentage change in the average of the~~
2796 ~~Consumer Price Index issued by the United States Department of~~
2797 ~~Labor for the most recent 12-month period ending September 30,~~
2798 ~~compared to the base year average, which is the average for the~~
2799 ~~12-month period ending September 30, 1996. Each quarter, the~~
2800 ~~projected amount of mitigation must~~ acreage of impact ~~shall be~~
2801 ~~reconciled with the~~ actual amount of mitigation needed for
2802 ~~acreage of impact of projects as permitted, including permit~~
2803 ~~modifications, pursuant to this part and s. 404 of the Clean~~
2804 ~~Water Act, 33 U.S.C. s. 1344. The subject year's~~ programming
2805 ~~transfer~~ of funds shall be adjusted ~~accordingly~~ to reflect the
2806 mitigation ~~acreage of impacts~~ as permitted. If the water
2807 management district excludes a project from an approved water
2808 management district mitigation plan, if the water management
2809 district cannot timely permit a mitigation site to offset the
2810 impacts of a Department of Transportation project identified in

2811 the environmental impact inventory, or if the proposed
2812 mitigation does not meet state and federal requirements, the
2813 Department of Transportation may use the associated funds for
2814 the purchase of mitigation bank credits or any other mitigation
2815 option that satisfies state and federal requirements. The
2816 ~~Department of Transportation and participating transportation~~
2817 ~~authorities established pursuant to chapter 348 or chapter 349~~
2818 ~~are authorized to transfer such funds from the escrow accounts~~
2819 ~~to the water management districts to carry out the mitigation~~
2820 ~~programs. Environmental mitigation funds that are identified for~~
2821 ~~or maintained in an escrow account for the benefit of a water~~
2822 ~~management district may be released if the associated~~
2823 ~~transportation project is excluded in whole or part from the~~
2824 ~~mitigation plan. For a mitigation project that is in the~~
2825 ~~maintenance and monitoring phase, the water management district~~
2826 ~~may request and receive a one-time payment based on the~~
2827 ~~project's expected future maintenance and monitoring costs. Upon~~
2828 ~~final disbursement of the final maintenance and monitoring~~
2829 ~~payment for mitigation of a transportation project as permitted,~~
2830 the obligation of the Department of Transportation or the
2831 participating transportation authority is satisfied and the
2832 water management district or the Department of Environmental
2833 Protection, as appropriate, will have continuing responsibility
2834 for the mitigation project, ~~the escrow account for the project~~
2835 ~~established by the Department of Transportation or the~~
2836 ~~participating transportation authority may be closed. Any~~
2837 ~~interest earned on these disbursed funds shall remain with the~~

2838 ~~water management district and must be used as authorized under~~
2839 ~~this section.~~

2840 (d) Beginning with the March 2014 water management
2841 district mitigation plans, in the 2005-2006 fiscal year, each
2842 water management district or the Department of Environmental
2843 Protection, as appropriate, shall invoice the Department of
2844 Transportation for mitigation services to offset only the
2845 impacts of a Department of Transportation project identified in
2846 the environmental impact inventory, including planning, design,
2847 construction, maintenance, and monitoring, and other costs
2848 necessary to meet requirements pursuant to this section, 33
2849 U.S.C. s. 1344, and 33 C.F.R. part 332. If the water management
2850 district identifies the use of mitigation bank credits to offset
2851 a Department of Transportation impact, the water management
2852 district shall exclude that purchase from the mitigation plan,
2853 and the Department of Transportation must purchase the bank
2854 credits. be paid a lump-sum amount of \$75,000 per acre, adjusted
2855 as provided under paragraph (c), for federally funded
2856 transportation projects that are included on the environmental
2857 impact inventory and that have an approved mitigation plan.
2858 ~~Beginning in the 2009-2010 fiscal year, each water management~~
2859 ~~district shall be paid a lump-sum amount of \$75,000 per acre,~~
2860 ~~adjusted as provided under paragraph (c), for federally funded~~
2861 ~~and nonfederally funded transportation projects that have an~~
2862 ~~approved mitigation plan. All mitigation costs, including, but~~
2863 ~~not limited to, the costs of preparing conceptual plans and the~~
2864 ~~costs of design, construction, staff support, future~~

2865 ~~maintenance, and monitoring the mitigated acres shall be funded~~
2866 ~~through these lump-sum amounts.~~

2867 (e) For mitigation activities occurring on existing water
2868 management district or Department of Environmental Protection
2869 mitigation sites initiated with Department of Transportation
2870 mitigation funds before July 1, 2013, the water management
2871 district or the Department of Environmental Protection shall
2872 invoice the Department of Transportation or a participating
2873 transportation authority at a cost per acre of \$75,000
2874 multiplied by the projected acres of impact as identified in the
2875 environmental impact inventory. The cost per acre must be
2876 adjusted by the percentage change in the average of the Consumer
2877 Price Index issued by the United States Department of Labor for
2878 the most recent 12-month period ending September 30, compared to
2879 the base year average, which is the average for the 12-month
2880 period ending September 30, 1996. When implementing the
2881 mitigation activities necessary to offset the permitted impacts
2882 as provided in the approved mitigation plan, the water
2883 management district shall maintain records of the costs incurred
2884 in implementing the mitigation. The records must include, but
2885 are not limited to, costs for planning, land acquisition,
2886 design, construction, staff support, long-term maintenance and
2887 monitoring of the mitigation site, and other costs necessary to
2888 meet the requirements of 33 U.S.C. s. 1344 and 33 C.F.R. part
2889 332.

2890 (f) For purposes of preparing and implementing the
2891 mitigation plans to be adopted by the water management districts
2892 on or before March 1, 2013, for impacts based on the July 1,

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2893 2012, environmental impact inventory, the funds identified in
2894 the Department of Transportation's work program or participating
2895 transportation authorities' escrow accounts must correspond to a
2896 cost per acre of \$75,000 multiplied by the project acres of
2897 impact as identified in the environmental impact inventory. The
2898 cost per acre shall be adjusted by the percentage change in the
2899 average of the Consumer Price Index issued by the United States
2900 Department of Labor for the most recent 12-month period ending
2901 September 30, compared to the base year average, which is the
2902 average for the 12-month period ending September 30, 1996.
2903 Payment as provided under this paragraph is limited to those
2904 mitigation activities that are identified in the first year of
2905 the 2013 mitigation plan and for which the transportation
2906 project is permitted and is in the Department of
2907 Transportation's adopted work program, or equivalent for a
2908 transportation authority. When implementing the mitigation
2909 activities necessary to offset the permitted impacts as provided
2910 in the approved mitigation plan, the water management district
2911 shall maintain records of the costs incurred in implementing the
2912 mitigation. The records must include, but are not limited to,
2913 costs for planning, land acquisition, design, construction,
2914 staff support, long-term maintenance and monitoring of the
2915 mitigation site, and other costs necessary to meet the
2916 requirements of 33 U.S.C. s. 1344 and 33 C.F.R. part 332. To the
2917 extent moneys paid to a water management district by the
2918 Department of Transportation or a participating transportation
2919 authority exceed the amount expended by the water management
2920 districts in implementing the mitigation to offset the permitted

2921 impacts, these funds must be refunded to the Department of
 2922 Transportation or participating transportation authority. This
 2923 paragraph expires June 30, 2014.

2924 (4) Before March 1 of each year, each water management
 2925 district shall develop a mitigation plan to offset only the
 2926 impacts of transportation projects in the environmental impact
 2927 inventory for which a water management district is implementing
 2928 mitigation that meets the requirements of this section, 33
 2929 U.S.C. s. 1344, and 33 C.F.R. part 332. The water management
 2930 district mitigation plan must be developed, in consultation with
 2931 the Department of Environmental Protection, the United States
 2932 Army Corps of Engineers, the Department of Transportation,
 2933 participating transportation authorities established pursuant to
 2934 chapter 348 or chapter 349, and other appropriate federal,
 2935 state, and local governments, and other interested parties,
 2936 including entities operating mitigation banks, ~~shall develop a~~
 2937 ~~plan for the primary purpose of complying with the mitigation~~
 2938 ~~requirements adopted pursuant to this part and 33 U.S.C. s.~~
 2939 ~~1344.~~ In developing such plans, the water management districts
 2940 shall use sound ecosystem management practices to address
 2941 significant water resource needs and consider ~~shall focus on~~
 2942 activities of the Department of Environmental Protection and the
 2943 water management districts, such as surface water improvement
 2944 and management (SWIM) projects and lands identified for
 2945 potential acquisition for preservation, restoration, or
 2946 enhancement, and the control of invasive and exotic plants in
 2947 wetlands and other surface waters, to the extent that the
 2948 activities comply with the mitigation requirements adopted under

2949 | this part, ~~and~~ 33 U.S.C. s. 1344, and 33 C.F.R. part 332. The
2950 | water management district mitigation plan must identify each
2951 | site where the water management district will mitigate for a
2952 | transportation project. For each mitigation site, the water
2953 | management district shall provide the scope of the mitigation
2954 | services, provide the functional gain as determined through the
2955 | UMAM per chapter 62-345, Florida Administrative Code, describe
2956 | how the mitigation offsets the impacts of each transportation
2957 | project as permitted, and provide a schedule for the mitigation
2958 | services. The water management districts shall maintain records
2959 | of costs incurred and payments received for providing these
2960 | services. Records must include, but are not limited to,
2961 | planning, land acquisition, design, construction, staff support,
2962 | long-term maintenance and monitoring of the mitigation site, and
2963 | other costs necessary to meet the requirements of 33 U.S.C. s.
2964 | 1344 and 33 C.F.R. part 332. To the extent moneys paid to a
2965 | water management district by the Department of Transportation or
2966 | a participating transportation authority exceed the amount
2967 | expended by the water management districts in providing the
2968 | mitigation services to offset the permitted transportation
2969 | project impacts, these moneys must be refunded to the Department
2970 | of Transportation or participating transportation authority. ~~In~~
2971 | ~~determining the activities to be included in the plans, the~~
2972 | ~~districts shall consider the purchase of credits from public or~~
2973 | ~~private mitigation banks permitted under s. 373.4136 and~~
2974 | ~~associated federal authorization and shall include the purchase~~
2975 | ~~as a part of the mitigation plan when the purchase would offset~~
2976 | ~~the impact of the transportation project, provide equal benefits~~

2977 ~~to the water resources than other mitigation options being~~
 2978 ~~considered, and provide the most cost-effective mitigation~~
 2979 ~~option.~~ The mitigation plan shall be submitted to the water
 2980 management district governing board, or its designee, for review
 2981 and approval. At least 14 days before approval by the governing
 2982 board, the water management district shall provide a copy of the
 2983 draft mitigation plan to the Department of Environmental
 2984 Protection and any person who has requested a copy. Subsequent
 2985 to governing board approval, the mitigation plan must be
 2986 submitted to the Department of Environmental Protection for
 2987 approval. The plan may not be implemented until it is submitted
 2988 to and approved, in part or in its entirety, by the Department
 2989 of Environmental Protection.

2990 ~~(a) For each transportation project with a funding request~~
 2991 ~~for the next fiscal year, the mitigation plan must include a~~
 2992 ~~brief explanation of why a mitigation bank was or was not chosen~~
 2993 ~~as a mitigation option, including an estimation of identifiable~~
 2994 ~~costs of the mitigation bank and nonbank options and other~~
 2995 ~~factors such as time saved, liability for success of the~~
 2996 ~~mitigation, and long-term maintenance.~~

2997 ~~(a) (b)~~ Specific projects may be excluded from the
 2998 mitigation plan, in whole or in part, and are not subject to
 2999 this section upon the election of the Department of
 3000 Transportation, a transportation authority if applicable, or the
 3001 appropriate water management district. The Department of
 3002 Transportation or a participating transportation authority may
 3003 not exclude a transportation project from the mitigation plan
 3004 when mitigation is scheduled for implementation by the water

3005 management district in the current fiscal year, except when the
3006 transportation project is removed from the Department of
3007 Transportation's work program or transportation authority
3008 funding plan, the mitigation cannot be timely permitted to
3009 offset the impacts of a Department of Transportation project
3010 identified in the environmental impact inventory, or the
3011 proposed mitigation does not meet state and federal
3012 requirements. If a project is removed from the work program or
3013 the mitigation plan, costs expended by the water management
3014 district before removal are eligible for reimbursement by the
3015 Department of Transportation or participating transportation
3016 authority.

3017 (b)-(e) When determining which projects to include in or
3018 exclude from the mitigation plan, the Department of
3019 Transportation shall investigate using credits from a permitted
3020 mitigation bank before those projects are submitted for
3021 inclusion in a water management district mitigation ~~the~~ plan.
3022 The Department of Transportation shall exclude a project from
3023 the mitigation plan if the investigation undertaken pursuant to
3024 this paragraph results in the conclusion that the use of credits
3025 from a permitted mitigation bank promotes efficiency, timeliness
3026 in project delivery, cost-effectiveness, and transfer of
3027 liability for success and long-term maintenance. ~~The~~
3028 ~~investigation shall consider the cost-effectiveness of~~
3029 ~~mitigation bank credits, including, but not limited to, factors~~
3030 ~~such as time saved, transfer of liability for success of the~~
3031 ~~mitigation, and long-term maintenance.~~

3032 (5) The water management district shall ensure that
3033 mitigation requirements pursuant to 33 U.S.C. s. 1344 and 33
3034 C.F.R. part 332 are met for the impacts identified in the
3035 environmental impact inventory for which the water management
3036 district will implement mitigation described in subsection (2),
3037 by implementation of the approved mitigation plan described in
3038 subsection (4) to the extent funding is provided by the
3039 Department of Transportation, or a transportation authority
3040 established pursuant to chapter 348 or chapter 349, if
3041 applicable. In developing and implementing the mitigation plan,
3042 the water management district shall comply with federal
3043 permitting requirements pursuant to 33 U.S.C. s. 1344 and 33
3044 C.F.R. part 332. During the federal permitting process, the
3045 water management district may deviate from the approved
3046 mitigation plan in order to comply with federal permitting
3047 requirements upon notice and coordination with the Department of
3048 Transportation or participating transportation authority.

3049 (6) The water management district mitigation plans shall
3050 be updated annually to reflect the most current Department of
3051 Transportation work program and project list of a transportation
3052 authority established pursuant to chapter 348 or chapter 349, if
3053 applicable, and may be amended throughout the year to anticipate
3054 schedule changes or additional projects which may arise. Before
3055 amending the mitigation plan to include new projects, the
3056 Department of Transportation shall consider mitigation banks and
3057 other available mitigation options that meet state and federal
3058 requirements. Each update and amendment of the mitigation plan
3059 shall be submitted to the governing board of the water

3060 management district or its designee for approval. However, such
 3061 approval shall not be applicable to a deviation as described in
 3062 subsection (5).

3063 (7) Upon approval by the governing board of the water
 3064 management district and the Department of Environmental
 3065 Protection ~~or its designee~~, the mitigation plan shall be deemed
 3066 to satisfy the mitigation requirements under this part for
 3067 impacts specifically identified in the environmental impact
 3068 inventory described in subsection (2) and any other mitigation
 3069 requirements imposed by local, regional, and state agencies for
 3070 these same impacts. The approval of the governing board of the
 3071 water management district and the Department of Environmental
 3072 Protection ~~or its designee~~ shall authorize the activities
 3073 proposed in the mitigation plan, and no other state, regional,
 3074 or local permit or approval shall be necessary.

3075 (8) This section shall not be construed to eliminate the
 3076 need for the Department of Transportation or a transportation
 3077 authority established pursuant to chapter 348 or chapter 349 to
 3078 comply with the requirement to implement practicable design
 3079 modifications, including realignment of transportation projects,
 3080 to reduce or eliminate the impacts of its transportation
 3081 projects on wetlands and other surface waters as required by
 3082 rules adopted pursuant to this part, or to diminish the
 3083 authority under this part to regulate other impacts, including
 3084 water quantity or water quality impacts, or impacts regulated
 3085 under this part that are not identified in the environmental
 3086 impact inventory described in subsection (2).

3087 ~~(9) The process for environmental mitigation for the~~
 3088 ~~impact of transportation projects under this section shall be~~
 3089 ~~available to an expressway, bridge, or transportation authority~~
 3090 ~~established under chapter 348 or chapter 349. Use of this~~
 3091 ~~process may be initiated by an authority depositing the~~
 3092 ~~requisite funds into an escrow account set up by the authority~~
 3093 ~~and filing an environmental impact inventory with the~~
 3094 ~~appropriate water management district. An authority that~~
 3095 ~~initiates the environmental mitigation process established by~~
 3096 ~~this section shall comply with subsection (6) by timely~~
 3097 ~~providing the appropriate water management district with the~~
 3098 ~~requisite work program information. A water management district~~
 3099 ~~may draw down funds from the escrow account as provided in this~~
 3100 ~~section.~~

3101 Section 41. Section 373.6053, Florida Statutes, is created
 3102 to read:

3103 373.6053 Designation of positions for water management
 3104 districts.—Notwithstanding the provisions of s. 121.055(2) (a),
 3105 effective July 1, 2013, each water management district may,
 3106 between July 1, 2013, and December 31, 2013, reassess its
 3107 designation of positions as allowed under s. 121.055(1) (b)1.b.,
 3108 for inclusion in the Senior Management Service Class as provided
 3109 in s. 121.055(1) (b), and may request removal from the class of
 3110 any such positions that it deems appropriate. Such removal of
 3111 any previously designated positions shall be effective on the
 3112 first day of the month following written notification of removal
 3113 to the Division of Management Services before January 1, 2014.

3114 Section 42. Except as otherwise expressly provided in this

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3115 | act, this act shall take effect July 1, 2013.