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LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
03/01/2016	.	
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The Committee on Appropriations (Latvala) recommended the following:

Senate Amendment (with title amendment)

Delete lines 260 - 474

and insert:

Section 1. Subsection (3) of section 337.0261, Florida Statutes, is amended to read:

337.0261 Construction aggregate materials.-

(3) LOCAL GOVERNMENT DECISIONMAKING.-~~A~~ ~~no~~ local government may not shall approve or deny a proposed land use zoning change, comprehensive plan amendment, land use permit, ordinance, or



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11 order regarding construction aggregate materials without
12 considering any information provided by the Department of
13 Transportation regarding the effect such change, amendment,
14 permit decision, ordinance, or order would have on the
15 availability, transportation, cost, and potential extraction of
16 construction aggregate materials on the local area, the region,
17 and the state. The failure of the Department of Transportation
18 to provide this information shall not be a basis for delay or
19 invalidation of the local government action. A ~~No~~ local
20 government may not impose a moratorium, or combination of
21 moratoria, of more than 12 months' duration on the mining or
22 extraction of construction aggregate materials, commencing on
23 the date the vote was taken to impose the moratorium. January 1,
24 2007, shall serve as the commencement of the 12-month period for
25 moratoria already in place as of July 1, 2007.

26 Section 2. Section 338.155, Florida Statutes, is amended to
27 read:

28 338.155 Payment of toll on toll facilities required;
29 exemptions; signage required.-

30 (1) A person may not use any toll facility without payment
31 of tolls, except employees of the agency operating the toll
32 project when using the toll facility on official state business,
33 state military personnel while on official military business,
34 handicapped persons as provided in this section, persons exempt
35 from toll payment by the authorizing resolution for bonds issued
36 to finance the facility, and persons exempt on a temporary basis
37 where use of such toll facility is required as a detour route.
38 Any law enforcement officer operating a marked official vehicle
39 is exempt from toll payment when on official law enforcement



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40 business. Any person operating a fire vehicle when on official
41 business or a rescue vehicle when on official business is exempt
42 from toll payment. Any person participating in the funeral
43 procession of a law enforcement officer or firefighter killed in
44 the line of duty is exempt from toll payment. The secretary or
45 the secretary's designee may suspend the payment of tolls on a
46 toll facility when necessary to assist in emergency evacuation.
47 The failure to pay a prescribed toll constitutes a noncriminal
48 traffic infraction, punishable as a moving violation as provided
49 in s. 318.18. The department may adopt rules relating to the
50 payment, collection, and enforcement of tolls, as authorized in
51 this chapter and chapters 316, 318, 320, and 322, including, but
52 not limited to, rules for the implementation of video or other
53 image billing and variable pricing. With respect to toll
54 facilities managed by the department, the revenues of which are
55 not pledged to repayment of bonds, the department may by rule
56 allow the use of such facilities by public transit vehicles or
57 by vehicles participating in a funeral procession for an active-
58 duty military service member without the payment of tolls.

59 (2) Any person driving an automobile or other vehicle
60 belonging to the Department of Military Affairs used for
61 transporting military personnel, stores, and property, when
62 properly identified, shall, together with any such conveyance
63 and military personnel and property of the state in his or her
64 charge, be allowed to pass free through all tollgates and over
65 all toll bridges and ferries in this state.

66 (3) Any handicapped person who has a valid driver license,
67 who operates a vehicle specially equipped for use by the
68 handicapped, and who is certified by a physician licensed under



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69 chapter 458 or chapter 459 or by comparable licensing in another
70 state or by the Adjudication Office of the United States
71 Department of Veterans Affairs or its predecessor as being
72 severely physically disabled and having permanent upper limb
73 mobility or dexterity impairments which substantially impair the
74 person's ability to deposit coins in toll baskets, shall be
75 allowed to pass free through all tollgates and over all toll
76 bridges and ferries in this state. A person who meets the
77 requirements of this subsection shall, upon application, be
78 issued a vehicle window sticker by the Department of
79 Transportation.

80 (4) A copy of this section shall be posted at each toll
81 bridge and on each ferry.

82 (5) The Department of Transportation shall provide
83 envelopes for voluntary payments of tolls by those persons
84 exempted from the payment of tolls pursuant to this section. The
85 department shall accept any voluntary payments made by exempt
86 persons.

87 (6) Personal identifying information held by the Department
88 of Transportation, a county, a municipality, or an expressway
89 authority for the purpose of paying, prepaying, or collecting
90 tolls and associated administrative charges due for the use of
91 toll facilities is exempt from s. 119.07(1) and s. 24(a), Art. I
92 of the State Constitution. This exemption applies to such
93 information held by the Department of Transportation, a county,
94 a municipality, or an expressway authority before, on, or after
95 the effective date of the exemption. This subsection is subject
96 to the Open Government Sunset Review Act in accordance with s.
97 119.15 and shall stand repealed on October 2, 2019, unless



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98 reviewed and saved from repeal through reenactment by the
99 Legislature.

100 (7) A toll facility must ensure the presence of signage
101 notifying drivers if cash payment of the applicable toll at such
102 facility is not an available option.

103 Section 3. Subsection (4) of section 338.165, Florida
104 Statutes, is amended, and subsection (11) is added to that
105 section, to read:

106 338.165 Continuation of tolls.—

107 (4) Notwithstanding any other law to the contrary, pursuant
108 to s. 11, Art. VII of the State Constitution, and subject to the
109 requirements of subsection (2), the Department of Transportation
110 may request the Division of Bond Finance to issue bonds secured
111 by toll revenues collected on the Alligator Alley ~~and~~ the
112 Sunshine Skyway Bridge, ~~the Beeline-East Expressway, the Navarre~~
113 ~~Bridge, and the Pinellas Bayway~~ to fund transportation projects
114 located within the county or counties in which the project is
115 located and contained in the adopted work program of the
116 department.

117 (11) The department's Pinellas Bayway System may be
118 transferred by the department and become part of the turnpike
119 system under the Florida Turnpike Enterprise Law. The transfer
120 does not affect the rights of the parties, or their successors
121 in interest, under the settlement agreement and final judgment
122 in *Leonard Lee Ratner, Esther Ratner, and Leeco Gas and Oil Co.*
123 *v. State Road Department of the State of Florida*, No. 67-1081
124 (Fla. 2nd Cir. Ct. 1968). Upon transfer of the Pinellas Bayway
125 System to the turnpike system, the department shall also
126 transfer to the Florida Turnpike Enterprise the funds deposited



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127 in the reserve account established by chapter 85-364, Laws of
128 Florida, as amended by chapters 95-382 and 2014-223, Laws of
129 Florida, which funds shall be used by the Florida Turnpike
130 Enterprise solely to help fund the costs of repair or
131 replacement of the transferred facilities.

132 Section 4. Chapter 85-364, Laws of Florida, as amended by
133 chapter 95-382 and section 48 of chapter 2014-223, Laws of
134 Florida, is repealed.

135 Section 5. Paragraph (c) of subsection (3) and subsections
136 (5) and (6) of section 338.231, Florida Statutes, are amended to
137 read:

138 338.231 Turnpike tolls, fixing; pledge of tolls and other
139 revenues.—The department shall at all times fix, adjust, charge,
140 and collect such tolls and amounts for the use of the turnpike
141 system as are required in order to provide a fund sufficient
142 with other revenues of the turnpike system to pay the cost of
143 maintaining, improving, repairing, and operating such turnpike
144 system; to pay the principal of and interest on all bonds issued
145 to finance or refinance any portion of the turnpike system as
146 the same become due and payable; and to create reserves for all
147 such purposes.

148 (3)

149 (c) Notwithstanding any other ~~provision of~~ law to the
150 contrary, any prepaid toll account of any kind which has
151 remained inactive for 10 ~~3~~ years shall be presumed unclaimed and
152 its disposition shall be handled by the Department of Financial
153 Services in accordance with all applicable provisions of chapter
154 717 relating to the disposition of unclaimed property, and the
155 prepaid toll account shall be closed by the department.



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156 ~~(5) In each fiscal year while any of the bonds of the~~
157 ~~Broward County Expressway Authority series 1984 and series 1986-~~
158 ~~A remain outstanding, the department is authorized to pledge~~
159 ~~revenues from the turnpike system to the payment of principal~~
160 ~~and interest of such series of bonds and the operation and~~
161 ~~maintenance expenses of the Sawgrass Expressway, to the extent~~
162 ~~gross toll revenues of the Sawgrass Expressway are insufficient~~
163 ~~to make such payments. The terms of an agreement relative to the~~
164 ~~pledge of turnpike system revenue will be negotiated with the~~
165 ~~parties of the 1984 and 1986 Broward County Expressway Authority~~
166 ~~lease-purchase agreements, and subject to the covenants of those~~
167 ~~agreements. The agreement must establish that the Sawgrass~~
168 ~~Expressway is subject to the planning, management, and operating~~
169 ~~control of the department limited only by the terms of the~~
170 ~~lease-purchase agreements. The department shall provide for the~~
171 ~~payment of operation and maintenance expenses of the Sawgrass~~
172 ~~Expressway until such agreement is in effect. This pledge of~~
173 ~~turnpike system revenues is subordinate to the debt service~~
174 ~~requirements of any future issue of turnpike bonds, the payment~~
175 ~~of turnpike system operation and maintenance expenses, and~~
176 ~~subject to any subsequent resolution or trust indenture relating~~
177 ~~to the issuance of such turnpike bonds.~~

178 (5)~~(6)~~ The use and disposition of revenues pledged to bonds
179 are subject to ss. 338.22-338.241 and such regulations as the
180 resolution authorizing the issuance of the bonds or such trust
181 agreement may provide.

182 Section 6. Paragraph (c) of subsection (7) of section
183 339.175, Florida Statutes, is amended to read:

184 339.175 Metropolitan planning organization.-



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185 (7) LONG-RANGE TRANSPORTATION PLAN.—Each M.P.O. must
186 develop a long-range transportation plan that addresses at least
187 a 20-year planning horizon. The plan must include both long-
188 range and short-range strategies and must comply with all other
189 state and federal requirements. The prevailing principles to be
190 considered in the long-range transportation plan are: preserving
191 the existing transportation infrastructure; enhancing Florida's
192 economic competitiveness; and improving travel choices to ensure
193 mobility. The long-range transportation plan must be consistent,
194 to the maximum extent feasible, with future land use elements
195 and the goals, objectives, and policies of the approved local
196 government comprehensive plans of the units of local government
197 located within the jurisdiction of the M.P.O. Each M.P.O. is
198 encouraged to consider strategies that integrate transportation
199 and land use planning to provide for sustainable development and
200 reduce greenhouse gas emissions. The approved long-range
201 transportation plan must be considered by local governments in
202 the development of the transportation elements in local
203 government comprehensive plans and any amendments thereto. The
204 long-range transportation plan must, at a minimum:

205 (c) Assess capital investment and other measures necessary
206 to:

207 1. Ensure the preservation of the existing metropolitan
208 transportation system including requirements for the operation,
209 resurfacing, restoration, and rehabilitation of major roadways
210 and requirements for the operation, maintenance, modernization,
211 and rehabilitation of public transportation facilities; and

212 2. Make the most efficient use of existing transportation
213 facilities to relieve vehicular congestion, improve safety, and



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214 maximize the mobility of people and goods. Such efforts must
215 include, but are not limited to, consideration of infrastructure
216 and technological improvements necessary to accommodate advances
217 in vehicle technology, such as autonomous technology and other
218 developments.

219
220 In the development of its long-range transportation plan, each
221 M.P.O. must provide the public, affected public agencies,
222 representatives of transportation agency employees, freight
223 shippers, providers of freight transportation services, private
224 providers of transportation, representatives of users of public
225 transit, and other interested parties with a reasonable
226 opportunity to comment on the long-range transportation plan.
227 The long-range transportation plan must be approved by the
228 M.P.O.

229 Section 7. Paragraph (b) of subsection (4) of section
230 339.2816, Florida Statutes, is amended to read:

231 339.2816 Small County Road Assistance Program.—

232 (4)

233 (b) In determining a county's eligibility for assistance
234 under this program, the department may consider:

235 1. Whether the county has attempted to keep county roads in
236 satisfactory condition, including the amount of local option
237 fuel tax imposed by the county.

238 ~~2. The department may also consider~~ The extent to which the
239 county has offered to provide a match of local funds with state
240 funds provided under the program.

241
242 At a minimum, small counties shall be eligible only if the



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243 county has enacted the maximum rate of the local option fuel tax
244 authorized by s. 336.025(1) (a). A county that adopts or enforces
245 any local government comprehensive plan, land use map, zoning
246 district, land development regulation, ordinance, or order that
247 has the effect of prohibiting or unduly regulating or
248 restricting the extraction of construction aggregate materials,
249 as defined in s. 337.0261, or any associated activities is
250 ineligible for assistance under this program.

251 Section 8. Subsection (2) and paragraph (b) of subsection
252 (4) of section 339.2818, Florida Statutes, are amended to read:

253 339.2818 Small County Outreach Program.—

254 (2) ~~(a)~~ For the purposes of this section, the term "small
255 county" means any county that has a population of 170,000
256 ~~150,000~~ or less as determined by the most recent official
257 estimate pursuant to s. 186.901.

258 ~~(b) Notwithstanding paragraph (a), for the 2015-2016 fiscal~~
259 ~~year, for purposes of this section, the term "small county"~~
260 ~~means any county that has a population of 165,000 or less as~~
261 ~~determined by the most recent official estimate pursuant to s.~~
262 ~~186.901. This paragraph expires July 1, 2016.~~

263 (4)

264 (b) In determining a county's eligibility for assistance
265 under this program, the department may consider whether the
266 county has attempted to keep county roads in satisfactory
267 condition, which may be evidenced through an established
268 pavement management plan. A county that adopts or enforces any
269 local government comprehensive plan, land use map, zoning
270 district, land development regulation, ordinance, or order that
271 has the effect of prohibiting or unduly regulating or



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272 restricting the extraction of construction aggregate materials,
273 as defined in s. 337.0261, or any associated activities is
274 ineligible for assistance under the program.

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

276 And the title is amended as follows:

277 Delete lines 37 - 70

278 and insert:

279 airport-related leases; amending s. 337.0261, F.S.;

280 requiring local governments to consider information

281 provided by the Department of Transportation regarding

282 the effect that approving or denying certain

283 regulations may have on the cost of construction

284 aggregate materials in the local area, the region, and

285 the state; amending s. 338.155, F.S.; requiring a toll

286 facility to ensure the presence of signage notifying

287 drivers if cash payment is not an option; amending s.

288 338.165, F.S.; deleting an authorization to issue

289 certain bonds secured by toll revenues collected on

290 the Beeline-East Expressway, the Navarre Bridge, and

291 the Pinellas Bayway; authorizing the department's

292 Pinellas Bayway System to be transferred by the

293 department and become part of the turnpike system

294 under the Florida Turnpike Enterprise Law; providing

295 applicability; requiring the department to transfer

296 certain funds to the Florida Turnpike Enterprise for

297 certain purposes; repealing ch. 85-364, Laws of

298 Florida, as amended, relating to the Pinellas Bayway;

299 amending s. 338.231, F.S.; increasing the number of

300 years before an inactive prepaid toll account is



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301 presumed to be unclaimed; deleting provisions relating
302 to the use of revenues from the turnpike system to pay
303 the principal and interest of a specified series of
304 bonds and certain expenses of the Sawgrass Expressway;
305 amending s. 339.175, F.S.; requiring certain long-
306 range transportation plans to include assessment of
307 capital investment and other measures necessary to
308 make the most efficient use of existing transportation
309 facilities to improve safety; requiring the
310 assessments to include consideration of infrastructure
311 and technological improvements necessary to
312 accommodate advances in vehicle technology; amending
313 s. 339.2816, F.S.; providing certain restrictions for
314 the eligibility of counties to receive assistance
315 under the Small County Road Assistance Program;
316 amending s. 339.2818, F.S.; increasing the population
317 ceiling in the definition of the term "small county"
318 for purposes of the program; deleting an alternative
319 definition of the term "small county" for a specified
320 fiscal year; providing that a county that adopts or
321 enforces certain restrictions on the extraction of
322 construction aggregate materials is ineligible for
323 assistance under the program; amending s. 339.64,
324 F.S.; requiring the