

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

TRANSPORTATION
Senator Brandes, Chair
Senator Margolis, Vice Chair

MEETING DATE: Thursday, March 7, 2013
TIME: 10:30 a.m.—12:30 p.m.
PLACE: Mallory Horne Committee Room, 37 Senate Office Building

MEMBERS: Senator Brandes, Chair; Senator Margolis, Vice Chair; Senators Clemens, Diaz de la Portilla, Evers, Garcia, Joyner, Lee, Richter, and Thompson

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 372 Regulated Industries / Latvala (Similar H 45)	Vehicle Permits; Authorizing a licensed vendor to transport alcoholic beverages from a distributor's place of business to the vendor's licensed premises in a vehicle owned or leased by a person identified on a license application filed by the vendor and approved by the division; requiring each operator to sign the application; revising permit requirements for such vehicles, including a specified fee per vehicle; authorizing the inspection and search of such vehicles without a search warrant, etc. RI 02/21/2013 Fav/CS TR 03/07/2013 Favorable AGG AP	Favorable Yeas 8 Nays 0
2	SB 402 Joyner (Similar CS/H 93)	Homelessness; Requiring the motor vehicle registration form and registration renewal form, the driver license application form, and the driver license application form for renewal issuance or renewal extension to include an option to make a voluntary contribution to aid the homeless; providing for such contributions to be deposited into the Grants and Donations Trust Fund of the Department of Children and Families and used by the State Office on Homelessness for certain purposes; establishing a homelessness prevention grant program, etc. CF 02/19/2013 Favorable TR 03/07/2013 Fav/1 Amendment RC	Fav/1 Amendment (885432) Yeas 8 Nays 0
3	SB 628 Joyner (Identical H 987)	Driver Licenses; Authorizing a justice, judge, or designated employee to access reproductions of driver license images as part of the official work of a court, etc. JU 02/19/2013 Favorable TR 03/07/2013 Favorable RC	Favorable Yeas 8 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Transportation

Thursday, March 7, 2013, 10:30 a.m.—12:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 664 Simmons	State Taxes on Motor Fuel; Requiring that certain motor fuel taxes paid by a county sheriff's office be returned and used to offset ongoing fuel costs, etc. TR 03/07/2013 Favorable CJ AFT AP	Favorable Yeas 8 Nays 0
5	SB 954 Gardiner (Similar H 4033, Compare H 1013)	Technological Research and Development Authority; Deleting provisions for distribution by the Department of Highway Safety and Motor Vehicles to the Technological Research and Development Authority of Challenger/Columbia license plate user fees; deleting provisions for distribution by the Fish and Wildlife Conservation Commission to the authority of saltwater license and permit fees; amending provisions relating to giving gifts to certain officers or candidates for office and to procurement employees; deleting reference to the authority, etc. TR 03/07/2013 Favorable RC	Favorable Yeas 9 Nays 0
Consideration of proposed committee bills:			
6	SPB 7022	Driver Licenses; Revising requirements relating to exemptions from licensure requirements for residents of foreign countries; deleting a requirement that such persons hold an International Driving Permit to be exempt, etc.	Submitted as Committee Bill
7	SPB 7020	Public Records/Personal Information/Paratransit Services; Deleting provisions relating to the future repeal of an exemption from public records requirements for certain personal identifying information of persons using paratransit services; saving the exemption from repeal under the Open Government Sunset Review Act, etc.	Submitted as Committee Bill
8	SB 750 Brandes	Transportation; Establishing the Department of Transportation as the agency responsible for administering the section, instead of the Florida Seaport Transportation and Economic Development Council; providing for the future repeal of the section, etc. TR 03/07/2013 Favorable CM	Favorable Yeas 9 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Transportation

Thursday, March 7, 2013, 10:30 a.m.—12:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
9	SB 766 Brandes	Transportation; Repealing provisions relating to the authority of the Auditor General to conduct audits of transportation corporations under the Florida Transportation Corporation Act; repealing the Florida Transportation Corporation Act, etc. TR 03/07/2013 Favorable GO	Favorable Yeas 9 Nays 0
10	SB 1054 Brandes (Compare S 1458)	Department of Highway Safety and Motor Vehicles; Providing that owners or drivers of certain commercial motor vehicles are subject to specific federal commercial driver license standards; providing that commercial motor vehicles transporting hazardous material are subject to federal regulations relating to the designation of approval and certification agencies; deleting exemptions from commercial motor vehicle rules for the transportation of liquefied petroleum gas, etc. TR 03/07/2013 Temporarily Postponed CM ATD AP	Temporarily Postponed
11	SB 1132 Brandes	Department of Transportation; Requiring the Transportation Commission to also monitor the Mid-Bay Bridge Authority; requiring that a local government ensure that noise compatible land-use planning is used in its jurisdiction; providing funding for space transportation projects from the State Transportation Trust Fund; creating ch. 345, F.S., relating to the Florida Regional Tollway Authority; providing for the transfer of the governance and control of the Mid-Bay Bridge Authority System to the Okaloosa-Bay Regional Tollway Authority, etc. TR 03/07/2013 Fav/7 Amendments CA ATD AP	Fav/7 Amendments (439862, 167046, 185716, 584336, 302118, 430408, 866526) Yeas 10 Nays 0

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 372

INTRODUCER: Regulated Industries Committee and Senator Latvala

SUBJECT: Beverage Law

DATE: February 27, 2013 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Oxamendi	Imhof	RI	Fav/CS
2.	Everette	Eichin	TR	Favorable
3.			AGG	
4.			AP	
5.				
6.				

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

CS/SB 372 permits licensed retail vendors to transport alcoholic beverages in vehicles which are owned or leased by the vendor, or by any person required to have been disclosed on a license application (authorized person) filed by a vendor and approved by the Division of Alcoholic Beverage and Tobacco (division) within the Department of Business and Professional Regulation. The vehicle must have been issued a permit from the division for that purpose.

The bill requires that the vehicles must be operated by the vendor or by the authorized person when transporting alcoholic beverage from a distributor's place of business to the vendors licensed premises or off-premises storage. The signature of the authorized person is required on the vehicle permit application.

The authorized person's permit would expire when the person disposes of his or her vehicle, or the vendor's alcoholic beverage license is transferred, canceled, not renewed, or is revoked by the division, whichever occurs first. In addition, the vehicle permit would be canceled by the division upon the vendor's or the authorized person's request.

An authorized person who accepts a vehicle permit would be subject to the same conditions regarding inspection and search as is a licensee under current law.

The bill requires that the invoices or sales tickets for the purchased alcoholic beverages must be attached to, or carried in, the vehicle used by the vendor or the authorized person when the alcoholic beverage are being transported.

The bill deletes the requirement that the division must have decals ready for issuance. This would permit the division to issue only paper permits.

This bill substantially amends sections 561.57 and 562.07, Florida Statutes:

II. Present Situation:

In Florida, alcoholic beverages are regulated by the Beverage Law.¹ These provisions regulate the manufacture, distribution, and sale of wine, beer, and liquor via manufacturers, distributors, and vendors.² The Division of Alcoholic Beverage and Tobacco (division) within the Department of Business and Professional Regulation is the agency authorized to administer and enforce the Beverage Law.³

Three Tier System

In the United States, the regulation of alcohol has traditionally been through what is termed the “three-tier system.” The system requires that the manufacture, distribution, and sale of alcoholic beverages be separated. Retailers must buy their products from distributors who in turn buy their products from the manufacturers. Manufacturers cannot sell directly to retailers or directly to consumers. The system is deeply rooted in the perceived evils of the “tied house” in which a bar is owned or operated by a manufacturer or the manufacturer exercises undue influence over the retail vendor.⁴

There are some exceptions to this regulatory system. The exceptions include allowing beer brew pubs to manufacture malt beverages and to sell them to consumers,⁵ allowing individuals to bring small quantities of alcohol back from trips out-of-state,⁶ and allowing in-state wineries to manufacture and sell directly to consumers.⁷

In a three-tier system, each license classification has clearly delineated functions. For example, in Florida, only licensed vendors are permitted to sell alcoholic beverages directly to consumers

¹ The Beverage Law means chs. 561, 562, 563, 564, 565, 567, and 568, F.S. *See s. 561.01(6), F.S.*

² *See s. 561.14, F.S.*

³ Section 561.02, F.S.

⁴ Erik D. Price, *Time to Untie the House? Revisiting the Historical Justifications of Washington's Three-Tier System Challenged by Costco v. Washington State Liquor Control Board*, a copy can be found at: http://www.lanepowell.com/wp-content/uploads/2009/04/pricce_001.pdf (Last visited February 14, 2013).

⁵ *See s. 561.221(2), F.S.*, which permits the limited manufacture of beer by vendors (brew pubs).

⁶ *See s. 562.16, F.S.*, which permits the possession of less than one gallon of untaxed alcoholic beverages when purchased by the possessor out-of-state in accordance with the laws of the state where purchased and brought into the state by the possessor.

⁷ *See s. 561.221, F.S.*

at retail.⁸ Vendors are limited to purchasing their alcoholic beverage inventory from licensed distributors, manufacturer, or bottler.⁹

Deliveries by Licensees

Section 561.57(3), F.S., provides that deliveries of alcoholic beverages by manufacturers, distributors and vendors may only be made in vehicles that are owned or leased by the vendor. According to the division, most retail vendor licensees are a corporate entity. Therefore, retail vendors who own their vehicles as individuals are prohibited from making deliveries away from their places of business and from transporting alcoholic beverage purchases from a distributor's place of business in their personal vehicles, i.e., vehicles that are not registered in the name of the licensed vendor.

Section 561.57(4), F.S., requires the division to prepare permits or decals suitable to be attached to vendor's vehicles upon payment of a \$5 fee. According to the division, it prints vehicle permits on paper and does not issue decals for attachment to the vehicle. Vehicle permit holders keep the paper permits in their vehicles and produce them upon request. The permit expires when the vendor disposes of his or her vehicle, or the vendor's alcoholic beverage license is transferred, canceled, not renewed, or is revoked by the division, whichever occurs first.

Section 561.57(4), F.S., also provides that, by acceptance of a vehicle permit, the licensee agrees that the vehicle will always be subject to inspection and searched without a search warrant, for the purpose of ascertaining that all provisions of the alcoholic beverage laws are complied with, by authorized employees of the division and also by sheriffs, deputy sheriffs, and police officers during business hours or other times the vehicle is being used to transport or deliver alcoholic beverages.

Deliveries that are made at the warehouse of a manufacturer or distributor to a vendor or his authorized agent must be made to a vehicle with an attached vehicle permit issued to the licensee making the purchase. The invoice or sales ticket covering all such purchases and deliveries must show, in addition to the information required by other rules, the permit number and the fact that the delivery was made at the warehouse of the manufacturer or distributor.¹⁰

Section 562.07, F.S., prohibits transporting more than 12 bottles of alcoholic beverages. Section 562.07(2), F.S., provides an exception to this prohibition for the transportation of alcoholic beverage vehicles owned or leased by licensed vendors who are transporting alcoholic beverage purchases from the distributor's place of business to the vendor's licensed place of business or off-premises storage and to which said vehicles are attached a permit or decal as provided for in the alcoholic beverage law.

⁸ Section 561.14(3), F.S. However, see discussion regarding the exception for certified Florida Farm Wineries in s. 561.221, F.S.

⁹ Section 561.14(3), F.S. Vendors may buy from vendors in a pool buying group if the initial purchase was by a single purchase by a pool buying agent.

¹⁰ Rule 61A-4.030, F.A.C.

III. Effect of Proposed Changes:

The bill amends s. 561.57(3), F.S., to permit licensed retail vendors to transport alcoholic beverages in vehicles which are owned or leased by the vendor, or any person required to have been disclosed on a license application filed (authorized person) by a vendor and approved by the division. The vehicle must have been issued a permit from the division for that purpose.

The bill requires that the vehicles must be operated by the vendor or by the authorized person when transporting alcoholic beverages from a distributor's place of business to the vendors licensed premises or off-premises storage.

The bill amends s. 561.57(4), F.S., to provide that the signature of the authorized person is required on the vehicle permit application.

As with a vendor's vehicle permit, s. 561.57(4), F.S., also provides that the authorized person's permit would expire when the employee disposes of his or her vehicle, or the vendor's alcoholic beverage license is transferred, canceled, not renewed, or is revoked by the division, whichever occurs first. In addition, the vehicle permit would be canceled by the division upon the vendor's or authorized person's request.

An authorized person who accepts a vehicle permit would be subject to the same conditions regarding inspection and search as is a licensee under current law.

The bill amends s. 562.57(4), F.S., to require that the invoices or sales tickets for the purchased alcoholic beverages must be attached to, or carried in, the vehicle used by the vendor or the authorized person when the alcoholic beverage are being transported.

The bill also amends s. 561.57(4), F.S., to delete the requirement that the division must have decals ready for issuance. This would permit the division to issue only paper permits.

The bill amends s. 562.07, F.S., which prohibits the transporting of more than 12 bottles of alcoholic beverages, to revise the exception in s. 562.07(2), F.S., to allow the transportation of alcoholic beverages in vehicles which are owned or leased by persons authorized under s. 561.57(3), F.S.

The bill provides an effective date of July 1, 2013.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

Alcoholic beverage vendors and other authorized persons would pay a \$5 fee for a vehicle permit to transport alcoholic beverages.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Regulated Industries on February 21, 2013:

The committee substitute (CS) does not amend s. 561.57(3), F.S., to permit license retail vendors to transport alcoholic beverages in vehicles owned or leased by authorized employees of the vendor. The CS amends this section to permit licensed retail vendors to transport alcoholic beverages in vehicles which are owned or leased by any person required to have been disclosed on a license application filed by a vendor and approved by the division.

The CS amends s. 561.57(4), F.S., to provide that the signature of the person authorized in s. 561.57(3), F.S., is required in the vehicle permit application.

The CS amends s. 562.57(4), F.S., to require that the invoices or sales tickets for the purchased alcoholic beverages must be attached to, or carried in, the vehicle used by the vendor or the authorized person when the alcoholic beverages are being transported.

The CS amends s. 562.57(4), F.S., to require that the invoices or sales tickets for the purchased alcoholic beverages must be attached to, or carried in, the vehicle used by the

vendor or the authorized person when the alcoholic beverages are being transported. The CS does not amend s. 562.57(4), F.S., to require that the permit must be carried in the vehicle when the vehicle is being used to transport or deliver alcoholic beverages and that the vehicle permit must remain on the licensed premises when the vehicle is not being used to transport or deliver alcoholic beverages.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By the Committee on Regulated Industries; and Senator Latvala

580-01745-13

2013372c1

A bill to be entitled

An act relating to vehicle permits; amending ss.

561.57 and 562.07, F.S.; authorizing a licensed vendor to transport alcoholic beverages from a distributor's place of business to the vendor's licensed premises in a vehicle owned or leased by a person identified on a license application filed by the vendor and approved by the division; requiring each operator to sign the application; revising permit requirements for such vehicles, including a specified fee per vehicle; providing for the cancellation of vehicle permits; authorizing the inspection and search of such vehicles without a search warrant; providing requirements for the use and storage of vehicle permits; providing an effective date.

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

Section 1. Subsections (3) and (4) of section 561.57, Florida Statutes, are amended to read:

561.57 Deliveries by licensees.—

(3) A licensed ~~Any~~ vendor may transport alcoholic beverage purchases from a distributor's place of business to the vendor's licensed premises or off-premises storage if the, provided that a vehicle used to transport the alcoholic beverages is owned or leased by the vendor or a person identified in a license application filed by the vendor and approved by the division and a valid vehicle permit has been issued for such or decal is attached to the vendor's owned or leased vehicle. Vehicles owned

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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or leased by a person authorized under this subsection must be operated by such persons when transporting alcoholic beverage purchases from a distributor's place of business to the vendor's licensed premises or off-premises storage.

(4) A vehicle permit ~~The division shall have prepared for issuance vehicle permits or decals suitable to be attached to such vehicles, with the words, "Beverage Vehicle No.," which may be obtained by a licensed~~ ~~any~~ vendor or other person authorized under subsection (3) upon application and payment of a fee of \$5 per vehicle to the division. The signature of a person authorized under subsection (3) is required on the vehicle permit application. Such permit remains ~~permits shall be valid and does will~~ not expire unless the vendor or other person authorized under subsection (3) disposes of his or her vehicle, or the vendor's alcoholic beverage license is transferred, canceled, not renewed, or is revoked by the division, whichever occurs first. The division shall cancel a vehicle permit issued to a vendor upon request from the vendor. The division shall cancel a vehicle permit issued to other persons authorized under subsection (3) upon request from that person or the vendor. By acceptance of a vehicle permit, the vendor or other person authorized under subsection (3) licensee ~~agrees that such vehicle is shall~~ always be subject to inspection and search ~~be inspected and searched~~ without a search warrant, for the purpose of ascertaining that all provisions of the alcoholic beverage laws are complied with, by authorized employees of the division and also by sheriffs, deputy sheriffs, and police officers during business hours or other times that the vehicle is being used to transport or deliver alcoholic beverages. A vehicle

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59 permit issued under this subsection and invoices or sales
60 tickets for alcoholic beverages purchased and transported must
61 be attached to or carried in the vehicle used by the vendor or
62 other person authorized under subsection (3) when the vendor's
63 alcoholic beverages are being transported or delivered.

64 Section 2. Subsection (2) of section 562.07, Florida
65 Statutes, is amended to read:

66 562.07 Illegal transportation of beverages.—It is unlawful
67 for alcoholic beverages to be transported in quantities of more
68 than 12 bottles except as follows:

69 (2) In the owned or leased vehicles of licensed vendors or
70 other persons authorized under s. 561.57(3) transporting
71 alcoholic beverage purchases from the distributor's place of
72 business to the vendor's licensed place of business or off-
73 premises storage and to which said vehicles are attached a
74 permit or decal as provided for in the alcoholic beverage law;

75 Section 3. This act shall take effect July 1, 2013.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 402

INTRODUCER: Senator Joyner

SUBJECT: Homelessness

DATE: February 27, 2013 REVISED: 03/07/13

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hendon	Hendon	CF	Favorable
2.	Everette	Eichin	TR	Fav/1 amendment
3.			RC	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input checked="" type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

SB 402 allows for a voluntary contribution to support grants to assist the homeless. Specifically, the bill:

- Authorizes the Department of Highway Safety and Motor Vehicles (DHSMV or department) to collect a voluntary contribution of \$1 through motor vehicle registration and driver license fees, both initial and renewal fees, to aid the homeless;
- Exempts the Department of Children and Family Services (DCF or department) and/or the State Office on Homelessness from the required \$10,000 to process the application;
- Replaces the current emergency assistance program with a newly-created homeless prevention grant program; and
- Limits the amount a lead agency may spend on administrative costs under a Challenge Grant.

The bill has an insignificant fiscal impact on the state and has an effective date of July 1, 2013.

This bill substantially amends the following sections of the Florida Statutes: 320.02, 322.08, 322.18, 420.622, and 420.625. This bill creates section 414.161 and repeals section 414.16, of the Florida Statutes.

II. Present Situation:

The Council on Homelessness and the State Office on Homelessness

The Council on Homelessness (council) and the State Office on Homelessness (office) were created in 2001 within the Department of Children and Families.¹ The 17-member council is comprised of representatives of state agencies, counties, homeless advocacy organizations, and volunteers.² The council is to develop policy and advise the office.³

The office coordinates state agency responses to homelessness, serves as a single point of contact on homeless issues in the state, and administers state-funded grant programs that support the activities of the 27 local homeless coalitions.⁴ The office administers all homelessness grants through lead agencies. The lead agency has the responsibility for continuum of care plans that help communities or regions envision, plan, and implement comprehensive and long-term solutions to the problem of homelessness.⁵ Lead agencies are also authorized applicants for the Challenge Grant and the Homeless Housing Assistance Grant.

Emergency Financial Assistance Program

This state grant program provides support to families, with at least one minor child, who are currently without shelter or face the loss of shelter because of the following:⁶

- Nonpayment of rent or mortgage resulting in eviction or notice of eviction;
- Household disaster that renders the home uninhabitable; or
- Other emergency situations defined in rule.

Families may receive up to \$400 during one period of 30 consecutive days in any 12 consecutive months.⁷ DCF serves approximately 2,000 families a year under this program and utilizes OPS staff to assess eligibility and process payments.⁸

Homeless Housing Assistance Grants

This state grant program provides homeless housing assistance grants up to \$750,000 annually to lead agencies to acquire, construct, or rehabilitate transitional or permanent housing units for homeless persons.⁹ Administrative costs are capped at 5 percent of the funds awarded.¹⁰

¹ Chapter 2001-98, Laws of Fla.

² Section 420.622, F.S.

³ *Id.*

⁴ *Id.*

⁵ Section 420.642, F.S.

⁶ Section 414.16, F.S.

⁷ Rule 65A-33.011, F.A.C.

⁸ Department of Children and Family Services, *Staff Analysis and Economic Impact. SB 1130.*(Nov. 2, 2011.) (On file with the Senate Committee on Children, Families, and Elder Affairs.)

⁹ Section 420.622, F.S.

¹⁰ *Id.*

Challenge Grant

This program provides grants of up to \$500,000 to lead agencies who have developed and implemented a local homeless assistance continuum of care plan. The plan must detail how outreach, emergency shelter, support services, and permanent shelter will be provided in the area.¹¹ The state currently has 28 local homeless continuum of care planning areas that receive state grants. Currently, state law does not provide for a limit on or use of grant funds for administrative costs incurred by lead agencies.

Voluntary Contributions

The voluntary contributions process provides the opportunity for citizens to make a donation by checking a box on a form when registering a vehicle or renewing a registration, as well as applying for a new replacement or driver license.¹²

An organization that desires to receive a voluntary contribution must be specifically authorized by Florida Statutes. Section 320.023, F.S., establishes requirements for organizations seeking to establish a voluntary contribution on motor vehicle registration application forms, and s. 322.081, F.S., establishes similar requirements for driver license applications. Both sections require the following:

- A request for the voluntary contribution being sought, describing the voluntary contribution in general terms;
- An application fee, not to exceed \$10,000 to defray the department's cost for reviewing the application and developing the voluntary contribution check off, if authorized. State funds may not be used to pay the application fee; and
- A marketing strategy outlining short-term and long-term marketing plans for the contribution and a financial analysis outlining the anticipated revenues and the planned expenditures of the revenues to be derived from the contributions.

This information must be submitted to DHSMV at least 90 days before the convening of the next regular session of the Legislature.

Chapter 2010-223, L.O.F., provides that DHSMV may not establish any new voluntary contributions on the motor vehicle registration application form under s. 320.023, F.S., or the driver license application form under s. 322.081, F.S., between July 1, 2010, and July 1, 2013. However, DHSMV may establish a voluntary contribution for an organization that has:

- Submitted a request to the department before May 1, 2010, to establish a voluntary contribution on a motor vehicle registration application under s. 320.023, F.S., or a driver license application under s. 322.081, F.S.; and

¹¹ *Id.*

¹² Currently, Section 320.02(8)(14) and (15), F.S.; Section 320.08047, F.S., and Section 328.72(11) and (16), F.S., provide motor vehicle registration applicants with 20 options for voluntary contributions. Section 322.08(7), F.S., provides driver license applicants with 15 options for voluntary contributions.

- Submitted a valid financial analysis, marketing strategy, and application fee before September 1, 2010; or
- Filed a bill during the 2010 Legislative Session to establish a voluntary contribution and have met the requirements of s. 320.023 or s. 322.081, F.S.¹³

III. Effect of Proposed Changes:

Voluntary Contributions

Sections 1, 2, and 3 of the bill authorize the collection of voluntary contributions in the amount of \$1.00 to be added to the motor vehicle and driver license fees — initial and renewal fees — to aid the homeless. The bill does not require that the voluntary contributions be subject to the procedures and limitations of ss. 320.023, F.S., and 322.081, F.S., including payment of the application fee. Funds will be placed in the Grants and Donations Trust Fund within the Department of Children and Families for use by the office to supplement Challenge Grants and Homeless Housing Assistance Grants and to provide information on homelessness to the public.

There is currently a moratorium on the establishment of any new voluntary contributions on motor vehicle registration application and driver license application forms until July 1, 2013.¹⁴ According to the DHSMV, neither the Department of Children and Family Services nor the State Office of Homelessness has met the moratorium requirements set above.¹⁵

Grant Programs

Sections 4 through 7 of the bill repeal provisions relating to the Emergency Assistance Program and replace it with a Homelessness Prevention Grant Program. The new program will be administered by the Office on Homelessness at DCF, with the concurrence of the Council on Homelessness. The office may provide prevention grants through contracts with local lead agencies for homeless assistance continuums of care. The bill specifies the grant application process and certain preferences for applicants who can leverage additional funds and demonstrate effective programs. Eligibility for the grant program is limited to lead agencies who have implemented a local homeless assistance plan for their area. The grants are capped at \$300,000 and may be used to assist families facing the loss of their current home in paying past due rent and mortgage payments, past due utility bills, and case management. Program administrative costs are capped at 3 percent of the grant award.

The bill caps administrative costs for lead agencies administering Challenge Grants at 8 percent. Challenge Grant awards may be up to \$500,000 per lead agency.

Section 8 provides for an effective date of July 1, 2013.

¹³ Chapter 2010-223, Laws of Fla.

¹⁴ This bill, however, circumvents the moratorium requirements in Sections 320.023 and 322.081, F.S.

¹⁵ Department of Highway Safety and Motor Vehicles. *Agency Bill Analysis. SB 1130*. (November 15, 2011). (On file with the Senate Committee on Children, Families, and Elder Affairs.)

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

According to the Department of Children and Families, the voluntary contributions from motor vehicle registrations and renewals, and original or renewal driver licenses could provide an estimated \$20,000 in trust funds.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Fiscal Impact	Fiscal Year 2013-14		
	GR	Trust	Total
Department Highway Safety and Motor Vehicles			
Redesign forms	\$0	\$65,600	\$65,600
Review application	\$0	\$10,000	\$10,000
Total	\$0	\$75,600	\$75,600

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

Barcode 885432 by Transportation on March 7, 2013:

Amendment changes the bill's effective date from July 1, 2013 to October 1, 2013.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/08/2013	.	
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	.	

The Committee on Transportation (Joyner) recommended the following:

Senate Amendment

Delete line 224
and insert:

Section 8. This act shall take effect October 1, 2013.

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By Senator Joyner

19-00162B-13

2013402__

1 A bill to be entitled
 2 An act relating to homelessness; amending ss. 320.02,
 3 322.08, and 322.18, F.S.; requiring the motor vehicle
 4 registration form and registration renewal form, the
 5 driver license application form, and the driver
 6 license application form for renewal issuance or
 7 renewal extension to include an option to make a
 8 voluntary contribution to aid the homeless; providing
 9 for such contributions to be deposited into the Grants
 10 and Donations Trust Fund of the Department of Children
 11 and Families and used by the State Office on
 12 Homelessness for certain purposes; providing exemption
 13 from certain application fee requirements; providing
 14 that voluntary contributions for the homeless are not
 15 income of a revenue nature for the purpose of applying
 16 certain service charges; creating s. 414.161, F.S.;
 17 establishing a homelessness prevention grant program;
 18 requiring grant applicants to be ranked competitively;
 19 providing preference for certain grant applicants;
 20 providing eligibility requirements; providing grant
 21 limitations and restrictions; requiring lead agencies
 22 for local homeless assistance continuums of care to
 23 track, monitor, and report on assisted families for a
 24 specified period; amending s. 420.622, F.S.; limiting
 25 the percentage of funding that lead agencies may spend
 26 on administrative costs; amending s. 420.625, F.S.;
 27 deleting a cross-reference to conform; repealing s.
 28 414.16, F.S., relating to the emergency assistance
 29 program for families with children that have lost

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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30 shelter or face loss of shelter due to an emergency;
 31 transferring emergency assistance program funds to the
 32 homelessness prevention grant program; providing an
 33 effective date.
 34
 35 Be It Enacted by the Legislature of the State of Florida:
 36
 37 Section 1. Paragraph (s) is added to subsection (15) of
 38 section 320.02, Florida Statutes, to read:
 39 320.02 Registration required; application for registration;
 40 forms.-
 41 (15)
 42 (s) Notwithstanding s. 320.023, the application form for
 43 motor vehicle registration and renewal of registration must
 44 include language permitting a voluntary contribution of \$1 per
 45 applicant to aid the homeless. Contributions made pursuant to
 46 this paragraph shall be deposited into the Grants and Donations
 47 Trust Fund of the Department of Children and Families and used
 48 by the State Office on Homelessness to supplement grants made
 49 under s. 420.622(4) and (5), provide information to the public
 50 about homelessness in the state, and provide literature for
 51 homeless persons seeking assistance. The application fee
 52 required under s. 320.023 for an organization that seeks
 53 authorization to establish a voluntary contribution does not
 54 apply to this paragraph.
 55
 56 For the purpose of applying the service charge provided in s.
 57 215.20, contributions received under this subsection are not
 58 income of a revenue nature.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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59 Section 2. Subsection (7) of section 322.08, Florida
60 Statutes, is amended to read:

61 322.08 Application for license; requirements for license
62 and identification card forms.—

63 (7) The application form for an original, renewal, or
64 replacement driver license or identification card shall include
65 language permitting the following:

66 (a) A voluntary contribution of \$1 per applicant, which
67 contribution shall be deposited into the Health Care Trust Fund
68 for organ and tissue donor education and for maintaining the
69 organ and tissue donor registry.

70 (b) A voluntary contribution of \$1 per applicant, which
71 contribution shall be distributed to the Florida Council of the
72 Blind.

73 (c) A voluntary contribution of \$2 per applicant, which
74 shall be distributed to the Hearing Research Institute,
75 Incorporated.

76 (d) A voluntary contribution of \$1 per applicant, which
77 shall be distributed to the Juvenile Diabetes Foundation
78 International.

79 (e) A voluntary contribution of \$1 per applicant, which
80 shall be distributed to the Children's Hearing Help Fund.

81 (f) A voluntary contribution of \$1 per applicant, which
82 shall be distributed to Family First, a nonprofit organization.

83 (g) A voluntary contribution of \$1 per applicant to Stop
84 Heart Disease, which shall be distributed to the Florida Heart
85 Research Institute, a nonprofit organization.

86 (h) A voluntary contribution of \$1 per applicant to Senior
87 Vision Services, which shall be distributed to the Florida

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88 Association of Agencies Serving the Blind, Inc., a not-for-
89 profit organization.

90 (i) A voluntary contribution of \$1 per applicant for
91 services for persons with developmental disabilities, which
92 shall be distributed to The Arc of Florida.

93 (j) A voluntary contribution of \$1 to the Ronald McDonald
94 House, which shall be distributed each month to Ronald McDonald
95 House Charities of Tampa Bay, Inc.

96 (k) Notwithstanding s. 322.081, a voluntary contribution of
97 \$1 per applicant, which shall be distributed to the League
98 Against Cancer/La Liga Contra el Cancer, a not-for-profit
99 organization.

100 (l) A voluntary contribution of \$1 per applicant to Prevent
101 Child Sexual Abuse, which shall be distributed to Lauren's Kids,
102 Inc., a nonprofit organization.

103 (m) A voluntary contribution of \$1 per applicant, which
104 shall be distributed to Prevent Blindness Florida, a not-for-
105 profit organization, to prevent blindness and preserve the sight
106 of the residents of this state.

107 (n) Notwithstanding s. 322.081, a voluntary contribution of
108 \$1 per applicant to the state homes for veterans, to be
109 distributed on a quarterly basis by the department to the State
110 Homes for Veterans Trust Fund, which is administered by the
111 Department of Veterans' Affairs.

112 (o) A voluntary contribution of \$1 per applicant to the
113 Disabled American Veterans, Department of Florida, which shall
114 be distributed quarterly to Disabled American Veterans,
115 Department of Florida, a nonprofit organization.

116 (p) A voluntary contribution of \$1 per applicant for Autism

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117 Services and Supports, which shall be distributed to Achievement
118 and Rehabilitation Centers, Inc., Autism Services Fund.

119 (q) A voluntary contribution of \$1 per applicant to Support
120 Our Troops, which shall be distributed to Support Our Troops,
121 Inc., a Florida not-for-profit organization.

122 (r) Notwithstanding s. 322.081, a voluntary contribution of
123 \$1 per applicant to aid the homeless. Contributions made
124 pursuant to this paragraph shall be deposited into the Grants
125 and Donations Trust Fund of the Department of Children and
126 Families and used by the State Office on Homelessness to
127 supplement grants made under s. 420.622(4) and (5), provide
128 information to the public about homelessness in the state, and
129 provide literature for homeless persons seeking assistance.

130
131 A statement providing an explanation of the purpose of the trust
132 funds shall also be included. For the purpose of applying the
133 service charge provided in s. 215.20, contributions received
134 under paragraphs (b)-(r) ~~(b)-(q)~~ are not income of a revenue
135 nature.

136 Section 3. Subsection (9) is added to section 322.18,
137 Florida Statutes, to read:

138 322.18 Original applications, licenses, and renewals;
139 expiration of licenses; delinquent licenses.—

140 (9) The application form for a renewal issuance or renewal
141 extension shall include language permitting a voluntary
142 contribution of \$1 per applicant to aid the homeless.
143 Contributions made pursuant to this subsection shall be
144 deposited into the Grants and Donations Trust Fund of the
145 Department of Children and Families and used by the State Office

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146 on Homelessness to supplement grants made under s. 420.622(4)
147 and (5), provide information to the public about homelessness in
148 the state, and provide literature for homeless persons seeking
149 assistance. For the purpose of applying the service charge
150 provided in s. 215.20, contributions received under this
151 subsection are not income of a revenue nature.

152 Section 4. Section 414.161, Florida Statutes, is created to
153 read:

154 414.161 Homelessness prevention grants.—

155 (1) ESTABLISHMENT OF PROGRAM.—There is created a grant
156 program to provide emergency financial assistance to families
157 facing the loss of their current home due to a financial or
158 other crisis. The State Office on Homelessness, with the
159 concurrence of the Council on Homelessness, may accept and
160 administer moneys appropriated to the Department of Children and
161 Families to provide homelessness prevention grants annually to
162 lead agencies for local homeless assistance continuums of care,
163 as recognized by the State Office on Homelessness. These moneys
164 shall consist of any sums that the state may appropriate, as
165 well as money received from donations, gifts, bequests, or
166 otherwise from any public or private source that is intended to
167 assist families to prevent them from becoming homeless.

168 (2) GRANT APPLICATIONS.—Grant applicants shall be ranked
169 competitively. Preference shall be given to applicants who
170 leverage additional private funds and public funds, who
171 demonstrate the effectiveness of their homelessness prevention
172 programs in keeping families housed, and who demonstrate the
173 commitment of other assistance and services to address family
174 health, employment, and education needs.

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175 (3) ELIGIBILITY.—In order to qualify for a grant, a lead
 176 agency must develop and implement a local homeless assistance
 177 continuum of care plan for its designated catchment area. The
 178 homelessness prevention program must be included in the
 179 continuum of care plan.

180 (4) GRANT LIMITS.—The maximum grant amount per lead agency
 181 may not exceed \$300,000. The grant assistance may be used to pay
 182 past due rent or mortgage payments, past due utility costs,
 183 provision of case management services, and program
 184 administration costs not to exceed 3 percent of the grant award.
 185 The homelessness prevention program must develop a case plan for
 186 each family to be assisted, setting forth what costs will be
 187 covered and the maximum level of assistance to be offered.

188 (5) PERFORMANCE.—The lead agency must track, monitor, and
 189 report on each family assisted for at least 12 months after the
 190 last assistance provided to the family. The goal for the
 191 homelessness prevention program is to enable at least 85 percent
 192 of the families assisted to remain in their homes and avoid
 193 becoming homeless during the ensuing year.

194 Section 5. Paragraph (d) is added to subsection (4) of
 195 section 420.622, Florida Statutes, to read:

196 420.622 State Office on Homelessness; Council on
 197 Homelessness.—

198 (4) Not less than 120 days after the effective date of this
 199 act, the State Office on Homelessness, with the concurrence of
 200 the Council on Homelessness, may accept and administer moneys
 201 appropriated to it to provide "Challenge Grants" annually to
 202 lead agencies for homeless assistance continuums of care
 203 designated by the State Office on Homelessness. A lead agency

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204 may be a local homeless coalition, municipal or county
 205 government, or other public agency or private, not-for-profit
 206 corporation. Such grants may be up to \$500,000 per lead agency.

207 (d) A lead agency may spend a maximum of 8 percent of its
 208 funding on administrative costs.

209 Section 6. Paragraph (d) of subsection (3) of section
 210 420.625, Florida Statutes, is amended to read:

211 420.625 Grant-in-aid program.—

212 (3) ESTABLISHMENT.—There is hereby established a grant-in-
 213 aid program to help local communities in serving the needs of
 214 the homeless through a variety of supportive services, which may
 215 include, but are not limited to:

216 (d) Emergency financial assistance for persons who are
 217 totally without shelter or facing loss of shelter, ~~but who are~~
 218 ~~not eligible for such assistance under s. 414.16.~~

219 Section 7. Section 414.16, Florida Statutes, is repealed,
 220 and any balances remaining in the emergency assistance program
 221 terminated by this act shall, on the date of termination, be
 222 transferred to the homelessness prevention grant program created
 223 under s. 414.161, Florida Statutes.

224 Section 8. This act shall take effect July 1, 2013.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 628

INTRODUCER: Senator Joyner

SUBJECT: Driver Licenses

DATE: February 27, 2013 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brown	Cibula	JU	Favorable
2.	Everette	Eichin	TR	Favorable
3.			RC	
4.				
5.				
6.				

I. Summary:

SB 628 allows judges and certain employees of the state courts system to access copies of driver’s licenses held by the Department of Highway Safety and Motor Vehicles (department). Currently, the department has no duty to share copies of driver’s licenses with the judicial branch.

This bill substantially amends section 322.142, Florida Statutes.

II. Present Situation:

Driver’s Licenses

The Department of Highway Safety and Motor Vehicles (department) must issue qualified applicants a driver’s license at the time that the licensee successfully passes the required examinations and pays a fee.¹

The driver’s license must contain:

- A color photograph or digital image of the licensee.
- The name of the state.
- An identification number uniquely assigned to the licensee.
- The licensee’s full name, date of birth, and residence address.
- The licensee’s gender and height.
- The dates of issuance and expiration of the license.

¹ Sections 322.14(1)(a) and 322.142(1), F.S.

- A signature line.
- The class of vehicle authorized and endorsements or restrictions.²

The department is authorized to maintain a film negative or print file pictures of licensees. The department must keep a record of the digital image and licensee signature, along with identifying data to retrieve the record.³

This information is exempt from disclosure requirements under public records laws. However, the file and digital record may be released for the following purposes:

- For the issuance of duplicate licenses; and
- For administrative purposes of the department.⁴

Records can also be released to the following parties for specific purposes:

- Law enforcement agencies.
- Department of Business and Professional Regulation.
- Department of State.
- Department of Revenue.
- Department of Children and Family Services.
- Department of Financial Services.⁵

The most recent change to this public records exemption was in 2010, when the exemption was narrowed. The Legislature authorized the Department of Children and Family Services to have access to the records for additional purposes related to public assistance and public assistance fraud investigations.⁶

The Office of State Courts Administrator

The Office of State Courts Administrator (OSCA) requested the changes provided in this bill. OSCA indicates a need for this legislation as follows:

By department policy, judges have access to [driver's license] photographs, and by past practice, some court-related employees have access. However, neither judges nor court-related employees are specifically delineated for access in the applicable statute. The [Department of Highway Safety and Motor Vehicles] has begun to interpret the statute more strictly, resulting in some court-related employees being unable to access the photographs.

The courts' Judicial Inquiry System (JIS) draws information from a number of data sources. Specifically, JIS offers the judiciary access to a streamlined dashboard in

² Section 322.14 (1)(a) and (b), F.S.

³ Section 322.142(4), F.S.

⁴ Section 322.142 (4), F.S.

⁵ Section 322.142 (4), F.S.

⁶ Section 1, ch. 2010-207, L.O.F. (CS/SB 962).

which a user may query multiple data sources through a single point of entry. One of the data sources that may be accessed through JIS is the system containing driver's license photographs maintained by DHSMV. However, some judges and court-related employees also may access the DHSMV system directly.⁷

According to OSCA, judges have had access to the records based on the statute's authority for release to law enforcement agencies. Still, OSCA is concerned that the department is more strictly interpreting the public records exemption for driver's license records, and judges are not currently authorized in the exemption to receive records. Additionally, the other judicial branch employees have encountered resistance in accessing these records.

Public Records

The Florida Constitution specifies requirements for public access to government records. It provides every person the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or of persons acting on their behalf.⁸ The records of the legislative, executive, and judicial branches are specifically included.⁹

In addition to the Florida Constitution, the Florida Statutes specify conditions under which public access must be provided to government records. Chapter 119, F.S.,¹⁰ guarantees every person's right to inspect and copy any state or local government public record¹¹ at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.¹²

Only the Legislature may create an exemption to public records.¹³ Such an exemption must be created by general law and must specifically state the public necessity justifying the exemption.¹⁴

⁷ Office of the State Courts Administrator, *White Paper: Legislative Issue: Driver's License Photographs* (2013) (on file with the Senate Committee on Judiciary).

⁸ FLA. CONST., Art. I, s. 24(a).

⁹ *Id.*

¹⁰ Chapter 119, F.S.

¹¹ Section 119.011(12), F.S., defines "public records" to mean "all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency." Section 119.011(2), F.S., defines "agency" to mean as "any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency." The Public Records Act does not apply to legislative or judicial records (*see Locke v. Hawkes*, 595 So. 2d 32 (Fla. 1992)).

¹² Section 119.07(1)(a), F.S.

¹³ FLA. CONST., Art. I, s. 24(c). There is a difference between records the Legislature designates as exempt from public records requirements and those the Legislature designates *confidential and* exempt. A record classified as exempt from public disclosure may be disclosed under certain circumstances (*see WFTV, Inc. v. The School Board of Seminole*, 874 So. 2d 48 (Fla. 5th DCA 2004), review denied 892 So. 2d 1015 (Fla. 2004); *City of Riviera Beach v. Barfield*, 642 So. 2d 1135 (Fla. 4th DCA 2004); and *Williams v. City of Minneola*, 575 So. 2d 687 (Fla. 5th DCA 1991)). If the Legislature designates a record as confidential and exempt from public disclosure, such record may not be released, by the custodian of public records, to anyone other than the persons or entities specifically designated in the statutory exemption (*see Attorney General Opinion 85-62*, August 1, 1985).

¹⁴ FLA. CONST., Art. I, s. 24(c).

Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill enacting an exemption may not contain other substantive provisions¹⁵ and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.¹⁶

III. Effect of Proposed Changes:

This bill narrows the public records exemption for copies of driver's license files and digital records by expressly authorizing the following parties to receive copies as part of the official work of a court:

- A justice or judge of the state.
- An employee of the state courts system who holds a position that is designated in writing for access by the Supreme Court Chief Justice or a chief judge of a district or circuit court, or his or her designee.
- A government employee who performs functions for the state court system in a position that is designated in writing for access by the Chief Justice of the Supreme Court or a chief judge of a district or circuit court, or their designee.

This bill updates obsolete references to the Department of Children and Family Services to the Department of Children and Families.¹⁷

The bill takes effect July 1, 2013.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

This bill does not require counties or municipalities to spend funds or limit their authority to raise revenue or receive state-shared revenues as specified in Article VII, s. 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

This bill narrows an existing public records exemption. It complies with the requirements of s. 24(c), Article I of the Florida Constitution. Because the bill does not create a new exemption, it does not require a statement of public necessity or two-thirds vote approval of each house for passage as required by s. 24(c), Article I of the Florida Constitution.

C. Trust Funds Restrictions:

None.

¹⁵ The bill may, however, contain multiple exemptions that relate to one subject.

¹⁶ FLA. CONST., Art. I, s. 24(c).

¹⁷ Chapter 2012-84 (SB 2048).

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

An insignificant positive fiscal impact may be associated with this bill in that the courts and OSCA employees may have easier access to these records.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Joyner

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A bill to be entitled

An act relating to driver licenses; amending s. 322.142, F.S.; authorizing a justice, judge, or designated employee to access reproductions of driver license images as part of the official work of a court; revising and clarifying provisions; providing an effective date.

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

Section 1. Subsection (4) of section 322.142, Florida Statutes, is amended to read:

322.142 Color photographic or digital imaged licenses.—

(4) The department may maintain a film negative or print file. The department shall maintain a record of the digital image and signature of the licensees, together with other data required by the department for identification and retrieval. Reproductions from the file or digital record are exempt from the provisions of s. 119.07(1) and shall be made and issued only:

(a) For departmental administrative purposes;

(b) For the issuance of duplicate licenses;

(c) In response to law enforcement agency requests;

(d) To the Department of Business and Professional Regulation pursuant to an interagency agreement for the purpose of accessing digital images for reproduction of licenses issued by the Department of Business and Professional Regulation;

(e) To the Department of State pursuant to an interagency agreement to facilitate determinations of eligibility of voter

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registration applicants and registered voters in accordance with ss. 98.045 and 98.075;

(f) To the Department of Revenue pursuant to an interagency agreement for use in establishing paternity and establishing, modifying, or enforcing support obligations in Title IV-D cases;

(g) To the Department of Children and ~~Families~~ Family Services pursuant to an interagency agreement to conduct protective investigations under part III of chapter 39 and chapter 415;

(h) To the Department of Children and ~~Families~~ Family Services pursuant to an interagency agreement specifying the number of employees in each of that department's regions to be granted access to the records for use as verification of identity to expedite the determination of eligibility for public assistance and for use in public assistance fraud investigations;

(i) To the Department of Financial Services pursuant to an interagency agreement to facilitate the location of owners of unclaimed property, the validation of unclaimed property claims, and the identification of fraudulent or false claims; ~~or~~

(j) To district medical examiners pursuant to an interagency agreement for the purpose of identifying a deceased individual, determining cause of death, and notifying next of kin of any investigations, including autopsies and other laboratory examinations, authorized in s. ~~406.11~~ 406.011; or

(k) To the following persons for the purpose of identifying a person as part of the official work of a court:

1. A justice or judge of this state;

2. An employee of the state courts system who works in a

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59 position that is designated in writing for access by the Chief
60 Justice of the Supreme Court or a chief judge of a district or
61 circuit court, or by his or her designee; or

62 3. A government employee who performs functions on behalf
63 of the state courts system in a position that is designated in
64 writing for access by the Chief Justice or a chief judge, or by
65 his or her designee.

66 Section 2. This act shall take effect July 1, 2013.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 664

INTRODUCER: Senator Simmons

SUBJECT: State Taxes on Motor Fuel

DATE: February 28, 2013 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Eichin	TR	Favorable
2.			CJ	
3.			AFT	
4.			AP	
5.				
6.				

I. Summary:

SB 664 requires that certain motor fuel taxes paid by a county sheriff’s office be returned to the sheriff’s office and used to offset ongoing fuel costs and authorizes a sheriff’s office, if licensed as a local government user, to take a credit on the monthly diesel fuel tax return as specified.

This bill substantially amends the following sections of the Florida Statutes: 206.41 and 206.625.

II. Present Situation:

Section 206.41, F.S., imposes specified taxes on motor fuel and provides for certain refunds. Specifically, s. 206.41(4)(d), F.S., provides for a refund of the fuel sales tax imposed by s. 206.41(1)(g), F.S.,¹ paid by a municipality or county on motor fuel or diesel fuel² for use in a motor vehicle operated by the municipality or county. That paragraph further authorizes a municipality or county, when licensed as a local government user, to take a credit on the monthly diesel fuel tax return not to exceed the county fuel tax and the fuel sales tax on those gallons which would otherwise be eligible for refund.

¹ The provisions of s. 206.41, F.S., are made applicable to diesel fuel pursuant to s. 206.97, F.S., as far as lawful and practicable and to the extent that s. 206.41, F.S., does not conflict with any provision of part II of ch. 206, F.S.

² The fuel sales tax rate on each net gallon of motor fuel and diesel fuel for 2013 is 12.9 cents. Florida Department of Revenue website: http://dor.myflorida.com/dor/tips/pdf/12b05-02_chart.pdf, *2013 Florida Fuel Tax, Collection Allowance, Refund, and Pollutants Tax Rates*, retrieved February 28, 2013.

Section 206.625(1), F.S., requires that the county fuel tax imposed by s. 206.41(1)(b), F.S.,³ collected from a municipality or county on motor fuel for use in a motor vehicle operated by it be returned to the governing body of each such municipality or county in accordance with the procedures in s. 206.41, F.S., for construction, reconstruction, and maintenance of roads and streets within the respective municipality or county.

Section 206.874(1), F.S., contains exemptions from provisions requiring the payment of taxes on diesel fuel, including without limitation diesel fuel that satisfies specified dyeing and marking requirements. Subsection (3) of that section lists allowable purposes for which dyed diesel fuel may be purchased and used, including without limitation, exclusive use of a local government; but that subsection does not include county sheriffs' offices. Further, subsection (4) of s. 206.874, F.S., provides that to qualify for the use of dyed or otherwise untaxed diesel fuel in motor vehicles, each county, municipality, and school district must first register with the Department of Revenue (DOR) as a local government user of diesel fuel. The definition of "local government user of diesel fuel" in s. 206.86(11), F.S., includes any county, municipality, or school district licensed by DOR to use untaxed diesel fuel in motor vehicles, but it does not include county sheriffs' offices.

Section 206.874(4)(c), F.S., requires any county, municipality, or school district not licensed as a local government user of diesel fuel to pay directly to DOR the diesel fuel taxes imposed by s. 206.87(1), F.S.,⁴ for any highway use of untaxed diesel fuels. And lastly, section 206.874(4)(d), F.S., provides that each county, municipality, or school district may receive a credit for additional taxes paid under s. 206.87 for the highway use of diesel fuel, if the diesel fuel purchases meet the requirements relating to refunds for motor fuel purchases under s. 206.41, F.S. Again, county sheriffs' offices are not included in the requirement to pay diesel fuel taxes for any highway use of untaxed diesel fuels if the sheriff's office is not licensed as a local government user of diesel fuel and are not included in the authorization to receive the specified credit.

III. Effect of Proposed Changes:

Section 1: Amends s. 206.41(4)(d), F.S., to provide that the portion of the specified fuel sales tax resulting from the collection of such tax paid by a county sheriff's office on motor fuel or diesel fuel for use in a motor vehicle operated by it shall be returned to the sheriff's office and used to offset ongoing fuel costs; and to provide that a county sheriff's office, if licensed as a local government user, is entitled to take a credit on the monthly diesel fuel tax return if the amount of the credit does not exceed the one-cent county fuel tax and the 12.9-cent fuel sales tax on those gallons which would otherwise be eligible for refund.

Section 2: Amends s. 206.625, F.S., to require that those portions of the county fuel tax imposed by s. 206.41(1)(b), F.S., which result from the collection of such tax paid by a county sheriff's office on motor fuel for use in a motor vehicle operated by the sheriff's office be returned to the sheriff's office to offset ongoing fuel costs.

³³ One cent per net gallon, designated as the "county fuel tax."

⁴ Upon each net gallon of diesel fuel, an excise tax of four cents, an additional one cent tax known as the "ninth-cent fuel tax," an additional six cents known as the "local option fuel tax," an additional SCETS Tax at a 2013 rate of 7.1 cents, and the additional fuel sales tax at a 2013 rate of 12.9 cents.

In short, the fuel sales taxes paid by a county sheriff's office on motor fuel or diesel fuel must be returned to the sheriff's office to offset ongoing fuel costs. A county sheriff's office registered as a local government user is authorized to take a credit on the monthly diesel fuel tax return if the credit does not exceed the county fuel tax and fuel sales tax on those gallons which would otherwise be eligible for refund. Lastly, the county fuel tax paid by a county sheriff's office must be returned to the sheriff's office to offset ongoing fuel costs.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The Revenue Estimating Conference has not yet analyzed the fiscal impact of this bill.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Indeterminate.

VI. Technical Deficiencies:

DOR recommends⁵ the following amendments to provisions in part II of ch. 206, F.S., to incorporate sheriffs' offices:

- insertion of the phrase, "county sheriff's office" in s. 206.86(11), F.S., to include sheriffs' offices in the definition of "local government user of diesel fuel," along with a county, municipality, or school district.
- insertion of the phrase, "county sheriff's office" in s. 206.874(3)(b), F.S., to make purchase and use of dyed diesel fuel for exclusive use by a county sheriff's office exempt from taxes under part II of ch. 206, F.S., as is a local government.

⁵ Department of Revenue 2013 Bill Analysis, SB 664, on file in the Senate Transportation Committee.

- insertion of the phrase, “county sheriff’s offices” or “county sheriff’s office,” as appropriate, in s. 206.874(4)(a), (c), and (d), F.S., to require a county sheriff’s office to register as a local government user of diesel fuel; to require a county sheriff’s office not licensed as a local government user of diesel fuel to pay the diesel fuel tax imposed by s. 206.87(1), for any highway use of untaxed diesel fuels; and to authorize a county sheriff’s office to receive a credit for additional taxes paid under s. 206.87, F.S., for the highway use of diesel fuel, as specified, all as are currently applicable to a county, municipality, or school district.

VII. Related Issues:

None.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

By Senator Simmons

10-00810-13

2013664__

A bill to be entitled

An act relating to state taxes on motor fuel; amending ss. 206.41 and 206.625, F.S.; requiring that certain motor fuel taxes paid by a county sheriff's office be returned and used to offset ongoing fuel costs; providing an effective date.

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

Section 1. Paragraph (d) of subsection (4) of section 206.41, Florida Statutes, is amended to read:

206.41 State taxes imposed on motor fuel.—

(4)

(d) The portion of the fuel sales tax imposed by paragraph (1)(g) which results from the collection of such tax taxes paid by a municipality, ~~or county,~~ or county sheriff's office on motor fuel or diesel fuel for use in a motor vehicle operated by it shall be returned to the governing body of such municipality or county or to the sheriff's office, as applicable. The municipality or county shall use the refund for the construction, reconstruction, and maintenance of roads and streets within the municipality or county; the sheriff's office shall use the refund to offset ongoing fuel costs. If licensed as a local government user, a municipality, ~~or county,~~ or county sheriff's office is, ~~when licensed as a local government user,~~ ~~shall be~~ entitled to take a credit on the monthly diesel fuel tax return if the amount of the credit does not to exceed the tax imposed under paragraphs (1)(b) and (g) on those gallons which would otherwise be eligible for refund to the respective

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

10-00810-13

2013664__

local government user.

Section 2. Section 206.625, Florida Statutes, is amended to read:

206.625 Return of tax to municipalities, counties, sheriff's offices, and school districts.—

~~(1)~~ Those portions of the county fuel tax imposed by s. 206.41(1)(b) which result from the collection of such tax paid by:

(1) A municipality or county on motor fuel for use in a motor vehicle operated by it shall be returned to the governing body of each such municipality or county according to the administrative procedures in s. 206.41 for the construction, reconstruction, and maintenance of roads and streets within the respective municipality or county.

(2) A county sheriff's office on motor fuel for use in a motor vehicle operated by the sheriff's office shall be returned to the sheriff's office to offset ongoing fuel costs.

~~(3)(2)~~ ~~These portions of the county fuel tax imposed by s. 206.41(1)(b) which result from the collection of such tax paid by~~ A school district, or ~~by~~ a private contractor operating school buses for a school district, on motor fuel for use in a motor vehicle operated by such district or private contractor shall be returned to the governing body of each such school district according to the administrative procedures in s. 206.41 to be used to fund construction, reconstruction, and maintenance of roads and streets within the school district resulting from ~~required as a result of~~ new school construction or renovation of existing schools. The school board shall select the projects to be funded; however, first priority shall be given to projects

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10-00810-13

2013664__

59 resulting from ~~required as the result of~~ new school
60 construction, unless a waiver is granted by the affected county
61 or municipal government.

62 Section 3. This act shall take effect July 1, 2013.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 954

INTRODUCER: Senator Gardiner

SUBJECT: Technological Research and Development Authority

DATE: February 28, 2013 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Everette	Eichin	TR	Favorable
2.			RC	
3.				
4.				
5.				
6.				

I. Summary:

SB 954 removes each reference to the Technological Research and Development Authority (TRDA)¹ from Florida Statute. Specifically, the bill removes the TRDA from:

- s. 320.08058, F.S., relating to use of funds accruing from the sale of the Challenger/Columbia specialty license plates;
- s.379.2202, F.S., relating to the list of commissions receiving federal funds through saltwater license and permit fees collected under s. 379.354, F.S.; and
- s. 112.3148(6)(a)(b), F.S., relating to reporting of receipt of gifts by public disclosure of financial interests and by procurement of employees.

This bill substantially amends the following sections of the Florida Statutes: 320.08058, 379.2202, and 112.3148.

II. Present Situation:

Technological Research and Development Authority (TRDA)

The TRDA is headquartered in Melbourne, Florida and consists of a board of directors, an advisors' board, and executives in residence. The authority is codified in ch.2005-337, Laws of Florida, as a technology-based economic development organization with the purposes of promoting research and development and fostering higher education in Brevard County to diversify the economic base of the county and the state.

¹ Created by s. 2, chapter 87-455, Laws of Florida

On March 1, 2012 in the U.S. District Court for the Southern District of Mississippi, a petition for termination and dissolution was necessitated by a lawsuit filed against TRDA by the United States Department of Justice (DOJ). Through the lawsuit, DOJ seeks to recover federal grant money from TRDA for alleged unallowable costs associated with business incubation projects in Syracuse, New York and Melbourne, Florida during a period from 2002 through 2006. After considerable review of the issues raised by DOJ, and the options available to TRDA, on May 30, 2012, the TRDA Board of Directors, by a vote of four (4) for and none (0) against, authorized the entering into of settlement negotiations with DOJ.

On November 15, 2012 the TRDA Board of Directors approved the execution of a Settlement Agreement with DOJ. Though entering into a Settlement Agreement, TRDA does not admit liability.

The terms of the Settlement Agreement specify that TRDA would take the necessary steps to wind-down its operations and dissolve the organization. The wind-down period would take approximately 12-14 months.

Further, the terms specify that DOJ agrees not to enforce any judgment against TRDA's assets, presuming certain conditions are met. In addition, DOJ releases TRDA's current Board of Directors and staff from civil liability related to the conduct alleged in the lawsuit.

Challenger/Columbia Specialty License Plate

In 2003, the department developed the Challenger/Columbia license plate to commemorate the seven astronauts who died when the space shuttle Challenger exploded on liftoff in 1986, and the seven astronauts who died when the Columbia exploded on reentry in 2003. Section 320.08058(2), F.S., authorizes fifty percent of the Challenger/Columbia license plate annual use fees to be distributed to the Astronauts Memorial Foundation, Inc.,² to support the operations of the Center for Space Education and the Education Technology Institute. The other fifty percent is distributed to the Technological Research and Development Authority, for the purpose of funding space-related research grants, the Teacher/Quest Scholarship Program³ under s. 1009.61, F.S., as approved by the Florida Department of Education, and space-related economic development programs. The TRDA coordinates and distributes available resources among state universities and independent colleges and universities based on the research strengths of such institutions in space science technology, community colleges, public school districts, and not-for-profit educational organizations.

Marine Resources Conservation Trust Fund

Section 379.2201, F.S., provides that the TRDA receives funds through all saltwater license and permit fees collected and deposited into the Marine Resources Conservation Trust Fund to be used for administration of licensing programs and education, fishery enhancements, and marine research and management, among other things.

² The Astronauts Memorial Foundation honors and memorializes those astronauts who have sacrificed their lives for the nation and the space program by sponsoring the national Space Mirror Memorial, and implementing innovative educational technology programs. The Memorial was founded in the wake of the Challenger accident 1986.

<http://floridaspacegrant.org/affiliates-info/the-astronauts-memorial-foundation/>

³ Provides teachers with the opportunity to enhance his or her knowledge of science, math, and computer applications in business, industry and government.

Reporting of Gifts by Employees

The provisions of s. 112.3148, F.S., requires reporting and filing of receipt of gifts by individuals filing full or limited public disclosure of financial interests and by procurement employees.

III. Effect of Proposed Changes:

The bill amends s. 320.08058(2), F.S., by deleting the fifty percent distribution of the annual use fee collected through the sale of Challenger/Columbia specialty license plates, to the TRDA. The other fifty percent of use fee funds collected are distributed to the Astronauts Memorial Foundation, Inc., to support the operations of the Center for Space Education and the Education Technology Institute. With the passage of this bill, the Astronauts Memorial Foundation, Inc., will receive the full collection of annual use fees to support the operations of the Center for Space Education and the Education Technology Institute. The provision takes effect September 30, 2013.

The bill amends s. 379.2202, F.S., to remove the TRDA from the research institutions receiving funds from the Marine Resources Conservation Trust Fund under s. 379.2201, F.S. The provision takes effect July 1, 2013.

The bill also amends s. 112.3148, F.S., and removes the requirement of the TRDA of reporting receipt of gifts by individuals filing full or limited public disclosure of financial interests. The provision takes effect December 31, 2013.

The bill, except otherwise expressed above, takes effect upon becoming law.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

B. Private Sector Impact:

The Revenue Estimating Conference has not yet estimated the fiscal impact of this bill.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/06/2013	.	
	.	
	.	
	.	

The Committee on Transportation (Evers) recommended the following:

Senate Amendment (with title amendment)

Delete lines 29 - 62

and insert:

(b) Seventy five~~Fifty~~ percent of The Challenger/Columbia license plate annual use fee must be distributed to the Astronauts Memorial Foundation, Inc., to support the operations of the Center for Space Education and the Education Technology Institute. Funds received by the Astronauts Memorial Foundation, Inc., may be used for administrative costs directly associated with the operation of the center and the institute. These funds must be used for the maintenance and support of the operations

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13 of the Center for Space Education and the Education Technology
14 Institute operated by the Astronauts Memorial Foundation, Inc.
15 These operations must include preservice and inservice training
16 in the use of technology for the state's instructional personnel
17 in a manner consistent with state training programs and approved
18 by the Department of Education. Up to 20 percent of funds
19 received by the Center for Space Education and the Education
20 Technology Institute may be expended for administrative costs
21 directly associated with the operation of the center and the
22 institute.

23 (c) Fifty percent must be distributed to the Technological
24 Research and Development Authority created by s. 2, chapter 87-
25 455, Laws of Florida, for the purpose of funding space-related
26 research grants, the Teacher/Quest Scholarship Program under s.
27 1009.61 as approved by the Florida Department of Education, and
28 space-related economic development programs. The Technological
29 Research and Development Authority shall coordinate and
30 distribute available resources among state universities and
31 independent colleges and universities based on the research
32 strengths of such institutions in space science technology,
33 community colleges, public school districts, and not-for-profit
34 educational organizations. Twenty percent of the
35 Challenger/Columbia license plate annual use fee must be
36 distributed to the Challenger Learning Center in Tallahassee to
37 support the operations and maintenance of their K-12 STEM
38 outreach and teacher professional development. Funds received by
39 the Challenger Learning Center in Tallahassee, may be used for
40 administrative costs directly associated with the operation of
41 the center and their educational outreach programs. Up to 20

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42 percent of funds received by the Challenger Learning Center may
43 be expended for administrative costs directly associated with
44 the operation of the center and the institute.

45 (d)-(e) Five percent of the Challenger/Columbia license
46 plate annual use fee must be distributed to the Challenger
47 Learning Center in Jacksonville to support the operations and
48 maintenance of their K-12 STEM outreach and teacher professional
49 development. Funds received by the Challenger Learning Center in
50 Jacksonville, may be used for administrative costs directly
51 associated with the operation of the center and their
52 educational outreach programs. Up to 20 percent of funds
53 received by the Challenger Learning Center may be expended for
54 administrative costs directly associated with the operation of
55 the center and the institute.

56 (e)-(d) Up to 10 percent of the funds distributed under
57 paragraphs (b), ~~and~~ (c) and (d) may be used for continuing
58 promotion and marketing of the license plate.

59 (f)-(e) The Auditor General has ~~the~~ authority to examine any
60

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

62 And the title is amended as follows:

63 Between lines 6 and 7

64 insert:

65 redistributing Challenger/Columbia annual use fees;

By Senator Gardiner

13-00302B-13

2013954

A bill to be entitled

An act relating to the Technological Research and Development Authority; amending s. 320.08058, F.S.; deleting provisions for distribution by the Department of Highway Safety and Motor Vehicles to the authority of Challenger/Columbia license plate user fees; conforming provisions; amending s. 379.2202, F.S.; deleting provisions for distribution by the Fish and Wildlife Conservation Commission to the authority of saltwater license and permit fees; amending s. 112.3148, F.S., relating to giving gifts to certain officers or candidates for office and to procurement employees; deleting reference to the authority; providing contingent effective dates.

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

Section 1. Effective September 30, 2013, subsection (2) of section 320.08058, Florida Statutes, is amended to read:

320.08058 Specialty license plates.—

(2) CHALLENGER/COLUMBIA LICENSE PLATES.—

(a) The department shall develop a Challenger/Columbia license plate to commemorate the seven astronauts who died when the space shuttle Challenger exploded on liftoff in 1986 and the seven astronauts who died when the Columbia exploded on reentry in 2003. The word "Florida" shall appear at the top of the plate, and the words "Challenger/Columbia" must appear at the bottom of the plate, in small letters.

(b) ~~Fifty percent of~~ The Challenger/Columbia license plate

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annual use fee must be distributed to the Astronauts Memorial Foundation, Inc., to support the operations of the Center for Space Education and the Education Technology Institute. Funds received by the Astronauts Memorial Foundation, Inc., may be used for administrative costs directly associated with the operation of the center and the institute. These funds must be used for the maintenance and support of the operations of the Center for Space Education and the Education Technology Institute operated by the Astronauts Memorial Foundation, Inc. These operations must include preservice and inservice training in the use of technology for the state's instructional personnel in a manner consistent with state training programs and approved by the Department of Education. Up to 20 percent of funds received by the Center for Space Education and the Education Technology Institute may be expended for administrative costs directly associated with the operation of the center and the institute.

~~(c) Fifty percent must be distributed to the Technological Research and Development Authority created by s. 2, chapter 87-455, Laws of Florida, for the purpose of funding space-related research grants, the Teacher/Quest Scholarship Program under s. 1009.61 as approved by the Florida Department of Education, and space-related economic development programs. The Technological Research and Development Authority shall coordinate and distribute available resources among state universities and independent colleges and universities based on the research strengths of such institutions in space science technology, community colleges, public school districts, and not-for-profit educational organizations.~~

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2013954

59 (c) ~~(d)~~ Up to 10 percent of the funds distributed under
60 paragraph (b) ~~paragraphs (b) and (c)~~ may be used for continuing
61 promotion and marketing of the license plate.

62 (d) ~~(e)~~ The Auditor General has ~~the~~ authority to examine any
63 and all records pertaining to the Astronauts Memorial
64 Foundation, Inc., ~~and the Technological Research and Development~~
65 ~~Authority~~ to determine compliance with the law.

66 Section 2. Effective July 1, 2013, section 379.2202,
67 Florida Statutes, is amended to read:

68 379.2202 Expenditure of funds.—Any moneys available
69 pursuant to s. 379.2201(1) (c) may be expended by the commission
70 within Florida through grants and contracts for research with
71 research institutions including but not limited to: Florida Sea
72 Grant; Florida Marine Resources Council; Harbour Branch
73 Oceanographic Institute; ~~Technological Research and Development~~
74 ~~Authority~~; Fish and Wildlife Research Institute of the Fish and
75 Wildlife Conservation Commission; Mote Marine Laboratory; Marine
76 Resources Development Foundation; Florida Institute of
77 Oceanography; Rosentiel School of Marine and Atmospheric
78 Science; and Smithsonian Marine Station at Ft. Pierce.

79 Section 3. Effective December 31, 2013, paragraphs (a) and
80 (b) of subsection (6) of section 112.3148, Florida Statutes, are
81 amended to read:

82 112.3148 Reporting and prohibited receipt of gifts by
83 individuals filing full or limited public disclosure of
84 financial interests and by procurement employees.—

85 (6) (a) Notwithstanding the provisions of subsection (5), an
86 entity of the legislative or judicial branch, a department or
87 commission of the executive branch, a water management district

13-00302B-13

2013954

88 created pursuant to s. 373.069, South Florida Regional
89 Transportation Authority, ~~the Technological Research and~~
90 ~~Development Authority~~, a county, a municipality, an airport
91 authority, or a school board may give, either directly or
92 indirectly, a gift having a value in excess of \$100 to any
93 reporting individual or procurement employee if a public purpose
94 can be shown for the gift; and a direct-support organization
95 specifically authorized by law to support a governmental entity
96 may give such a gift to a reporting individual or procurement
97 employee who is an officer or employee of such governmental
98 entity.

99 (b) Notwithstanding the provisions of subsection (4), a
100 reporting individual or procurement employee may accept a gift
101 having a value in excess of \$100 from an entity of the
102 legislative or judicial branch, a department or commission of
103 the executive branch, a water management district created
104 pursuant to s. 373.069, South Florida Regional Transportation
105 Authority, ~~the Technological Research and Development Authority~~,
106 a county, a municipality, an airport authority, or a school
107 board if a public purpose can be shown for the gift; and a
108 reporting individual or procurement employee who is an officer
109 or employee of a governmental entity supported by a direct-
110 support organization specifically authorized by law to support
111 such governmental entity may accept such a gift from such
112 direct-support organization.

113 Section 4. Except as otherwise expressly provided in this
114 act, this act shall take effect upon becoming a law.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SPB 7022

INTRODUCER: For consideration by the Committee on Transportation

SUBJECT: Driver Licenses

DATE: March 5, 2013

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Eichin	Eichin		Pre-meeting
2.				
3.				
4.				
5.				
6.				

I. Summary:

Senate Proposed Bill 7022 relates to the issuance of driver licenses and exemptions from licensure requirements for residents of foreign countries. The bill deletes a requirement that residents of foreign countries hold an international driving permit when operating a motor vehicle in this state.

This bill substantially amends s. 322.04, F.S.

II. Present Situation:

Currently, a nonresident who is at least 16 years of age may operate a motor vehicle in Florida if the nonresident has in his or her immediate possession:

- A valid noncommercial driver license issued in his or her name from another U.S. state, or
- An International Driving Permit (IDP) issued in his or her name in his or her country of residence and a valid license issued in that country.

An IDP is essentially a bi- or multi-language translation of the permit-holder's normal driver license credential, complete with photograph and vital statistics.

The requirement for international visitors to possess an IDP was adopted during the 2012 legislative session, when the Florida Legislature amended s. 322.04, F.S. This change took effect Jan. 1, 2013.

Subsequently, the Department of Highway Safety and Motor Vehicles (DHSMV) became aware that this requirement likely constitutes a violation of the Convention on Road Traffic (1949, 1968), an international treaty to which the United States is a signatory. Since the United States government does not require nonresidents to have an IDP, and international treaties preempt state laws in conflict with them, the Florida Highway Patrol (FHP) has deferred enforcement of violations of the amended statutory section.¹

III. Effect of Proposed Changes:

Generally, SPB 7022 restores s. 322.04, F.S., to its condition prior to the revisions made in 2012. As a result, no IDP will be required for nonresidents. Possession of a valid driver license remains a requirement.

Specifically, the proposed bill restores the provision that a nonresident who is at least 16 years of age and who has in his or her immediate possession a valid noncommercial driver's license issued to the nonresident in his or her home state or country, may operate a motor vehicle of the type for which a Class E driver license is required in this state.

The proposed bill also restores the provision allowing a nonresident who is at least 18 years of age and who has in his or her immediate possession a valid noncommercial driver license issued to the nonresident in his or her home state or country, to operate a motor vehicle, other than a commercial motor vehicle, in this state.

The proposed bill would take effect upon becoming law and shall apply retroactively to January 1, 2013.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

¹ A non-resident visitor to Florida who wishes to drive in this state is required to have in his or her immediate possession a valid driver license issued in his or her name from another state or territory of the U.S. or from their country of residence. However, the FHP has deferred enforcement action based solely on the lack of an IDP.

B. Private Sector Impact:

Nonresident visitors will no longer be required to obtain an IDP in order to legally operate a motor vehicle in this state. Since IDPs are issued in the applicant's home country at various prices, the fiscal impact to individuals varies, but is neutral or positive.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

FOR CONSIDERATION By the Committee on Transportation

596-01773-13

20137022__

1 A bill to be entitled
 2 An act relating to driver licenses; amending s.
 3 322.04, F.S.; revising requirements relating to
 4 exemptions from licensure requirements for residents
 5 of foreign countries; deleting a requirement that such
 6 persons hold an International Driving Permit to be
 7 exempt; providing an effective date.
 8
 9 Be It Enacted by the Legislature of the State of Florida:
 10
 11 Section 1. Section 322.04, Florida Statutes, is amended to
 12 read:
 13 322.04 Persons exempt from obtaining driver license.—
 14 (1) The following persons are exempt from obtaining a
 15 driver license:
 16 (a) Any employee of the United States Government, while
 17 operating a noncommercial motor vehicle owned by or leased to
 18 the United States Government and being operated on official
 19 business.
 20 (b) Any person while driving or operating any road machine,
 21 farm tractor, or implement of husbandry temporarily operated or
 22 moved on a highway.
 23 (c) A nonresident who is at least 16 years of age and who
 24 has in his or her immediate possession a valid noncommercial
 25 driver's license issued to the nonresident in his or her home
 26 state or country, may operate ~~operating~~ a motor vehicle of the
 27 type for which a Class E driver license is required in this
 28 state ~~if the nonresident has in his or her immediate possession:~~
 29 ~~1. a valid noncommercial driver license issued in his or~~

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596-01773-13

20137022__

30 ~~her name from another state or territory of the United States,~~
 31 ~~or~~
 32 ~~2. An International Driving Permit issued in his or her~~
 33 ~~name in his or her country of residence and a valid license~~
 34 ~~issued in that country.~~
 35 (d) A nonresident who is at least 18 years of age and who
 36 has in his or her immediate possession a valid noncommercial
 37 driver license issued to the nonresident in his or her home
 38 state or country may operate a motor vehicle, other than a
 39 commercial motor vehicle, in this state.
 40 (e) ~~(d)~~ Any person operating a golf cart, as defined in s.
 41 320.01, which is operated in accordance with the provisions of
 42 s. 316.212.
 43 (2) This section does not apply to any person to whom s.
 44 322.031 applies.
 45 (3) Any person working for a firm under contract to the
 46 United States Government whose residence is outside this state
 47 and whose main point of employment is outside this state may
 48 drive a noncommercial vehicle on the public roads of this state
 49 for periods up to 60 days while in this state on temporary duty,
 50 if the person has a valid driver license from the state of the
 51 person's residence.
 52 Section 2. This act shall take effect upon becoming a law
 53 and shall apply retroactively to January 1, 2013.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SPB 7020

INTRODUCER: For consideration by the Committee on Transportation

SUBJECT: Public Records/Personal Information/Paratransit Services

DATE: March 5, 2013 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Eichin	Eichin		Pre-meeting
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

SPB 7020 reenacts an existing public records exemption found in s. 119.071(5)(h), F.S., which exempts from public inspection or copying, the personal identifying information of applicants for, or recipients of paratransit services. This exemption is subject to review under s. 119.115, F.S., the Open Government Sunset Review Act, and will sunset on October 2, 2013 unless saved from repeal through reenactment by the Legislature. Although the bill removes a provision scheduling a future repeal of the exemption, the bill does not expand the scope of the existing exemption, so it does not require a two-thirds vote.

This bill substantially amends s. 119.071, F.S.

II. Present Situation:

Public Records and Open Meetings Requirements

The Florida Constitution specifies requirements for public access to government records and meetings. It provides every person the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or of persons acting on their behalf.¹ The records of the legislative, executive, and judicial branches are specifically included.² The Florida Constitution also requires all meetings of any collegial public body of the executive branch of state government or of any local government, at

¹ FLA. CONST., art. I, s. 24(a).

² *Id.*

which official acts are to be taken or at which public business of such body is to be transacted or discussed, to be open and noticed to the public.³

In addition to the Florida Constitution, the Florida Statutes specify conditions under which public access must be provided to government records and meetings. The Public Records Act⁴ guarantees every person's right to inspect and copy any state or local government public record⁵ at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁶ The Sunshine Law⁷ requires all meetings of any board or commission of any state or local agency or authority at which official acts are to be taken to be noticed and open to the public.⁸

Only the Legislature may create an exemption to public records or open meetings requirements.⁹ Such an exemption must be created by general law and must specifically state the public necessity justifying the exemption.¹⁰ Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill enacting an exemption may not contain other substantive provisions¹¹ and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.¹²

³ FLA. CONST., art. I, s. 24(b).

⁴ Chapter 119, F.S.

⁵ Section 119.011(12), F.S., defines "public records" to mean "all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency." Section 119.011(2), F.S., defines "agency" to mean as "any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency." The Public Records Act does not apply to legislative or judicial records (*see Locke v. Hawkes*, 595 So.2d 32 (Fla. 1992)).

⁶ Section 119.07(1)(a), F.S.

⁷ Section 286.011, F.S.

⁸ Section 286.011(1)-(2), F.S. The Sunshine Law does not apply to the Legislature; rather, open meetings requirements for the Legislature are set out in Art. III, s. 4(e) of the Florida Constitution. That section requires the rules of procedure of each house to provide that:

- All legislative committee and subcommittee meetings of each house and of joint conference committee meetings must be open and noticed to the public; and
- All prearranged gatherings, between more than two members of the Legislature, or between the Governor, the President of the Senate, or the Speaker of the House of Representatives, the purpose of which is to agree upon or to take formal legislative action, must be reasonably open to the public.

⁹ FLA. CONST., art. I, s. 24(c). There is a difference between records the Legislature designates as exempt from public records requirements and those the Legislature designates *confidential and exempt*. A record classified as exempt from public disclosure may be disclosed under certain circumstances (*see WFTV, Inc. v. The School Board of Seminole*, 874 So.2d 48 (Fla. 5th DCA 2004), review denied 892 So.2d 1015 (Fla. 2004); *City of Riviera Beach v. Barfield*, 642 So.2d 1135 (Fla. 4th DCA 2004); and *Williams v. City of Minneola*, 575 So.2d 687 (Fla. 5th DCA 1991)). If the Legislature designates a record as confidential and exempt from public disclosure, such record may not be released, by the custodian of public records, to anyone other than the persons or entities specifically designated in the statutory exemption (*see Attorney General Opinion 85-62*, August 1, 1985).

¹⁰ FLA. CONST., art. I, s. 24(c).

¹¹ The bill may, however, contain multiple exemptions that relate to one subject.

¹² FLA. CONST., art. I, s. 24(c).

Open Government Sunset Review Act

The Open Government Sunset Review Act (the Act) prescribes a legislative review process for newly created or substantially amended public records or open meetings exemptions.¹³ It requires the automatic repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.¹⁴

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary to meet such public purpose.¹⁵ An exemption serves an identifiable purpose if it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivision to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption;
- It protects sensitive personal information that, if released, would be defamatory or would jeopardize an individual's safety; however, only the identity of an individual may be exempted under this provision; or
- It protects trade or business secrets.¹⁶

The Act also requires specified questions to be considered during the review process.¹⁷

When reenacting an exemption that will repeal, a public necessity statement and a two-thirds vote for passage are required if the exemption is expanded.¹⁸ A public necessity statement and a two-thirds vote for passage are not required if the exemption is reenacted with grammatical or stylistic changes that do not expand the exemption, if the exemption is narrowed, or if an exception¹⁹ to the exemption is created.

¹³ Section 119.15, F.S. An exemption is substantially amended if the amendment expands the scope of the exemption to include more records or information or to include meetings as well as records (s. 119.15(4)(b), F.S.). The requirements of the Act do not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System (s. 119.15(2), F.S.).

¹⁴ Section 119.15(3), F.S.

¹⁵ Section 119.15(6)(b), F.S.

¹⁶ *Id.*

¹⁷ Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

¹⁸ An exemption is expanded when it is amended to include more records, information, or meetings or to include meetings as well as records, or records as well as meetings.

¹⁹ An example of an exception to a public records exemption would be allowing an additional agency access to confidential and exempt records.

Paratransit Services

American with Disabilities Act (ADA) and Paratransit Services²⁰ - The ADA requires that public entities that operate a fixed route system must provide paratransit and other special transportation services to disabled individuals, including individuals using wheelchairs, at a level of service that is comparable to the service provided to persons without disabilities, and the service must be provided in a comparable response time. Origins and destinations must be within corridors that are three-quarters of a mile on each side of the fixed route. Eligible recipients of paratransit and special transportation services include:

- Individuals who are unable to get on or off public transit without assistance.
- Individuals who need to use a wheelchair lift on public transportation but such public transportation isn't available when needed.
- Disabled individuals with a specific impairment that prevents travel to a point of departure or travel from a disembarking location.

Commuter bus, commuter rail, and intercity rail systems are not required to provide complementary paratransit services. Federal law defines "paratransit" as "comparable transportation service required by the ADA for individuals with disabilities who are unable to use fixed route transportation systems." A "fixed route system" is defined as "a system of transporting individuals, other than by aircraft, including the provision of designated public transportation service by public entities and the provision of transportation service by private entities, including, but not limited to, specified public transportation service, on which a vehicle is operated along a prescribed route according to a fixed schedule." Paratransit services for ADA eligible persons are point-of-origin to destination services, and are not required in areas where fixed-route services are not provided.

Medicaid Non-emergency Transportation Program (Medicaid NET Services) - In providing for the administration of the Social Security Act, federal law (42 CFR 431.53) requires that each state plan to provide Medicaid services "specify that the Medicaid agency will ensure necessary transportation for recipients to and from providers; and describe the methods that the agency will use to meet this requirement." In Florida, the agency in charge of the Medicaid program is the Agency for Health Care Administration (AHCA). Provisions in s. 427.0135, F.S., require that AHCA purchase Medicaid transportation services through the Transportation Disadvantaged Program's designated community transportation coordinator (CTC) unless the service is not cost-effective or the CTC does not coordinate Medicaid transportation services.²¹ These services are known as the Medicaid Non-emergency Transportation Services (Medicaid NET Services), and in June of 2004, AHCA transferred management of the Medicaid NET System to the Commission for the Transportation Disadvantaged, as a cost-saving measure and to reduce fraud and abuse.²²

²⁰ 49 CFR 37, Subpart F

²¹ As an example, Palm Beach County's "Palm Tran Connection" program provides paratransit services to eligible ADA applicants and other approved transportation disadvantaged individuals, but Medicaid NET Service is provided by MV Transportation, Inc., a private, for-profit corporation which also serves as a CTC in other areas of the state.

²² "Annual Performance Report, Commission for the Transportation Disadvantaged", January 1 2007.

Commission for the Transportation Disadvantaged²³ - Part I of ch. 427, F.S., establishes the Commission for the Transportation Disadvantaged (commission) with a purpose of coordinating transportation services provided to the transportation disadvantaged and a goal of providing cost-effective transportation by qualified community transportation coordinators or operators. The commission contracts with a CTC and a planning agency in each county to ensure that transportation services are provided. In fiscal year 2005-2006, the commission contracted with 48 providers to provide service in all of Florida's 67 counties. Providers included 20 private non-profit entities, 3 private for-profit entities, 19 county governments, 4 public transit authorities, 1 city government, and 1 metropolitan planning organization.

Under s. 427.011, F.S., "transportation disadvantaged" means "persons who because of physical or mental disability, income status, or age are unable to transport themselves or to purchase transportation and are therefore, dependent upon others to obtain access to health care, employment, education, shopping, social activities, or other life-sustaining activities, or children who are handicapped or high-risk or at-risk as defined in s. 411.202," and "paratransit" means "those elements of public transit which provide service between specific origins and destinations selected by the individual user with such service being provided at a time that is agreed upon by the user and provider of the service. Paratransit services are provided by taxis, limousines, "dial-a-ride", buses, and other demand-responsive operations that are characterized by their nonscheduled, nonfixed, route nature."

The transportation disadvantaged program is funded through legislative appropriations and by a \$1.50 nonrefundable fee collected on the initial and renewable registration of privately used automobiles, and on the initial and renewable registration of each truck with a net weight of 5,000 pounds or less. The fees are deposited into the Transportation Disadvantaged Trust Fund and used to carry out the commission's responsibility in providing services to the transportation disadvantaged.

Exemption Under Review

Eligibility for Paratransit Services and the Transportation Disadvantaged Program - The paratransit service public records exemption is scheduled for repeal in October 2013 and is required to be reviewed by the Legislature under the provisions of the Open Government Sunset Review Act.

Personal health care information for persons qualified for paratransit services as required under Title II of the ADA or the state's Transportation Disadvantaged Program was not protected until the Florida Legislature enacted ch. 2003-110, Laws of Florida, to provide a public records exemption for all personal identifying information in records relating to a person's health held by local governmental entities or their service providers²³ for the purpose of determining eligibility for paratransit services under the ADA or the state program. The new exemption was created in s. 119.07, F.S., which provides for general public records exemptions. In 2005, the exemption

²³ The CTD is housed within the Florida Department of Transportation and consists of seven members appointed by the Governor, five of whom must have experience in operating a business and two of whom must have a disability and use the transportation disadvantaged system. In addition, seven ex officio, nonvoting advisers serve the CTD: the Secretaries of Transportation, Children & Families, Elder Affairs, Veterans' Affairs, and Agency for Health Care Administration; the directors of the Agency for Workforce Innovation and the Agency for Persons with Disabilities, and a county manager or administrator.

was moved to the newly created s. 119.0713, F.S., and modified to exclude records held by service providers²⁴ under a general assumption that “local governmental entities” included local governments and their service providers as provided in the definition of “agency” in s. 119.011, F.S.

III. Effect of Proposed Changes:

The bill reenacts s. 119.071(5)(h), F.S., which exempts from public inspection or copying, personal identifying information of applicants or users of paratransit services held by an agency.

The bill removes a provision scheduling a future repeal of the exemption.

The bill’s effective date is July 1, 2013.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, s. 24(c) of the Florida Constitution requires a newly created or expanded public records or open meetings exemption to pass by a two-thirds vote of the members present and voting in each house. This bill does not expand an existing public records or open meetings exemption; therefore, a two-thirds vote is not required.

Public Necessity Statement

Article I, s. 24(c) of the Florida Constitution requires a bill creating or expanding a public records or open meetings exemption to contain a public necessity statement. This bill does not expand an existing public records or open meetings exemption; therefore, a public necessity statement is not required.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

²⁴ See s. 35, ch. 2005-251, Laws of Florida, creating s. 119.0713, F.S., entitled “Local government agency exemptions from inspection or copying of public records.”

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

FOR CONSIDERATION By the Committee on Transportation

596-00818-13

20137020__

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 119.071, F.S.; deleting provisions relating to the
 4 future repeal of an exemption from public records
 5 requirements for certain personal identifying
 6 information of persons using paratransit services;
 7 saving the exemption from repeal under the Open
 8 Government Sunset Review Act; providing an effective
 9 date.
 10
 11 Be It Enacted by the Legislature of the State of Florida:
 12
 13 Section 1. Paragraph (h) of subsection (5) of section
 14 119.071, Florida Statutes, is amended to read:
 15 119.071 General exemptions from inspection or copying of
 16 public records.—
 17 (5) OTHER PERSONAL INFORMATION.—
 18 (h)1. Personal identifying information of an applicant for
 19 or a recipient of paratransit services which is held by an
 20 agency is confidential and exempt from s. 119.07(1) and s.
 21 24(a), Art. I of the State Constitution.
 22 2. This exemption applies to personal identifying
 23 information of an applicant for or a recipient of paratransit
 24 services which is held by an agency before, on, or after the
 25 effective date of this exemption.
 26 3. Confidential and exempt personal identifying information
 27 shall be disclosed:
 28 a. With the express written consent of the individual or
 29 the individual's legally authorized representative;

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596-00818-13

20137020__

30 b. In a medical emergency, but only to the extent that is
 31 necessary to protect the health or life of the individual;
 32 c. By court order upon a showing of good cause; or
 33 d. To another agency in the performance of its duties and
 34 responsibilities.
 35 ~~4. This paragraph is subject to the Open Government Sunset~~
 36 ~~Review Act in accordance with s. 119.15, and shall stand~~
 37 ~~repealed on October 2, 2013, unless reviewed and saved from~~
 38 ~~repeal through reenactment by the Legislature.~~
 39 Section 2. This act shall take effect July 1, 2013.

Page 2 of 2

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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 750

INTRODUCER: Senator Brandes

SUBJECT: Transportation

DATE: February 27, 2013 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Eichin	TR	Favorable
2.			CM	
3.				
4.				
5.				
6.				

I. Summary:

SB 750 establishes the Florida Department of Transportation (FDOT) as the agency responsible for administering a program to fund dredging projects in specified counties, rather than the Florida Seaport Transportation and Economic Development (FSTED) Council, and sunsets the program on July 1, 2018.

This bill amends the following section of the Florida Statutes: 311.22.

II. Present Situation:

The Legislature in 2005 created in s. 311.22, F.S., an additional ports funding program to assist in financing certain dredging improvements at small ports in counties with a population of less than 300,000 persons based on the last official United States Census, but which were not eligible for existing FSTED funding. That section continues to authorize use of funds made available under the program for dredging or deepening of channels, turning basins, or harbors on a 25-percent local matching basis with any port authority¹ that meets environmental permitting and other specified criteria. There are at least seven entities meeting the definition of “port authority” in counties with less than 300,000 population: the Panama City Port Authority; the Citrus County Port Authority; the Port St. Joe Port Authority; the Hernando County Port Authority; the Ocean, Highway, and Port Authority (Nassau County); the Putnam County Port Authority; and the St. Lucie County Port Authority.

¹ Defined in s. 315.02(2), F.S., to mean any port authority in Florida created by or pursuant to the provisions of any general or special law or any district or board of county commissioners acting as a port authority under or pursuant to the provisions of any general or special law.

The program was initially funded with a \$5 million appropriation to the State Transportation Trust Fund to provide a 50-percent state match. An additional \$9.2 million and an additional \$5 million, respectively, were provided in the 2006-2007 and 2007-2008 General Appropriations Acts to provide a 75-percent state match. No further funding has been provided to the program; however, should funding become available, the program may facilitate and foster economic development in and around small ports.

III. Effect of Proposed Changes:

SB 750 establishes FDOT, rather than FSTED, as the agency responsible for administering any additional funding for dredging projects in counties have a population of fewer than 300,000 according to the last official census and sunsets the program on July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Dredging or deepening channels, turning basins, or harbors in small ports may increase business in small ports, produce jobs, and generally contribute to the economic growth of the community in which the small port is located, thereby contributing to the economic growth of the state.

C. Government Sector Impact:

Dredging or deepening channels, turning basins, or harbors in small ports may increase business in small ports, produce jobs, and generally contribute to the economic growth of the community in which the small port is located, thereby contributing to the economic growth of the state.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Brandes

22-01283A-13

2013750__

A bill to be entitled

An act relating to transportation; amending s. 311.22, F.S.; establishing the Department of Transportation as the agency responsible for administering the section, instead of the Florida Seaport Transportation and Economic Development Council; providing for the future repeal of the section; providing an effective date.

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

Section 1. Section 311.22, Florida Statutes, is amended to read:

311.22 Additional authorization for funding certain dredging projects.—

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

(2) The department ~~council~~ shall adopt rules for evaluating the projects that may be funded pursuant to this section. The rules must provide criteria for evaluating the economic benefit of the project. The rules must include the creation of an

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22-01283A-13

2013750__

administrative review process by the department ~~council~~ which is similar to the process described in s. 311.09(5)-(11), and provide for a review by the ~~Department of Transportation and the~~ Department of Economic Opportunity of all projects submitted for funding under this section.

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

Section 2. This act shall take effect July 1, 2013.

Page 2 of 2

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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 766

INTRODUCER: Senator Brandes

SUBJECT: Transportation

DATE: February 27, 2013 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Eichin	TR	Favorable
2.			GO	
3.				
4.				
5.				
6.				

I. Summary:

SB 766 repeals ss. 339.401 through 339.421, F.S., which create the “Florida Transportation Corporation Act.” This act was created in 1988 to allow certain corporations authorized by the Florida Department of Transportation (FDOT) to secure and obtain right-of-way for transportation systems and to assist in the planning and design of such systems. According to FDOT, the provisions of this act have never been used. Consequently, the provisions of s. 11.45(3)(m), which authorize the Auditor General to audit these corporations, have likewise never been used, and the provisions of Fla. Admin. Code R. 14-35, which implement the act, have never been applied.

This bill repeals the following sections of the Florida Statutes: 11.45(3)(m), 339.401, 339.402, 339.403, 339.404, 339.405, 339.406, 339.407, 339.408, 339.409, 339.410, 339.411, 339.412, 339.414, 339.415, 339.416, 339.417, 339.418, 339.419, 339.420, and 339.421.

II. Present Situation:

Sections 339.401 through 339.421, F.S., create the “Florida Transportation Corporation Act.” This act was created in 1988¹ to allow certain nonprofit corporations authorized by FDOT to act in FDOT’s behalf in assisting with project planning and design, assembling right-of-way and financial support, and generally promoting projects included in FDOT’s adopted five-year work program. The act contains various statutory provisions related to the formation, operation, and dissolution of these corporations.

¹ s. 3, ch. 88-271, Laws of Florida.

Among the specific activities of transportation corporations authorized under the act are:

- acquiring, holding, investing, and administering property and transferring title to FDOT for project development;
- performing preliminary and final alignment studies;
- receiving contributions of land for right-of-way and case donations to be applied to the purchase of right-of-way or design and construction projects; and,
- making official presentations to groups concerning the project and issuing press releases and promotional materials.

Florida transportation corporations cannot issue bonds and are not empowered to enter into construction contracts or to undertake construction. They are enabled to otherwise borrow money or accept donations to help defray expenses or needs associated with the corporation or a particular transportation project.

According to FDOT, after a limited number of inquiries immediately following passage of the act, FDOT has received no further requests for information or other indications of interest in the act, and the provisions of the act have never been used. As a result, the Auditor General's authority to audit corporations acting on behalf of FDOT in s. 11.45(3)(m), F.S., has never been exercised, and the provisions of Fla. Admin. Code R. 14-35, which implement the act, have never been applied.

III. Effect of Proposed Changes:

SB 766 repeals the Auditor General's authority to audit transportation corporations and repeals the Florida Transportation Corporation Act, thereby enabling FDOT to repeal an unused administrative rule that implements the act, as follows:

Section 1: Repeals s. 11.45(3)(m), F.S., which contains the Auditor General's authority to audit transportation corporations authorized under the Florida Transportation Corporation Act.

Section 2: Repeals s. 339.401, F.S., which sets forth the short title, "Florida Transportation Corporation Act."

Section 3: Repeals s. 339.402, F.S., which defines the terms, "board of directors," "construction," "corporation," "department," and "project" for purposes of the act.

Section 4: Repeals s. 339.403, F.S., which sets forth Legislative findings and purposes with respect to the authorized transportation corporations.

Section 5: Repeals s. 339.404, F.S., which authorizes a written application to FDOT requesting that FDOT authorize a corporation.

Section 6: Repeals s. 339.405, F.S., which addresses the type, structure, and income of an authorized transportation corporation.

Section 7: Repeals, s. 339.406, F.S., which contains provisions that must be included in the contract between FDOT and any authorized transportation corporation.

Section 8: Repeals s. 339.407, F.S., which contains provisions that must be included in the articles of incorporation of any authorized transportation corporation.

Section 9: Repeals s. 339.408, F.S., which provides for a board of directors of each authorized transportation corporation; provides for the appointment, terms, removal, and compensation of the directors; and provides for appointment of advisory directors and their service.

Section 10: Repeals s. 339.409, F.S., which requires the board of directors to adopt, and FDOT to approve, the initial bylaws of an authorized transportation corporation and which prohibits changing the bylaws without FDOT approval.

Section 11: Repeals s. 339.410, F.S., which provides for a specified notice of each meeting of the board of directors and subjects the board of directors to the provisions of s. 286.011, F.S., relating to public meetings and records.

Section 12: Repeals s. 339.411, F.S., which provides processes for amending the articles of incorporation and requirements for amended articles.

Section 13: Repeals s. 339.412, F.S., which sets forth the specific powers of any authorized corporation.

Section 14: Repeals s. 339.414, F.S., which authorizes FDOT to allow an authorized transportation corporation to use FDOT property, facilities, and personnel as specified and which prohibits any authorized transportation corporation from receiving funds from FDOT by grant, gift, or contract unless specifically authorized by the Legislature.

Section 15: Repeals s. 339.415, F.S., which exempts authorized transportation corporations from taxation pursuant to s. 3, Art VII of the State Constitution.

Section 16: Repeals s. 339.416, F.S., which authorizes FDOT, in its sole discretion and pursuant to rule, to require the alteration of the structure, organization, programs, or activities of a transportation corporation or require the termination and dissolution of the corporation as specified.

Section 17: Repeals s. 339.417, F.S., which directs the board of directors, upon a determination by resolution that the purposes for which a corporation was formed have been substantially complied with and that all obligations have been fully paid, to dissolve the corporation, with FDOT approval.

Section 18: Repeals s. 339.418, which requires that whenever dissolution occurs, the dissolution proceedings must transfer the title to all funds and properties then owned by a corporation to FDOT.

Section 19: Repeals s. 339.419, F.S., which directs FDOT to adopt rules to implement the act. Repeal of FDOT's existing, unused Fla. Admin. Code R. 14-35 is thereby made possible.

Section 20: Repeals s. 339.420, F.S., which provides for liberal construction of the act.

Section 21: Repeals s. 339.421, F.S., which prohibits transportation corporations created pursuant to the act from entering into any agreement or arrangement for the purpose of facilitating the issuance of debt in any form, except when the debt is authorized for issuance by the Division of Bond Finance in accordance with the State Bond Act.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Brandes

22-01288A-13

2013766

1 A bill to be entitled
 2 An act relating to transportation; repealing s.
 3 11.45(3)(m), F.S., relating to the authority of the
 4 Auditor General to conduct audits of transportation
 5 corporations under the Florida Transportation
 6 Corporation Act; repealing the Florida Transportation
 7 Corporation Act; repealing s. 339.401, F.S., relating
 8 to the short title; repealing s. 339.402, F.S.,
 9 relating to definitions; repealing s. 339.403, F.S.,
 10 relating to legislative findings and purpose;
 11 repealing s. 339.404, F.S., relating to authorization
 12 of corporations; repealing s. 339.405, F.S., relating
 13 to type and structure of the corporation and income;
 14 repealing s. 339.406, F.S., relating to contracts
 15 between the department and the corporation; repealing
 16 s. 339.407, F.S., relating to articles of
 17 incorporation; repealing s. 339.408, F.S., relating to
 18 the board of directors and advisory directors;
 19 repealing s. 339.409, F.S., relating to bylaws;
 20 repealing s. 339.410, F.S., relating to notice of
 21 meetings and open records; repealing s. 339.411, F.S.,
 22 relating to the amendment of articles; repealing s.
 23 339.412, F.S., relating to the powers of the
 24 corporation; repealing s. 339.414, F.S., relating to
 25 use of state property; repealing s. 339.415, F.S.,
 26 relating to exemptions from taxation; repealing s.
 27 339.416, F.S., relating to the authority to alter or
 28 dissolve corporations; repealing s. 339.417, F.S.,
 29 relating to the dissolution of a corporation upon the

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2013766

30 completion of purposes; repealing s. 339.418, F.S.,
 31 relating to transfer of funds and property upon
 32 dissolution; repealing s. 339.419, F.S., relating to
 33 department rules; repealing s. 339.420, F.S., relating
 34 to construction; repealing s. 339.421, F.S., relating
 35 to issuance of debt; providing an effective date.
 36

37 Be It Enacted by the Legislature of the State of Florida:
 38

39 Section 1. Paragraph (m) of subsection (3) of section
 40 11.45, Florida Statutes, is repealed.
 41 Section 2. Section 339.401, Florida Statutes, is repealed.
 42 Section 3. Section 339.402, Florida Statutes, is repealed.
 43 Section 4. Section 339.403, Florida Statutes, is repealed.
 44 Section 5. Section 339.404, Florida Statutes, is repealed.
 45 Section 6. Section 339.405, Florida Statutes, is repealed.
 46 Section 7. Section 339.406, Florida Statutes, is repealed.
 47 Section 8. Section 339.407, Florida Statutes, is repealed.
 48 Section 9. Section 339.408, Florida Statutes, is repealed.
 49 Section 10. Section 339.409, Florida Statutes, is repealed.
 50 Section 11. Section 339.410, Florida Statutes, is repealed.
 51 Section 12. Section 339.411, Florida Statutes, is repealed.
 52 Section 13. Section 339.412, Florida Statutes, is repealed.
 53 Section 14. Section 339.414, Florida Statutes, is repealed.
 54 Section 15. Section 339.415, Florida Statutes, is repealed.
 55 Section 16. Section 339.416, Florida Statutes, is repealed.
 56 Section 17. Section 339.417, Florida Statutes, is repealed.
 57 Section 18. Section 339.418, Florida Statutes, is repealed.
 58 Section 19. Section 339.419, Florida Statutes, is repealed.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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59 Section 20. Section 339.420, Florida Statutes, is repealed.
60 Section 21. Section 339.421, Florida Statutes, is repealed.
61 Section 22. This act shall take effect July 1, 2013.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 1054

INTRODUCER: Senator Brandes

SUBJECT: Department of Highway Safety and Motor Vehicles

DATE: March 4, 2013 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Everette	Eichin	TR	Pre-meeting
2.			CM	
3.			ATD	
4.			AP	
5.				
6.				

I. Summary:

SB 1054 revises provisions relating to commercial motor vehicles (CMV) to incorporate required federal law.

This bill substantially amends section 316.302 of the Florida Statutes.

II. Present Situation:

Texting and Hand-held Mobile Phones

Federal law recently imposed a prohibition against drivers of commercial motor vehicles engaging in texting while driving and provided that a motor carrier may not allow or require its drivers to engage in texting while driving.¹ In addition, the federal law prohibits a driver of a commercial motor vehicle from using a hand-held mobile telephone while driving and prohibits a motor carrier from allowing or requiring its drivers to use a hand-held mobile phone while driving a CMV.² These provisions are contained in 49 C.F.R. § 383, which is not currently referenced in Florida law incorporating federal provisions applicable to CMVs engaged in interstate or intrastate commerce.

¹ 49 C.F.R. § 383.80 (2011)

² 49 C.F.R. § 383.82 (2011)

Applicable Versions of Federal Law

Federal law requires each state to “review its laws and regulations to achieve compatibility with the Federal Motor Carrier Safety Regulations (FMCSA).”³ Federal guidelines require a state to:

“...adopt and enforce in a consistent manner the requirements referenced in the above guidelines in order for the FMCSA to accept the State's determination that it has compatible safety requirements affecting interstate motor carrier operations. Generally, the States would have up to 3 years from the effective date of the new Federal requirement to adopt and enforce compatible requirements.”

Section 316.302, F.S., among other items, applies specified federal regulations to all owners or drivers of CMVs engaged in intrastate commerce as such rules and regulations existed on October 1, 2011. The state will be out of compliance with federal law on October 1, 2014, unless the date is changed.

Liquefied Petroleum Gas Motor Vehicles/Cargo Tanks

Current law provides that the rules and regulations applicable to the transporting of liquefied petroleum gas on the highways, roads, or streets of this state shall be only those adopted by the Department of Agriculture and Consumer Services under ch. 527. The Department of Highway Safety and Motor Vehicles (DHSMV) commercial motor vehicle enforcement officers have no express authority to inspect a commercial motor vehicle transporting liquefied petroleum gas to ensure safety of the traveling public on the roadways.

III. Effect of Proposed Changes:

SB 1054 incorporates 49 C.F.R. § 383 into Florida law to incorporate provisions for violations of the texting and hand-held mobile telephone provisions of federal law, thereby avoiding a potential federal funds penalty for failure of the state to comply with federal law.

The bill deletes a reference to a date (October 1, 2011) incorporating federal rules and regulations as they existed on that date. This has the effect of incorporating *the most recent* version of such federal rules and regulations without taking further legislative action. (See note under Constitutional Issues.)

The bill also incorporates subpart F of 49 C.F.R. part 107 to authorize the DHSMV enforcement officers to conduct inspections on cargo tanks and cargo tank motor vehicles.

The bill will take effect July 1, 2013.

Other Potential Implications:

Note that the bill does not include 49 C.F.R. part 383 in s. 316.302(1)(a), F.S., applicable to CMVs engaged in interstate commerce. Federal law requires that part 383 apply to both interstate and intrastate operations. The sponsor may wish to consider an amendment inserting the reference into s. 316.302(1)(a), F.S.

³ 49 C.F.R. part 355, Appendix A, Guidelines for the Regulatory Review:
http://www.law.cornell.edu/cfr/text/49/355/appendix_A

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

Incorporation of federal law into state law without stipulating which version of federal law is being incorporated is an invalid delegation of legislative authority.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

According to DHSMV, there are no direct private sector costs.

C. Government Sector Impact:

According to DHSMV, there is no impact on state funds.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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LEGISLATIVE ACTION

Senate

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House

The Committee on Transportation (Brandes) recommended the following:

Senate Amendment (with directory amendment)

Delete line 21

and insert:

316.302 Commercial motor vehicles; safety regulations; transporters and shippers of hazardous materials; enforcement.-

(1) (a) All owners and drivers of commercial motor vehicles that are operated on the public highways of this state while engaged in interstate commerce are subject to the rules and regulations contained in 49 C.F.R. parts 382, 383, 385, and 390-397.

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13

14 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

15 And the directory clause is amended as follows:

16 Delete lines 16 - 17

17 and insert:

18 Section 1. Paragraphs (a) and (b) of subsection (1),
19 paragraph (a) of subsection (4), and subsection (9) of section
20 316.302,

SB 1054

LEGISLATIVE ACTION

Senate

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House

The Committee on Transportation (Brandes) recommended the following:

Senate Amendment

Delete lines 27 - 28
and insert:
definition of bus, as such rules and regulations existed on
December 31, 2012 ~~October 1, 2011~~.



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LEGISLATIVE ACTION

Senate

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House

The Committee on Transportation (Clemens) recommended the following:

Senate Amendment (with title amendment)

Before line 16
insert:

Section 1. Section 2 through Section 6 of this act may be cited as the "Florida Highway Safety Act."

Section 2. The intent of the Legislature is to reduce road rage and traffic congestion by reducing the incidence of crashes and driver interference with the movement of traffic and by promoting the orderly, free flow of traffic on the roads and highways of this state.

Section 3. Subsection (91) is added to section 316.003,



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13 Florida Statutes, to read:

14 316.003 Definitions.—The following words and phrases, when
15 used in this chapter, shall have the meanings respectively
16 ascribed to them in this section, except where the context
17 otherwise requires:

18 (91) ROAD RAGE.—The intentional or unintentional act of a
19 driver or passenger, attributable to a loss of emotional
20 control, which injures or kills another driver, passenger,
21 bicyclist, or pedestrian, or in which the driver or passenger
22 attempts or threatens to injure or kill another driver,
23 passenger, bicyclist, or pedestrian.

24 Section 4. Present subsection (3) of section 316.083,
25 Florida Statutes, is redesignated as subsection (4), and a new
26 subsection (3) is added to that section, to read:

27 316.083 Overtaking and passing a vehicle.—The following
28 rules shall govern the overtaking and passing of vehicles
29 proceeding in the same direction, subject to those limitations,
30 exceptions, and special rules hereinafter stated:

31 (3) (a) On a road, street, or highway that has two or more
32 lanes that allow movement in the same direction, a driver may
33 not continue to operate a motor vehicle in the furthestmost left-
34 hand lane if the driver knows, or reasonably should know, that
35 he or she is being overtaken in that lane from the rear by a
36 motor vehicle traveling at a higher rate of speed.

37 (b) Paragraph (a) does not apply to a driver operating a
38 motor vehicle in the furthestmost left-hand lane if:

39 1. The driver is in the process of overtaking a slower
40 motor vehicle in the adjacent right-hand lane for the purpose of
41 passing the slower vehicle before moving to the adjacent right-



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42 hand lane;

43 2. Conditions preclude the driver from moving to the
44 adjacent right-hand lane;

45 3. The driver's movement to the adjacent right-hand lane
46 could endanger the driver or other drivers;

47 4. The driver is directed by a law enforcement officer,
48 road sign, or road crew to remain in the furthestmost left-hand
49 lane; or

50 5. The driver is preparing to make a left turn.

51 Section 5. For the purpose of incorporating the amendment
52 made by this act to section 316.083, Florida Statutes, in a
53 reference thereto, section 316.1923, Florida Statutes, is
54 reenacted to read:

55 316.1923 Aggressive careless driving.—“Aggressive careless
56 driving” means committing two or more of the following acts
57 simultaneously or in succession:

58 (1) Exceeding the posted speed as defined in s.
59 322.27(3)(d)5.b.

60 (2) Unsafely or improperly changing lanes as defined in s.
61 316.085.

62 (3) Following another vehicle too closely as defined in s.
63 316.0895(1).

64 (4) Failing to yield the right-of-way as defined in s.
65 316.079, s. 316.0815, or s. 316.123.

66 (5) Improperly passing as defined in s. 316.083, s.
67 316.084, or s. 316.085.

68 (6) Violating traffic control and signal devices as defined
69 in ss. 316.074 and 316.075.

70 Section 6. The Department of Highway Safety and Motor



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71 Vehicles shall provide information about the Florida Highway
72 Safety Act in all driver license educational materials that are
73 newly printed on or after October 1, 2013.

74
75 ===== T I T L E A M E N D M E N T =====

76 And the title is amended as follows:

77 Delete lines 2 - 3

78 and insert:

79 An act relating to the Department of Highway Safety
80 and Motor Vehicles; providing a short title; providing
81 legislative intent relating to road rage and traffic
82 congestion; amending s. 316.003, F.S.; defining the
83 term "road rage"; amending s. 316.083, F.S.; requiring
84 that an operator of a motor vehicle yield the
85 furthestmost left-hand lane when being overtaken on a
86 multilane highway; providing exceptions; reenacting s.
87 316.1923, F.S., relating to aggressive careless
88 driving, to incorporate the amendments made to s.
89 316.083, F.S., in a reference thereto; requiring that
90 the Department of Highway Safety and Motor Vehicles
91 provide information about the act in driver license
92 educational materials that are newly published on or
93 after a specified date; amending s. 316.302, F.S.;

By Senator Brandes

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A bill to be entitled

An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 316.302, F.S.; providing that owners or drivers of certain commercial motor vehicles are subject to specific federal commercial driver license standards; providing that commercial motor vehicles transporting hazardous material are subject to federal regulations relating to the designation of approval and certification agencies; deleting exemptions from commercial motor vehicle rules for the transportation of liquefied petroleum gas; providing an effective date.

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

Section 1. Paragraph (b) of subsection (1), paragraph (a) of subsection (4), and subsection (9) of section 316.302, Florida Statutes, are amended to read:

316.302 Commercial motor vehicles; safety regulations; transporters and shippers of hazardous materials; enforcement.—

(1)

(b) Except as otherwise provided in this section, all owners or drivers of commercial motor vehicles that are engaged in intrastate commerce are subject to the rules and regulations contained in 49 C.F.R. parts 382, 383, 385, and 390-397, with the exception of 49 C.F.R. s. 390.5 as it relates to the definition of bus, ~~as such rules and regulations existed on October 1, 2011.~~

(4) (a) Except as provided in this subsection, all

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commercial motor vehicles transporting any hazardous material on any road, street, or highway open to the public, whether engaged in interstate or intrastate commerce, and any person who offers hazardous materials for such transportation, are subject to the regulations contained in 49 C.F.R. part 107, subpart F, subpart G, and 49 C.F.R. parts 171, 172, 173, 177, 178, and 180. Effective July 1, 1997, the exceptions for intrastate motor carriers provided in 49 C.F.R. 173.5 and 173.8 are hereby adopted.

~~(9) (a) This section is not applicable to the transporting of liquefied petroleum gas. The rules and regulations applicable to the transporting of liquefied petroleum gas on the highways, roads, or streets of this state shall be only those adopted by the Department of Agriculture and Consumer Services under chapter 527. However, transporters of liquefied petroleum gas must comply with the requirements of 49 C.F.R. parts 393 and 396.9.~~

~~(b)~~ This section does not apply to a any nonpublic sector bus.

Section 2. This act shall take effect July 1, 2013.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 1132

INTRODUCER: Brandes

SUBJECT: Department of Transportation

DATE: March 7, 2013 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Eichin	TR	Fav/7 amendments
2.			CA	
3.			ATD	
4.			AP	
5.				
6.				

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input checked="" type="checkbox"/> | Technical amendments were recommended |
| | <input checked="" type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

SB 1132 makes a number of revisions to statutes addressing the functions and responsibilities of the Florida Department of Transportation (FDOT or department) and various transportation issues. Among those revisions, the bill:

- extends the Florida Transportation Commission’s oversight of expressway and bridge authorities to the Mid-Bay Bridge Authority and repeals provisions relating to the Florida Statewide Passenger Rail Commission;
- requires local governments to adopt noise compatible land use planning regulations as soon as practical, but no later than July 1, and to share equally with FDOT in all costs associated with providing noise mitigation under specified conditions;
- revises criteria to be met by certain air carriers to qualify for an exemption from the aviation fuel tax and provides for terminal suppliers and wholesalers to receive a credit or apply for a refund of aviation fuel tax previously paid;
- provides funding for space transportation projects from the State Transportation Trust Fund (STTF); provides criteria for the Spaceport Investment Program; authorizes the use of revenues for the payment of forms of indebtedness issued by Space Florida; and provides restrictions and criteria for the use of certain revenues;

- authorizes FDOT to fund up to 100% of the cost of strategic airport investment projects under specified conditions;
- prohibits FDOT from entering into any lease-purchase agreement with any expressway authority, regional transportation authority, or other entity and preserves existing lease-purchase agreements;
- amends the process FDOT must follow relating to proposals to enter into a lease of FDOT property for joint public-private development or commercial development;
- authorizes installation of parking meters or such other parking time limit devices in the right-of-way limits of a state road when permitted by FDOT; requires cities and counties to remit to FDOT 50% of the revenue generated from fees collected by parking time limit devices installed or already existing in the right-of-way limits of a state road under FDOT's jurisdiction; and directs FDOT to deposit funds received into the STTF for use in accordance with specified law;
- revises provisions relating to the uses of fees generated from certain tolls to include the design and construction of a fire station; revises provisions relating to the transfer of certain excess revenues; and removes authority of a water management district to issue bonds or notes;
- revises provisions relating to metropolitan planning organization (MPO) designation to conform language to federal law, provides a cap on the number of voting members of an MPO re-designated as specified, provides that certain authorities or agencies in metropolitan areas may be provided voting membership on the MPO, and makes editorial changes to eliminate redundancy and provide clarity;
- authorizes Enterprise Florida, Inc., to be a consultant to FDOT for consideration of expenditures associated with and contracts for transportation projects and revises the requirements for economic development transportation project contracts between FDOT and a governmental entity;
- includes projects that provide intermodal connectivity with spaceports as eligible for loans from the State-funded Infrastructure Bank;
- expands eligibility of intercity bus companies to compete for federal and state program funding;
- revises the types of eligible projects and criteria of the Intermodal Development Program;
- expressly authorizes FDOT to undertake ancillary development within FDOT-owned rail corridors;
- creates the Florida Regional Tollway Authority Act authorizing counties to form a regional tollway authority that can construct, maintain, and operate transportation projects in a region of the state;
- creates the Northwest Florida Regional Tollway Authority, the Okaloosa-Bay Regional Tollway Authority; and the Suncoast Regional Tollway Authority;
- provides for the transfer of the governance and control of the Mid-Bay Bridge Authority System to the Okaloosa-Bay Regional Tollway Authority;
- repeals obsolete language and clarifies ambiguous language; and,
- provides an effective date.

This bill amends the following sections of the Florida Statutes: 20.23, 110.205, 206.9825, 316.530, 316.545, 331.360, 332.007, 334.044, 337.11, 337.14, 337.168, 337.251, 337.408,

338.161, 338.165, 338.26, 339.175, 339.2821, 339.55, 341.031, 341.053, 341.302, 343.82, and 343.922.

The bill creates the following sections of the Florida Statutes: 163.3176 and chapter 345, consisting of the following sections of the Florida Statutes: 345.0001, 345.0002, 345.0003, 345.0004, 345.0005, 345.0006, 345.0007, 345.0008, 345.0009, 345.0010, 345.0011, 345.0012, 345.0013, 345.0014, 345.0015, 345.0016, and 345.0017.

II. Present Situation:

Mid-Bay Bridge Authority

The 1986 Legislature created the Mid-Bay Bridge Authority (MBBA)¹ as the governing body of an independent special district in Okaloosa County for the purpose of planning, constructing, operating, and maintaining a bridge over the Choctawhatchee Bay. The MBBA operates the tolled, 3.6-mile long Mid-Bay Bridge across the Choctawhatchee Bay and approaches (SR 293) on the northern and southern sides of the bridge. The facility, which connects SR 20 with U.S. 98 east of Destin, is a link between Interstate 10 and U.S. 98 and provides a more direct route to tourists and residents between northern and southern Okaloosa and Walton Counties.²

FDOT, under the provisions of a lease-purchase agreement with the MBBA, maintains and operates the existing bridge and remits all of the tolls collected to the authority as lease payments. The term of the lease runs concurrently with the bonds issued by the MBBA, and when the bonds are matured and fully paid, FDOT will own the bridge. As of June 30, 2012, the MBBA's long-term debt obligation to FDOT for operations and maintenance pursuant to the existing agreement was \$9.5 million. In accordance with bond covenants, this liability is payable from excess toll revenues, after debt service obligations have been met.

The Florida Turnpike Enterprise provides toll plaza operations for the MBBA. For the fiscal year ending September 2012, toll revenues amounted to \$15,765,967. Earned investment income from Revenue and Reserve Funds of \$1,395,789, plus \$30,886 from SunPass collections, raised total revenue to \$17,192,642.³ Unlike other regional transportation, expressway, and bridge authorities, however, Florida law reflects no state entity currently charged with monitoring the efficiency, productivity, and management of the MBBA.

Overlapping Responsibility for Passenger Rail Systems

Florida Transportation Commission

The Florida Transportation Commission (FTC) has long been charged with periodically reviewing the status of the state transportation system, including rail and other component modes, and with recommending improvements to the system to the Governor and the Legislature. Beginning in 2007, the Legislature also directed the FTC in s. 20.23(2)(b)8., F.S., to:

¹ Re-created by special act, ch. 2000-411.

² Senate Issue Brief 2012-208, *Cost Effectiveness of Regional Expressway and Bridge Authorities*, (September 2011).

³ *Traffic Engineers' Annual Report for Fiscal Year 2012*, prepared by URS for Mid-Bay Bridge Authority: <http://www.mid-bay.com/pdfs/FY2012-Annual-Report.pdf>. Retrieved February 23, 2013.

Monitor the efficiency, productivity, and management of the authorities created under chapters 348 and 349,⁴ including any authority formed using the provisions of part I of chapter 348 and any authority formed under chapter 343 which is not monitored under subsection (3). The commission shall also conduct periodic reviews of each authority's operations and budget, acquisition of property, management of revenue and bond proceeds, and compliance with applicable laws and generally accepted accounting principles.

The only publicly funded passenger rail system in the state (Tri-Rail) then and now existing is operated by the South Florida Regional Transportation Authority, which is established in ch. 343, F.S.

Florida Statewide Passenger Rail Commission

In 2009, the Florida Legislature provided a statutory framework for enhancing the consideration of passenger rail as a modal choice in the development and operation of Florida's transportation network.⁵ The Legislature created the Florida Rail Enterprise, modeled after the Florida Turnpike Enterprise, to coordinate the development and operation of passenger rail services statewide, and established the FSPRC to monitor, advise, and review publicly-funded passenger rail systems.⁶

Specifically, and similar to the duty of the FTC, the Legislature charged the FSPRC in s. 20.23(3)(b)1., F.S., with the function of:

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

State Public Transportation and Modal Administrator

⁴ Chapter 343 entities include the South Florida Regional Transportation Authority, the Central Florida Regional Transportation Authority, the Northwest Florida Transportation Corridor Authority, and the Tampa Bay Area Regional Transportation Authority. Chapter 348 entities include the Miami-Dade Expressway Authority, the Tampa-Hillsborough County Expressway Authority, the Orlando-Orange County Expressway Authority, the Santa Rosa Bay Bridge Authority, and the Osceola County Expressway Authority. Chapter 349 establishes the Jacksonville Transportation Authority.

⁵ Chapter 2011-271, L.O.F.

⁶ The first phase (31 miles) of a commuter rail project, SunRail,-- an eventual 61-mile stretch of existing rail freight tracks through Orange, Seminole, Volusia and Osceola counties and the City of Orlando -- is under construction, and service could begin as early as 2014.

FDOT recognizes a significant role played by freight mobility as an economic driver for the state and created in the recent past an Office of Freight, Logistics, and Passenger Operations, and the 2012 Legislature directed FDOT to develop a Freight Mobility and Trade Plan to assist in making freight mobility investments that contribute to the economic growth of the state.⁷ As part of its focus on freight and intermodal issues, FDOT requested approval from the Department of Management Services (DMS) to change the title of an existing Senior Management Service class position, State Public Transportation and Modal Administrator, to State Freight and Logistics Administrator. DMS approved the requested change on September 2, 2011, but current law does not reflect the title change.⁸

Noise Abatement/Highway Projects

Section 335.17, F.S., requires FDOT to develop all highway projects, regardless of funding source, in conformity with the federal standards for noise abatement contained in 23 C.F.R. 772 as such regulations existed on July 13, 2011. FDOT is directed to make use of noise-control methods as part of highway construction projects involving new location or capacity expansion, with particular emphasis on those highways located in or near urban-residential developments that abut such highway rights-of-way. At a minimum, FDOT must comply with federal requirements for analysis of traffic noise impacts and abatement measures, noise abatement, information for local officials, traffic noise prediction, and construction noise.

Noise barriers are a significant additional cost for highway widening and other capacity improvement projects. FDOT advises that the average cost for one-mile of noise barrier – based on a 16' high barrier at an average cost per square foot of \$30 – is \$2.53 million for one side of the road, or \$5.07 million for both sides. FDOT is required to provide project noise study information to local governments per current law to assist local officials and private developers in promoting compatibility between land development and highways. FDOT asserts, however, that the information has been historically not used by local governments in the development of land use plans.

Going forward, FDOT advises that noise abatement will be required for most turnpike and several interstate widening projects unless subdivisions adjacent to these limited-access facilities are planned, permitted, and constructed considering land use controls to minimize the effects of noise from highway traffic.

Aviation Fuel Tax Refunds

Section 206.9825(1), F.S., imposes an excise tax of 6.9 cents per gallon for every gallon of aviation fuel sold in this state or brought into this state for use. Any wholesaler or terminal supplier that delivers aviation fuel to an air carrier offering transcontinental jet service and that increases its Florida workforce by more than 1,000 % and by 250 or more full-time equivalent employee positions after January 1, 1996, is authorized to receive a credit or refund of the 6.9 cents per gallon, if the carrier has no facility for fueling highway vehicles from the tank in which the aviation fuel is stored. If the number of full-time equivalent employees created or added to the air carrier's Florida workforce falls below 250 before July 1, 2001, the exemption does not apply during the period in which the carrier has fewer than the 250 additional employees.

⁷ Chapter 2012-174, L.O.F.

⁸ Section 110.205(2)(j), F.S.

Because the current language is tied to job creation for the five years after January 1, 1996, an air carrier that actually has been reducing its workforce since then could qualify for a refund because it employed more workers than it did before January 1, 1996, in numbers still sufficient to meet the thresholds. For five distributions during the current fiscal year, FDOT advises the aviation refund dollar amounts were higher than the incoming revenues and that the Department of Revenue (DOR) was forced to offset the aviation fuel tax refund from other tax sources, such as the motor fuel tax.

FDOT notes that through April 2012 distributions, most STTF tax sources are within a reasonable margin of error as compared to the estimate, but that aviation fuel tax deposited into the STTF is below the estimate by 51.5%.

Wrecker Permits/Disabled Vehicles

Current s. 316.515(8), F.S., allows wreckers to tow disabled vehicles when the combination of wrecker and towed vehicle are over legal weight, provided that the wrecker is operating under a special use permit. This provision was passed during the 1997 session. During the same session, s. 316.550(5), F.S., was passed to authorize FDOT to issue such overweight permits.⁹ However, s. 316.530(3), F.S., (originally passed as s. 316.205(3) in 1976) which allows wreckers to tow disabled vehicles when the combination of wrecker and towed vehicle are over the legal weight without a special use permit, was inadvertently overlooked and still remains in current law, despite the direct conflict with subsequently passed legislation.

As the 1997 changes rendered the provisions of s. 316.530(3), F.S., obsolete, the last-passed provisions of s. 316.515(8), F.S., and s. 316.550(5), F.S., have since that time been enforced.

Commercial Motor Vehicles/Auxiliary Power Units

Section 756 of the Energy Policy Act of 2005, "Idle Reduction and Energy Conservation Deployment Program," amended 23 U.S.C. 127(a)(12) to allow for a national 400-pound exemption on the maximum weight limit on the interstate system for the additional weight of idling reduction technology ("auxiliary power units" or "APUs")¹⁰ on heavy-duty vehicles. Section 316.545(3)(c), F.S., was created by the 2010 Legislature to provide for a 400-pound reduction in the gross weight of commercial motor vehicles equipped with idling reduction technology when calculating a penalty for exceeding maximum weight limits. The reauthorized Federal-aid highway program, Moving Ahead for Progress in the 21st Century (MAP-21) further amended 23 U.S.C. 127(a)(12) to increase from 400 to 550 pounds the allowable exemption for additional weight of APUs.

Space Transportation Facilities

⁹ These changes are consistent with federal law, specifically 23 U.S.C. 127(a) and 23 C.F.R. 658.17, which authorize states to permit nondivisible loads and vehicles (defined to include emergency response vehicles) exceeding maximum weight limits upon the issuance of special permits in accordance with state law.

¹⁰ An APU is a portable, truck-mounted system that can provide climate control and power for trucks without idling, keeping drivers comfortable during resting periods while reducing negative economic impact (fuel costs) and environmental impact (greenhouse gases and other pollutants, as well as noise).

FDOT and Space Florida are currently authorized to enter into a joint participation agreement to effectuate the provisions of ch. 331, F.S., and FDOT is authorized to allocate funds for such purposes in its five-year work program. FDOT is prohibited from funding the administrative or operational costs of Space Florida.

Space Florida is required to develop a spaceport master plan for expansion and modernization of space transportation facilities within defined spaceport territories, containing recommended projects, and is required to submit the plan to FDOT; and FDOT may include the plan within FDOT's five-year work program of qualifying aerospace discretionary capacity improvement projects. FDOT is authorized to participate in the capital cost of eligible spaceport discretionary capacity improvement projects, subject to the availability of appropriated funds. The plan is required to identify appropriate funding levels and include recommendations on appropriate sources of revenue that may be developed to contribute to the STTF. FDOT's annual LBR must be based on the proposed funding requested for approved spaceport discretionary capacity improvement projects.¹¹

FDOT advises it programmed \$16 million in spaceport projects in both FY 2011-2012 and 2012-2013. FDOT further advises its Tentative Work Program for Fiscal Years 2014-2018 will be submitted to the Governor, the Legislature, the FTC and the Department of Economic Opportunity (DEO) on February 19, 2013, and will reflect a minimum of \$20 million a year for 5 years for Space Florida transportation projects.¹²

State Aviation Program

Section 332.007, F.S., requires FDOT to prepare and continuously update an aviation and airport work program that separately identifies development projects and discretionary capacity improvement projects. Subject to the availability of appropriated funds, FDOT is authorized to participate in the capital cost of eligible public airport and aviation development projects,¹³ unless otherwise directed as specified, at percentage rates that vary depending on factors such as available federal funding. FDOT is also authorized, subject to the availability of appropriated funds in addition to aviation fuel tax revenues, to participate in the capital cost of eligible public airport and aviation discretionary capacity improvement projects,¹⁴ again at percentage rates that vary. FDOT notes the Legislature created a Strategic Investment Initiative within its Seaport Office during the 2012 Legislative Session and that FDOT does not have a similar investment initiative or authority for the Aviation Program.

Toll Authorities/Lease-Purchase Agreements

¹¹ "Spaceport discretionary capacity improvement projects" is defined in s. 331.303(21), F.S., to mean capacity improvements that enhance space transportation capacity at spaceports that have had one or more orbital or suborbital flights during the previous calendar year or have an agreement in writing for installation of one or more regularly scheduled orbital or suborbital flights upon the commitment of funds for stipulated spaceport capital improvements.

¹² FDOT email, February 7, 2013, on file in the Senate Transportation Committee.

¹³ In short, defined in s. 332.004(4), F.S., as "...any activity associated with the design, construction, purchase, improvement, or repair of a public-use airport or portion thereof..."

¹⁴ Defined in s. 332.004(5), F.S., as "...capacity improvements ... which enhance intercontinental capacity at [specified] airports..."

In addition to FDOT, various authorities are currently operating toll facilities and collecting and reinvesting toll revenues. Aside from Florida's Turnpike Enterprise (which is part of FDOT), most, but not all, of the toll authorities are established under ch. 348, F.S., entitled "Expressway and Bridge Authorities." Various sections of ch. 348, F.S., provide the toll authorities the ability to enter into lease-purchase agreements with FDOT. In addition to authorities created under ch. 348, F.S., two transportation authorities are authorized under ch. 343, F.S., to enter into lease-purchase agreements with FDOT, and a bridge authority established by special act of the Legislature is similarly authorized. FDOT has entered into lease-purchase agreements with some, but not all, of these authorities.

FDOT is authorized to enter these agreements by s. 334.044, F.S. Additionally, s. 339.08(1)(g), F.S., allows FDOT to lend or pay a portion of the operation and maintenance (O&M) and capital costs of any revenue-producing transportation project located on the State Highway System (SHS) or that is demonstrated to relieve traffic congestion on the SHS. FDOT pays such costs using funds from the STTF.

In a typical lease-purchase agreement between FDOT and a toll authority, FDOT, as lessee, agrees to pay the O&M (which usually includes replacement and renewal, or R&R) costs of the associated toll facility. Upon completion of the lease-purchase agreement, ownership of the facility would be transferred to the State and FDOT would retain all revenues collected, as well as the O&M responsibility.

As required by existing agreements, FDOT paid \$9.2 million in O&M expenses in FY 2011-2012 and an additional \$32.8 million in R&R expenses, periodic maintenance, and toll equipment capital costs, on behalf of the authorities. These funds accrue to an authority's long-term debt owed to FDOT. When O&M and R&R expenses are not reimbursed by the toll authority on a current basis, *e.g.*, monthly or annually, the STTF monetary advances are added to the authority's long-term debt due to FDOT. As of June 30, 2012, debt owed to FDOT from various toll authorities for expenses paid totaled approximately \$419.7 million.

Vehicle Registration/FDOT Contractors

Section 320.02(1), F.S., provides that every owner or person in charge of a motor vehicle operated or driven on the roads of this state shall register the vehicle in this state, except as otherwise provided. Section 320.37, F.S., provides that the registration requirement (and license plate display requirements) does not apply to a motor vehicle owned by a nonresident if the nonresident has complied with the registration law of the foreign country, state, territory, or federal district of the owner's residence. However, s. 320.38, F.S., provides that if a nonresident accepts employment or engages in any trade, profession, or occupation in this state, the nonresident must register his or her motor vehicle in this state within 10 days after beginning such employment.

Section 337.11(13), F.S., requires each road or bridge construction or maintenance contract let by FDOT to contain a provision requiring the contractor to provide proof to FDOT, in the form of a notarized affidavit from the contractor, that all motor vehicles that he or she operates or causes to be operated in this state are registered in compliance with ch. 320, F.S.

Transportation Projects/Prequalification/Bidding

Section 337.14(1), F.S., requires that persons "...desiring to bid for the performance of any construction contract in excess of \$250,000 which the department proposes to let must first be certified by the department as qualified...." Section 337.14(2), F.S., provides: "Certification shall be necessary in order to bid on a road, bridge, or public transportation construction contract of more than \$250,000." The purpose of certification is to ensure professional and financial competence relating to the performance of construction contracts by evaluating bidders "...with respect to equipment, past record, experience, financial resources, and organizational personnel of the applicant necessary to perform the specific class of work for which the person seeks certification."

This language could be interpreted as being tied to a bid amount, *i.e.*, so long as the *bid* is not in excess of \$250,000, a person would not be required to first be certified prior to bidding. FDOT's bid solicitation notices, however, currently advise: "A prequalified contractor must have a current certificate of qualification in accordance with Rule Chapter 14-22, F.A.C., on the date of the letting to bid on construction projects over \$250,000 as established by the Department's budget." Consequently, persons seeking to bid on construction contracts in excess of \$250,000 are currently required to be qualified on the date of the letting.

For comparison, revisions to s. 337.14(1), F.S., during the last legislative session with respect to financial statements submitted in connection with the performance of construction contracts of less than \$1 million expressly tied that submission to proposed budget estimates, rather than to the bid amount.

Public Records/Identities of Potential Bidders

Section 337.168(2), F.S., currently provides that a document revealing the identity of persons who have requested or obtained bid packages, plans, or specifications pertaining to any project to be let by the department is confidential and exempt from the provisions of s. 119.07(1) for the period which begins 2 working days prior to the deadline for obtaining bid packages, plans, or specifications and ends with the letting of the bid. FDOT maintains a website that posts a list of persons who have requested or obtained bid packages, plans, or specifications for a given project.¹⁵ In accordance with s. 337.168(2), F.S., FDOT's Central Office takes the lists down two working days prior to the deadline for obtaining bid packages, plans, or specifications. However, the lists include the identity of persons who requested or obtained bid packages, plans, or specifications *before* the 2-day period of exemption begins.

The Florida Transportation Builders' Association advises that small contractors need and rely on access to the identities of potential bidders that are not made exempt under s. 337.168(2), F.S., for the purpose of submitting sub-contract bids to general contractors for their use in preparing bids for FDOT projects.

Unsolicited Lease Proposals

¹⁵ http://www.dot.state.fl.us/cc-admin/Letting_Project_Info.shtm: Retrieved March 1, 2013. To access a list, click on a letting date in the near future under "2013 Lettings" and then choose "Proposal Holders" under "Important Letting Documents."

Section 337.251, F.S., *Lease of property for joint public-private development and areas above or below department property*, authorizes FDOT to request proposals for the lease of FDOT property for joint public-private development or commercial development. FDOT may also receive and consider unsolicited proposals for such uses. If FDOT receives an unsolicited proposal to negotiate a lease, FDOT must publish a notice in a newspaper of general circulation at least once a week for two weeks, stating that it has received the proposal and will accept, for 60 days after the date of publication, other proposals for use of the space. FDOT must also mail a copy of the notice to each local government in the affected area.

Any unsolicited lease proposal must be selected based on competitive bidding, and FDOT is authorized to consider such factors as the value of property exchanges, the cost of construction, and other recurring costs for the benefit of FDOT by the lessee in lieu of direct revenue to FDOT if such other factors are of equal value including innovative proposals to involve minority businesses. Before entering into any lease, FDOT must determine that the property subject to the lease has a permanent transportation use related to FDOT responsibilities, has the potential for such future transportation uses, or constitutes airspace or subsurface rights attached to property having such uses, and is therefore not available for sale as surplus property.

Section 334.30, F.S., *Public-private transportation facilities*, authorizes FDOT to lease certain toll facilities through public-private partnerships and also authorizes FDOT to receive unsolicited proposals. That section directs FDOT to establish by rule an application fee sufficient to pay the costs of evaluating a proposal. FDOT is further authorized to engage the services of private consultants to assist in the evaluation.

Unlike s. 337.251, F.S., before approving a proposal, FDOT must determine that the proposed project is in the public's best interest; would not require state funds to be used unless the project is on the SHS; would have adequate safeguards in place to ensure that no additional costs or service disruptions would be realized by the traveling public and residents of the state in the event of default or cancellation of the agreement by FDOT; would have adequate safeguards in place to ensure that the department or the private entity has the opportunity to add capacity to the proposed project and other transportation facilities serving similar origins and destinations; and would be owned by FDOT upon completion or termination of the agreement¹⁶. In addition, before awarding a contract for lease of an existing toll facility through a public-private partnership, FDOT is required to provide an independent analysis of the proposed lease that demonstrates the cost-effectiveness and overall public benefit.

If FDOT receives an unsolicited proposal for a lease through a public-private partnership, FDOT must publish a notice in the Florida Administrative Weekly and a newspaper of general circulation at least once a week for two weeks stating that FDOT has received the proposal and will accept, for 120 days after the initial date of publication, other proposals for the same project purpose. FDOT must also mail a copy of the notice to each local government in the affected area.

Parking Meters/Permits/Revenues

¹⁶ The ownership requirement in s. 334.30, F.S., would not, of course, apply to a lease arrangement under s. 337.251, F.S.

Existing throughout the state today within the right-of-way limits of state roads under FDOT's jurisdiction are parking meters or other parking time limit devices whose revenue is collected and used by the local jurisdictions that installed the devices. Parking meters and other parking time limit devices facilitate commerce by ensuring that parking spaces turn over at regular intervals, and provide convenient customer access to abutting businesses. FDOT has no rule or statewide procedure for issuance of permits for parking time limit devices installed within the right-of-way limits of state roads under FDOT's jurisdiction. FDOT does not receive any portion of this revenue and reports the number and location of these existing devices is unknown. Costs incurred by the local jurisdictions to purchase, install, and maintain the existing devices are unknown, as are costs incurred to enforce time limits reflected on the devices. Some local governments may have issued bonds secured by revenues from parking meters.

Toll Collection/Interoperable Facilities

During the 2012 Legislative Session, the Legislature passed both HB 599 and SB 1998, and both contained language relating to FDOT authority to enter into agreements with public or private transportation facility owners (whose systems become interoperable with FDOT's systems) for the use of FDOT systems to collect and enforce for the owner tolls, fares, administrative fees, and other applicable charges due in connection with use of the owner's facility. The language, however, is not identical. Part of the last-passed version of the language contained in HB 599 is potentially ambiguous, leading to more than one possible interpretation, and part of needed language that passed in HB 599 was not included in SB 1998. Section 338.161, F.S., now reflects four different history notes highlighting the differences between the two 2012 bills.

Beeline-East Expressway and Navarre Bridge

Section 338.165(4), F.S., authorizes FDOT to request the Division of Bond Finance to issue bonds secured by toll revenues collected on the Alligator Alley, the Sunshine Skyway Bridge, the Beeline-East Expressway, the Navarre Bridge, and the Pinellas Bayway to fund transportation projects located within the county or counties in which the project is located and contained in FDOT's adopted work program. The Beeline-East Expressway (re-named the Beachline East Expressway) became part of the Turnpike Enterprise on July 1, 2012, pursuant to ch. 2012-128, L.O.F.¹⁷ The Navarre Bridge is now county-owned and no longer used for toll revenue. The references to each facility in s. 338.165(4), F.S., are now obsolete.

Alligator Alley Excess Revenues

Section 338.26, F.S., provides that any excess revenues from Alligator Alley, after facility operation and maintenance, contractual obligations, reconstruction and restoration, and the development and operation of a fire station at mile marker 63,¹⁸ may be transferred to the South Florida Water Management District (SFWMD) Everglades Fund for specified projects.

¹⁷ See s. 338.165(10), F.S.

¹⁸ FDOT indicates that the fire station is currently under construction, and construction is funded by FDOT. FDOT notes that another fire station is located on the Alley in Broward County. Broward County provided the funding for construction of that station and provides the funding for its operation.

FDOT advises that operation of the fire station is expected to begin in Fiscal year 2014; and the FDOT finance plan, based on projections provided to FDOT, contains the following funding for operation of the fire station¹⁹:

2013	\$0
2014	\$1,200,000
2015	\$1,242,000
2016	\$1,285,470
2017	\$1,330,461
2018	\$1,377,028

With respect to transfers to SFWMD, FDOT and SFWMD entered into a memorandum of understanding on June 30, 1997,²⁰ under which FDOT agreed to a schedule of payments to SFWMD totaling \$63,589,000. FDOT expects to be able to meet its obligations under the current payment schedule by Fiscal Year 2016 as follows²¹:

2013	\$4,400,000
2014	\$5,000,000
2015	\$8,000,000
2016	\$7,064,000

The agreement further provides that prior to its expiration, FDOT and SFWMD will renegotiate the terms, conditions, and duration of the agreement, taking into account toll revenues from the Alley, future costs to operate and maintain the Alley, reconstruction and restoration activities of the Alley, the transportation funding needs of Broward and Collier counties pursuant to s. 338.165(2), F.S.,²² and the continuing costs of the Everglades restoration projects.

Metropolitan Planning Organizations/Designation/Membership

Based on census data, the U.S. Bureau of the Census designates urbanized areas throughout the state. Federal law and rule (23 U.S.C. 134 and 23 C.F.R 450 Part C) require a metropolitan planning organization (MPO) to be designated for each urbanized area²³ or group of contiguous urbanized areas. In addition, federal law and rules specify the requirements for MPO transportation planning and programming activities. These requirements are updated after each federal transportation reauthorization bill enacted by Congress. State law also includes provisions governing MPO activities. Section 339.175, F.S., paraphrases or restates some key federal requirements. In addition, state law includes provisions that go beyond the federal requirements. For example, federal requirements regarding MPO membership are very general, while state law is more specific.

Section 339.175(2)(a)2., F.S., currently provides that designation of an MPO be accomplished by agreement between the Governor and units of general-purpose local government representing at

¹⁹ FDOT email, March 1, 2013, on file in the Senate Transportation Committee.

²⁰ On file in the Senate Transportation Committee.

²¹ FDOT email, March 1, 2013, on file in the Senate Transportation Committee.

²² That section requires that if a revenue-producing project is on the State Highway System, any remaining toll revenue after discharge of indebtedness related to such project must be used for the construction, maintenance, or improvement of any road on the State Highway System within the county or counties in which the revenue-producing project is located.

²³ An urbanized area is defined by the U.S. Bureau of the Census and has a population of 50,000 or more.

least 75 percent of the population of the urbanized area; however, the unit of general-purpose local government that represents the central city or cities within the MPO jurisdiction, as defined by the United State Bureau of the Census, must be a party to such agreement. This language has been superseded by revisions to 23 U.S.C. 134(d) and 23 C.F.R. 450.310(b), which now require designation to be accomplished by agreement between the Governor and units of general-purpose local government that together represent at least 75 percent of the population (including the largest incorporated city, based on population, as named by the Bureau of the Census) or in accordance with procedures established by applicable State or local law.

An existing MPO may be re-designated by agreement between the Governor and units of general-purpose local government that together represent at least 75% of the existing population in the area served, including the largest incorporated city.²⁴ Re-designation of an MPO is required whenever the existing MPO proposes to make a substantial change in the proportion of voting members on the existing MPO representing the largest incorporated city, other units of general-purpose local government served by the MPO, and the State; or a substantial change in the decision-making authority or responsibility of the MPO, or in decision-making procedures established under MPO bylaws.²⁵

Current law does not authorize more than 19 members on an MPO in cases when the MPO is re-designated as a result of the expansion of an MPO to include a new urbanized area or the consolidation of two or more MPOs within a single urbanized area, even if the membership is already at 19 members.

Economic Development Transportation Projects

Florida has a number of economic development incentive programs used to recruit industry to Florida, or to persuade existing businesses to expand their operations. One such incentive exists in what is commonly referred to as the Road Fund, which is funded by a transfer from the STTF and used to assist local government in paying for highway or other transportation infrastructure improvements that will benefit a relocating or expanding company. The amount appropriated for this transfer varies from year to year. The Legislature in 2012 repealed s. 288.063, F.S., in which the Road Fund was statutorily placed, and created s. 339.2821, F.S. The revisions did not change the purpose of the Road Fund but simply moved oversight of the fund from DEO to FDOT.²⁶

FDOT, in consultation with DEO, is authorized under the new section to make and approve expenditures and contract with the appropriate government body for the direct costs of transportation projects. Enterprise Florida, Inc., is not currently included as a consultant. Section 339.2821, F.S., also contains requirements for inclusion in a contract between FDOT and a governmental body that include requiring that the governmental body provide FDOT with specified quarterly reports, that FDOT transfer of funds to the governmental body will occur not more than quarterly, that the governmental body expend funds received in a timely manner, and

²⁴ 23 C.F.R. 450.301(h) (2012)

²⁵ 23 C.F.R. 450.301(k) (2012)

²⁶ Budget Committee Final Analysis of SB 1998:

<http://www.flsenate.gov/Session/Bill/2012/1998/Analyses/M6TO2qtoNCs60=PL=Y=PL=DT9BT2bnWNo=%7C11/Public/Bills/1900-1999/1998/Analysis/s1998z2.TEDAS.PDF>

that FDOT may not transfer funds unless construction has begun on the facility of a business on whose behalf the award was made.

State-Funded Infrastructure Bank/Spaceports

Section 339.55, F.S., creates the state-funded infrastructure bank (SIB), which provides loans to government units and private entities to help fund transportation projects. The loans are repaid from revenues generated by the project, such as a toll road or other pledged resources. The repayments are then re-loaned to fund new transportation projects. The section authorizes the SIB to lend capital costs or provide credit enhancements for a transportation facility project on the State Highway System or for a project which provides intermodal connectivity with airports, seaports, rail facilities, and other transportation terminals. Loans from the SIB may bear interest at or below market interest rates, as determined by FDOT. Repayment of any SIB loan must begin no later than 5 years after the project has been complete or, in the case of a highway project, the facility has opened to traffic, whichever is later, and must be repaid in 30 years. Unlike projects that provide intermodal connectivity with airports, seaports, rail facilities, and other transportation terminals, projects that provide intermodal connectivity with spaceports are not currently included as projects eligible for SIB loans.

Intercity Bus Service/Funding Eligibility

The Federal Transit Administration's Intercity Bus Program (49 U.S.C. 5311(f)), is administered by FDOT. Its purpose is to support and maintain intercity bus services, in order to preserve service through rural areas of the state. FDOT provides matching funds as required by s. 339.135(4), F.S. Florida's statutory definition of "intercity bus service" is more restrictive than the federal definition, which limits the number of companies competing for funding.

Section 341.031(11), F.S., defines "intercity bus service" as regularly scheduled bus service for the general public which operates with limited stops over fixed routes connecting two or more urban areas not in close proximity; has the capacity for transporting baggage carried by passengers; makes meaningful connections with scheduled intercity bus service to more distant points, if such service is available; maintains schedule information in the National Official Bus Guide; and provides package express service incidental to passenger transportation. Greyhound Bus Lines is currently the only private, for-profit company operating intercity bus services in Florida that meets the statutory definition to receive federal and state intercity bus program funding, as it is the only company in Florida that maintains schedule information in the National Official Bus Guide and provides package express service incidental to passenger transportation.

Intermodal Development Program

Section 341.053, F.S., was originally enacted in 1990 to create the Intermodal Development Program administered by FDOT to provide for major capital investments in fixed-guideway transportation systems, access to seaports, airports and other transportation terminals, and to assist in the development of dedicated bus lanes. The Legislature in 1999 added direction to FDOT to develop a proposed intermodal development plan to connect Florida's airports, deepwater seaports, rail systems serving both passenger and freight, and major intermodal connectors to the Florida Intrastate Highway System facilities as the primary system for the movement of people and freight in this state.

Section 341.053(6), F.S., currently authorizes FDOT to fund projects including major capital investments in public rail and fixed-guideway transportation facilities and systems which provide intermodal access; road, rail, intercity bus service, or fixed-guideway access to, from, or between seaports, airports, and other transportation terminals; construction of intermodal or multimodal terminals; development and construction of dedicated bus lanes; and projects which otherwise facilitate the intermodal or multimodal movement of people and goods. Spaceport projects are not currently included.

Rail Corridors/Ancillary Development

FDOT is responsible for developing and implementing a statewide rail program. As part of that program, FDOT is authorized to acquire, operate, and manage rail corridors to provide new rail service. “Ancillary development” is defined in s. 341.301(1), F.S., to include any lessee or licensee of FDOT, including other governmental entities, vendors, retailers, restaurateurs, or contract service providers, within an FDOT-owned rail corridor, except for providers of commuter rail service, intercity rail passenger service, or freight rail service; and includes air and subsurface rights, services that provide a local area network for devices for transmitting data over wireless networks, and advertising. The term “rail corridor” in s. 341.301(8), F.S., is specifically defined to include ancillary development within an FDOT-owned rail corridor. Further, FDOT is authorized in s. 341.302(17)(b), to purchase specified liability insurance which includes coverage for ancillary development. While ancillary development within an FDOT-owned rail corridor is implied, current language does not clearly and expressly authorize FDOT to engage in ancillary development. In contrast, FDOT is explicitly authorized to undertake similar development activities in an FDOT-owned high speed rail corridor under s. 341.836, F.S.

Toll Facilities Revolving Trust Fund/Obsolete References

The Legislature repealed s. 338.251, F.S., during the 2012 Legislative Session.²⁷ That section created the Toll Facilities Revolving Trust Fund, which was a loan program created to develop and enhance the financial feasibility of revenue-producing road projects undertaken by local governmental entities and the Turnpike Enterprise. However, two references to the now repealed trust fund remain in statute.

Currently Established Toll Authorities

Aside from FDOT and Florida’s Turnpike Enterprise, a number of authorities exist in Florida that operate toll facilities and collect and reinvest toll revenues.²⁸

Miami-Dade Expressway Authority

The Miami-Dade Expressway Authority (MDX) governing body consists of 13 voting members. The Miami-Dade County Commission appoints seven members, the Governor appoints five members, and the FDOT district six secretary is the *ex-officio* member of the Board. Except for the secretary, all members must be residents of Miami-Dade County and each serves a four-year term and may be reappointed.²⁹

²⁷ Ch. 2012-128, L.O.F.

²⁸ The MBBA is also included among these authorities.

²⁹ s. 348.0003, F.S.

MDX currently oversees, operates and maintains five tolled expressways constituting approximately 34 centerline-miles and 220 lane-miles of roadway in Miami-Dade County: Dolphin Expressway (SR 836); Airport Expressway (SR 112); Don Shula Expressway (SR 874); Gragny Parkway (SR 924) and Snapper Creek Expressway (SR 878). MDX reported toll and fee revenue of \$121.9 million (net of \$2.8 million of allowance) in Fiscal Year (FY) 2011 based on 220 million transactions.³⁰ The FTC report indicates that approximately \$45.5 million in outstanding debt (\$6 million in loans from the now-repealed Toll Facilities Revolving Trust Fund and \$39.5 million in loans from the State Infrastructure Bank) is due to FDOT as of June 30, 2011.³¹

Orlando-Orange County Expressway Authority

The Orlando-Orange County Expressway Authority (OOCEA) governing body consists of five members. The Governor appoints three members who are citizens of Orange County and who serve four year terms and may be reappointed. The Orange County mayor and FDOT's district five secretary are the two ex-officio members of the Board.³²

The OOCEA currently owns and operates 105 centerline miles of roadway in Orange County: 22 miles of the Spessard L. Holland East-West Expressway (SR 408), 23 miles of the Martin Andersen Beachline Expressway (SR 528), 33 miles of the Central Florida GreeneWay (SR 417), 22 miles of the Daniel Webster Western Beltway (SR 429) and 5 miles of the John Land Apopka Expressway (SR 414). OOCEA reported toll revenue of \$260 million in FY 2011 based on 296 million transactions.³³ The FTC report indicates that approximately \$270 million in outstanding debt (\$221 million in advances for O&M expenses, \$14 million in advances for completion of the East-West Expressway, and \$34.8 million in loans from the State Infrastructure Bank) is due to FDOT as of June 30, 2011.³⁴

In addition, the OOCEA will independently finance, build, own and manage certain portions of the Wekiva Parkway and, pursuant to direction in SB 1998 (2012), OOCEA will repay FDOT for costs of operation and maintenance of the OOCEA system; FDOT's obligation to pay any cost of operation, maintenance, repair, or rehabilitation of the OOCEA system terminates as specified; and ownership of the system remains with the OOCEA.

Santa Rosa Bay Bridge Authority

The Santa Rosa Bay Bridge Authority (SRBBA) governing body consists of seven members. The Governor and the Board of County Commissioners each appoint three members, and the FDOT district three secretary is an ex-officio member of the Board. Except for the secretary, all members are required to be permanent residents of Santa Rosa County at all times during their term of office.³⁵

The SRBBA owns the Garcon Point Bridge, a 3.5-mile tolled bridge that spans Pensacola/East Bay between Garcon Point (south of Milton) and Redfish Point (between Gulf Breeze and

³⁰ FTC's *Transportation Authority Monitoring and Oversight Fiscal Year 2011 Report*, p. 22.

³¹ *Id.*

³² s. 348.753, F.S.

³³ FTC's *Transportation Authority Monitoring and Oversight Fiscal Year 2011 Report*, p. 38.

³⁴ *Id.* at 39.

³⁵ s. 348.967, F.S.

Navarre) in southwest Santa Rosa County.³⁶ Florida's Turnpike Enterprise provides toll operations for the SRBBA, and FDOT's district three performs maintenance functions on the bridge. Because toll revenues are insufficient to pay both debt service on outstanding bonds and O&M expenses, the costs of O&M are recorded as debt owed to FDOT. The FTC report indicates that the SRBBA also has outstanding loans from the Toll Facilities Revolving Trust Fund, and the balance of these liabilities on June 30, 2011 was \$24.7 million.³⁷

Tampa-Hillsborough County Expressway Authority

The Tampa-Hillsborough County Expressway Authority (THEA) governing body consists of seven members, four of which are appointed by the Governor and serve four-year terms. The City of Tampa mayor, a member of the Board of County Commissioners selected by the board, and FDOT's district seven secretary are *ex-officio* members.³⁸

THEA owns the four-lane Selmon Expressway, which is a 15-mile limited access toll road crossing the City of Tampa from Gandy Boulevard in south Tampa, through downtown Tampa and east to I-75 and Brandon. The FTC report indicates that beginning in Fiscal Year 2001, THEA has reimbursed FDOT for annual O&M expenses pursuant to the adopted budget and that only renewal and replacement costs continue to be added to long-term debt. As of June 30, 2011, THEA owes FDOT approximately \$200.7 million for O&M, renewal and replacement expense advances, and other FDOT loans.³⁹

Northwest Florida Transportation Corridor Authority

The Northwest Florida Transportation Corridor Authority (NFTCA) is an agency of the state with the primary purpose of improving mobility on the U.S. 98 corridor in Northwest Florida to enhance traveler safety, identify and develop hurricane routes, promote economic development along the corridor, and implement transportation projects to alleviate current or anticipated traffic congestion. NFTCA is also authorized to issue bonds.⁴⁰ Eight voting members, one each from Escambia, Santa Rosa, Walton, Okaloosa, Bay, Gulf, Franklin and Wakulla counties, are appointed by the Governor to serve four-year terms on the governing body. FDOT's district three secretary serves as an *ex-officio*, non-voting member.⁴¹

The NFTCA is not currently operating any facility. The FTC report indicates:

As part of the Master Plan update, NFTCA's general consultant (HDR) is conducting a business case analysis to help the Authority in selecting and planning transportation projects by assessing their respective economic benefits, developing an investment plan and proposing viable funding strategies. The business case analysis includes an extensive public outreach program involving regional planning councils in the eight-county geographic area covered by NFTCA and a series of workshops involving other key stakeholders in the region.⁴²

³⁶ FTC's *Transportation Authority Monitoring and Oversight Fiscal Year 2011 Report*, pp. 57-58.

³⁷ *Id.*

³⁸ s. 348.52, F.S.

³⁹ FTC's *Transportation Authority Monitoring and Oversight Fiscal Year 2011 Report*, p. 73.

⁴⁰ s. 343.82, F.S.

⁴¹ s. 343.81, F.S.

⁴² FTC's *Transportation Authority Monitoring and Oversight Fiscal Year 2011 Report*, p. 160.

The NFTCA currently operates under an agreement that uses federal earmark funds for administrative expenses, professional services, and regional transportation planning.⁴³

Osceola County Expressway Authority

Created in 2010, the Osceola County Expressway Authority (OCX) governing body consists of six members. Five members, one of which must be a member of a racial or ethnic minority, must be residents of Osceola County. Three of the five are appointed by the governing body of the county and the remaining two are appointed by the Governor. FDOT's district five secretary serves as an *ex-officio*, non-voting member.⁴⁴

OCX is not currently operating any facility and has no funding or staff. Staff assistance and other support have been provided by Osceola County. The FTC report indicates efforts in 2011 to finalize an agreement for \$2.5 million in grant funding from FDOT to be used for two Project Development and Environment studies to be conducted by Florida's Turnpike Enterprise. OCX has developed a Master Plan that includes construction of four proposed tolled expressways: Poinciana Parkway, Southport Connector Expressway, Northeast Connector Expressway, and Osceola Parkway Extension.⁴⁵

Tampa Bay Area Regional Transportation Authority

The Tampa Bay Area Regional Transportation Authority (TBARTA) is an agency of the state whose purposes are to improve mobility and expand multimodal transportation options for passengers and freight throughout the seven-county Tampa Bay region.⁴⁶ TBARTA's governing body consists of 16 members: one elected official appointed by the respective County Commissions from Citrus, Hernando, Hillsborough, Pasco, Pinellas, Manatee and Sarasota counties; one member appointed by the West Central Florida Metropolitan Planning Organization Chairs Coordinating Committee who must be a chair of one of the six Metropolitan Planning Organizations in the region; two members who are the mayor or the mayor's designee of the largest municipality within the area served by the Pinellas Suncoast Transit Authority and the Hillsborough Area Transit Authority; one member who is the mayor or the mayor's designee of the largest municipality within Manatee or Sarasota County, providing that the membership rotates every two years; four members who are business representatives appointed by the Governor, each of whom must reside in one of the seven counties of TBARTA; and one non-voting member who is the secretary of one of the FDOT districts within the seven-county area appointed by the FDOT secretary.⁴⁷

TBARTA is not currently operating any facility. The FTC report indicates that "TBARTA is beginning to prioritize projects, develop financial strategies for implementation, coordinate the advancement of more detailed planning and environmental analysis for the prioritized projects, and continue public engagement and education efforts." The FTC report lists nine current TBARTA projects (evaluations and studies) funded by FDOT.⁴⁸ TBARTA also operates

⁴³ Id.

⁴⁴ s. 348.9952, F.S.

⁴⁵ FTC's *Transportation Authority Monitoring and Oversight Fiscal Year 2011 Report*, p. 165.

⁴⁶ s. 343.922, F.S.

⁴⁷ s. 343.92, F.S.

⁴⁸ FTC's *Transportation Authority Monitoring and Oversight Fiscal Year 2011 Report*, p. 177.

TBARTA Commuter Services, which is a free, online ride-matching program enabling commuters to connect with each other to share rides and is engaging in additional activities, such as identifying opportunities for collaboration and consolidation with other entities in the region, strengthening existing partnerships and examining the potential for new ones, identify short-term solutions to traffic congestion, and continuing to look for process improvements and potential cost savings.⁴⁹

TBARTA and FDOT entered into an agreement under which, in 2009, FDOT advanced \$500,000 from a \$2 million appropriation to pay initial administrative expenses, and the 2009 and 2010 Legislature appropriated unspent funds from the \$2 million to TBARTA. The Legislature in 2011 did not appropriate unspent funds to TBARTA and repealed TBARTA's authority to enter into lease-purchase agreements with FDOT.⁵⁰

III. Effect of Proposed Changes:

Section 1: Amends s. 20.23, F.S., to require the FTC to monitor the efficiency, productivity, and management of the MBBA and to repeal the Florida Statewide Passenger Rail Commission. Overlapping oversight of publicly-funded passenger rail systems is eliminated and remains solely with the FTC.

Section 2: Amends s. 110.205(2)(j), F.S., to change the title of FDOT's State Public Transportation and Modal Administrator to State Freight and Logistics Administrator.

Section 3: Creates s. 163.3176, F.S., to set forth Legislative findings regarding residential development of land adjacent to the rights-of-way of limited-access facilities; requires local governments to ensure that noise compatible land-use planning is employed in their jurisdictions in the development of land for residential use adjacent to right-of-way acquired for a limited-access facility, including incorporation of federal and state noise mitigation standards and guidelines in all local government land development regulations; and requires local governments to ensure that residential development proposed adjacent to a limited-access facility be planned and constructed in conformance with all such standards, guidelines, and regulations.

Local governments are required to:

- determine if existing land development regulations comply with federal and state noise mitigation standards and guidelines;
- ensure incorporation of compliant regulations in all local government comprehensive plans, amendments of adopted comprehensive plans, zoning plans, subdivision plat approvals, development permits, and building permits;
- consult with FDOT and DEO, as needed;
- adopt compliant regulations land development regulations as soon as practical but no later than July 1, 2014, if local government regulations do not comply; and,

⁴⁹ Id. at 179.

⁵⁰ SB 2152 (2011).

- contribute 50% of FDOT's cost of providing the required noise mitigation if a local government fails to comply with this section and, as a result, FDOT is required to construct a noise wall or other noise mitigation in connection with a road improvement project.

Section 4: Amends s. 206.9825(1), F.S., deleting the 1996 date certain, to provide that any air carrier that offers transcontinental jet service and has, *within the preceding five-year period* from January 1 of the year the exemption is being applied for, increased its Florida workforce by more than 1,000 percent and by 250 or more full-time employee positions as provided in reports required to be filed pursuant to s. 443.163, F.S.,⁵¹ may purchase aviation fuel exempt from the 6.9 cents per gallon tax from terminal suppliers and wholesalers, provided that the air carrier has no facility for fueling highway vehicles from the tank in which the aviation fuel is stored.

The bill:

- requires an air carrier to submit a specified written request to DOR to qualify for the exemption;
- provides that the exemption expires on December 31 of the year in which it was granted;
- disallows the exemption for any period prior to the effective date of the air carrier exemption letter issued by DOR;
- requires air carriers to submit a specified written request to DOR to renew the exemption;
- authorizes terminal suppliers and wholesalers to receive a credit or apply for a refund as specified;
- provides that if, during the one-year period the exemption is in place, the air carrier fails to maintain the required increase in its Florida workforce, the exemption will not apply during the period in which the air carrier was no longer qualified; and,
- authorizes DOR to adopt rules.

These revisions may facilitate stability in aviation fuel tax collections, refunds, and revenues by providing an air carrier exemption process on the front end and changing the qualifying status of any refund from an increase in workforce when compared to January 1, 1996, to an increase in workforce when compared to the five years prior to the period that the refund is being applied for. Qualifying air carriers may choose to seek the exemption upon becoming eligible, so that the tax is not collected from the carrier at the time of purchase, thereby reducing the need for refunds to wholesalers and terminal suppliers and facilitating improved revenue predictability. Providing a one-year period in which to apply for a refund eliminates applications for refunds for multiple years, thereby reducing the potential for refunds that exceed revenues. Air carriers may be rewarded for increasing their workforces within the reasonable past, rather than 17 years ago.

Section 5: Repeals s. 316.530(3), F.S., to remove obsolete language authorizing wreckers to tow disabled vehicles when the combination of wrecker and towed vehicle are over the legal weight

⁵¹ Section 443.163, requires Employers Quarterly Reports from any employer who employed 10 or more employees in any quarter during the preceding state fiscal year, reflecting reporting and remitting of contributions and reimbursements for unemployment compensation purposes.

without a special use permit, thereby removing a direct conflict with federal law and with subsequently passed state provisions that require issuance of a special use permit under such conditions.

Section 6: Amends s. 316.545(3)(c), F.S., to increase from 400 to 500 pounds the authorized maximum gross vehicle weight to compensate for the additional weight of auxiliary power units (or idle-reduction technology) installed on commercial motor vehicles, as authorized by recent federal law. If a person violates the overloading provisions of ch. 316, F.S., any penalty will be calculated by reducing the actual gross vehicle weight or the internal bridge weight by the certified weight of the idle-reduction technology or by 550 pounds, whichever is less.

Section 7: Amends s. 331.360, F.S., relating to the development and improvement of aerospace transportation facilities, to:

- require Space Florida to develop a spaceport system plan, rather than a master plan, as master plans are facility specific and not statewide in nature;
- require Space Florida to submit the system plan to MPOs and to FDOT;
- authorize FDOT to include those portions of the system plan relevant to FDOT's mission within FDOT's five-year work program of qualifying projects (rather than aerospace discretionary capacity improvement projects);
- require the system plan to identify appropriate funding levels for each project and eliminate requiring the plan to include recommendations on appropriate sources of revenue that may be developed to contribute to the STTF;
- remove FDOT's authorization to participate in the capital cost of eligible spaceport discretionary capacity improvement projects subject to the availability of appropriated funds; and,
- remove the requirement that FDOT's legislative budget request be based on the proposed funding requested for approved spaceport discretionary capacity improvement projects.

Eligible projects are no longer limited to aerospace discretionary capacity improvement projects. Space Florida is required to identify appropriate funding levels for each project in the system plan but is no longer required to include in the plan recommendations on appropriate sources of revenue to contribute to the STTF.

In addition, beginning in FY 2013-2014, the changes authorize (but do not require) FDOT to make available from the STTF a minimum of \$15 million annually to fund space transportation projects and require Space Florida to provide project specific information to FDOT in order to demonstrate that the project includes transportation and aerospace benefits, including without limitation project description, characteristics, and scope; project funding sources and costs; project financing considerations with emphasis on federal, local, and private participation; financial feasibility and risk analysis, including efforts to protect the state's investment and ensure project goals are realized; and demonstration that the project will encourage, enhance, or create economic benefits. These revisions authorize FDOT to fund up to 50% of eligible project costs.

FDOT is authorized to fund up to 100% of eligible project costs if the project:

- provides important access and on-spaceport capacity improvements;
- provides capital improvements to strategically position the state to maximize opportunities in the aerospace industry or foster growth and development of a sustainable and world-leading aerospace industry in Florida;
- meets state goals of an integrated intermodal transportation system; and,
- demonstrates the feasibility and availability of matching funds through federal, local, or private partners.

To the extent that FDOT annually makes available the minimum \$15 million, FDOT will be authorized to select for funding at up to 50% of eligible costs projects with demonstrated transportation and aerospace benefits based on the project specific information and will be authorized to select for funding at up to 100% of eligible costs projects that meet the specified criteria.

The bill also creates the “Spaceport Investment Program,” which, beginning in Fiscal Year 2013-2014, and annually for up to 30 years thereafter, specifies \$5 million for the purpose of funding any spaceport project identified in FDOT’s adopted work program, identified as the “Spaceport Investment Program.” The bill:

- authorizes the revenues to be assigned, pledged, or set aside as a trust for payment of principal or interest on bonds or other forms of indebtedness issued by Space Florida, or used to purchase credit support to permit such borrowings;
- provides the debt is not a general obligation of the state;
- provides the state’s covenant with bondholders that it will not materially or adversely affect the rights of bondholders so long as bonds are outstanding;
- requires the proceeds of any bonds or other indebtedness secured by a pledge of the funding, after payment or costs of issuance and establishment of any required reserves, to be invested in projects approved by FDOT and included in FDOT’s Adopted Work Program, by amendment if necessary;
- authorizes use of any revenues not pledged to the repayment of bonds for other eligible projects;
- provides that the \$5 million is in addition to the \$15 million previously identified; and,
- requires the Division of Bond Finance to issue revenue bonds at the request of FDOT pursuant to the State Bond Act.

The bill requires funds to be made available which are subject to being pledged for bond issuance. If bond proceeds become available and FDOT approves a project, the project must be included in FDOT’s Adopted Work Program.

Section 8: Creates s. 332.007(11), F.S., to authorize FDOT to fund, at up to 100% of the project’s cost, strategic airport investment projects that:

- provide important access and on-airport capacity improvements;

- provide capital improvements to strategically position the state to maximize opportunities in international trade, logistics, and the aviation industry;
- achieve state goals of an integrated intermodal transportation system; and,
- demonstrate the feasibility and availability of matching funds through federal, local, or private partners.

Presumably, this new language captures for possible full funding potential development projects not currently captured under FDOT's authority in s. 332.007(6)(d), F.S., to fund up to 100% of the cost of an eligible development project that is statewide in scope or that involves more than one county where no other governmental entity or appropriate jurisdiction exists, and also allows FDOT to fund up to 100% of discretionary capacity improvement projects that meet the specified criteria.

Section 9: Amends s. 334.044(16), F.S., effective July 1, 2013, to prohibit FDOT from entering into any lease-purchase agreement with any expressway authority, regional transportation authority, or other entity; to provide that specified lease-purchase agreements are not invalidated; and to specify that FDOT's authority under s. 334.30, F.S., is not limited. These provisions have no effect on the existing lease-purchase agreements but prohibit any new agreements beginning July 1, 2013.

Section 10: Amends s. 337.11(13), F.S., to require each road or bridge construction contract or maintenance contract let by FDOT to require all motor vehicles operated by the contractor in this state to be registered in compliance with ch. 320, F.S, thereby eliminating the requirement of proof to FDOT in the form a notarized affidavit from the contractor.

Section 11: Amends s. 337.14(1), F.S., to clarify that:

- any person desiring to bid for the performance of any construction contract *with a proposed budget estimate* in excess of \$250,000 must first be certified as qualified;
- FDOT's rules are to address qualification of persons to bid on construction contracts *with a proposed budget estimate* in excess of \$250,000; and,
- a person seeking qualification to bid on construction contracts *with proposed budget estimates* in excess of \$250,000 is required to furnish specified information on the application for qualification.

As no change in current practice results, the revisions simply provide internal statute consistency and consistency between statute and rule, thereby avoiding any potential confusion.

Section 12: Amends s. 337.168(2), F.S., to clarify an existing public records exemption by providing that a document that reveals the identify of a person who has requested or obtained from FDOT, a bid package, plan, or specifications pertaining to any project to be let by FDOT *before* the two working days before the deadline for obtaining such materials remains a public record. Presumably, a list of potential bidders who requested or obtained bid packages from FDOT for a given project before the two-day period of exemption begins will remain posted on FDOT's website.

Section 13: Amends s. 337.251(2), F.S., relating to the lease of property for joint public-private development, to:

- require that if FDOT receives a proposal for a lease (rather than to negotiate a lease) of particular property FDOT desires to consider, it shall publish the currently required newspaper notice stating that FDOT will accept for 120 (rather than 60) days other proposals for lease of the particular property;
- direct FDOT to establish by rule an application fee for the submission of proposals under s. 337.251, F.S., sufficient to pay the anticipated costs of evaluating the proposals;
- authorize FDOT to engage the services of private consultants to assist in the evaluations; and,
- require FDOT, before approval of any proposal, to determine that the proposed lease is in the public's best interest, would not require state funds to be used, and would have adequate safeguards in place to ensure that no additional costs or service disruptions would be realized by the traveling public and residents of the state in the event of default by the private lessee or upon termination or expiration of the lease.

These revisions bring the process under s. 337.251, F.S., closer to that under s. 334.30, F.S., with the primary difference being that FDOT is not required, as is the case under s. 334.30, F.S., to provide an independent analysis that demonstrates the cost-effectiveness and overall public benefit of the proposed lease.

Section 14: Creates s. 337.408(8), F.S., relating to parking meters installed within the right-of-way limits of a state road, to:

- authorize installation of parking meters or such other parking time limit devices that regulate designated parking spaces located within the right-of-way limits of a state road when permitted by FDOT;
- require counties and municipalities to promptly remit to FDOT 50% of the revenue generated from any fees collected by meter or such other parking time limit device installed or already existing with the right-of-way limits of a state road under FDOT's jurisdiction; and,
- require funds received by FDOT to be deposited into the STTF and used in accordance with specified law.

Whether existing parking time limit devices are "grandfathered" is unclear, but new installations will require a permit at an unknown cost. Local governments must institute a process to collect funds in the parking devices that will allow for "prompt" remittance of revenues to FDOT. Whether local governments are authorized to back out permit, installation, maintenance, and enforcement costs is unclear.

Section 15: Amends s. 338.161(5), F.S., to replace the potentially ambiguous language regarding agreements for use of FDOT toll collection systems that passed in HB 599 and SB 1998 during the 2012 Legislative Session, thereby avoiding any confusion that might result from ambiguous language or from statutory construction rules.

Section 16: Amends s. 338.165(4), F.S., to remove obsolete references to the Beeline-East Expressway and the Navarre Bridge within FDOT's authority to request issuance of bonds secured by toll revenues from certain toll facilities, as the expressway and bridge are no longer owned by FDOT.

Section 17: Amends s. 338.26(3) and (4), F.S., relating to the Alligator Alley toll road, to:

- authorize use of excess toll revenues from Alligator Alley, after specified payments, to design and construct, rather than develop and operate, a fire station at mile marker 63 on Alligator Alley;
- authorize use of the fire station by Collier County or other appropriate local governmental entity;
- authorize transfer, after specified payments, of any such excess revenues to SFWMD in accordance with the June 30, 1997, memorandum of understanding between SFWMD and FDOT; and,
- remove SFWMD authorization to issue bonds or notes secured by a pledge of the transfers from the Alligator Alley toll revenues as security for such bonds or notes.

These revisions remove the obligations of Alligator Alley toll revenues to operate the fire station at mile marker 63 and the transfer of annual excess revenue to SFWMD beyond that which is agreed upon in memorandum of understanding, and repeals SFWMD's authority to issue bonds or notes and pledge the revenues from the transfers.

Section 18: Amends s. 339.175, F.S., relating to MPOs, to:

- revise provisions relating to designation of MPOs to conform to changed federal terminology;
- provide that the voting membership of an MPO re-designated after the bill's effective date as a result of the expansion of an MPO to include a new urbanized area or the consolidation of two or more MPOs within a single urbanized area may consist of no more than 25 members;
- encourage inclusion of new urbanized areas within existing MPOs or consolidation of existing MPOs in areas already having 19 members and to provide local flexibility to identify appropriate representation; e.g., transit providers or airport authorities.
- provide, in metropolitan areas in which authorities or other agencies have been or may be created by law to perform transportation functions and are performing those functions that are not under the jurisdiction of a general-purpose local government represented on the MPO, those entities may (rather than *shall*) be provided voting member on the MPO, thereby allowing local decisions as to appropriate representation; and,
- relocate and revise existing language to eliminate redundancy and provide clarity.

Section 19: Amends s. 339.2821, F.S., to include Enterprise Florida, Inc., as an FDOT consultant in making and approving economic development transportation project contracts; to remove the requirement that *quarterly* progress reports be provided to FDOT; to remove the

prohibition against more than quarterly transfers and the direction to expend funds received from FDOT in a timely manner; to provide that if construction of the transportation project does not begin within four years after the date of the initial grant award, the grant award is terminated; and to expand the types of authorized projects beyond those meeting the definition of a transportation facility.

Section 20: Amends s. 339.55, F.S., to include projects that provide intermodal connectivity with spaceports as eligible for loans from the State-funded Infrastructure Bank, as are projects that provide intermodal connectivity with airports, seaports, rail facilities, and other transportation terminals.

Section 21: Amends s. 341.031(11), F.S., expanding eligibility for intercity bus companies to compete for federal and state program funding by removing from the definition of “intercity bus service” the requirement that the carrier maintains schedule information in the National Official Bus Guide and provides package express service incidental to passenger transportation.

Section 22: Amends s. 341.053, F.S., expanding the types of projects and activities eligible for funding under the Intermodal Development Program, by:

- adding to the types of projects included in the program access to spaceports and planning or funding construction of airport, spaceport, seaport, transit and rail projects that facilitate the intermodal or multimodal movement of people and goods;
- deleting language requiring development of a proposed intermodal development plan and provide a link to current policy documents by requiring the program to be used for projects that support statewide goals as outlined in the Florida Transportation Plan, the Freight Mobility and Trade Plan, or the appropriate FDOT modal plan;
- removing a cap on receipt of funds; and,
- including in the list of projects eligible for funding planning studies; major capital investments in freight facilities and systems that provide intermodal access; road, rail, intercity bus service, or fixed-guideway access to, from, or between spaceports and intermodal logistics centers; and construction of intermodal or multimodal terminals, including projects on airports, spaceports, intermodal logistics centers or seaports which assist in the movement or transfer of people or goods.

Section 23: Amends s. 341.302(17), F.S., to expressly authorize FDOT to undertake any ancillary development FDOT determines to be appropriate as a source of revenue for the establishment, construction, operation, or maintenance of any rail corridor owned by the State and to require such developments to be consistent, to the extent feasible, with applicable local government comprehensive plans and local land development regulations and otherwise be in compliance with ss. 341.302-341.303, F.S.

Section 24: Amends s. 343.82(3)(d), F.S., to remove a reference to the previously repealed Toll Facilities Revolving Trust Fund.

Section 25: Amends s. 343.922(4), F.S., to remove a reference to the previously repealed Toll Facilities Revolving Trust Fund.

Section 26: Creates chapter 345, F.S., to authorize the formation of regional tollway authorities, consisting of sections 345.0001 – 345.0017, F.S., to:

- authorize a county, or two or more contiguous counties, after approval of the Legislature, to form a regional toll way authority for the purposes of constructing, maintaining, and operating transportation projects in a region of this state to be governed in accordance with ch. 345, F.S.;
- prohibit creation of an authority without the approval of the Legislature and the county commission of each county that will part of the authority;
- prohibit creation of an authority to serve a particular area if a regional toll way authority has been created and is operating within all or a portion of the same area served pursuant to an act of the Legislature; and provide that each authority shall be the only authority created and operating pursuant to ch. 345 within the area served by the authority;
- provide for the composition and appointment of an authority governing board, as well as the terms of office, vacancies, member reimbursement for per diem and other expenses, and quorum requirements, etc.;
- direct an authority created and established, or governed, by the act to plan, develop, finance, construct, reconstruct, improve, own, operate, and maintain a regional system in the area served by the authority; prohibit an authority from exercising such powers with respect to an existing system for transporting people and goods by any means that is owned by another entity without the consent of that entity; and provide that an authority inherits and assumes all rights, assets, appropriations, privileges, and obligations of an existing authority if an authority acquires, purchases, or inherits an existing authority;
- provide for the powers and duties of an authority, including without limitation the power to fix, alter, charge, establish and collect rates, fees, rental, and other charges for use of an authority system, which power may be assigned or delegated to FDOT, and to borrow money and issue bonds or other forms of indebtedness to finance an authority system and to secure payment of the bonds by a pledge of its revenues;
- require a resolution authorizing bond issuance and pledging revenues to require periodic system revenue deposits into appropriate accounts sufficient to cover operations and maintenance of the system and to reimburse FDOT for any unreimbursed costs of O&M from prior fiscal years before revenues of the system are deposited; and prohibit the use or pledge of state funds to pay the principal or interest of any authority bonds and require all bonds to contain a statement as to the prohibition;
- require FDOT to furnish an FDOT employee to act as the executive director of an authority upon the request of an authority;
- provide for the rights and remedies of bondholders in addition to those granted by a resolution or indenture providing for the issuance of bonds, etc;
- provide for the appointment of a trustee and for the powers and duties of the trustee; and provide for appointment of a receiver and for the powers and duties of the receiver;
- provide that FDOT is the agent of each authority for the purpose of performing all phases of a project, including without limitation, constructing improvements and

- extensions to the system; require provision to FDOT of complete copies of specified documents; require the Division of Bond Finance (DBF) and the authority to request that FDOT perform the construction work, including the planning, surveying, design, and actual construction of the completion, extensions, and improvements to the system; require DBF and the authority, after bond issuance to finance construction, to transfer to the credit of an FDOT account in the State Treasury the necessary funds for construction; direct FDOT to proceed with construction; and alternatively authorize an authority, with FDOT's consent and approval, to appoint a local agency certified by FDOT to administer federal aid projects as the authority's agency for the purpose of performing each phase of a project;
- provide that FDOT is the agent of each authority for the purpose of operating and maintaining the system; direct FDOT to operate and maintain the system; require the costs incurred by FDOT for O&M be reimbursed from system revenues; provide that appointment of FDOT as agent for each authority does not create an independent obligation of FDOT to operate and maintain a system; provide that each authority remains obligated as principal to operate and maintain its system; and provide that an authority's bondholders do not have an independent right to compel FDOT to operate or maintain the authority's system;
 - authorize FDOT, at the request of an authority, to provide for or contribute to the payment of costs of financial or engineering and traffic feasibility studies and the design, financing, acquisition, or construction of an authority project or system, subject to appropriation by the Legislature; authorize FDOT to use its engineering and other personnel, including consulting engineers and traffic engineers, to conduct specified feasibility studies; authorize FDOT to require money contributed by FDOT to be repaid from tolls of the project on which the money was spent, other revenue of the authority, or other sources of funds; and require that FDOT receive from an authority a specified share of the authority's net revenues, as defined;
 - authorize an authority to acquire specified private or public property and property rights by gift, devise, purchase, condemnation by eminent domain proceedings, or transfer from another political subdivision of the state; and provide for liability related to preexisting soil or groundwater contamination;
 - provide exemption from certain taxation for an authority; and,
 - create as agencies of the state, with the purposes and powers identified in the new act for the area served by an authority, the Northwest Florida Regional Tollway Authority serving Escambia and Santa Rosa counties; the Okaloosa-Bay Regional Tollway Authority (OBRTA) serving Okaloosa, Walton, and Bay counties; and the Suncoast Regional Tollway Authority serving Citrus, Levy, Marion, and Alachua counties.

Section 27: Transfers to the OBRTA the governance and control of the MBBA, including the assets, facilities, tangible and intangible property and any rights in such property, and any other legal rights of the MBBA, including the bridge system operated by the authority; and:

- provides that all powers of the MBBA shall succeed to the OBRTA and operations and maintenance of the bridge system shall be under the control of the OBRTA; provides that revenues collected on the bridge system may be considered OBRTA revenues, and the Mid-Bay Bridge system may be considered part of the OBRTA

system, if bonds of the bridge authority are not outstanding; provides that the OBRTA assumes all liability for bonds of the MBBA as specified; and provides that the OBRTA may review other contracts, financial obligations, and contractual obligations and liabilities of the MBBA and may assume legal liability for the obligations that are determined necessary for the continued operation of the bridge system;

- provides that the transfer is subject to the terms and covenants provided for the protection of the holders of the MBBA bonds in the lease-purchase agreement and the resolutions adopted in connection with the issuance of the bonds; provides that FDOT shall operate and maintain the bridge system and any other facilities of the MBBA in accordance with the bond resolutions and lease-purchase agreement, after the transfer and until the bonds of the MBBA are fully defeased or paid in full; and directs FDOT, as the agent of the OBRTA, to collect toll revenues and apply them to the payment of debt service as provided in the bond resolution securing the bonds;
- requires that the OBRTA expressly assume all obligations relating to the bonds to ensure that the transfer will have no adverse impact on the security for the MBBA bonds; provides that the transfer does not make the obligation to pay the principal and interest on the bonds a general liability of the OBRTA or pledge the OBRTA system revenues to payment of the MBBA bonds; provides that revenues that are generated by the bridge system and other facilities of the MBBA and that were pledged by the MBBA to the payment of the bonds remain subject to the pledge for the benefit of the bondholders; and provides that the transfer does not modify or eliminate any prior FDOT obligation to pay certain costs of the bridge system from sources other than revenues of the bridge system; and,
- with regard to the MBBA's current long-term debt of \$9.5 million due to FDOT as of June 30, 2012, provides, to the extent permitted by the bond resolutions and lease-purchase agreement, that the OBRTA shall make payment annually to the STTF, for the purpose of repaying the MBBA's long-term debt due to FDOT, from any bridge system revenues obtained under this section which remain after the payment of the costs of operations, maintenance, renewal, and replacement of the bridge system, the payment of current debt service, and other payments required in relation to the bonds; directs the OBRTA to make the annual payments, not to exceed \$1 million per year, to the STTF until all remaining MBBA long-term debt due to FDOT has been repaid; and requires that any remaining toll revenue from MBBA facilities collected by the OBRTA after meeting the specified requirements be used for the construction, maintenance, or improvement of any toll facility of the OBRTA within the county or counties in which the revenue was collected.

Section 28: Provides that the bill takes effect upon becoming law, except as otherwise expressly provided.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The Revenue Estimating Conference has not yet estimated the fiscal impact of this bill.

B. Private Sector Impact:

Section 3: Developers constructing residential units abutting a limited-access facility may incur unquantifiable expenses if local government regulations require the developers to implement noise compatible development strategies or noise abatement measures to minimize noise impacts on residential dwellings, which costs may result in higher prices to home purchasers.

Section 4: Some air carriers that currently qualify for a refund of the aviation tax may no longer qualify, and some carriers that do not currently qualify may become eligible.

Section 6: The increased allowable weight of APUs decreases the potential fine for a commercial motor vehicle overweight violation by no more than \$7.50.

Section 9: Motor fuel tax funds paid by citizens and businesses in a particular locality may be at less risk of diversion to a different area of the state in a manner contrary to the statutory allocation for those funds if the funds were expended by FDOT through its normal work program process, rather than through a lease-purchase agreement.

Section 13: Those wishing to submit proposals for lease of FDOT property that FDOT wishes to consider will be subject to an application fee sufficient to pay the anticipated cost of evaluating the proposal, to be established by FDOT rule. Opportunities for private consultant contracts with FDOT are authorized.

Section 14: The general public could experience a reduction in the availability of convenient, time-limited parking in the event that the cost of permitting, installation, maintenance, and enforcement exceeds or so limits parking revenues that the local government chooses to remove from FDOT rights-of-way any time-limited parking devices. Businesses may experience some loss of revenue in that event.

Section 21: Revision of the definition of “intercity bus service” allows companies other than Greyhound Bus Lines to compete for federal and state program funds.

C. Government Sector Impact:

Section 1: The FTC will experience a negative impact from expenses associated with monitoring the MBBA, which expenses are expected to be absorbed within existing resources. Potentially duplicative administrative expenses associated with the overlapping responsibility of the FTC and the FSPRC are eliminated.

Section 3: Local governments will experience a negative impact from unknown expenses associated with review of their existing regulations, any needed consultation with DEO and FDOT, and with adopting the required regulations if none are in place. FDOT and DEO will likewise incur unknown expenses associated with any consultation. If a local government fails to adopt the required regulations, the local government will be required to contribute 50% of FDOT's costs to provide required noise mitigation. The state may experience a positive impact from unquantifiable savings in future highway improvement projects where noise mitigation was considered and adequately provided for in the planning and construction of residential developments abutting limited access.

Section 4: The fiscal impact of the revisions to the aviation fuel tax is indeterminate, but the revisions may provide greater predictability and certainty with regard to aviation fuel tax revenues and may result in additional transportation projects. The need to periodically revise the existing static date in statute is eliminated by the proposed rolling five-year period during which to measure job creation.

Section 5: Removing the obsolete language regarding wrecker permits will avoid any negative impact to the state from a potential federal funds penalty for failure to comply with federal commercial motor vehicle requirements, as giving effect to the obsolete provisions would render the state noncompliant with federal law.

Section 6: The increased allowable weight of APUs decreases a potential fine by no more than \$7.50.

Section 7: Space Florida will experience a negative impact from unknown expenses to develop the required spaceport system plan. Spaceport project eligibility is expanded and spaceport funding is increased. Whether these revisions will have any impact on other program funding is unclear.

Section 8: Certain airport projects may become eligible for FDOT to fund up to 100% of project costs, possibly resulting in earlier delivery of projects. Whether this revision will have any impact on airport projects that are eligible for funding at only 50% is unclear.

Section 9: Prohibiting FDOT from entering new lease-purchase agreements may help to ensure that new transportation systems developed by the toll authorities are capable of being self-sustaining, as opposed to relying on a long-term commitment of STTF funds to pay a toll authority's O&M costs. A positive fiscal impact to the state is expected.

Section 13: FDOT's costs associated with evaluating lease proposals pursuant to s. 337.251, F.S., would presumably be covered by the application fee FDOT is required to

establish by rule, particularly if the fee includes the cost of private consultants FDOT is authorized to engage to assist in its evaluations.

Section 14: Local governments will experience a reduction in revenue from any existing parking meters and new meters installed within the right-of-way. Because FDOT does not have a current inventory of such devices, a calculation cannot be made at this time as to which local governments will be impacted or by how much revenue will be reduced. FDOT will experience an increase in revenues not previously received – both for permitting fees and parking revenues. FDOT advises it is not yet known whether existing staff will be utilized to conduct the statewide inventory or if this work will be outsourced, or at what cost. Local governments will also experience permit costs not previously incurred for installation of parking devices. Local governments could choose to conduct an inventory, at an unknown cost, by which to compare any FDOT inventory.

Section 17: The obligations of Alligator Alley toll revenues to operate a local fire station and of FDOT to transfer excess Alley revenues to the Everglades Restoration Fund beyond that which is agreed to in the Memorandum of Understanding between FDOT and SFWMD, are removed. A positive fiscal impact to the state is expected.

Section 20: Whether including projects that provide intermodal connectivity with spaceports as eligible for State-funded Infrastructure Bank loans will have an impact on such loans for projects that provide intermodal connectivity with airports, seaports, rail facilities, and other transportation terminals is unclear.

Section 22: Whether adding projects that provide access to spaceports will have an impact on projects that provide access to seaports, airports, and other transportation terminals is unclear. Similarly, whether the authorization to plan or fund construction of airport, spaceport, seaport, intermodal logistics centers, transit, and rail projects will have an impact on other program funding is unclear.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:**Barcode 439862 by Transportation on March 7, 2013:**

Removes reference to the Mid-Bay Bridge Authority and inserts a reference to the new ch. 345, F.S., in s. 20.23, F.S. The bill also transfers the Mid-Bay Bridge Authority to the Okaloosa-Bay Regional Tollway Authority, which is governed by the provisions of the new ch. 345, F.S. The reference to the new ch. 345, F.S., subjects the Okaloosa-Bay Regional Tollway Authority, and any other regional tollway authority created in the bill or subsequently created under provisions in the new ch. 345, F.S., to oversight and monitoring by the Florida Transportation Commission, as are various other expressway, road and bridge, and regional transportation authorities. The amendment also strikes a phrase referencing subsection (3), which subsection establishes the Florida Statewide Passenger Rail Commission, as the bill also repeals the Florida Statewide Passenger Rail Commission (WITH TITLE AMENDMENT).

Barcode 167046 by Transportation on March 7, 2013:

Provides that the \$15 million minimum annual funding authorized to be made available from the State Transportation Trust Fund for space transportation projects shall be from the funds dedicated to public transportation projects pursuant to s. 206.46(3), F.S.

Barcode 185716 by Transportation on March 7, 2013:

Removes from the bill provisions for the “Spaceport Investment Program,” which required allocation of \$5 million annually, for up to 30 years, for the purpose of funding any spaceport project identified in FDOT’s Adopted Work Program; and authorized the revenues to be assigned, pledged, or set aside as a trust for the payment of principal or interest on bonds, tax anticipation certificates, or other forms of indebtedness issued by Space Florida, or used to purchase credit support to permit such borrowings (WITH TITLE AMENDMENT).

Barcode 866526 by Transportation on March 7, 2013:

A substitute amendment for barcode 507082, this amendment removes the entire section 14 from the bill, which amended s. 337.408, F.S., to authorize installation of parking meters or other time-limit devices within the right-of-way limits of a state road if permitted by FDOT; required each county and municipality to promptly remit to FDOT 50% of the revenue generated from the fees collected by a parking meter or other time-limit device installed or already existing within the right-of-way limits of a state road under FDOT’s jurisdiction; and required funds received by FDOT to be deposited into the STTF and used in accordance with s. 339.08 (WITH TITLE AMENDMENT).

Barcode 584336 by Transportation on March 7, 2013:

Inserts the phrase, “and the Governor,” to correct a drafting error and conform with existing law that requires reapportionment of the membership of an MPO by agreement of the affected units of general-purpose local government *and the Governor*.

Barcode 302118 by Transportation on March 7, 2013:

Corrects a bill drafting error and restores current law.

Barcode 430408 by Transportation on March 7, 2013:
Redrafts language with different punctuation for clarity.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

439862D439862

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/08/2013	.	
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The Committee on Transportation (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 252 - 256

and insert:

the authorities created under chapters 345, 348, and 349, including any authority formed using the provisions of part I of chapter 348, and any authority formed under chapter 343 ~~which is not monitored under subsection (3)~~. The

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

And the title is amended as follows:

Delete lines 4 - 5

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13 and insert:

14 Commission to also monitor ch. 345, F.S., relating to
15 the Florida Regional Tollway Authority; deleting
16 provisions relating to the Florida

229756

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/07/2013	.	
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The Committee on Transportation (Evers) recommended the following:

Senate Amendment (with title amendment)

Between lines 407 and 408

insert:

Section 3. Subsections (1) and (5) of section 125.42, Florida Statutes, are amended to read:

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

(1) The board of county commissioners, with respect to property located without the corporate limits of any municipality, is authorized to grant a license to any person or private corporation to construct, maintain, repair, operate, and

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13 remove lines for the transmission of water, sewage, gas, power,
14 telephone, other public utilities, and television within the
15 right-of-way limits of ~~under, on, over, across and along~~ any
16 county highway or any public road or highway acquired by the
17 county or public by purchase, gift, devise, dedication, or
18 prescription. However, the board of county commissioners shall
19 include in any instrument granting such license adequate
20 provisions:

21 (a) To prevent the creation of any obstructions or
22 conditions which are or may become dangerous to the traveling
23 public;

24 (b) To require the licensee to repair any damage or injury
25 to the road or highway by reason of the exercise of the
26 privileges granted in any instrument creating such license and
27 to repair the road or highway promptly, restoring it to a
28 condition at least equal to that which existed immediately prior
29 to the infliction of such damage or injury;

30 (c) ~~If~~ ~~Whereby~~ the licensee holds ~~shall hold~~ the board of
31 county commissioners and members ~~thereof~~ harmless from the
32 payment of any compensation or damages resulting from the
33 exercise of the privileges granted in any instrument creating
34 the license; and

35 (d) As may be reasonably necessary, for the protection of
36 the county and the public.

37 (5) In the event of widening, repair, or reconstruction of
38 any such road, the licensee shall move or remove such water,
39 sewage, gas, power, telephone, and other utility lines and
40 television lines at no cost to the county if a facility is found
41 to be unreasonably interfering, except as provided in s.

229756

42 337.403(1)(d)-(g) ~~337.403(1)(e)~~.

43

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

45 And the title is amended as follows:

46 Between lines 10 and 11

47 insert:

48 amending s. 125.42, F.S.; revising provisions to
49 conform to changes made by the act; providing that in
50 order for a water, sewage, gas, power, telephone, or
51 other utility line and television lines to be required
52 to be moved at no cost to a county, the facility must
53 be found to be unreasonably interfering with the
54 widening, repair, or reconstruction of a road;
55 revising exceptions to the requirement;

1167046/1167046

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/08/2013	.	
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The Committee on Transportation (Brandes) recommended the following:

Senate Amendment

Delete lines 626 - 628

and insert:

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

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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/08/2013	.	
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The Committee on Transportation (Brandes) recommended the following:

Senate Amendment (with directory and title amendments)

Delete lines 664 - 689.

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D I R E C T O R Y C L A U S E A M E N D M E N T
=====

And the directory clause is amended as follows:

Delete line 577

and insert:

and amended to

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

And the title is amended as follows:

Ì185716:Î185716

13 Delete lines 42 - 45
14 and insert:
15 providing for funding; amending s. 332.007, F.S.;

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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/07/2013	.	
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The Committee on Transportation (Evers) recommended the following:

Senate Amendment (with title amendment)

Between lines 833 and 834

insert:

Section 14. Paragraph (a) of subsection (1) of section 377.401, Florida Statutes, is amended to read:

377.401 Use of right-of-way for utilities subject to regulation; permit; fees.—

(1)(a) The department and local governmental entities, referred to in ss. 377.401-377.404 as the "authority," that have jurisdiction and control of public roads or publicly owned rail corridors may ~~are authorized to~~ prescribe and enforce reasonable

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13 rules or regulations with reference to the placing and
14 maintaining within the right-of-way limits of ~~along, across, or~~
15 ~~on~~ any public road or publicly owned rail corridors under their
16 respective jurisdictions any electric transmission, telephone,
17 telegraph, or other communications services lines; pole lines;
18 poles; railways; ditches; sewers; water, heat, or gas mains;
19 pipelines; fences; gasoline tanks and pumps; or other structures
20 referred to in this section as the "utility." The department may
21 enter into a permit-delegation agreement with a governmental
22 entity if issuance of a permit is based on requirements that the
23 department finds will ensure the safety and integrity of
24 facilities of the Department of Transportation; however, the
25 permit-delegation agreement does not apply to facilities of
26 electric utilities as defined in s. 366.02(2).

27 Section 15. Subsection (1) of section 377.403, Florida
28 Statutes, is amended to read:

29 377.403 Interference caused by relocation of utility;
30 expenses.—

31 (1) If a utility that is placed within the right-of-way
32 limits of ~~upon, under, over, or along~~ any public road or
33 publicly owned rail corridor is found by the authority to be
34 unreasonably interfering in any way with the convenient, safe,
35 or continuous use, or the maintenance, improvement, extension,
36 or expansion, of such public road or publicly owned rail
37 corridor, the utility owner shall, upon 30 days' written notice
38 to the utility or its agent by the authority, initiate the work
39 necessary to alleviate the interference at its own expense
40 except as provided in paragraphs (a)-(h) ~~(a)-(g)~~. The work must
41 be completed within such reasonable time as stated in the notice

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42 or such time as agreed to by the authority and the utility
43 owner.

44 (a) If the relocation of utility facilities, as referred to
45 in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.
46 627 of the 84th Congress, is necessitated by the construction of
47 a project on the federal-aid interstate system, including
48 extensions thereof within urban areas, and the cost of the
49 project is eligible and approved for reimbursement by the
50 Federal Government to the extent of 90 percent or more under the
51 Federal Aid Highway Act, or any amendment thereof, then ~~in that~~
52 ~~event~~ the utility owning or operating such facilities shall
53 perform any necessary work upon notice from the department, and
54 the state shall pay the entire expense properly attributable to
55 such work after deducting from the payment ~~therefrom~~ any
56 increase in the value of a new facility and any salvage value
57 derived from an old facility.

58 (b) When a joint agreement between the department and the
59 utility is executed for utility work to be accomplished as part
60 of a contract for construction of a transportation facility, the
61 department may participate in those utility work costs that
62 exceed the department's official estimate of the cost of the
63 work by more than 10 percent. The amount of such participation
64 shall be limited to the difference between the official estimate
65 of all the work in the joint agreement plus 10 percent and the
66 amount awarded for this work in the construction contract for
67 such work. The department may not participate in any utility
68 work costs that occur as a result of changes or additions during
69 the course of the contract.

70 (c) When an agreement between the department and utility is

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71 executed for utility work to be accomplished in advance of a
72 contract for construction of a transportation facility, the
73 department may participate in the cost of clearing and grubbing
74 necessary to perform such work.

75 (d) If the utility facility was initially installed to
76 exclusively serve the authority or its tenants, or both, the
77 authority shall bear the costs of the utility work. However, the
78 authority is not responsible for the cost of utility work
79 related to any subsequent additions to that facility for the
80 purpose of serving others.

81 (e) If, under an agreement between a utility and the
82 authority entered into after July 1, 2009, the utility conveys,
83 subordinates, or relinquishes a compensable property right to
84 the authority for the purpose of accommodating the acquisition
85 or use of the right-of-way by the authority, without the
86 agreement expressly addressing future responsibility for the
87 cost of necessary utility work, the authority must ~~shall~~ bear
88 the cost of removal or relocation. This paragraph does not
89 impair or restrict, and may not be used to interpret, the terms
90 of any such agreement entered into before July 1, 2009.

91 (f) If the utility is an electric facility being relocated
92 underground in order to enhance vehicular, bicycle, and
93 pedestrian safety and in which ownership of the electric
94 facility to be placed underground has been transferred from a
95 private to a public utility within the past 5 years, the
96 department shall incur all costs of the necessary utility work.

97 (g) An authority may bear the costs of utility work
98 required to eliminate an unreasonable interference when the
99 utility is not able to establish that it has a compensable

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100 property right in the particular property where the utility is
101 located if:

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

104 2. The utility demonstrates that it has a compensable
105 property right in ~~all~~ adjacent properties along the alignment of
106 the utility or, after due diligence, certifies that the utility
107 does not have evidence to prove or disprove that it has a
108 compensable property right in the particular property where the
109 utility is located; and

110 3. The information available to the authority does not
111 establish the relative priorities of the authority's and the
112 utility's interests in the particular property.

113 (h) If the relocation of utility facilities is necessitated
114 by the construction of a commuter rail service project or an
115 intercity passenger rail service project and the cost of the
116 project is eligible and approved for reimbursement by the
117 Federal Government, the utility owning or operating such
118 facilities located by permit on a department-owned rail corridor
119 shall perform any necessary work upon notice from the
120 department, and the department shall pay the expense properly
121 attributable to such work in the same proportion as federal
122 funds are expended on the commuter rail service project after
123 deducting from the payment any increase in the value of a new
124 facility and any salvage value derived from an old facility. The
125 state is not required to use state dollars for such utility
126 relocation work. This subsection does not apply to any phase of
127 the Central Florida Rail Corridor project known as SunRail.

128

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

130 And the title is amended as follows:

131 Delete line 67

132 and insert:

133 lease must meet; amending s. 337.401, F.S.; providing
134 that the department and local governmental entities
135 that have jurisdiction and control of public roads or
136 publicly owned rail corridors may prescribe and
137 enforce rules and regulations with reference to
138 placing and maintaining certain structures and
139 utilities within right-of-way limits of public roads
140 or rail corridors; amending s. 337.403, F.S.;
141 specifying utilities that are placed within rights-of-
142 way of public roads or publicly owned rail corridors
143 and are found to interfere with the public road or
144 publicly owned rail corridor must alleviate the
145 interference; providing additional circumstances when
146 the authority may bear the cost of utility work
147 required to eliminate an unreasonable interference;
148 delegating responsibilities for necessary work and
149 payment for the work if the relocation of utility
150 facilities is necessitated by the construction of a
151 commuter rail service project or an inter-city
152 passenger rail service project; amending s. 337.408,
153 F.S.; providing

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LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
03/08/2013	.	
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The Committee on Transportation (Brandes) recommended the following:

Senate Amendment

Delete lines 1004 - 1013

and insert:

(8) Parking meters or such other parking time-limit devices, which regulate designated parking spaces located within or along the right-of-way limits of a state road, may be installed within the right-of-way limits of state roads unless the department determines there is an interference with right-of-way preservation and maintenance or for safety reasons. Counties and municipalities shall remit to the department, on a monthly basis, fifty percent of the revenue generated from any

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13 gross fees collected by said meters or such other parking time-
14 limit devices regulating parking within the right-of-way limits
15 of a state road under the department's jurisdiction. Such
16 monthly remittance is required for gross fees based upon parking
17 spaces within the right-of-way limits of a state road regardless
18 of the location of the parking meters or other parking time-
19 limit devices. Funds received by the department must be
20 deposited into the State Transportation Trust Fund and used in
21 accordance with s. 339.08.

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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/08/2013	.	
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The Committee on Transportation (Margolis) recommended the following:

1 **Senate Substitute for Amendment (507082) (with title**
2 **amendment)**

3
4 Delete lines 834 - 1017
5 and insert:
6 (Nothing)

7
8 ===== T I T L E A M E N D M E N T =====

9 And the title is amended as follows:

10 Delete lines 67 - 72
11 and insert:
12 lease must meet; amending s. 338.161, F.S.,

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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/08/2013	.	
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The Committee on Transportation (Brandes) recommended the following:

Senate Amendment

Delete line 1260
and insert:
general-purpose local government and the Governor, reapportion
the membership as

Ì302118~Î302118

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/08/2013	.	
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The Committee on Transportation (Brandes) recommended the following:

Senate Amendment

Delete line 1533
and insert:
corridor, have the authority to:

430408

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/08/2013	.	
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The Committee on Transportation (Brandes) recommended the following:

Senate Amendment

Delete lines 2212 - 2216
and insert:
behalf of the authority and the bondholders. A holder of bonds or any trustee does not have the right in any suit, action, or proceeding, at law or in equity, to compel a receiver, or a receiver may not be authorized or a court may not direct a receiver to, sell, assign,



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LEGISLATIVE ACTION

Senate

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House

The Committee on Transportation (Brandes) recommended the following:

Senate Amendment

Delete line 2339

and insert:

discharged insofar as the rights vested in the authority and the department affect the

By Senator Brandes

22-00495B-13

20131132__

1 A bill to be entitled
 2 An act relating to the Department of Transportation;
 3 amending s. 20.23, F.S.; requiring the Transportation
 4 Commission to also monitor the Mid-Bay Bridge
 5 Authority; deleting provisions relating to the Florida
 6 Statewide Passenger Rail Commission; amending s.
 7 110.205, F.S.; changing to the State Freight and
 8 Logistics Administrator from the State Public
 9 Transportation and Modal Administrator, which is an
 10 exempt position not covered under career service;
 11 creating s. 163.3176, F.S.; providing legislative
 12 intent; requiring that a local government ensure that
 13 noise compatible land-use planning is used in its
 14 jurisdiction; providing guidelines; providing for the
 15 sharing of related costs of construction if a local
 16 government does not comply with the noise mitigation
 17 requirements; requiring that local governments consult
 18 with the Department of Transportation and the
 19 Department of Economic Opportunity in the formulation
 20 of noise mitigation requirements; amending s.
 21 206.9825, F.S.; revising the criteria that certain air
 22 carriers must meet to qualify for an exemption to the
 23 aviation fuel tax; providing remedies for failure by
 24 an air carrier to meet the standards; authorizing
 25 terminal suppliers and wholesalers to receive a
 26 credit, or apply, for a refund of aviation fuel tax
 27 previously paid; conforming terminology; authorizing
 28 the Department of Revenue to adopt rules; repealing s.
 29 316.530(3), F.S., relating to load limits for certain

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

22-00495B-13

20131132__

30 towed vehicles; amending s. 316.545, F.S.; increasing
 31 the weight amount used for penalty calculations;
 32 conforming terminology; amending s. 331.360, F.S.;
 33 reordering provisions; providing for a spaceport
 34 system plan; providing funding for space
 35 transportation projects from the State Transportation
 36 Trust Fund; requiring Space Florida to provide the
 37 Department of Transportation with specific project
 38 information and to demonstrate transportation and
 39 aerospace benefits; specifying the information to be
 40 provided; providing funding criteria; providing
 41 criteria for the Spaceport Investment Program;
 42 providing for funding; authorizing the use of revenues
 43 for the payment of forms of indebtedness issued by
 44 Space Florida; providing restrictions and criteria for
 45 the use of certain revenues; amending s. 332.007,
 46 F.S.; authorizing the Department of Transportation to
 47 fund strategic airport investments; providing
 48 criteria; amending s. 334.044, F.S.; prohibiting the
 49 department from entering into a lease-purchase
 50 agreement with certain transportation authorities
 51 after a specified time; amending s. 337.11, F.S.;
 52 removing the requirement that a contractor provide a
 53 notarized affidavit as proof of registration; amending
 54 s. 337.14, F.S.; revising the criteria for bidding
 55 certain construction contracts to require a proposed
 56 budget estimate if a contract is more than a specified
 57 amount; amending s. 337.168, F.S.; providing that a
 58 document that reveals the identity of a person who has

Page 2 of 87

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

22-00495B-13

20131132__

59 requested or received certain information before a
 60 certain time is a public record; amending s. 337.251,
 61 F.S.; revising criteria for leasing particular
 62 department property; increasing the time the
 63 department must accept proposals for lease after a
 64 notice is published; authorizing the department to
 65 establish an application fee by rule; providing
 66 criteria for the fee; providing criteria that the
 67 lease must meet; amending s. 337.408, F.S.; providing
 68 regulations for parking meters and spaces in rights-
 69 of-way; requiring each county or municipality to remit
 70 certain revenue to the department; directing the
 71 department to deposit the funds into the State
 72 Transportation Trust Fund; amending s. 338.161, F.S.;
 73 authorizing the department to enter into agreements
 74 with owners of public or private transportation
 75 facilities rather than entities that use the
 76 department's electronic toll collection and video
 77 billing systems to collect certain charges; amending
 78 s. 338.165, F.S.; removing the Beeline-East Expressway
 79 and the Navarre Bridge from the list of facilities
 80 that have toll revenues to secure their bonds;
 81 amending s. 338.26, F.S.; revising the uses of fees
 82 that are generated from tolls to include the design
 83 and construction of a fire station that may be used by
 84 certain local governments in accordance with a
 85 specified memorandum; removing authority of a district
 86 to issue bonds or notes; amending s. 339.175, F.S.;
 87 revising the criteria that qualify a local government

22-00495B-13

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88 for participation in a metropolitan planning
 89 organization; revising the criteria to determine
 90 voting membership of a metropolitan planning
 91 organization; providing that each metropolitan
 92 planning organization shall review its membership and
 93 reapportion it as necessary; providing criteria;
 94 removing the requirement that the Governor review and
 95 apportion the voting membership among the various
 96 governmental entities within the metropolitan planning
 97 area; amending s. 339.2821, F.S.; authorizing
 98 Enterprise Florida, Inc., to be a consultant to the
 99 Department of Transportation for consideration of
 100 expenditures associated with and contracts for
 101 transportation projects; revising the requirements for
 102 economic development transportation project contracts
 103 between the department and a governmental entity;
 104 amending s. 339.55, F.S.; adding spaceports to the
 105 list of facility types for which the state-funded
 106 infrastructure bank may lend capital costs or provide
 107 credit enhancements; amending s. 341.031, F.S.;
 108 revising the definition of the term "intercity bus
 109 service"; amending s. 341.053, F.S.; revising the
 110 types of eligible projects and criteria of the
 111 intermodal development program; amending s. 341.302,
 112 F.S.; authorizing the Department of Transportation to
 113 undertake ancillary development for appropriate
 114 revenue sources to be used for state-owned rail
 115 corridors; amending ss. 343.82 and 343.922, F.S.;
 116 removing reference to advances from the Toll

22-00495B-13

20131132__

117 Facilities Revolving Trust Fund as a source of funding
 118 for certain projects by an authority; creating ch.
 119 345, F.S., relating to the Florida Regional Tollway
 120 Authority; creating s. 345.0001, F.S.; providing a
 121 short title; creating s. 345.0002, F.S.; providing
 122 definitions; creating s. 345.0003, F.S.; authorizing
 123 counties to form a regional tollway authority that can
 124 construct, maintain, or operate transportation
 125 projects in a region of the state; providing for
 126 governance of the authority; creating s. 345.0004,
 127 F.S.; providing for the powers and duties of a
 128 regional tollway authority; limiting an authority's
 129 power with respect to an existing system; prohibiting
 130 an authority from pledging the credit or taxing power
 131 of the state or any political subdivision or agency of
 132 the state; requiring that an authority comply with
 133 certain reporting and documentation requirements;
 134 creating s. 345.0005, F.S.; authorizing the authority
 135 to issue bonds; providing that the issued bonds must
 136 meet certain requirements; providing that the
 137 resolution that authorizes the issuance of bonds meet
 138 certain requirements; authorizing an authority to
 139 enter into security agreements for issued bonds with a
 140 bank or trust company; providing that the issued bonds
 141 are negotiable instruments and have certain qualities;
 142 providing that a resolution authorizing the issuance
 143 of bonds and pledging of revenues of the system must
 144 contain certain requirements; prohibiting the use or
 145 pledge of state funds to pay principal or interest of

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146 an authority's bonds; creating s. 345.0006, F.S.;
 147 providing for the rights and remedies granted to
 148 certain bondholders; providing the actions a trustee
 149 may take on behalf of the bondholders; providing for
 150 the appointment of a receiver; providing for the
 151 authority of the receiver; providing limitations to
 152 the receiver's authority; creating s. 345.0007, F.S.;
 153 providing that the Department of Transportation is the
 154 agent of each authority for specified purposes;
 155 providing for the administration and management of
 156 projects by the department; providing limits on the
 157 department as an agent; providing for the fiscal
 158 responsibilities of the authority; creating s.
 159 345.0008, F.S.; authorizing the department to provide
 160 for or commit its resources for an authority project
 161 or system, if approved by the Legislature; providing
 162 for payment of expenses incurred by the department on
 163 behalf of an authority; requiring the department to
 164 receive a share of the revenue from the authority;
 165 providing calculations for disbursement of revenues;
 166 creating s. 345.0009, F.S.; authorizing the authority
 167 to acquire private or public property and property
 168 rights for a project or plan; authorizing the
 169 authority to exercise the right of eminent domain;
 170 providing for the rights and liabilities and remedial
 171 actions relating to property acquired for a
 172 transportation project or corridor; creating s.
 173 345.0010, F.S.; providing for contracts between
 174 governmental entities and an authority; creating s.

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175 345.0011, F.S.; providing that the state will not
 176 limit or alter the vested rights of a bondholder with
 177 regard to any issued bonds or rights relating to the
 178 bonds under certain conditions; creating s. 345.0012,
 179 F.S.; relieving the authority from the obligation of
 180 paying certain taxes or assessments for property
 181 acquired or used for certain public purposes or for
 182 revenues received relating to the issuance of bonds;
 183 providing exceptions; creating s. 345.0013, F.S.;
 184 providing that the bonds or obligations issued are
 185 legal investments of specified entities; creating s.
 186 345.0014, F.S.; providing applicability; creating s.
 187 345.0015, F.S.; creating the Northwest Florida
 188 Regional Tollway Authority; creating s. 345.0016,
 189 F.S.; creating the Okaloosa-Bay Regional Tollway
 190 Authority; creating s. 345.0017, F.S.; creating the
 191 Suncoast Regional Tollway Authority; providing for the
 192 transfer of the governance and control of the Mid-Bay
 193 Bridge Authority System to the Okaloosa-Bay Regional
 194 Tollway Authority; providing for the disposition of
 195 bonds, the protection of the bondholders, the effect
 196 on the rights and obligations under a contract or the
 197 bonds, and the revenues associated with the bonds;
 198 providing effective dates.

199
 200 Be It Enacted by the Legislature of the State of Florida:

201
 202 Section 1. Paragraph (b) of subsection (2) and subsection
 203 (3) of section 20.23, Florida Statutes, are amended, and present

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204 subsections (4) through (7) of that subsection are renumbered as
 205 subsections (3) through (6), to read:

206 20.23 Department of Transportation.—There is created a
 207 Department of Transportation which shall be a decentralized
 208 agency.

209 (2)

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

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

214 2. Periodically review the status of the state
 215 transportation system including highway, transit, rail, seaport,
 216 intermodal development, and aviation components of the system
 217 and recommend improvements therein to the Governor and the
 218 Legislature.

219 3. Perform an in-depth evaluation of the annual department
 220 budget request, the Florida Transportation Plan, and the
 221 tentative work program for compliance with all applicable laws
 222 and established departmental policies. Except as specifically
 223 provided in s. 339.135(4)(c)2., (d), and (f), the commission may
 224 not consider individual construction projects, but shall
 225 consider methods of accomplishing the goals of the department in
 226 the most effective, efficient, and businesslike manner.

227 4. Monitor the financial status of the department on a
 228 regular basis to assure that the department is managing revenue
 229 and bond proceeds responsibly and in accordance with law and
 230 established policy.

231 5. Monitor on at least a quarterly basis, the efficiency,
 232 productivity, and management of the department, using

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 233 performance and production standards developed by the commission
 234 pursuant to s. 334.045.

235 6. Perform an in-depth evaluation of the factors causing
 236 disruption of project schedules in the adopted work program and
 237 recommend to the Legislature and the Governor methods to
 238 eliminate or reduce the disruptive effects of these factors.

239 7. Recommend to the Governor and the Legislature
 240 improvements to the department's organization in order to
 241 streamline and optimize the efficiency of the department. In
 242 reviewing the department's organization, the commission shall
 243 determine if the current district organizational structure is
 244 responsive to Florida's changing economic and demographic
 245 development patterns. The initial report by the commission must
 246 be delivered to the Governor and Legislature by December 15,
 247 2000, and each year thereafter, as appropriate. The commission
 248 may retain ~~such~~ experts that as are reasonably necessary to
 249 effectuate this subparagraph, and the department shall pay the
 250 expenses of the ~~such~~ experts.

251 8. Monitor the efficiency, productivity, and management of
 252 the authorities created under chapters 348 and 349, including
 253 any authority formed using the provisions of part I of chapter
 254 348, the Mid-Bay Bridge Authority created pursuant to chapter
 255 2000-411, Laws of Florida, and any authority formed under
 256 chapter 343 which is not monitored under subsection (3). The
 257 commission shall also conduct periodic reviews of each
 258 authority's operations and budget, acquisition of property,
 259 management of revenue and bond proceeds, and compliance with
 260 applicable laws and generally accepted accounting principles.

261 ~~(3) There is created the Florida Statewide Passenger Rail~~

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 262 ~~Commission.~~

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

265 ~~a. Three members shall be appointed by the Governor, one of~~
 266 ~~whom must have a background in the area of environmental~~
 267 ~~concerns, one of whom must have a legislative background, and~~
 268 ~~one of whom must have a general business background.~~

269 ~~b. Three members shall be appointed by the President of the~~
 270 ~~Senate, one of whom must have a background in civil engineering,~~
 271 ~~one of whom must have a background in transportation~~
 272 ~~construction, and one of whom must have a general business~~
 273 ~~background.~~

274 ~~c. Three members shall be appointed by the Speaker of the~~
 275 ~~House of Representatives, one of whom must have a legal~~
 276 ~~background, one of whom must have a background in financial~~
 277 ~~matters, and one of whom must have a general business~~
 278 ~~background.~~

279 ~~2. The initial term of each member appointed by the~~
 280 ~~Governor shall be for 4 years. The initial term of each member~~
 281 ~~appointed by the President of the Senate shall be for 3 years.~~
 282 ~~The initial term of each member appointed by the Speaker of the~~
 283 ~~House of Representatives shall be for 2 years. Succeeding terms~~
 284 ~~for all members shall be for 4 years.~~

285 ~~3. A vacancy occurring during a term shall be filled by the~~
 286 ~~respective appointing authority in the same manner as the~~
 287 ~~original appointment and only for the balance of the unexpired~~
 288 ~~term. An appointment to fill a vacancy shall be made within 60~~
 289 ~~days after the occurrence of the vacancy.~~

290 ~~4. The commission shall elect one of its members as chair~~

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291 ~~of the commission. The chair shall hold office at the will of~~
 292 ~~the commission. Five members of the commission shall constitute~~
 293 ~~a quorum, and the vote of five members shall be necessary for~~
 294 ~~any action taken by the commission. The commission may meet upon~~
 295 ~~the constitution of a quorum. A vacancy in the commission does~~
 296 ~~not impair the right of a quorum to exercise all rights and~~
 297 ~~perform all duties of the commission.~~

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

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

302 ~~1. Monitoring the efficiency, productivity, and management~~
 303 ~~of all publicly funded passenger rail systems in the state,~~
 304 ~~including, but not limited to, any authority created under~~
 305 ~~chapter 343, chapter 349, or chapter 163 if the authority~~
 306 ~~receives public funds for the provision of passenger rail~~
 307 ~~service. The commission shall advise each monitored authority of~~
 308 ~~its findings and recommendations. The commission shall also~~
 309 ~~conduct periodic reviews of each monitored authority's passenger~~
 310 ~~rail and associated transit operations and budget, acquisition~~
 311 ~~of property, management of revenue and bond proceeds, and~~
 312 ~~compliance with applicable laws and generally accepted~~
 313 ~~accounting principles. The commission may seek the assistance of~~
 314 ~~the Auditor General in conducting such reviews and shall report~~
 315 ~~the findings of such reviews to the Legislature. This paragraph~~
 316 ~~does not preclude the Florida Transportation Commission from~~
 317 ~~conducting its performance and work program monitoring~~
 318 ~~responsibilities.~~

319 ~~2. Advising the department on policies and strategies used~~

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320 ~~in planning, designing, building, operating, financing, and~~
 321 ~~maintaining a coordinated statewide system of passenger rail~~
 322 ~~services.~~

323 ~~3. Evaluating passenger rail policies and providing advice~~
 324 ~~and recommendations to the Legislature on passenger rail~~
 325 ~~operations in the state.~~

326 ~~(c) The commission or a member of the commission may not~~
 327 ~~enter into the day-to-day operation of the department or a~~
 328 ~~monitored authority and is specifically prohibited from taking~~
 329 ~~part in:~~

330 ~~1. The awarding of contracts.~~

331 ~~2. The selection of a consultant or contractor or the~~
 332 ~~prequalification of any individual consultant or contractor.~~
 333 ~~However, the commission may recommend to the secretary standards~~
 334 ~~and policies governing the procedure for selection and~~
 335 ~~prequalification of consultants and contractors.~~

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

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

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

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

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

343 ~~(d) The commission is assigned to the Office of the~~
 344 ~~Secretary of the Department of Transportation for administrative~~
 345 ~~and fiscal accountability purposes, but it shall otherwise~~
 346 ~~function independently of the control and direction of the~~
 347 ~~department except that reasonable expenses of the commission~~
 348 ~~shall be subject to approval by the Secretary of Transportation.~~

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349 ~~The department shall provide administrative support and service~~
 350 ~~to the commission.~~

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

353 110.205 Career service; exemptions.—

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

356 (j) The appointed secretaries and the State Surgeon
 357 General, assistant secretaries, deputy secretaries, and deputy
 358 assistant secretaries of all departments; the executive
 359 directors, assistant executive directors, deputy executive
 360 directors, and deputy assistant executive directors of all
 361 departments; the directors of all divisions and those positions
 362 determined by the department to have managerial responsibilities
 363 comparable to such positions, which positions include, but are
 364 not limited to, program directors, assistant program directors,
 365 district administrators, deputy district administrators, the
 366 Director of Central Operations Services of the Department of
 367 Children and Family Services, the State Transportation
 368 Development Administrator, State Freight and Logistics Public
 369 ~~Transportation and Modal~~ Administrator, district secretaries,
 370 district directors of transportation development, transportation
 371 operations, transportation support, and the managers of the
 372 offices specified in s. 20.23(3)(b) ~~20.23(4)(b)~~, of the
 373 Department of Transportation. Unless otherwise fixed by law, the
 374 department shall set the salary and benefits of these positions
 375 in accordance with the rules of the Senior Management Service;
 376 and the county health department directors and county health
 377 department administrators of the Department of Health.

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378 (m) All assistant division director, deputy division
 379 director, and bureau chief positions in any department, and
 380 those positions determined by the department to have managerial
 381 responsibilities comparable to such positions, which include,
 382 but are not limited to:

383 1. Positions in the Department of Health and the Department
 384 of Children and Family Services that are assigned primary duties
 385 of serving as the superintendent or assistant superintendent of
 386 an institution.

387 2. Positions in the Department of Corrections that are
 388 assigned primary duties of serving as the warden, assistant
 389 warden, colonel, or major of an institution or that are assigned
 390 primary duties of serving as the circuit administrator or deputy
 391 circuit administrator.

392 3. Positions in the Department of Transportation that are
 393 assigned primary duties of serving as regional toll managers and
 394 managers of offices, as defined in s. 20.23(3)(b) and (4)(c)
 395 ~~20.23(4)(b) and (5)(e)~~.

396 4. Positions in the Department of Environmental Protection
 397 that are assigned the duty of an Environmental Administrator or
 398 program administrator.

399 5. Positions in the Department of Health that are assigned
 400 the duties of Environmental Administrator, Assistant County
 401 Health Department Director, and County Health Department
 402 Financial Administrator.

403
 404 Unless otherwise fixed by law, the department shall set the
 405 salary and benefits of the positions listed in this paragraph in
 406 accordance with the rules established for the Selected Exempt

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407 Service.

408 Section 3. Section 163.3176, Florida Statutes, is created

409 to read:

410 163.3176 Legislative findings; noise mitigation

411 requirements in development plans for land abutting the right-

412 of-way of a limited access facility; compliance required of

413 local governments.-

414 (1) The Legislature finds that incompatible residential

415 development of land adjacent to the rights-of-way of limited

416 access facilities and the failure to provide protections related

417 to noise abatement have not been in the best interest of the

418 public welfare or the economic health of the state. The

419 Legislature finds that the costs of transportation projects are

420 significantly increased by the added expense of required noise

421 abatement and by the delay of other potential and needed

422 transportation projects. The Legislature finds that limited

423 access facilities generate traffic noise due to the high speed

424 and high volumes of vehicular traffic on these important

425 highways. The Legislature finds that important state interests,

426 including, but not limited to, the protection of future

427 residential property owners, will be served by ensuring that

428 local governments have land development ordinances that promote

429 residential land-use planning and development that is noise

430 compatible with adjacent limited access facilities, and by

431 avoiding future noise abatement problems and the related state

432 expense to provide noise mitigation for residential dwellings

433 constructed after notice of a planned limited access facility is

434 made public. Additionally, the Legislature finds that, with

435 future potential population growth and the resulting need for

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436 future capacity improvements to limited access facilities, noise

437 compatible residential land-use planning must take into

438 consideration an evaluation of future impacts of traffic noise

439 on proposed residential developments that are adjacent to

440 limited access facilities.

441 (2) Each local government shall ensure that noise

442 compatible land-use planning is used in its jurisdictions in the

443 development of land for residential use which is adjacent to

444 right-of-way acquired for a limited access facility. The

445 measures must include the incorporation of federal and state

446 noise mitigation standards and guidelines in all local

447 government land development regulations and be reflected in and

448 carried out in the local government comprehensive plans,

449 amendments of adopted comprehensive plans, zoning plans,

450 subdivision plat approvals, development permits, and building

451 permits. Each local government shall ensure that residential

452 development proposed adjacent to a limited access facility is

453 planned and constructed in conformance with all noise mitigation

454 standards, guidelines, and regulations. A local government shall

455 share equally with the Department of Transportation all related

456 costs of construction if the local government does not comply

457 with this section and, as a result, the department is required

458 to construct a noise wall or other noise mitigation in

459 connection with a road improvement project.

460 (3) A local government shall consult with the Department of

461 Economic Opportunity and the department, as needed, in the

462 formulation and establishment of adequate noise mitigation

463 requirements in the respective land development regulations as

464 mandated in this section. A local government shall adopt land

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465 development regulations that are consistent with this section,
466 as soon as practicable, but not later than July 1, 2014.

467 Section 4. Subsection (1) of section 206.9825, Florida
468 Statutes, is amended to read:

469 206.9825 Aviation fuel tax.—

470 (1) (a) Except as otherwise provided in this part, an excise
471 tax of 6.9 cents per gallon of aviation fuel is imposed upon
472 every gallon of aviation fuel sold in this state, or brought
473 into this state for use, upon which such tax has not been paid
474 or the payment thereof has not been lawfully assumed by some
475 person handling the same in this state. Fuel taxed pursuant to
476 this part shall not be subject to the taxes imposed by ss.
477 206.41(1)(d), (e), and (f) and 206.87(1)(b), (c), and (d).

478 (b) Any ~~licensed wholesaler or terminal supplier that~~
479 ~~delivers aviation fuel to an air carrier that offers offering~~
480 ~~transcontinental jet service and that has, within the preceding~~
481 ~~5-year period from January 1 of the year the exemption is being~~
482 ~~applied for, increased its that, after January 1, 1996,~~
483 ~~increases the air carrier's~~ Florida workforce by more than 1,000
484 ~~4000~~ percent and by 250 or more full-time equivalent employee
485 positions as provided in reports that must be filed pursuant to
486 s. 443.163, may purchase receive a credit or refund as the
487 ~~ultimate vendor of the aviation fuel exempt from for the 6.9~~
488 ~~cents per gallon tax imposed by this part from terminal~~
489 ~~suppliers and wholesalers, provided that the air carrier has no~~
490 ~~facility for fueling highway vehicles from the tank in which the~~
491 ~~aviation fuel is stored. To qualify for the exemption, an air~~
492 ~~carrier must submit a written request to the department stating~~
493 ~~that it meets the requirements of this paragraph. The exemption~~

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494 under this paragraph expires on December 31 of the year it was
495 granted. The exemption is not allowed for any period before the
496 effective date of the air carrier exemption letter issued by the
497 department. To renew the exemption, the air carrier must submit
498 a written request to the department stating that it meets the
499 requirements of this paragraph. Terminal suppliers and
500 wholesalers may receive a credit or may apply for a refund, as
501 the ultimate vendor of the 6.9 cents per gallon aviation fuel
502 tax previously paid, within 1 year after the date the right to
503 the refund has accrued ~~excise tax previously paid, provided that~~
504 ~~the air carrier has no facility for fueling highway vehicles~~
505 ~~from the tank in which the aviation fuel is stored. In~~
506 ~~calculating the new or additional Florida full-time equivalent~~
507 ~~employee positions, any full-time equivalent employee positions~~
508 ~~of parent or subsidiary corporations which existed before the~~
509 ~~preceding 5-year period from January 1 of the year the~~
510 ~~application for exemption or renewal is being applied for, may~~
511 ~~January 1, 1996, shall not be counted toward reaching the~~
512 ~~Florida employment increase thresholds. The refund allowed under~~
513 ~~this paragraph is in furtherance of the goals and policies of~~
514 ~~the State Comprehensive Plan set forth in s. 187.201(16) (a),~~
515 ~~(b)1., 2., (17) (a), (b)1., 4., (19) (a), (b)5., (21) (a), (b)1.,~~
516 ~~2., 4., 7., 9., and 12.~~

517 (c) If, during the 1-year period in which the exemption is
518 in place before July 1, 2001, the air carrier fails to maintain
519 the increase in its Florida workforce by more than 1,000 percent
520 and by 250 or more full-time equivalent employees ~~number of~~
521 ~~full-time equivalent employee positions created or added to the~~
522 ~~air carrier's Florida workforce falls below 250, the exemption~~

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 523 granted pursuant to this section ~~does shall~~ not apply during the
 524 period in which the air carrier was no longer qualified to
 525 receive the exemption ~~has fewer than the 250 additional~~
 526 ~~employees.~~

527 (d) The exemption taken by credit or refund pursuant to
 528 paragraph (b) ~~applies shall apply~~ only under the terms and
 529 conditions set forth in this paragraph ~~therein~~. If any part of
 530 ~~the that~~ paragraph is judicially declared to be unconstitutional
 531 or invalid, the validity of any provisions taxing aviation fuel
 532 ~~is shall~~ not be affected and all fuel exempted pursuant to
 533 paragraph (b) shall be subject to tax as if the exemption was
 534 never enacted. Each Every person who benefits ~~benefiting~~ from
 535 ~~the such~~ exemption ~~is shall be~~ liable for and must make payment
 536 of all taxes for which a credit or refund was granted.

537 (e) The department may adopt rules to administer this
 538 subsection.

539 Section 5. Subsection (3) of section 316.530, Florida
 540 Statutes, is repealed.

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

543 316.545 Weight and load unlawful; special fuel and motor
 544 fuel tax enforcement; inspection; penalty; review.—

545 (3) Any person who violates the overloading provisions of
 546 this chapter shall be conclusively presumed to have damaged the
 547 highways of this state by reason of such overloading, which
 548 damage is hereby fixed as follows:

549 (a) ~~If when~~ the excess weight is 200 pounds or less than
 550 the maximum ~~herein~~ provided by this chapter, the penalty is
 551 ~~shall be~~ \$10;

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

558 (c) For a vehicle equipped with fully functional idle-
 559 reduction technology, any penalty shall be calculated by
 560 reducing the actual gross vehicle weight or the internal bridge
 561 weight by the certified weight of the idle-reduction technology
 562 or by 550 400 pounds, whichever is less. The vehicle operator
 563 must present written certification of the weight of the idle-
 564 reduction technology and must demonstrate or certify that the
 565 idle-reduction technology is fully functional at all times. This
 566 calculation is not allowed for vehicles described in s.
 567 316.535(6);

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

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

576 Section 7. Section 331.360, Florida Statutes, is reordered
 577 and amended, and subsection (5) is added to that section, to
 578 read:

579 331.360 ~~Joint participation agreement or assistance;~~
 580 Spaceport system ~~master~~ plan.—

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581 ~~(2)(1)~~ It shall be the duty, function, and responsibility
 582 of the department ~~shall of Transportation~~ to promote the further
 583 development and improvement of aerospace transportation
 584 facilities; to address intermodal requirements and impacts of
 585 the launch ranges, spaceports, and other space transportation
 586 facilities; to assist in the development of joint-use facilities
 587 and technology that support aviation and aerospace operations;
 588 to coordinate and cooperate in the development of spaceport
 589 infrastructure and related transportation facilities contained
 590 in the Strategic Intermodal System Plan; to encourage, where
 591 appropriate, the cooperation and integration of airports and
 592 spaceports in order to meet transportation-related needs; and to
 593 facilitate and promote cooperative efforts between federal and
 594 state government entities to improve space transportation
 595 capacity and efficiency. In carrying out this duty and
 596 responsibility, the department may assist and advise, cooperate
 597 with, and coordinate with federal, state, local, or private
 598 organizations and individuals. The department may
 599 administratively house its space transportation responsibilities
 600 within an existing division or office.

601 ~~(3)(2)~~ Notwithstanding any other provision of law, the
 602 department ~~of Transportation~~ may enter into an a joint
 603 ~~participation~~ agreement with, or otherwise assist, Space Florida
 604 as necessary to effectuate the provisions of this chapter and
 605 may allocate funds for such purposes in its 5-year work program.
 606 However, the department may not fund the administrative or
 607 operational costs of Space Florida.

608 ~~(1)(3)~~ Space Florida shall develop a spaceport system
 609 ~~master~~ plan that identifies statewide spaceport goals and the

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610 need for expansion and modernization of space transportation
 611 facilities within spaceport territories as defined in s.
 612 331.303. The plan must shall contain recommended projects that
 613 ~~to~~ meet current and future commercial, national, and state space
 614 transportation requirements. Space Florida shall submit the plan
 615 to each any appropriate metropolitan planning organization for
 616 review of intermodal impacts. Space Florida shall submit the
 617 spaceport system master plan to the department ~~of~~
 618 Transportation, which may include those portions of the system
 619 plan which are relevant to the Department of Transportation's
 620 mission and such plan may be included within the department's 5-
 621 year work program of qualifying projects aerospace discretionary
 622 capacity improvement under subsection (4). The plan must shall
 623 identify appropriate funding levels for each project and include
 624 recommendations on appropriate sources of revenue that may be
 625 developed to contribute to the State Transportation Trust Fund.

626 (4) (a) Beginning in the 2013-2014 fiscal year, a minimum of
 627 \$15 million may be made annually available from the State
 628 Transportation Trust Fund to fund space transportation projects.

629 (b) Before executing an agreement, Space Florida must
 630 provide project-specific information to the department in order
 631 to demonstrate that the project includes transportation and
 632 aerospace benefits. The project-specific information must
 633 include, but need not be limited to:

634 1. The description, characteristics, and scope of the
 635 project.

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

637 3. The financing considerations that emphasize federal,
 638 local, and private participation.

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

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

644 (c) The department may fund up to 50 percent of eligible
 645 project costs. If the project meets the following criteria, the
 646 department may fund up to 100 percent of eligible project costs.

647 The project must:

648 1. Provide important access and on-spaceport capacity
 649 improvements;

650 2. Provide capital improvements to strategically position
 651 the state to maximize opportunities in the aerospace industry or
 652 foster growth and development of a sustainable and world-leading
 653 aerospace industry in the state;

654 3. Meet state goals of an integrated intermodal
 655 transportation system; and

656 4. Demonstrate the feasibility and availability of matching
 657 funds through federal, local, or private partners ~~Subject to the~~
 658 ~~availability of appropriated funds, the department may~~
 659 ~~participate in the capital cost of eligible spaceport~~
 660 ~~discretionary capacity improvement projects. The annual~~
 661 ~~legislative budget request shall be based on the proposed~~
 662 ~~funding requested for approved spaceport discretionary capacity~~
 663 ~~improvement projects.~~

664 (5) Beginning in the 2013-2014 fiscal year and annually for
 665 up to 30 years thereafter, \$5 million shall be allocated for the
 666 purpose of funding any spaceport project identified in the
 667 adopted work program of the department, to be known as the

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668 Spaceport Investment Program. The revenues may be assigned,
 669 pledged, or set aside as a trust for the payment of principal or
 670 interest on bonds, tax anticipation certificates, or other forms
 671 of indebtedness issued by Space Florida, or used to purchase
 672 credit support to permit such borrowings. However, the debt is
 673 not a general obligation of the state. The state covenants with
 674 holders of the revenue bonds or other instruments of
 675 indebtedness issued pursuant to this subsection that the state
 676 will not repeal, impair, or amend this subsection in any manner
 677 that materially or adversely affects the rights of holders if
 678 the bonds authorized by this subsection are outstanding. The
 679 proceeds of any bonds or other indebtedness secured by a pledge
 680 of the funding, after payment of costs of issuance and
 681 establishment of any required reserves, must be invested in
 682 projects approved by the department and included in the
 683 department's adopted work program, by amendment if necessary.
 684 Any revenues that are not pledged to the repayment of bonds as
 685 authorized by this subsection may be used for other eligible
 686 projects. This revenue source is in addition to any amounts
 687 provided for and appropriated in accordance with subsection (4).
 688 Revenue bonds shall be issued by the Division of Bond Finance at
 689 the request of the department pursuant to the State Bond Act.

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

692 332.007 Administration and financing of aviation and
 693 airport programs and projects; state plan.—

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

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697 (a) Important access and on-airport capacity improvements
698 are provided.

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

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

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

706 Section 9. Subsection (16) of section 334.044, Florida
707 Statutes, is amended to read:

708 334.044 Department; powers and duties.—The department shall
709 have the following general powers and duties:

710 (16) To plan, acquire, lease, construct, maintain, and
711 operate toll facilities; to authorize the issuance and refunding
712 of bonds; and to fix and collect tolls or other charges for
713 travel on any such facilities. Effective July 1, 2013, and
714 notwithstanding any other law to the contrary, the department
715 may not enter into a lease-purchase agreement with an expressway
716 authority, regional transportation authority, or other entity.
717 This provision does not invalidate a lease-purchase agreement
718 authorized under chapter 348 or chapter 2000-411, Laws of
719 Florida, and existing as of July 1, 2013, and does not limit the
720 department's authority under s. 334.30.

721 Section 10. Subsection (13) of section 337.11, Florida
722 Statutes, is amended to read:

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

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726 requirements of vehicle registration.—

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

734 Section 11. Subsection (1) of section 337.14, Florida
735 Statutes, is amended to read:

736 337.14 Application for qualification; certificate of
737 qualification; restrictions; request for hearing.—

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

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755 excess of \$250,000 ~~must shall~~ furnish the department a statement
 756 under oath, on such forms as the department may prescribe,
 757 setting forth detailed information as required on the
 758 application. Each application for certification ~~must shall~~ be
 759 accompanied by the latest annual financial statement of the
 760 applicant completed within the last 12 months. If the
 761 application or the annual financial statement shows the
 762 financial condition of the applicant more than 4 months before
 763 ~~prior to~~ the date on which the application is received by the
 764 department, ~~then~~ an interim financial statement must be
 765 submitted and be accompanied by an updated application. The
 766 interim financial statement must cover the period from the end
 767 date of the annual statement and must show the financial
 768 condition of the applicant no more than 4 months before ~~prior to~~
 769 the date the interim financial statement is received by the
 770 department. However, upon request by the applicant, an
 771 application and accompanying annual or interim financial
 772 statement received by the department within 15 days after either
 773 4-month period provided pursuant to ~~under~~ this subsection must
 774 ~~shall~~ be considered timely. Each required annual or interim
 775 financial statement must be audited and accompanied by the
 776 opinion of a certified public accountant. An applicant desiring
 777 to bid exclusively for the performance of construction contracts
 778 with proposed budget estimates of less than \$1 million may
 779 submit reviewed annual or reviewed interim financial statements
 780 prepared by a certified public accountant. The information
 781 required by this subsection is confidential and exempt from the
 782 provisions of s. 119.07(1). The department shall act upon the
 783 application for qualification within 30 days after the

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784 department determines that the application is complete. The
 785 department may waive the requirements of this subsection for
 786 projects having a contract price of \$500,000 or less if the
 787 department determines that the project is of a noncritical
 788 nature and the waiver will not endanger public health, safety,
 789 or property.

790 Section 12. Subsection (2) of section 337.168, Florida
 791 Statutes, is amended to read:

792 337.168 Confidentiality of official estimates, identities
 793 of potential bidders, and bid analysis and monitoring system.-

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

807 Section 13. Subsection (2) of section 337.251, Florida
 808 Statutes, is amended to read:

809 337.251 Lease of property for joint public-private
 810 development and areas above or below department property.-

811 (2) The department may request proposals for the lease of
 812 such property or, if the department receives a proposal for ~~to~~

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813 ~~negotiate~~ a lease of a particular department property that the
 814 department desires to consider, the department must ~~it shall~~
 815 publish a notice in a newspaper of general circulation at least
 816 once a week for 2 weeks, stating that it has received the
 817 proposal and will accept, for 120 ~~60~~ days after the date of
 818 publication, other proposals for lease of the particular
 819 property ~~use of the space~~. A copy of the notice must be mailed
 820 to each local government in the affected area. The department
 821 shall, by rule, establish an application fee for the submission
 822 of proposals pursuant to this section. The fee must be
 823 sufficient to pay the anticipated costs of evaluating the
 824 proposals. The department may engage the services of private
 825 consultants to assist in the evaluation. Before approval, the
 826 department must determine that the proposed lease:

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

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

829 (c) Has adequate safeguards in place to ensure that no
 830 additional costs are borne and no service disruptions are
 831 experienced by the traveling public and residents of the state
 832 in the event of default by the private lessee or upon
 833 termination or expiration of the lease.

834 Section 14. Section 337.408, Florida Statutes, is amended
 835 to read:

836 337.408 Regulation of bus stops, benches, transit shelters,
 837 street light poles, parking meters, parking spaces, waste
 838 disposal receptacles, and modular news racks within rights-of-
 839 way.—

840 (1) Benches or transit shelters, including advertising
 841 displayed on benches or transit shelters, may be installed

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842 within the right-of-way limits of any municipal, county, or
 843 state road, except a limited access highway, provided that the
 844 ~~such~~ benches or transit shelters are for the comfort or
 845 convenience of the general public or are at designated stops on
 846 official bus routes and provided that written authorization has
 847 been given to a qualified private supplier of the ~~such~~ service
 848 by the municipal government within whose incorporated limits the
 849 ~~such~~ benches or transit shelters are installed or by the county
 850 government within whose unincorporated limits the ~~such~~ benches
 851 or transit shelters are installed. A municipality or county may
 852 authorize the installation, without public bid, of benches and
 853 transit shelters together with advertising displayed thereon
 854 within the right-of-way limits of ~~the such~~ roads. All
 855 installations ~~must shall~~ be in compliance with all applicable
 856 laws and rules, including, without limitation, the Americans
 857 with Disabilities Act. Municipalities and counties that
 858 authorize or have authorized a bench or transit shelter to be
 859 installed within the right-of-way limits of any road on the
 860 State Highway System ~~are shall be~~ responsible for ensuring that
 861 the bench or transit shelter complies with all applicable laws
 862 and rules, including, without limitation, the Americans with
 863 Disabilities Act, or shall remove the bench or transit shelter.
 864 The department ~~is not liable shall have no liability~~ for any
 865 claims, losses, costs, charges, expenses, damages, liabilities,
 866 attorney fees, or court costs relating to the installation,
 867 removal, or relocation of any benches or transit shelters
 868 authorized by a municipality or county. On and after July 1,
 869 2012, a municipality or county that authorizes a bench or
 870 transit shelter to be installed within the right-of-way limits

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871 of any road on the State Highway System must require the
 872 qualified private supplier, or any other person under contract
 873 to install the bench or transit shelter, to indemnify, defend,
 874 and hold harmless the department from any suits, actions,
 875 proceedings, claims, losses, costs, charges, expenses, damages,
 876 liabilities, attorney fees, and court costs relating to the
 877 installation, removal, or relocation of such installations, and
 878 shall annually certify to the department in a notarized signed
 879 statement that this requirement has been met. The certification
 880 ~~must shall~~ include the name and address of each person
 881 responsible for indemnifying the department for an authorized
 882 installation. Municipalities and counties that have authorized
 883 the installation of benches or transit shelters within the
 884 right-of-way limits of any road on the State Highway System must
 885 remove or relocate, or cause the removal or relocation of, the
 886 installation at no cost to the department within 60 days after
 887 written notice by the department that the installation is
 888 unreasonably interfering in any way with the convenient, safe,
 889 or continuous use of or the maintenance, improvement, extension,
 890 or expansion of the State Highway System road. Any contract for
 891 the installation of benches or transit shelters or advertising
 892 on benches or transit shelters which was entered into before
 893 April 8, 1992, without public bidding is ratified and affirmed.
 894 The such benches or transit shelters may not interfere with
 895 right-of-way preservation and maintenance. Any bench or transit
 896 shelter located on a sidewalk within the right-of-way limits of
 897 any road on the State Highway System or the county road system
 898 ~~must shall~~ be located so as to leave at least 36 inches of
 899 clearance for pedestrians and persons in wheelchairs. The Such

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900 clearance ~~must shall~~ be measured in a direction perpendicular to
 901 the centerline of the road.

902 (2) Waste disposal receptacles of less than 110 gallons in
 903 capacity, including advertising displayed on such waste disposal
 904 receptacles, may be installed within the right-of-way limits of
 905 any municipal, county, or state road, except a limited access
 906 highway, provided that written authorization has been given to a
 907 qualified private supplier of the such service by the
 908 appropriate municipal or county government. A municipality or
 909 county may authorize the installation, without public bid, of
 910 waste disposal receptacles together with advertising displayed
 911 thereon within the right-of-way limits of such roads. The Such
 912 waste disposal receptacles may not interfere with right-of-way
 913 preservation and maintenance.

914 (3) Modular news racks, including advertising thereon, may
 915 be located within the right-of-way limits of any municipal,
 916 county, or state road, except a limited access highway, provided
 917 the municipal government within whose incorporated limits the
 918 ~~such~~ racks are installed or the county government within whose
 919 unincorporated limits the such racks are installed has passed an
 920 ordinance regulating the placement of modular news racks within
 921 the right-of-way and has authorized a qualified private supplier
 922 of modular news racks to provide such service. The modular news
 923 rack or advertising thereon ~~must shall~~ not exceed a height of 56
 924 inches or a total advertising space of 56 square feet. No later
 925 than 45 days before the ~~prior to~~ installation of modular news
 926 racks, the private supplier shall provide a map of proposed
 927 locations and typical installation plans to the department for
 928 approval. If the department does not respond within 45 days

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929 after receipt of the submitted plans, installation may proceed.

930 (4) The department ~~may has the authority to~~ direct the
 931 immediate relocation or removal of any bus stop, bench, transit
 932 shelter, waste disposal receptacle, public pay telephone, or
 933 modular news rack that endangers life or property or that is
 934 otherwise not in compliance with applicable laws and rules,
 935 except that transit bus benches that were placed in service
 936 before April 1, 1992, are not required to comply with bench size
 937 and advertising display size requirements established by the
 938 department before March 1, 1992. The department may adopt rules
 939 relating to the regulation of bench size and advertising display
 940 size requirements. If a municipality or county within which a
 941 bench is to be located has adopted an ordinance or other
 942 applicable regulation that establishes bench size or advertising
 943 display sign requirements different from requirements specified
 944 in department rule, the local government requirement applies
 945 within the respective municipality or county. Placement of a any
 946 bench or advertising display on the National Highway System
 947 under a local ordinance or regulation adopted under this
 948 subsection is subject to approval of the Federal Highway
 949 Administration.

950 (5) A bus stop, bench, transit shelter, waste disposal
 951 receptacle, public pay telephone, or modular news rack, or
 952 advertising thereon, may not be erected or placed on the right-
 953 of-way of any road in a manner that conflicts with the
 954 requirements of federal law, regulations, or safety standards,
 955 thereby causing the state or any political subdivision the loss
 956 of federal funds. Competition among persons seeking to provide
 957 bus stop, bench, transit shelter, waste disposal receptacle,

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958 public pay telephone, or modular news rack services or
 959 advertising on such benches, shelters, receptacles, public pay
 960 telephone, or news racks may be regulated, restricted, or denied
 961 by the appropriate local governmental ~~government~~ entity
 962 consistent with this section.

963 (6) Street light poles, including attached public service
 964 messages and advertisements, may be located within the right-of-
 965 way limits of municipal and county roads in the same manner as
 966 benches, transit shelters, waste disposal receptacles, and
 967 modular news racks as provided in this section and in accordance
 968 with municipal and county ordinances. Public service messages
 969 and advertisements may be installed on street light poles on
 970 roads on the State Highway System in accordance with height,
 971 size, setback, spacing distance, duration of display, safety,
 972 traffic control, and permitting requirements established by
 973 administrative rule of the Department of Transportation. Public
 974 service messages and advertisements are ~~shall be~~ subject to
 975 bilateral agreements, where applicable, to be negotiated with
 976 the owner of the street light poles, which must ~~shall~~ consider,
 977 among other things, power source rates, design, safety,
 978 operational and maintenance concerns, and other matters of
 979 public importance. For the purposes of this section, the term
 980 "street light poles" does not include electric transmission or
 981 distribution poles. The department ~~may shall have authority to~~
 982 adopt rules ~~pursuant to ss. 120.536(1) and 120.54~~ to implement
 983 ~~the provisions of~~ this section. ~~No~~ Advertising on light poles is
 984 ~~not shall be~~ permitted on the Interstate Highway System. ~~No~~
 985 Permanent structures that carry ~~carrying~~ advertisements attached
 986 to light poles are not ~~shall be~~ permitted on the National

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987 Highway System.

988 (7) A public pay telephone, including advertising displayed
 989 thereon, may be installed within the right-of-way limits of any
 990 municipal, county, or state road, except on a limited access
 991 highway, if the pay telephone is installed by a provider duly
 992 ~~certificated authorized~~ and regulated by the Public Service
 993 Commission under s. 364.3375, if the pay telephone is operated
 994 in accordance with the all applicable state and federal
 995 telecommunications regulations, and if written authorization has
 996 been given to a public pay telephone provider by the appropriate
 997 municipal or county government. Each advertisement must be
 998 limited to a size no greater than 8 square feet, and a public
 999 pay telephone booth may not display more than three
 1000 advertisements at any given time. An advertisement is not
 1001 allowed on public pay telephones located in rest areas, welcome
 1002 centers, or other such facilities located on an interstate
 1003 highway.

1004 (8) Parking meters or other time-limit parking devices that
 1005 regulate designated parking spaces located within the right-of-
 1006 way limits of a state road may be installed if permitted by the
 1007 department. Each county and municipality shall promptly remit to
 1008 the department 50 percent of the revenue generated from the fees
 1009 collected by a parking meter or other time-limit parking device
 1010 installed or already existing within the right-of-way limits of
 1011 a state road that is under the department's jurisdiction. Funds
 1012 received by the department must be deposited into the State
 1013 Transportation Trust Fund and used in accordance with s. 339.08.

1014 (9) ~~If wherever~~ the provisions of this section are
 1015 inconsistent with other provisions of this chapter or with the

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1016 provisions of chapter 125, chapter 335, chapter 336, or chapter
 1017 479, the provisions of this section ~~shall~~ prevail.

1018 Section 15. Subsection (5) of section 338.161, Florida
 1019 Statutes, is amended to read:

1020 338.161 Authority of department or toll agencies to
 1021 advertise and promote electronic toll collection; expanded uses
 1022 of electronic toll collection system; authority of department to
 1023 collect tolls, fares, and fees for private and public entities.-

1024 (5) If the department finds that it can increase nontoll
 1025 revenues or add convenience or other value for its customers,
 1026 and if a public or private transportation facility owner agrees
 1027 that its facility will become interoperable with the
 1028 department's electronic toll collection and video billing
 1029 systems, the department may ~~is authorized to~~ enter into an
 1030 agreement with the owner of such facility under which the
 1031 department uses private or public entities for the department's
 1032 use of its electronic toll collection and video billing systems
 1033 to collect and enforce for the owner tolls, fares,
 1034 administrative fees, and other applicable charges due imposed in
 1035 connection with use of the owner's facility transportation
 1036 facilities of the private or public entities that become
 1037 interoperable with the department's electronic toll collection
 1038 system. The department may modify its rules regarding toll
 1039 collection procedures and the imposition of administrative
 1040 charges to be applicable to toll facilities that are not part of
 1041 the turnpike system or otherwise owned by the department. This
 1042 subsection may not be construed to limit the authority of the
 1043 department under any other provision of law or under any
 1044 agreement entered into before ~~prior to~~ July 1, 2012.

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1045 Section 16. Subsection (4) of section 338.165, Florida
1046 Statutes, is amended to read:

1047 338.165 Continuation of tolls.—

1048 (4) Notwithstanding any other law to the contrary, pursuant
1049 to s. 11, Art. VII of the State Constitution, and subject to the
1050 requirements of subsection (2), the Department of Transportation
1051 may request the Division of Bond Finance to issue bonds secured
1052 by toll revenues collected on the Alligator Alley, the Sunshine
1053 Skyway Bridge, ~~the Beeline-East Expressway, the Navarre Bridge,~~
1054 and the Pinellas Bayway to fund transportation projects located
1055 within the county or counties in which the revenue-producing
1056 project is located and contained in the adopted work program of
1057 the department.

1058 Section 17. Subsections (3) and (4) of section 338.26,
1059 Florida Statutes, are amended to read:

1060 338.26 Alligator Alley toll road.—

1061 (3) Fees generated from tolls shall be deposited in the
1062 State Transportation Trust Fund, and any amount of funds
1063 generated annually in excess of that required to reimburse
1064 outstanding contractual obligations, to operate and maintain the
1065 highway and toll facilities, including reconstruction and
1066 restoration, to pay for those projects that are funded with
1067 Alligator Alley toll revenues and that are contained in the
1068 1993-1994 adopted work program or the 1994-1995 tentative work
1069 program submitted to the Legislature on February 22, 1994, and
1070 to design and construct ~~develop and operate~~ a fire station at
1071 mile marker 63 on Alligator Alley, which may be used by Collier
1072 County or other appropriate local governmental entity to provide
1073 fire, rescue, and emergency management services ~~to the adjacent~~

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1074 ~~counties~~ along Alligator Alley, may be transferred to the
1075 Everglades Fund of the South Florida Water Management District
1076 in accordance with the memorandum of understanding of June 30,
1077 1997, between the district and the department. The South Florida
1078 Water Management District shall deposit funds for projects
1079 undertaken pursuant to s. 373.4592 in the Everglades Trust Fund
1080 pursuant to s. 373.45926(4)(a). Any funds remaining in the
1081 Everglades Fund may be used for environmental projects to
1082 restore the natural values of the Everglades, subject to
1083 compliance with any applicable federal laws and regulations.
1084 Projects must ~~shall~~ be limited to:

1085 (a) Highway redesign to allow for improved sheet flow of
1086 water across the southern Everglades.

1087 (b) Water conveyance projects to enable more water
1088 resources to reach Florida Bay to replenish marine estuary
1089 functions.

1090 (c) Engineering design plans for wastewater treatment
1091 facilities as recommended in the Water Quality Protection
1092 Program Document for the Florida Keys National Marine Sanctuary.

1093 (d) Acquisition of lands to move STA 3/4 out of the Toe of
1094 the Boot, provided such lands are located within 1 mile of the
1095 northern border of STA 3/4.

1096 (e) Other Everglades Construction Projects as described in
1097 the February 15, 1994, conceptual design document.

1098 ~~(4) The district may issue revenue bonds or notes under s.~~
1099 ~~373.584 and pledge the revenue from the transfers from the~~
1100 ~~Alligator Alley toll revenues as security for such bonds or~~
1101 ~~notes. The proceeds from such revenue bonds or notes shall be~~
1102 ~~used for environmental projects; at least 50 percent of said~~

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 1103 ~~proceeds must be used for projects that benefit Florida Bay, as~~
 1104 ~~described in this section subject to resolutions approving such~~
 1105 ~~activity by the Board of Trustees of the Internal Improvement~~
 1106 ~~Trust Fund and the governing board of the South Florida Water~~
 1107 ~~Management District and the remaining proceeds must be used for~~
 1108 ~~restoration activities in the Everglades Protection Area.~~

Section 18. Subsections (2) through (4) of section 339.175,
 Florida Statutes, are amended to read:

339.175 Metropolitan planning organization.—

(2) DESIGNATION.—

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

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

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 1132 (b) Each M.P.O. designated in a manner prescribed by Title
 1133 23 of the United States Code shall be created and operated under
 1134 the provisions of this section pursuant to an interlocal
 1135 agreement entered into pursuant to s. 163.01. The signatories to
 1136 the interlocal agreement shall be the department and the
 1137 governmental entities designated by the Governor for membership
 1138 on the M.P.O. Each M.P.O. shall be considered separate from the
 1139 state or the governing body of a local government that is
 1140 represented on the governing board of the M.P.O. or that is a
 1141 signatory to the interlocal agreement creating the M.P.O. and
 1142 shall have such powers and privileges that are provided under s.
 1143 163.01. If there is a conflict between this section and s.
 1144 163.01, this section prevails.

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

(d) In the case of an urbanized area designated as a
 nonattainment area for ozone or carbon monoxide under the Clean
 Air Act, 42 U.S.C. ss. 7401 et seq., the boundaries of the
 metropolitan planning area in existence as of the date of
 enactment of this paragraph shall be retained, except that the
 boundaries may be adjusted by agreement of the Governor and
 affected metropolitan planning organizations in the manner
 described in this section. If more than one M.P.O. has authority

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1161 within a metropolitan area or an area that is designated as a
 1162 nonattainment area, each M.P.O. shall consult with other
 1163 M.P.O.'s designated for such area and with the state in the
 1164 coordination of plans and programs required by this section.

1165 (e) The governing body of the M.P.O. shall designate, at a
 1166 minimum, a chair, vice chair, and agency clerk. The chair and
 1167 vice chair shall be selected from among the member delegates
 1168 comprising the governing board. The agency clerk shall be
 1169 charged with the responsibility of preparing meeting minutes and
 1170 maintaining agency records. The clerk shall be a member of the
 1171 M.P.O. governing board, an employee of the M.P.O., or other
 1172 natural person.

1173
 1174 Each M.P.O. required under this section must be fully operative
 1175 no later than 6 months following its designation.

1176 (3) VOTING MEMBERSHIP.—

1177 (a) The voting membership of an M.P.O. shall consist of not
 1178 fewer than 5 or more than 19 apportioned members, the exact
 1179 number to be determined on an equitable geographic-population
 1180 ratio ~~basis by the Governor~~, based on an agreement among the
 1181 affected units of general-purpose local government and the
 1182 Governor as required by federal ~~rules and~~ regulations. The
 1183 voting membership of an M.P.O. that is redesignated after the
 1184 effective date of this act as a result of the expansion of the
 1185 M.P.O. to include a new urbanized area or the consolidation of
 1186 two or more M.P.O.'s within a single urbanized area may consist
 1187 of no more than 25 members. The Governor, in accordance with 23
 1188 U.S.C. s. 134, may also provide for M.P.O. members who represent
 1189 municipalities to alternate with representatives from other

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1190 municipalities within the metropolitan planning area that do not
 1191 have members on the M.P.O. County commission members shall
 1192 compose not less than one-third of the M.P.O. membership, except
 1193 for an M.P.O. with more than 15 members located in a county with
 1194 a 5-member county commission or an M.P.O. with 19 members
 1195 located in a county with no more than 6 county commissioners, in
 1196 which case county commission members may compose less than one-
 1197 third percent of the M.P.O. membership, but all county
 1198 commissioners must be members. All voting members shall be
 1199 elected officials of general-purpose local governments, except
 1200 that an M.P.O. may include, as part of its apportioned voting
 1201 members, a member of a statutorily authorized planning board, an
 1202 official of an agency that operates or administers a major mode
 1203 of transportation, or an official of Space Florida. As used in
 1204 this section, the term "elected officials of a general-purpose
 1205 local government" excludes ~~shall exclude~~ constitutional
 1206 officers, including sheriffs, tax collectors, supervisors of
 1207 elections, property appraisers, clerks of the court, and similar
 1208 types of officials. County commissioners shall compose not less
 1209 than 20 percent of the M.P.O. membership if an official of an
 1210 agency that operates or administers a major mode of
 1211 transportation has been appointed to an M.P.O.

1212 (b) In metropolitan areas in which authorities or other
 1213 agencies have been or may be created by law to perform
 1214 transportation functions and are performing transportation
 1215 functions that are not under the jurisdiction of a general-
 1216 purpose local government represented on the M.P.O., they may
 1217 ~~shall~~ be provided voting membership on the M.P.O. In all other
 1218 M.P.O.'s where transportation authorities or agencies are to be

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1219 represented by elected officials from general-purpose local
1220 governments, the M.P.O. shall establish a process by which the
1221 collective interests of such authorities or other agencies are
1222 expressed and conveyed.

1223 (c) Any other provision of this section to the contrary
1224 notwithstanding, a chartered county with a population of more
1225 than ~~over~~ 1 million ~~population~~ may elect to reapportion the
1226 membership of an M.P.O. whose jurisdiction is wholly within the
1227 county. The charter county may exercise the provisions of this
1228 paragraph if:

1229 1. The M.P.O. approves the reapportionment plan by a three-
1230 fourths vote of its membership;

1231 2. The M.P.O. and the charter county determine that the
1232 reapportionment plan is needed to fulfill specific goals and
1233 policies applicable to that metropolitan planning area; and

1234 3. The charter county determines the reapportionment plan
1235 otherwise complies with all federal requirements pertaining to
1236 M.P.O. membership.

1237
1238 A ~~Any~~ charter county that elects to exercise the provisions of
1239 this paragraph shall notify the Governor in writing.

1240 (d) Any other provision of this section to the contrary
1241 notwithstanding, a ~~any~~ county chartered under s. 6(e), Art. VIII
1242 of the State Constitution may elect to have its county
1243 commission serve as the M.P.O., if the M.P.O. jurisdiction is
1244 wholly contained within the county. A ~~Any~~ charter county that
1245 elects to exercise the provisions of this paragraph shall so
1246 notify the Governor in writing. Upon receipt of the ~~such~~
1247 notification, the Governor must designate the county commission

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1248 as the M.P.O. The Governor must appoint four additional voting
1249 members to the M.P.O., one of whom must be an elected official
1250 representing a municipality within the county, one of whom must
1251 be an expressway authority member, one of whom must be a person
1252 who does not hold elected public office and who resides in the
1253 unincorporated portion of the county, and one of whom must be a
1254 school board member.

1255 (4) APPORTIONMENT.—

1256 (a) Each M.P.O. in the state shall review the composition
1257 of its membership in conjunction with the decennial census, as
1258 prepared by the United States Department of Commerce, Bureau of
1259 the Census, and, with the agreement of the affected units of
1260 general-purpose local government, reapportion the membership as
1261 necessary to comply with subsection (3) ~~The Governor shall, with~~
1262 ~~the agreement of the affected units of general-purpose local~~
1263 ~~government as required by federal rules and regulations,~~
1264 ~~apportion the membership on the applicable M.P.O. among the~~
1265 ~~various governmental entities within the area.~~

1266 (b) At the request of a majority of the affected units of
1267 general-purpose local government comprising an M.P.O., the
1268 Governor and a majority of units of general-purpose local
1269 government serving on an M.P.O. shall cooperatively agree upon
1270 and prescribe who may serve as an alternate member and a method
1271 for appointing alternate members who may vote at any M.P.O.
1272 meeting that an alternate member attends in place of a regular
1273 member. The method must ~~shall~~ be set forth as a part of the
1274 interlocal agreement describing the M.P.O.'s membership or in
1275 the M.P.O.'s operating procedures and bylaws. The governmental
1276 entity so designated shall appoint the appropriate number of

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1277 members to the M.P.O. from eligible officials. Representatives
 1278 of the department shall serve as nonvoting advisers to the
 1279 M.P.O. governing board. Additional nonvoting advisers may be
 1280 appointed by the M.P.O. as deemed necessary; however, to the
 1281 maximum extent feasible, each M.P.O. shall seek to appoint
 1282 nonvoting representatives of various multimodal forms of
 1283 transportation not otherwise represented by voting members of
 1284 the M.P.O. An M.P.O. shall appoint nonvoting advisers
 1285 representing major military installations located within the
 1286 jurisdictional boundaries of the M.P.O. upon the request of the
 1287 aforesaid major military installations and subject to the
 1288 agreement of the M.P.O. All nonvoting advisers may attend and
 1289 participate fully in governing board meetings but may not vote
 1290 or be members of the governing board. ~~The Governor shall review~~
 1291 ~~the composition of the M.P.O. membership in conjunction with the~~
 1292 ~~decennial census as prepared by the United States Department of~~
 1293 ~~Commerce, Bureau of the Census, and reapportion it as necessary~~
 1294 ~~to comply with subsection (3).~~

1295 (c) ~~(b)~~ Except for members who represent municipalities on
 1296 the basis of alternating with representatives from other
 1297 municipalities that do not have members on the M.P.O. as
 1298 provided in paragraph (3) (a), the members of an M.P.O. shall
 1299 serve 4-year terms. Members who represent municipalities on the
 1300 basis of alternating with representatives from other
 1301 municipalities that do not have members on the M.P.O. as
 1302 provided in paragraph (3) (a) may serve terms of up to 4 years as
 1303 further provided in the interlocal agreement described in
 1304 paragraph (2) (b). The membership of a member who is a public
 1305 official automatically terminates upon the member's leaving his

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1306 or her elective or appointive office for any reason, or may be
 1307 terminated by a majority vote of the total membership of the
 1308 entity's governing board represented by the member. A vacancy
 1309 shall be filled by the original appointing entity. A member may
 1310 be reappointed for one or more additional 4-year terms.

1311 (d) ~~(e)~~ If a governmental entity fails to fill an assigned
 1312 appointment to an M.P.O. within 60 days after notification by
 1313 the Governor of its duty to appoint, that appointment must ~~shall~~
 1314 be made by the Governor from the eligible representatives of
 1315 that governmental entity.

1316 Section 19. Paragraph (a) of subsection (1) and subsections
 1317 (4) and (5) of section 339.2821, Florida Statutes, are amended
 1318 to read:

1319 339.2821 Economic development transportation projects.—

1320 (1) (a) The department, in consultation with the Department
 1321 of Economic Opportunity and Enterprise Florida, Inc., may make
 1322 and approve expenditures and contract with the appropriate
 1323 governmental body for the direct costs of transportation
 1324 projects. The Department of Economic Opportunity and the
 1325 Department of Environmental Protection may formally review and
 1326 comment on recommended transportation projects, although the
 1327 department has final approval authority for any project
 1328 authorized under this section.

1329 (4) A contract between the department and a governmental
 1330 body for a transportation project must:

1331 (a) Specify that the transportation project is for the
 1332 construction of a new or expanding business and specify the
 1333 number of full-time permanent jobs that will result from the
 1334 project.

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1335 (b) Identify the governmental body and require that the
 1336 governmental body award the construction of the particular
 1337 transportation project to the lowest and best bidder in
 1338 accordance with applicable state and federal statutes or rules
 1339 unless the transportation project can be constructed using
 1340 existing local governmental employees within the contract period
 1341 specified by the department.

1342 (c) Require that the governmental body provide the
 1343 department with ~~quarterly~~ progress reports. Each ~~quarterly~~
 1344 progress report must contain:

1345 1. A narrative description of the work completed and
 1346 whether the work is proceeding according to the transportation
 1347 project schedule;

1348 2. A description of each change order executed by the
 1349 governmental body;

1350 3. A budget summary detailing planned expenditures compared
 1351 to actual expenditures; and

1352 4. The identity of each small or minority business used as
 1353 a contractor or subcontractor.

1354 (d) Require that the governmental body make and maintain
 1355 records in accordance with accepted governmental accounting
 1356 principles and practices for each progress payment made for work
 1357 performed in connection with the transportation project, each
 1358 change order executed by the governmental body, and each payment
 1359 made pursuant to a change order. The records are subject to
 1360 financial audit as required by law.

1361 (e) Require that the governmental body, upon completion and
 1362 acceptance of the transportation project, certify to the
 1363 department that the transportation project has been completed in

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1364 compliance with the terms and conditions of the contract between
 1365 the department and the governmental body and meets the minimum
 1366 construction standards established in accordance with s.
 1367 336.045.

1368 (f) Specify that ~~the department transfer funds will not be~~
 1369 transferred to the governmental body unless construction has
 1370 begun on the facility of the not more often than quarterly, upon
 1371 receipt of a request for funds from the governmental body and
 1372 consistent with the needs of the transportation project. The
 1373 governmental body shall expend funds received from the
 1374 department in a timely manner. The department may not transfer
 1375 funds unless construction has begun on the facility of a
 1376 business on whose behalf the award was made. If construction of
 1377 the transportation project does not begin within 4 years after
 1378 the date of the initial grant award, the grant award is
 1379 terminated A contract totaling less than \$200,000 is exempt from
 1380 the transfer requirement.

1381 (g) Require that funds be used only on a transportation
 1382 project that has been properly reviewed and approved in
 1383 accordance with the criteria set forth in this section.

1384 (h) Require that the governing board of the governmental
 1385 body adopt a resolution accepting future maintenance and other
 1386 attendant costs occurring after completion of the transportation
 1387 project if the transportation project is constructed on a county
 1388 or municipal system.

1389 (5) For purposes of this section, Space Florida may serve
 1390 as the governmental body or as the contracting agency for a
 1391 ~~transportation~~ project within a spaceport territory as defined
 1392 by s. 331.304.

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1393 Section 20. Paragraphs (a) and (c) of subsection (2) and
1394 paragraph (i) of subsection (7) of section 339.55, Florida
1395 Statutes, are amended to read:

1396 339.55 State-funded infrastructure bank.—

1397 (2) The bank may lend capital costs or provide credit
1398 enhancements for:

1399 (a) A transportation facility project that is on the State
1400 Highway System or that provides for increased mobility on the
1401 state's transportation system or provides intermodal
1402 connectivity with airports, seaports, spaceports, rail
1403 facilities, and other transportation terminals, pursuant to s.
1404 341.053, for the movement of people and goods.

1405 (c)1. Emergency loans for damages incurred to public-use
1406 commercial deepwater seaports, public-use airports, public-use
1407 spaceports, and other public-use transit and intermodal
1408 facilities that are within an area that is part of an official
1409 state declaration of emergency pursuant to chapter 252 and all
1410 other applicable laws. Such loans:

1411 a. May not exceed 24 months in duration except in extreme
1412 circumstances, for which the Secretary of Transportation may
1413 grant up to 36 months upon making written findings specifying
1414 the conditions requiring a 36-month term.

1415 b. Require application from the recipient to the department
1416 that includes documentation of damage claims filed with the
1417 Federal Emergency Management Agency or an applicable insurance
1418 carrier and documentation of the recipient's overall financial
1419 condition.

1420 c. Are subject to approval by the Secretary of
1421 Transportation and the Legislative Budget Commission.

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1422 2. Loans provided under this paragraph must be repaid upon
1423 receipt by the recipient of eligible program funding for damages
1424 in accordance with the claims filed with the Federal Emergency
1425 Management Agency or an applicable insurance carrier, but no
1426 later than the duration of the loan.

1427 (7) The department may consider, but is not limited to, the
1428 following criteria for evaluation of projects for assistance
1429 from the bank:

1430 (i) The extent to which the project will provide for
1431 connectivity between the State Highway System and airports,
1432 seaports, spaceports, rail facilities, and other transportation
1433 terminals and intermodal options pursuant to s. 341.053 for the
1434 increased accessibility and movement of people and goods.

1435 Section 21. Subsection (11) of section 341.031, Florida
1436 Statutes, is amended to read:

1437 341.031 Definitions relating to Florida Public Transit
1438 Act.—As used in ss. 341.011-341.061, the term:

1439 (11) "Intercity bus service" means regularly scheduled bus
1440 service for the general public which operates with limited stops
1441 over fixed routes connecting two or more urban areas not in
1442 close proximity; has the capacity for transporting baggage
1443 carried by passengers; and makes meaningful connections with
1444 scheduled intercity bus service to more distant points, if such
1445 service is available; ~~maintains scheduled information in the~~
1446 ~~National Official Bus Guide; and provides package express~~
1447 ~~service incidental to passenger transportation.~~

1448 Section 22. Section 341.053, Florida Statutes, is amended
1449 to read:

1450 341.053 Intermodal Development Program; administration;

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1451 eligible projects; limitations.-

1452 (1) There is created within the Department of
 1453 Transportation an Intermodal Development Program to provide for
 1454 major capital investments in fixed-guideway transportation
 1455 systems, access to seaports, airports, spaceports, and other
 1456 transportation terminals, providing for the construction of
 1457 intermodal or multimodal terminals; and to plan or fund
 1458 construction of airport, spaceport, seaport, transit, and rail
 1459 projects that ~~otherwise~~ facilitate the intermodal or multimodal
 1460 movement of people and goods.

1461 (2) The Intermodal Development Program shall be used for
 1462 projects that support statewide goals as outlined in the Florida
 1463 Transportation Plan, the Strategic Intermodal System Plan, the
 1464 Freight Mobility and Trade Plan, or the appropriate department
 1465 modal plan In recognition of the department's role in the
 1466 economic development of this state, the department shall develop
 1467 a proposed intermodal development plan to connect Florida's
 1468 airports, deepwater seaports, rail systems serving both
 1469 passenger and freight, and major intermodal connectors to the
 1470 Strategic Intermodal System highway corridors as the primary
 1471 system for the movement of people and freight in this state in
 1472 order to make the intermodal development plan a fully integrated
 1473 and interconnected system. ~~The intermodal development plan must:~~

1474 ~~(a) Define and assess the state's freight intermodal~~
 1475 ~~network, including airports, seaports, rail lines and terminals,~~
 1476 ~~intercity bus lines and terminals, and connecting highways.~~

1477 ~~(b) Prioritize statewide infrastructure investments,~~
 1478 ~~including the acceleration of current projects, which are found~~
 1479 ~~by the Freight Stakeholders Task Force to be priority projects~~

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1480 ~~for the efficient movement of people and freight.~~

1481 ~~(e) Be developed in a manner that will assure maximum use~~
 1482 ~~of existing facilities and optimum integration and coordination~~
 1483 ~~of the various modes of transportation, including both~~
 1484 ~~government-owned and privately owned resources, in the most~~
 1485 ~~cost-effective manner possible.~~

1486 (3) The Intermodal Development Program shall be
 1487 administered by the department.

1488 (4) The department shall review funding requests from a
 1489 rail authority created pursuant to chapter 343. The department
 1490 may include projects of the authorities, including planning and
 1491 design, in the tentative work program.

1492 ~~(5) No single transportation authority operating a fixed-~~
 1493 ~~guideway transportation system, or single fixed-guideway~~
 1494 ~~transportation system not administered by a transportation~~
 1495 ~~authority, receiving funds under the Intermodal Development~~
 1496 ~~Program shall receive more than 33 1/3 percent of the total~~
 1497 ~~intermodal development funds appropriated between July 1, 1990,~~
 1498 ~~and June 30, 2015. In determining the distribution of funds~~
 1499 ~~under the Intermodal Development Program in any fiscal year, the~~
 1500 ~~department shall assume that future appropriation levels will be~~
 1501 ~~equal to the current appropriation level.~~

1502 ~~(6) The department may is authorized to fund projects~~
 1503 ~~within the Intermodal Development Program, which are consistent,~~
 1504 ~~to the maximum extent feasible, with approved local government~~
 1505 ~~comprehensive plans of the units of local government in which~~
 1506 ~~the project is located. Projects that are eligible for funding~~
 1507 ~~under this program include planning studies, major capital~~
 1508 ~~investments in public rail and fixed-guideway transportation or~~

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1509 freight facilities and systems which provide intermodal access;
 1510 road, rail, intercity bus service, or fixed-guideway access to,
 1511 from, or between seaports, airports, spaceports, intermodal
 1512 logistics centers, and other transportation terminals;
 1513 construction of intermodal or multimodal terminals, including
 1514 projects on airports, spaceports, intermodal logistics centers,
 1515 or seaports which assist in the movement or transfer of people
 1516 or goods; development and construction of dedicated bus lanes;
 1517 and projects which otherwise facilitate the intermodal or
 1518 multimodal movement of people and goods.

1519 Section 23. Subsection (17) of section 341.302, Florida
 1520 Statutes, is amended to read:

1521 341.302 Rail program; duties and responsibilities of the
 1522 department.—The department, in conjunction with other
 1523 governmental entities, including the rail enterprise and the
 1524 private sector, shall develop and implement a rail program of
 1525 statewide application designed to ensure the proper maintenance,
 1526 safety, revitalization, and expansion of the rail system to
 1527 assure its continued and increased availability to respond to
 1528 statewide mobility needs. Within the resources provided pursuant
 1529 to chapter 216, and as authorized under federal law, the
 1530 department shall:

1531 (17) In conjunction with the acquisition, ownership,
 1532 construction, operation, maintenance, and management of a rail
 1533 corridor, ~~have the authority to:~~

1534 (a) Assume obligations pursuant to the following:

1535 1.a. The department may assume the obligation by contract
 1536 to forever protect, defend, indemnify, and hold harmless the
 1537 freight rail operator, or its successors, from whom the

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1538 department has acquired a real property interest in the rail
 1539 corridor, and that freight rail operator's officers, agents, and
 1540 employees, from and against any liability, cost, and expense,
 1541 including, but not limited to, commuter rail passengers and rail
 1542 corridor invitees in the rail corridor, regardless of whether
 1543 the loss, damage, destruction, injury, or death giving rise to
 1544 any such liability, cost, or expense is caused in whole or in
 1545 part, and to whatever nature or degree, by the fault, failure,
 1546 negligence, misconduct, nonfeasance, or misfeasance of such
 1547 freight rail operator, its successors, or its officers, agents,
 1548 and employees, or any other person or persons whomsoever; or

1549 b. The department may assume the obligation by contract to
 1550 forever protect, defend, indemnify, and hold harmless National
 1551 Railroad Passenger Corporation, or its successors, and officers,
 1552 agents, and employees of National Railroad Passenger
 1553 Corporation, from and against any liability, cost, and expense,
 1554 including, but not limited to, commuter rail passengers and rail
 1555 corridor invitees in the rail corridor, regardless of whether
 1556 the loss, damage, destruction, injury, or death giving rise to
 1557 any such liability, cost, or expense is caused in whole or in
 1558 part, and to whatever nature or degree, by the fault, failure,
 1559 negligence, misconduct, nonfeasance, or misfeasance of National
 1560 Railroad Passenger Corporation, its successors, or its officers,
 1561 agents, and employees, or any other person or persons
 1562 whomsoever.

1563 2. The assumption of liability of the department by
 1564 contract pursuant to sub-subparagraph 1.a. or sub-subparagraph
 1565 1.b. may not in any instance exceed the following parameters of
 1566 allocation of risk:

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1567 a. The department may be solely responsible for any loss,
 1568 injury, or damage to commuter rail passengers, or rail corridor
 1569 invitees, or trespassers, regardless of circumstances or cause,
 1570 subject to sub-subparagraph b. and subparagraphs 3., 4., 5., and
 1571 6.

1572 b.(I) In the event of a limited covered accident, the
 1573 authority of the department to protect, defend, and indemnify
 1574 the freight operator for all liability, cost, and expense,
 1575 including punitive or exemplary damages, in excess of the
 1576 deductible or self-insurance retention fund established under
 1577 paragraph (b) and actually in force at the time of the limited
 1578 covered accident exists only if the freight operator agrees,
 1579 with respect to the limited covered accident, to protect,
 1580 defend, and indemnify the department for the amount of the
 1581 deductible or self-insurance retention fund established under
 1582 paragraph (b) and actually in force at the time of the limited
 1583 covered accident.

1584 (II) In the event of a limited covered accident, the
 1585 authority of the department to protect, defend, and indemnify
 1586 National Railroad Passenger Corporation for all liability, cost,
 1587 and expense, including punitive or exemplary damages, in excess
 1588 of the deductible or self-insurance retention fund established
 1589 under paragraph (b) and actually in force at the time of the
 1590 limited covered accident exists only if National Railroad
 1591 Passenger Corporation agrees, with respect to the limited
 1592 covered accident, to protect, defend, and indemnify the
 1593 department for the amount of the deductible or self-insurance
 1594 retention fund established under paragraph (b) and actually in
 1595 force at the time of the limited covered accident.

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1596 3. If ~~When~~ only one train is involved in an incident, the
 1597 department may be solely responsible for any loss, injury, or
 1598 damage if the train is a department train or other train
 1599 pursuant to subparagraph 4., but only if:

1600 a. If ~~When~~ an incident occurs with only a freight train
 1601 involved, including incidents with trespassers or at grade
 1602 crossings, the freight rail operator is solely responsible for
 1603 any loss, injury, or damage, except for commuter rail passengers
 1604 and rail corridor invitees; or

1605 b. If ~~When~~ an incident occurs with only a National Railroad
 1606 Passenger Corporation train involved, including incidents with
 1607 trespassers or at grade crossings, National Railroad Passenger
 1608 Corporation is solely responsible for any loss, injury, or
 1609 damage, except for commuter rail passengers and rail corridor
 1610 invitees.

1611 4. For the purposes of this subsection:

1612 a. A ~~Any~~ train involved in an incident which ~~that~~ is not
 1613 ~~neither~~ the department's train or ~~nor~~ the freight rail
 1614 operator's train, hereinafter referred to in this subsection as
 1615 an "other train," may be treated as a department train, solely
 1616 for purposes of any allocation of liability between the
 1617 department and the freight rail operator only, but only if the
 1618 department and the freight rail operator share responsibility
 1619 equally as to third parties outside the rail corridor who incur
 1620 loss, injury, or damage as a result of any incident involving
 1621 both a department train and a freight rail operator train, and
 1622 the allocation as between the department and the freight rail
 1623 operator, regardless of whether the other train is treated as a
 1624 department train, shall remain one-half each as to third parties

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1625 outside the rail corridor who incur loss, injury, or damage as a
 1626 result of the incident. The involvement of any other train does
 1627 ~~shall~~ not alter the sharing of equal responsibility as to third
 1628 parties outside the rail corridor who incur loss, injury, or
 1629 damage as a result of the incident; or

1630 b. A ~~Any~~ train involved in an incident that is not ~~neither~~
 1631 the department's train or ~~or~~ the National Railroad Passenger
 1632 Corporation's train, hereinafter referred to in this subsection
 1633 as an "other train," may be treated as a department train,
 1634 solely for purposes of any allocation of liability between the
 1635 department and National Railroad Passenger Corporation only, but
 1636 only if the department and National Railroad Passenger
 1637 Corporation share responsibility equally as to third parties
 1638 outside the rail corridor who incur loss, injury, or damage as a
 1639 result of any incident involving both a department train and a
 1640 National Railroad Passenger Corporation train, and the
 1641 allocation as between the department and National Railroad
 1642 Passenger Corporation, regardless of whether the other train is
 1643 treated as a department train, shall remain one-half each as to
 1644 third parties outside the rail corridor who incur loss, injury,
 1645 or damage as a result of the incident. The involvement of any
 1646 other train does ~~shall~~ not alter the sharing of equal
 1647 responsibility as to third parties outside the rail corridor who
 1648 incur loss, injury, or damage as a result of the incident.

1649 5. If ~~When~~ more than one train is involved in an incident:

1650 a. (I) If only a department train and freight rail
 1651 operator's train, or only an other train as described in sub-
 1652 subparagraph 4.a. and a freight rail operator's train, are
 1653 involved in an incident, the department may be responsible for

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1654 its property and all of its people, all commuter rail
 1655 passengers, and rail corridor invitees, but only if the freight
 1656 rail operator is responsible for its property and all of its
 1657 people, and the department and the freight rail operator each
 1658 share one-half responsibility as to trespassers or third parties
 1659 outside the rail corridor who incur loss, injury, or damage as a
 1660 result of the incident; or

1661 (II) If only a department train and a National Railroad
 1662 Passenger Corporation train, or only an other train as described
 1663 in sub-subparagraph 4.b. and a National Railroad Passenger
 1664 Corporation train, are involved in an incident, the department
 1665 may be responsible for its property and all of its people, all
 1666 commuter rail passengers, and rail corridor invitees, but only
 1667 if National Railroad Passenger Corporation is responsible for
 1668 its property and all of its people, all National Railroad
 1669 Passenger Corporation's rail passengers, and the department and
 1670 National Railroad Passenger Corporation each share one-half
 1671 responsibility as to trespassers or third parties outside the
 1672 rail corridor who incur loss, injury, or damage as a result of
 1673 the incident.

1674 b. (I) If a department train, a freight rail operator train,
 1675 and any other train are involved in an incident, the allocation
 1676 of liability between the department and the freight rail
 1677 operator, regardless of whether the other train is treated as a
 1678 department train, shall remain one-half each as to third parties
 1679 outside the rail corridor who incur loss, injury, or damage as a
 1680 result of the incident; the involvement of any other train does
 1681 ~~shall~~ not alter the sharing of equal responsibility as to third
 1682 parties outside the rail corridor who incur loss, injury, or

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1683 damage as a result of the incident; and, if the owner, operator,
 1684 or insurer of the other train makes any payment to injured third
 1685 parties outside the rail corridor who incur loss, injury, or
 1686 damage as a result of the incident, the allocation of credit
 1687 between the department and the freight rail operator as to such
 1688 payment ~~does shall~~ not in any case reduce the freight rail
 1689 operator's third-party-sharing allocation of one-half under this
 1690 paragraph to less than one-third of the total third party
 1691 liability; or

1692 (II) If a department train, a National Railroad Passenger
 1693 Corporation train, and any other train are involved in an
 1694 incident, the allocation of liability between the department and
 1695 National Railroad Passenger Corporation, regardless of whether
 1696 the other train is treated as a department train, shall remain
 1697 one-half each as to third parties outside the rail corridor who
 1698 incur loss, injury, or damage as a result of the incident; the
 1699 involvement of any other train ~~does shall~~ not alter the sharing
 1700 of equal responsibility as to third parties outside the rail
 1701 corridor who incur loss, injury, or damage as a result of the
 1702 incident; and, if the owner, operator, or insurer of the other
 1703 train makes any payment to injured third parties outside the
 1704 rail corridor who incur loss, injury, or damage as a result of
 1705 the incident, the allocation of credit between the department
 1706 and National Railroad Passenger Corporation as to such payment
 1707 ~~does shall~~ not in any case reduce National Railroad Passenger
 1708 Corporation's third-party-sharing allocation of one-half under
 1709 this sub-subparagraph to less than one-third of the total third
 1710 party liability.

1711 6. Any such contractual duty to protect, defend, indemnify,

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1712 and hold harmless such a freight rail operator or National
 1713 Railroad Passenger Corporation shall expressly include a
 1714 specific cap on the amount of the contractual duty, which amount
 1715 ~~may shall~~ not exceed \$200 million without prior legislative
 1716 approval, and the department to purchase liability insurance and
 1717 establish a self-insurance retention fund in the amount of the
 1718 specific cap established under this subparagraph, provided that:

1719 a. A ~~No such~~ contractual duty may not shall in any case be
 1720 effective or not otherwise extend the department's liability in
 1721 scope and effect beyond the contractual liability insurance and
 1722 self-insurance retention fund required pursuant to this
 1723 paragraph; and

1724 b.(I) The freight rail operator's compensation to the
 1725 department for future use of the department's rail corridor
 1726 shall include a monetary contribution to the cost of such
 1727 liability coverage for the sole benefit of the freight rail
 1728 operator.

1729 (II) National Railroad Passenger Corporation's compensation
 1730 to the department for future use of the department's rail
 1731 corridor shall include a monetary contribution to the cost of
 1732 such liability coverage for the sole benefit of National
 1733 Railroad Passenger Corporation.

1734 (b) Purchase liability insurance, which amount ~~may shall~~
 1735 not exceed \$200 million, and establish a self-insurance
 1736 retention fund for the purpose of paying the deductible limit
 1737 established in the insurance policies it may obtain, including
 1738 coverage for the department, any freight rail operator as
 1739 described in paragraph (a), National Railroad Passenger
 1740 Corporation, commuter rail service providers, governmental

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1741 entities, or any ancillary development, which self-insurance
 1742 retention fund or deductible ~~may shall~~ not exceed \$10 million.
 1743 The insureds shall pay a reasonable monetary contribution to the
 1744 cost of such liability coverage for the sole benefit of the
 1745 insured. Such insurance and self-insurance retention fund may
 1746 provide coverage for all damages, including, but not limited to,
 1747 compensatory, special, and exemplary, and be maintained to
 1748 provide an adequate fund to cover claims and liabilities for
 1749 loss, injury, or damage arising out of or connected with the
 1750 ownership, operation, maintenance, and management of a rail
 1751 corridor.

1752 (c) Incur expenses for the purchase of advertisements,
 1753 marketing, and promotional items.

1754 (d) Undertake any ancillary development that the department
 1755 determines to be appropriate as a source of revenue for the
 1756 establishment, construction, operation, or maintenance of any
 1757 rail corridor owned by the state. The ancillary development must
 1758 be consistent, to the extent feasible, with applicable local
 1759 government comprehensive plans and local land development
 1760 regulations and otherwise be in compliance with ss. 341.302-
 1761 341.303.

1762
 1763 ~~Neither~~ The assumption by contract to protect, defend,
 1764 indemnify, and hold harmless; the purchase of insurance; ~~or nor~~
 1765 the establishment of a self-insurance retention fund may not
 1766 ~~shall~~ be deemed to be a waiver of any defense of sovereign
 1767 immunity for torts nor deemed to increase the limits of the
 1768 department's or the governmental entity's liability for torts as
 1769 provided in s. 768.28. The requirements of s. 287.022(1) do

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1770 ~~shall~~ not apply to the purchase of any insurance under this
 1771 subsection. The provisions of this subsection ~~shall~~ apply and
 1772 inure fully as to any other governmental entity providing
 1773 commuter rail service and constructing, operating, maintaining,
 1774 or managing a rail corridor on publicly owned right-of-way under
 1775 contract by the governmental entity with the department or a
 1776 governmental entity designated by the department.
 1777 Notwithstanding any law to the contrary, procurement for the
 1778 construction, operation, maintenance, and management of any rail
 1779 corridor described in this subsection, whether by the
 1780 department, a governmental entity under contract with the
 1781 department, or a governmental entity designated by the
 1782 department, must shall be pursuant to s. 287.057 and must shall
 1783 include, but not be limited to, criteria for the consideration
 1784 of qualifications, technical aspects of the proposal, and price.
 1785 Further, ~~a any such~~ contract for design-build shall be procured
 1786 pursuant to the criteria in s. 337.11(7).

1787 Section 24. Paragraph (d) of subsection (3) of section
 1788 343.82, Florida Statutes, is amended to read:

1789 343.82 Purposes and powers.—

1790 (3)

1791 (d) The authority may undertake projects or other
 1792 improvements in the master plan in phases as particular projects
 1793 or segments thereof become feasible, as determined by the
 1794 authority. In carrying out its purposes and powers, the
 1795 authority may request funding and technical assistance from the
 1796 department and appropriate federal and local agencies,
 1797 including, but not limited to, state infrastructure bank loans,
 1798 ~~advances from the Toll Facilities Revolving Trust Fund, and from~~

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1799 any other sources.

1800 Section 25. Subsection (4) of section 343.922, Florida

1801 Statutes, is amended to read:

1802 343.922 Powers and duties.—

1803 (4) The authority may undertake projects or other

1804 improvements in the master plan in phases as particular projects

1805 or segments become feasible, as determined by the authority. The

1806 authority shall coordinate project planning, development, and

1807 implementation with the applicable local governments. The

1808 authority's projects that are transportation oriented shall be

1809 consistent to the maximum extent feasible with the adopted local

1810 government comprehensive plans at the time they are funded for

1811 construction. Authority projects that are not transportation

1812 oriented and meet the definition of development pursuant to s.

1813 380.04 shall be consistent with the local comprehensive plans.

1814 In carrying out its purposes and powers, the authority may

1815 request funding and technical assistance from the department and

1816 appropriate federal and local agencies, including, but not

1817 limited to, state infrastructure bank loans, ~~advances from the~~

1818 ~~Toll Facilities Revolving Trust Fund~~, and funding and technical

1819 assistance from any other source.

1820 Section 26. Chapter 345, Florida Statutes, consisting of

1821 sections 345.0001, 345.0002, 345.0003, 345.0004, 345.0005,

1822 345.0006, 345.0007, 345.0008, 345.0009, 345.0010, 345.0011,

1823 345.0012, 345.0013, 345.0014, 345.0015, 345.0016, and 345.0017,

1824 is created to read:

1825 345.0001 Short title.—This act may be cited as the "Florida

1826 Regional Tollway Authority Act."

1827 345.0002 Definitions.—As used in this chapter, the term:

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1828 (1) "Agency of the state" means the state and any

1829 department of, or any corporation, agency, or instrumentality

1830 heretofore or hereafter created, designated, or established by,

1831 the state.

1832 (2) "Area served" means the geographical area of the

1833 counties for which an authority is established.

1834 (3) "Authority" means a regional tollway authority, a body

1835 politic and corporate, and an agency of the state, established

1836 pursuant to the Florida Regional Tollway Authority Act.

1837 (4) "Bonds" means the notes, bonds, refunding bonds, or

1838 other evidences of indebtedness or obligations, in temporary or

1839 definitive form, which an authority may issue pursuant to this

1840 act.

1841 (5) "Department" means the Department of Transportation of

1842 Florida and any successor thereto.

1843 (6) "Division" means the Division of Bond Finance of the

1844 State Board of Administration.

1845 (7) "Federal agency" means the United States, the President

1846 of the United States, and any department of, or any bureau,

1847 corporation, agency, or instrumentality heretofore or hereafter

1848 created, designated, or established by, the United States.

1849 (8) "Members" means the governing body of an authority, and

1850 the term "member" means one of the individuals constituting such

1851 governing body.

1852 (9) "Regional system" or "system" means, generally, a

1853 modern tolled highway system of roads, bridges, causeways, and

1854 tunnels within any area of the authority, with access limited or

1855 unlimited as an authority may determine, and the buildings and

1856 structures and appurtenances and facilities related to the

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1857 system, including all approaches, streets, roads, bridges, and
 1858 avenues of access for the system.

1859 (10) "Revenues" means the tolls, revenues, rates, fees,
 1860 charges, receipts, rentals, contributions, and other income
 1861 derived from or in connection with the operation or ownership of
 1862 a regional system, including the proceeds of any use and
 1863 occupancy insurance on any portion of the system but excluding
 1864 state funds available to an authority and any other municipal or
 1865 county funds available to an authority under an agreement with a
 1866 municipality or county.

1867 345.0003 Tollway authority; formation; membership.-

1868 (1) A county, or two or more contiguous counties, may,
 1869 after the approval of the Legislature, form a regional tollway
 1870 authority for the purposes of constructing, maintaining, and
 1871 operating transportation projects in a region of this state. An
 1872 authority shall be governed in accordance with the provisions of
 1873 this chapter. An authority may not be created without the
 1874 approval of the Legislature and the approval of the county
 1875 commission of each county that will be a part of the authority.
 1876 An authority may not be created to serve a particular area of
 1877 this state as provided by this subsection if a regional tollway
 1878 authority has been created and is operating within all or a
 1879 portion of the same area served pursuant to an act of the
 1880 Legislature. Each authority shall be the only authority created
 1881 and operating pursuant to this chapter within the area served by
 1882 the authority.

1883 (2) The governing body of an authority shall consist of a
 1884 board of voting members as follows:

1885 (a) The county commission of each county in the area served

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1886 by the authority shall each appoint a member who must be a
 1887 resident of the county from which he or she is appointed. If
 1888 possible, the member must represent the business and civic
 1889 interests of the community.

1890 (b) The Governor shall appoint an equal number of members
 1891 to the board as those appointed by the county commissions. The
 1892 members appointed by the Governor must be residents of the area
 1893 served by the authority.

1894 (c) The secretary of the Department of Transportation shall
 1895 appoint one of the district secretaries, or his or her designee,
 1896 for the districts within which the area served by the authority
 1897 is located.

1898 (3) The term of office of each member shall be for 4 years
 1899 or until his or her successor is appointed and qualified.

1900 (4) A member may not hold an elected office.

1901 (5) A vacancy occurring in the governing body before the
 1902 expiration of the member's term shall be filled by the
 1903 respective appointing authority in the same manner as the
 1904 original appointment and only for the balance of the unexpired
 1905 term.

1906 (6) Each member, before entering upon his or her official
 1907 duties, must take and subscribe to an oath before an official
 1908 authorized by law to administer oaths that he or she will
 1909 honestly, faithfully, and impartially perform the duties
 1910 devolving upon him or her in office as a member of the governing
 1911 body of the authority and that he or she will not neglect any
 1912 duties imposed upon him or her by this chapter.

1913 (7) A member of an authority may be removed from office by
 1914 the Governor for misconduct, malfeasance, misfeasance, or

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1915 nonfeasance in office.1916 (8) The members of the authority shall designate one of its
1917 members as chair.1918 (9) The members of the authority shall serve without
1919 compensation, but shall be entitled to reimbursement for per
1920 diem and other expenses in accordance with s. 112.061 while in
1921 performance of their duties.1922 (10) A majority of the members of the authority constitutes
1923 a quorum, and resolutions enacted or adopted by a vote of a
1924 majority of the members present and voting at any meeting become
1925 effective without publication, posting, or any further action of
1926 the authority.1927 345.0004 Powers and duties.-1928 (1) (a) An authority created and established, or governed,
1929 by the Florida Regional Tollway Authority Act shall plan,
1930 develop, finance, construct, reconstruct, improve, own, operate,
1931 and maintain a regional system in the area served by the
1932 authority.1933 (b) An authority may not exercise the powers in paragraph
1934 (a) with respect to an existing system for transporting people
1935 and goods by any means that is owned by another entity without
1936 the consent of that entity. If an authority acquires, purchases,
1937 or inherits an existing entity, the authority shall also inherit
1938 and assume all rights, assets, appropriations, privileges, and
1939 obligations of the existing entity.1940 (2) Each authority may exercise all powers necessary,
1941 appurtenant, convenient, or incidental to the carrying out of
1942 the purposes of this section, including, but not limited to, the
1943 following rights and powers:

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1944 (a) To sue and be sued, implead and be impleaded, and
1945 complain and defend in all courts in its own name.1946 (b) To adopt and use a corporate seal.1947 (c) To have the power of eminent domain, including the
1948 procedural powers granted under chapters 73 and 74.1949 (d) To acquire, purchase, hold, lease as a lessee, and use
1950 any property, real, personal, or mixed, tangible or intangible,
1951 or any interest therein, necessary or desirable for carrying out
1952 the purposes of the authority.1953 (e) To sell, convey, exchange, lease, or otherwise dispose
1954 of any real or personal property acquired by the authority,
1955 including air rights.1956 (f) To fix, alter, charge, establish, and collect rates,
1957 fees, rentals, and other charges for the use of any system owned
1958 or operated by the authority, which rates, fees, rentals, and
1959 other charges must always be sufficient to comply with any
1960 covenants made with the holders of any bonds issued pursuant to
1961 this act; however, such right and power may be assigned or
1962 delegated by the authority to the department.1963 (g) To borrow money, make and issue negotiable notes,
1964 bonds, refunding bonds, and other evidences of indebtedness or
1965 obligations, in temporary or definitive form, for the purpose of
1966 financing all or part of the improvement of the authority's
1967 system and appurtenant facilities, including the approaches,
1968 streets, roads, bridges, and avenues of access for the system
1969 and for any other purpose authorized by this chapter, the bonds
1970 to mature in not exceeding 30 years after the date of the
1971 issuance thereof, and to secure the payment of such bonds or any
1972 part thereof by a pledge of its revenues, rates, fees, rentals,

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1973 or other charges, including municipal or county funds received
 1974 by the authority pursuant to the terms of an agreement between
 1975 the authority and a municipality or county; and, in general, to
 1976 provide for the security of the bonds and the rights and
 1977 remedies of the holders of the bonds; however, municipal or
 1978 county funds may not be pledged for the construction of a
 1979 project for which a toll is to be charged unless the anticipated
 1980 tolls are reasonably estimated by the governing board of the
 1981 municipality or county, at the date of its resolution pledging
 1982 said funds, to be sufficient to cover the principal and interest
 1983 of such obligations during the period when the pledge of funds
 1984 is in effect.

1985 1. An authority shall reimburse a municipality or county
 1986 for sums expended from municipal or county funds used for the
 1987 payment of the bond obligations.

1988 2. If an authority determines to fund or refund any bonds
 1989 issued by the authority before the maturity of the bonds, the
 1990 proceeds of the funding or refunding bonds shall, pending the
 1991 prior redemption of the bonds to be funded or refunded, be
 1992 invested in direct obligations of the United States, and the
 1993 outstanding bonds may be funded or refunded by the issuance of
 1994 bonds pursuant to this chapter.

1995 (h) To make contracts of every name and nature, including,
 1996 but not limited to, partnerships providing for participation in
 1997 ownership and revenues, and to execute each instrument necessary
 1998 or convenient for the conduct of its business.

1999 (i) Without limitation of the foregoing, to cooperate with,
 2000 to borrow money and accept grants from, and to enter into
 2001 contracts or other transactions with any federal agency, the

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2002 state, or any agency or any other public body of the state.

2003 (j) To employ an executive director, attorney, staff, and
 2004 consultants. Upon the request of an authority, the department
 2005 shall furnish the services of a department employee to act as
 2006 the executive director of the authority.

2007 (k) To enter into joint development agreements.

2008 (l) To accept funds or other property from private
 2009 donations.

2010 (m) To do all acts and things necessary or convenient for
 2011 the conduct of its business and the general welfare of the
 2012 authority, in order to carry out the powers granted to it by
 2013 this act or any other law.

2014 (3) An authority does not have the power at any time or in
 2015 any manner to pledge the credit or taxing power of the state or
 2016 any political subdivision or agency thereof. Obligations of the
 2017 authority may not be deemed to be obligations of the state or of
 2018 any other political subdivision or agency thereof. The state or
 2019 any political subdivision or agency thereof, except the
 2020 authority, is not liable for the payment of the principal of or
 2021 interest on such obligations.

2022 (4) An authority has no power, other than by consent of the
 2023 affected county or an affected municipality, to enter into an
 2024 agreement that would legally prohibit the construction of a road
 2025 by the county or the municipality.

2026 (5) An authority formed pursuant to this chapter shall
 2027 comply with the statutory requirements of general application
 2028 which relate to the filing of a report or documentation required
 2029 by law, including the requirements of ss. 189.4085, 189.415,
 2030 189.417, and 189.418.

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2031 345.0005 Bonds.-2032 (1) (a) Bonds may be issued on behalf of an authority
2033 pursuant to the State Bond Act.2034 (b) An authority may also issue bonds in such principal
2035 amount as is necessary, in the opinion of the authority, to
2036 provide sufficient moneys for achieving its corporate purposes,
2037 including construction, reconstruction, improvement, extension,
2038 repair, maintenance and operation of the system, the cost of
2039 acquisition of all real property, interest on bonds during
2040 construction and for a reasonable period thereafter,
2041 establishment of reserves to secure bonds, and other
2042 expenditures of the authority incident, and necessary or
2043 convenient, to carry out its corporate purposes and powers.2044 (2) (a) Bonds issued by an authority pursuant to paragraph
2045 (1) (a) or paragraph (1) (b) must be authorized by resolution of
2046 the members of the authority and must bear such date or dates;
2047 mature at such time or times, not exceeding 30 years after their
2048 respective dates; bear interest at such rate or rates, not
2049 exceeding the maximum rate fixed by general law for authorities;
2050 be in such denominations; be in such form, either coupon or
2051 fully registered; carry such registration, exchangeability and
2052 interchangeability privileges; be payable in such medium of
2053 payment and at such place or places; be subject to such terms of
2054 redemption; and be entitled to such priorities of lien on the
2055 revenues and other available moneys as such resolution or any
2056 resolution subsequent to the bonds' issuance may provide. The
2057 bonds must be executed by manual or facsimile signature by such
2058 officers as the authority shall determine, provided that such
2059 bonds bear at least one signature that is manually executed on

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2060 the bond. The coupons attached to the bonds must bear the
2061 facsimile signature or signatures of the officer or officers as
2062 shall be designated by the authority. The bonds must have the
2063 seal of the authority affixed, imprinted, reproduced, or
2064 lithographed thereon.2065 (b) Bonds issued pursuant to paragraph (1) (a) or paragraph
2066 (1) (b) must be sold at public sale in the same manner provided
2067 in the State Bond Act. Pending the preparation of definitive
2068 bonds, temporary bonds or interim certificates may be issued to
2069 the purchaser or purchasers of such bonds and may contain such
2070 terms and conditions as the authority may determine.2071 (3) A resolution that authorizes any bonds may contain
2072 provisions that must be part of the contract with the holders of
2073 the bonds, as to:2074 (a) The pledging of all or any part of the revenues,
2075 available municipal or county funds, or other charges or
2076 receipts of the authority derived from the regional system.2077 (b) The construction, reconstruction, improvement,
2078 extension, repair, maintenance, and operation of the system, or
2079 any part or parts of the system, and the duties and obligations
2080 of the authority with reference thereto.2081 (c) Limitations on the purposes to which the proceeds of
2082 the bonds, then or thereafter issued, or of any loan or grant by
2083 any federal agency or the state or any political subdivision of
2084 the state may be applied.2085 (d) The fixing, charging, establishing, revising,
2086 increasing, reducing, and collecting of tolls, rates, fees,
2087 rentals, or other charges for use of the services and facilities
2088 of the system or any part of the system.

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2089 (e) The setting aside of reserves or of sinking funds and
 2090 the regulation and disposition of the reserves or sinking funds.

2091 (f) Limitations on the issuance of additional bonds.

2092 (g) The terms and provisions of any deed of trust or
 2093 indenture securing the bonds, or under which the bonds may be
 2094 issued.

2095 (h) Any other or additional matters, of like or different
 2096 character, which in any way affect the security or protection of
 2097 the bonds.

2098 (4) The authority may enter into any deeds of trust,
 2099 indentures, or other agreements with any bank or trust company
 2100 within or without the state, as security for such bonds, and
 2101 may, under such agreements, assign and pledge any of the
 2102 revenues and other available moneys, including any available
 2103 municipal or county funds, pursuant to the terms of this
 2104 chapter. The deed of trust, indenture, or other agreement may
 2105 contain provisions that are customary in such instruments or
 2106 that the authority may authorize, including, but without
 2107 limitation, provisions that:

2108 (a) Pledge any part of the revenues or other moneys
 2109 lawfully available therefor.

2110 (b) Apply funds and safeguard funds on hand or on deposit.

2111 (c) Provide for the rights and remedies of the trustee and
 2112 the holders of the bonds.

2113 (d) Provide for the terms and provisions of the bonds or
 2114 for resolutions authorizing the issuance of the bonds.

2115 (e) Provide for any other or additional matters, of like or
 2116 different character, which affect the security or protection of
 2117 the bonds.

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2118 (5) Any bonds issued pursuant to this act are negotiable
 2119 instruments and have all the qualities and incidents of
 2120 negotiable instruments under the law merchant and the negotiable
 2121 instruments law of the state.

2122 (6) A resolution that authorizes the issuance of authority
 2123 bonds and pledges the revenues of the system must require that
 2124 revenues of the system be periodically deposited into
 2125 appropriate accounts in such sums as are sufficient to pay the
 2126 costs of operation and maintenance of the system for the current
 2127 fiscal year as set forth in the annual budget of the authority
 2128 and to reimburse the department for any unreimbursed costs of
 2129 operation and maintenance of the system from prior fiscal years
 2130 before revenues of the system are deposited into accounts for
 2131 the payment of interest or principal owing or that may become
 2132 owing on such bonds.

2133 (7) State funds may not be used or pledged to pay the
 2134 principal or interest of any authority bonds, and all such bonds
 2135 must contain a statement on their face to this effect.

2136 345.0006 Remedies of bondholders.-

2137 (1) The rights and the remedies granted to authority
 2138 bondholders under this chapter are in addition to and not in
 2139 limitation of any rights and remedies lawfully granted to such
 2140 bondholders by the resolution or indenture providing for the
 2141 issuance of bonds, or by any deed of trust, indenture, or other
 2142 agreement under which the bonds may be issued or secured. If an
 2143 authority defaults in the payment of the principal of or
 2144 interest on any of the bonds issued pursuant to this chapter
 2145 after such principal of or interest on the bonds becomes due,
 2146 whether at maturity or upon call for redemption, as provided in

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 2147 the resolution or indenture, and such default continues for 30
 2148 days, or in the event that the authority fails or refuses to
 2149 comply with the provisions of this chapter or any agreement made
 2150 with, or for the benefit of, the holders of the bonds, the
 2151 holders of 25 percent in aggregate principal amount of the bonds
 2152 then outstanding shall be entitled as of right to the
 2153 appointment of a trustee to represent such bondholders for the
 2154 purposes of the default provided that the holders of 25 percent
 2155 in aggregate principal amount of the bonds then outstanding
 2156 first gave written notice of their intention to appoint a
 2157 trustee, to the authority and to the department.

2158 (2) The trustee, and any trustee under any deed of trust,
 2159 indenture, or other agreement, may, and upon written request of
 2160 the holders of 25 percent, or such other percentages specified
 2161 in any deed of trust, indenture, or other agreement, in
 2162 principal amount of the bonds then outstanding, shall, in any
 2163 court of competent jurisdiction, in his, her, or its own name:

2164 (a) By mandamus or other suit, action, or proceeding at
 2165 law, or in equity, enforce all rights of the bondholders,
 2166 including the right to require the authority to fix, establish,
 2167 maintain, collect, and charge rates, fees, rentals, and other
 2168 charges, adequate to carry out any agreement as to, or pledge
 2169 of, the revenues, and to require the authority to carry out any
 2170 other covenants and agreements with or for the benefit of the
 2171 bondholders, and to perform its and their duties under this
 2172 chapter.

2173 (b) Bring suit upon the bonds.

2174 (c) By action or suit in equity, require the authority to
 2175 account as if it were the trustee of an express trust for the

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 2176 bondholders.

2177 (d) By action or suit in equity, enjoin any acts or things
 2178 that may be unlawful or in violation of the rights of the
 2179 bondholders.

2180 (3) A trustee, if appointed pursuant to this section or
 2181 acting under a deed of trust, indenture, or other agreement, and
 2182 whether or not all bonds have been declared due and payable,
 2183 shall be entitled as of right to the appointment of a receiver.
 2184 The receiver may enter upon and take possession of the system or
 2185 the facilities or any part or parts of the system, the revenues
 2186 and other pledged moneys, for and on behalf of and in the name
 2187 of, the authority and the bondholders. The receiver may collect
 2188 and receive all revenues and other pledged moneys in the same
 2189 manner as the authority might do. The receiver shall deposit all
 2190 such revenues and moneys in a separate account and apply all
 2191 such revenues and moneys remaining after allowance for payment
 2192 of all costs of operation and maintenance of the system in such
 2193 manner as the court directs. In a suit, action, or proceeding by
 2194 the trustee, the fees, counsel fees, and expenses of the
 2195 trustee, and said receiver, if any, and all costs and
 2196 disbursements allowed by the court must be a first charge on any
 2197 revenues after payment of the costs of operation and maintenance
 2198 of the system. The trustee also has all other powers necessary
 2199 or appropriate for the exercise of any functions specifically
 2200 set forth in this section or incident to the representation of
 2201 the bondholders in the enforcement and protection of their
 2202 rights.

2203 (4) This section or any other section of this chapter does
 2204 not authorize a receiver appointed pursuant to this section for

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2205 the purpose of operating and maintaining the system or any
 2206 facilities or parts thereof to sell, assign, mortgage, or
 2207 otherwise dispose of any of the assets belonging to the
 2208 authority. The powers of such receiver are limited to the
 2209 operation and maintenance of the system, or any facility or
 2210 parts thereof and to the collection and application of revenues
 2211 and other moneys due the authority, in the name and for and on
 2212 behalf of the authority and the bondholders, and a holder of
 2213 bonds or any trustee does not have the right in any suit,
 2214 action, or proceeding at law, or in equity, to compel a
 2215 receiver, or any receiver may not be authorized or any court may
 2216 not be empowered to direct the receiver, to sell, assign,
 2217 mortgage, or otherwise dispose of any assets of whatever kind or
 2218 character belonging to the authority.

2219 345.0007 Department to construct, operate, and maintain
 2220 facilities.—

2221 (1) The department is the agent of each authority for the
 2222 purpose of performing all phases of a project, including, but
 2223 not limited to, constructing improvements and extensions to the
 2224 system. The division and the authority shall provide to the
 2225 department complete copies of the documents, agreements,
 2226 resolutions, contracts, and instruments that relate to the
 2227 project and shall request that the department perform the
 2228 construction work, including the planning, surveying, design,
 2229 and actual construction of the completion, extensions, and
 2230 improvements to the system. After the issuance of bonds to
 2231 finance construction of an improvement or addition to the
 2232 system, the division and the authority shall transfer to the
 2233 credit of an account of the department in the State Treasury the

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2234 necessary funds for construction. The department shall proceed
 2235 with construction and use the funds for the purpose authorized
 2236 and as otherwise provided by law for construction of roads and
 2237 bridges. An authority may alternatively, with the consent and
 2238 approval of the department, elect to appoint a local agency
 2239 certified by the department to administer federal aid projects
 2240 in accordance with federal law as the authority's agent for the
 2241 purpose of performing each phase of a project.

2242 (2) Notwithstanding the provisions of subsection (1), the
 2243 department is the agent of each authority for the purpose of
 2244 operating and maintaining the system. The department shall
 2245 operate and maintain the system, and the costs incurred by the
 2246 department for operation and maintenance shall be reimbursed
 2247 from revenues of the system. The appointment of the department
 2248 as agent for each authority does not create an independent
 2249 obligation of the department to operate and maintain a system.
 2250 Each authority shall remain obligated as principal to operate
 2251 and maintain its system, and an authority's bondholders do not
 2252 have an independent right to compel the department to operate or
 2253 maintain the authority's system.

2254 (3) Each authority shall fix, alter, charge, establish, and
 2255 collect tolls, rates, fees, rentals, and other charges for the
 2256 authority's facilities, as otherwise provided in this chapter.

2257 345.0008 Department contributions to authority projects.—

2258 (1) The department may, at the request of an authority,
 2259 provide for or contribute to the payment of costs of financial
 2260 or engineering and traffic feasibility studies and the design,
 2261 financing, acquisition, or construction of an authority project
 2262 or system, subject to appropriation by the Legislature.

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2263 (2) The department may use its engineering and other
 2264 personnel, including consulting engineers and traffic engineers,
 2265 to conduct feasibility studies pursuant to subsection (1).

2266 (3) An obligation or expense incurred by the department
 2267 under this section is a part of the cost of the authority
 2268 project for which the obligation or expense was incurred. The
 2269 department may require money contributed by the department under
 2270 this section to be repaid from tolls of the project on which the
 2271 money was spent, other revenue of the authority, or other
 2272 sources of funds.

2273 (4) The department shall receive from an authority a share
 2274 of the authority's net revenues equal to the ratio of the
 2275 department's total contributions to the authority under this
 2276 section to the sum of: the department's total contributions
 2277 under this section; contributions by any local government to the
 2278 cost of revenue producing authority projects; and the sale
 2279 proceeds of authority bonds after payment of costs of issuance.

2280 For the purpose of this subsection, net revenues are gross
 2281 revenues of an authority after payment of debt service,
 2282 administrative expenses, operations and maintenance expenses,
 2283 and all reserves required to be established under any resolution
 2284 under which authority bonds are issued.

2285 345.0009 Acquisition of lands and property.-

2286 (1) For the purposes of this chapter, an authority may
 2287 acquire private or public property and property rights,
 2288 including rights of access, air, view, and light, by gift,
 2289 devise, purchase, condemnation by eminent domain proceedings, or
 2290 transfer from another political subdivision of the state, as the
 2291 authority may deem necessary for any of the purposes of this

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2292 chapter, including, but not limited to, any lands reasonably
 2293 necessary for securing applicable permits, areas necessary for
 2294 management of access, borrow pits, drainage ditches, water
 2295 retention areas, rest areas, replacement access for landowners
 2296 whose access is impaired due to the construction of a facility,
 2297 and replacement rights-of-way for relocated rail and utility
 2298 facilities; for existing, proposed, or anticipated
 2299 transportation facilities on the system or in a transportation
 2300 corridor designated by the authority; or for the purposes of
 2301 screening, relocation, removal, or disposal of junkyards and
 2302 scrap metal processing facilities. Each authority shall also
 2303 have the power to condemn any material and property necessary
 2304 for such purposes.

2305 (2) An authority shall exercise the right of eminent domain
 2306 conferred under this section in the manner provided by law.

2307 (3) If an authority acquires property for a transportation
 2308 facility or in a transportation corridor, it is not subject to
 2309 any liability imposed by chapter 376 or chapter 403 for
 2310 preexisting soil or groundwater contamination due solely to its
 2311 ownership. This section does not affect the rights or
 2312 liabilities of any past or future owners of the acquired
 2313 property or affect the liability of any governmental entity for
 2314 the results of its actions which create or exacerbate a
 2315 pollution source. An authority and the Department of
 2316 Environmental Protection may enter into interagency agreements
 2317 for the performance, funding, and reimbursement of the
 2318 investigative and remedial acts necessary for property acquired
 2319 by the authority.

2320 345.0010 Cooperation with other units, boards, agencies,

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2321 and individuals.-A county, municipality, drainage district, road
 2322 and bridge district, school district, or any other political
 2323 subdivision, board, commission, or individual in, or of, the
 2324 state may make and enter into a contract, lease, conveyance,
 2325 partnership, or other agreement with an authority within the
 2326 provisions and purposes of this chapter. Each authority may make
 2327 and enter into contracts, leases, conveyances, partnerships, and
 2328 other agreements with any political subdivision, agency, or
 2329 instrumentality of the state and any federal agency,
 2330 corporation, and individual, to carry out the purposes of this
 2331 chapter.

2332 345.0011 Covenant of the state.-The state pledges to, and
 2333 agrees with, any person, firm, or corporation, or federal or
 2334 state agency subscribing to, or acquiring the bonds to be issued
 2335 by an authority for the purposes of this chapter that the state
 2336 will not limit or alter the rights vested by this chapter in the
 2337 authority and the department until all bonds at any time issued,
 2338 together with the interest thereon, are fully paid and
 2339 discharged insofar as the payment and discharge affect the
 2340 rights of the holders of bonds issued pursuant to this chapter.
 2341 The state further pledges to, and agrees with, the United States
 2342 that if a federal agency constructs or contributes any funds for
 2343 the completion, extension, or improvement of the system, or any
 2344 parts of the system, the state will not alter or limit the
 2345 rights and powers of the authority and the department in any
 2346 manner that is inconsistent with the continued maintenance and
 2347 operation of the system or the completion, extension, or
 2348 improvement of the system, or which would be inconsistent with
 2349 the due performance of any agreements between the authority and

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2350 any such federal agency, and the authority and the department
 2351 shall continue to have and may exercise all powers granted in
 2352 this section, so long as the powers are necessary or desirable
 2353 to carry out the purposes of this chapter and the purposes of
 2354 the United States in the completion, extension, or improvement
 2355 of the system, or any part of the system.

2356 345.0012 Exemption from taxation.-The authority created
 2357 under this chapter is for the benefit of the people of the
 2358 state, for the increase of their commerce and prosperity, and
 2359 for the improvement of their health and living conditions, and
 2360 because the authority will be performing essential governmental
 2361 functions pursuant to this chapter, the authority is not
 2362 required to pay any taxes or assessments of any kind or nature
 2363 whatsoever upon any property acquired or used by it for such
 2364 purposes, or upon any rates, fees, rentals, receipts, income, or
 2365 charges received by it, and the bonds issued by the authority,
 2366 their transfer and the income from their issuance, including any
 2367 profits made on the sale of the bonds, shall be free from
 2368 taxation by the state or by any political subdivision, taxing
 2369 agency, or instrumentality of the state. The exemption granted
 2370 by this section does not apply to any tax imposed by chapter 220
 2371 on interest, income, or profits on debt obligations owned by
 2372 corporations.

2373 345.0013 Eligibility for investments and security.-Any
 2374 bonds or other obligations issued pursuant to this chapter are
 2375 legal investments for banks, savings banks, trustees, executors,
 2376 administrators, and all other fiduciaries, and for all state,
 2377 municipal, and other public funds and are also securities
 2378 eligible for deposit as security for all state, municipal, or

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2379 other public funds, notwithstanding the provisions of any other
 2380 law to the contrary.

2381 345.0014 Applicability.-

2382 (1) The powers conferred by this chapter are in addition to
 2383 the powers conferred by other law and do not repeal the
 2384 provisions of any other general or special law or local
 2385 ordinance, but supplement such other laws in the exercise of the
 2386 powers provided in this chapter, and provide a complete method
 2387 for the exercise of the powers granted in this chapter. The
 2388 extension and improvement of a system, and the issuance of bonds
 2389 pursuant to this chapter to finance all or part of the cost
 2390 thereof, may be accomplished upon compliance with the provisions
 2391 of this chapter without regard to or necessity for compliance
 2392 with the provisions, limitations, or restrictions contained in
 2393 any other general, special, or local law, including, but not
 2394 limited to, s. 215.821, and approval of any bonds issued under
 2395 this act by the qualified electors or qualified electors who are
 2396 freeholders in the state or in any political subdivision of the
 2397 state is not required for the issuance of such bonds pursuant to
 2398 this chapter.

2399 (2) This act does not repeal, rescind, or modify any other
 2400 law or laws relating to the State Board of Administration, the
 2401 Department of Transportation, or the Division of Bond Finance of
 2402 the State Board of Administration, but supersedes any other law
 2403 that is inconsistent with the provisions of this chapter,
 2404 including, but not limited to, s. 215.821.

2405 345.0015 Northwest Florida Regional Tollway Authority.-

2406 (1) There is hereby created and established a body politic
 2407 and corporate, an agency of the state, to be known as the

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2408 Northwest Florida Regional Tollway Authority, hereinafter
 2409 referred to as the "authority."

2410 (2) The area served by the authority shall be Escambia and
 2411 Santa Rosa Counties.

2412 (3) The purposes and powers of the authority are as
 2413 identified in the Florida Regional Tollway Authority Act for the
 2414 area served by the authority, and the authority operates in the
 2415 manner provided by the Florida Regional Tollway Authority Act.

2416 345.0016 Okaloosa-Bay Regional Tollway Authority.-

2417 (1) There is hereby created and established a body politic
 2418 and corporate, an agency of the state, to be known as the
 2419 Okaloosa-Bay Regional Tollway Authority, hereinafter referred to
 2420 as the "authority."

2421 (2) The area served by the authority shall be Okaloosa,
 2422 Walton, and Bay Counties.

2423 (3) The purposes and powers of the authority are as
 2424 identified in the Florida Regional Tollway Authority Act for the
 2425 area served by the authority, and the authority operates in the
 2426 manner provided by the Florida Regional Tollway Authority Act.

2427 345.0017 Suncoast Regional Tollway Authority.-

2428 (1) There is hereby created and established a body politic
 2429 and corporate, an agency of the state, to be known as the
 2430 Suncoast Regional Tollway Authority, hereinafter referred to as
 2431 the "authority."

2432 (2) The area served by the authority shall be Citrus, Levy,
 2433 Marion, and Alachua Counties.

2434 (3) The purposes and powers of the authority are as
 2435 identified in the Florida Regional Tollway Authority Act for the
 2436 area served by the authority, and the authority operates in the

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2437 manner provided by the Florida Regional Tollway Authority Act.
 2438 Section 27. Transfer to the Okaloosa-Bay Regional Tollway
 2439 Authority.—The governance and control of the Mid-Bay Bridge
 2440 Authority System, created pursuant to chapter 2000-411, Laws of
 2441 Florida, is transferred to the Okaloosa-Bay Regional Tollway
 2442 Authority.

2443 (1) The assets, facilities, tangible and intangible
 2444 property and any rights in such property, and any other legal
 2445 rights of the bridge authority, including the bridge system
 2446 operated by the authority, are transferred to the regional
 2447 tollway authority. All powers of the bridge authority shall
 2448 succeed to the regional tollway authority, and the operations
 2449 and maintenance of the bridge system shall be under the control
 2450 of the regional tollway authority, pursuant to this section.
 2451 Revenues collected on the bridge system may be considered
 2452 regional tollway authority revenues, and the Mid-Bay Bridge may
 2453 be considered part of the regional tollway authority system, if
 2454 bonds of the bridge authority are not outstanding. The regional
 2455 tollway authority also assumes all liability for bonds of the
 2456 bridge authority pursuant to the provisions of subsection (2).
 2457 The regional tollway authority may review other contracts,
 2458 financial obligations, and contractual obligations and
 2459 liabilities of the bridge authority and may assume legal
 2460 liability for the obligations that are determined to be
 2461 necessary for the continued operation of the bridge system.

2462 (2) The transfer pursuant to this section is subject to the
 2463 terms and covenants provided for the protection of the holders
 2464 of the Mid-Bay Bridge Authority bonds in the lease-purchase
 2465 agreement and the resolutions adopted in connection with the

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2466 issuance of the bonds. Further, the transfer does not impair the
 2467 terms of the contract between the bridge authority and the
 2468 bondholders, does not act to the detriment of the bondholders,
 2469 and does not diminish the security for the bonds. After the
 2470 transfer, until the bonds of the bridge authority are fully
 2471 defeased or paid in full, the department shall operate and
 2472 maintain the bridge system and any other facilities of the
 2473 authority in accordance with the terms, conditions, and
 2474 covenants contained in the bond resolutions and lease-purchase
 2475 agreement securing the bonds of the bridge authority. The
 2476 Department of Transportation, as the agent of the regional
 2477 tollway authority, shall collect toll revenues and apply them to
 2478 the payment of debt service as provided in the bond resolution
 2479 securing the bonds. The regional tollway authority shall
 2480 expressly assume all obligations relating to the bonds to ensure
 2481 that the transfer will have no adverse impact on the security
 2482 for the bonds of the bridge authority. The transfer does not
 2483 make the obligation to pay the principal and interest on the
 2484 bonds a general liability of the regional tollway authority or
 2485 pledge the regional tollway authority system revenues to payment
 2486 of the bridge authority bonds. Revenues that are generated by
 2487 the bridge system and other facilities of the bridge authority
 2488 and that were pledged by the bridge authority to the payment of
 2489 the bonds remain subject to the pledge for the benefit of the
 2490 bondholders. The transfer does not modify or eliminate any prior
 2491 obligation of the Department of Transportation to pay certain
 2492 costs of the bridge system from sources other than revenues of
 2493 the bridge system. With regard to the bridge authority's current
 2494 long-term debt of \$16.1 million due to the department as of June

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2495 30, 2011, and to the extent permitted by the bond resolutions
2496 and lease-purchase agreement securing the bonds, the regional
2497 tollway authority shall make payment annually to the State
2498 Transportation Trust Fund, for the purpose of repaying the
2499 bridge authority's long-term debt due to the department, from
2500 any bridge system revenues obtained under this section which
2501 remain after the payment of the costs of operations,
2502 maintenance, renewal, and replacement of the bridge system; the
2503 payment of current debt service; and other payments required in
2504 relation to the bonds. The regional tollway authority shall make
2505 the annual payments, not to exceed \$1 million per year, to the
2506 State Transportation Trust Fund until all remaining authority
2507 long-term debt due to the department has been repaid.

2508 (3) Any remaining toll revenue from the facilities of the
2509 Mid-Bay Bridge Authority collected by the Okaloosa-Bay Regional
2510 Tollway Authority after meeting the requirements of subsections
2511 (1) and (2) shall be used for the construction, maintenance, or
2512 improvement of any toll facility of the Okaloosa-Bay Regional
2513 Tollway Authority within the county or counties in which the
2514 revenue was collected.

2515 Section 28. Except as otherwise expressly provided in this
2516 act, this act shall take effect upon becoming a law.

THE FLORIDA SENATE
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3/7/13

Meeting Date

Topic Support Natural Bill SB 372 Bill Number SB 372
Name Chris Hansen Amendment Barcode _____
Job Title Gray Robinson PA

(if applicable)

(if applicable)

Address _____ Phone 850/577-9090
Street _____
City Tallahassee State FL Zip 32301 E-mail Chansen@gray-robinson.com

Speaking: For Against Information

Representing Restaurant Depot

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/7/2012

Meeting Date

Topic _____ Bill Number 372
Name BRIAN PITTS Amendment Barcode _____
Job Title TRUSTEE

(if applicable)

(if applicable)

Address 1119 NEWTON AVNUE SOUTH Phone 727-897-9291
Street _____
City SAINT PETERSBURG State FLORIDA Zip 33705 E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: For Against Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
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3/17/2013

Meeting Date

Topic _____

Bill Number 402
(if applicable)

Name BRIAN PITTS

Amendment Barcode _____
(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH

Phone 727-897-9291

Street

SAINT PETERSBURG FLORIDA 33705

E-mail JUSTICE2JESUS@YAHOO.COM

City

State

Zip

Speaking: For Against Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
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3/17/13

Meeting Date

Topic Homelessness

Bill Number 402
(if applicable)

Name FELY CURVA

Amendment Barcode _____
(if applicable)

Job Title Partner, Curva's Associates LLC

Address 1212 Piedmont Dr.

Phone (850) 508-2252

Street

Tallahassee FL 32312

E-mail Curva@mindspring.com

City

State

Zip

Speaking: For Against Information

Representing FL IMPACT & the Council of Churches

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
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(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3 / 7 / 2013

Meeting Date

Topic _____

Bill Number 638
(if applicable)

Name BRIAN PITTS

Amendment Barcode _____
(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH

Phone 727-897-9291

Street

SAINT PETERSBURG FLORIDA 33705

E-mail JUSTICE2JESUS@YAHOO.COM

City

State

Zip

Speaking: For Against Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
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3 / 7 / 13

Meeting Date

Topic Driver License Photos

Bill Number 5B 628
(if applicable)

Name Lisa Goodner

Amendment Barcode _____
(if applicable)

Job Title State Courts Administrator

Address 500 South Dural

Phone 850-922-5081

Street

Talle, FL 32399-1900

E-mail _____

City

State

Zip

Speaking: For Against Information

Representing State Courts System

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE

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3/7/13

Meeting Date

Topic Drive License Photos Bill Number SB 628
Name Eric Maclure Amendment Barcode
Job Title Intergov. Relations Director, State Courts Admin. Office
Address 500 South Dural St. Phone 850-922-5692
Tallahassee FL 32399 E-mail macluree@flcourts.org

Speaking: [X] For [] Against [X] Information

Representing State Courts System

Appearing at request of Chair: [] Yes [] No

Lobbyist registered with Legislature: [X] Yes [] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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3/7/2013

Meeting Date

Topic Bill Number 664
Name BRIAN PITTS Amendment Barcode
Job Title TRUSTEE
Address 1119 NEWTON AVNUE SOUTH Phone 727-897-9291
SAINT PETERSBURG FLORIDA 33705 E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: [] For [] Against [X] Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [] Yes [X] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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3/7/13

Meeting Date

Topic _____

Bill Number 954
(if applicable)

Name CHESTER STRAUB

Amendment Barcode _____
(if applicable)

Job Title EXECUTIVE DIRECTOR

Address 1050 W. NASA BLVD.

Phone 321-872-1050

Street
MELBOURNE FL 32901
City State Zip

E-mail CSTRAUB@TROA.ORG

Speaking: For Against Information

Representing TECHNOLOGICAL RESEARCH & DEVELOPMENT AUTHORITY

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

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3/7/2013

Meeting Date

Topic _____

Bill Number 954
(if applicable)

Name BRIAN PITTS

Amendment Barcode _____
(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVNUUE SOUTH

Phone 727-897-9291

Street
SAINT PETERSBURG FLORIDA 33705
City State Zip

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: For Against Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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3/7/13 Meeting Date

Topic Support

Bill Number 7022 (if applicable)

Name Mat Forrest

Amendment Barcode (if applicable)

Job Title

Address 403 E. Park Street

Phone 850-577-0444

Tallahassee City State Zip

E-mail matorforrest@fl.com

Speaking: [X] For [] Against [] Information

Representing Florida Assoc. of Destination Markets

Appearing at request of Chair: [] Yes [] No

Lobbyist registered with Legislature: [X] Yes [] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/7/13 Meeting Date

Topic Intl Driver Permit

Bill Number 7022 (if applicable)

Name Leslie Dughi

Amendment Barcode (if applicable)

Job Title Governmental Consultant

Address Street

Phone

City State Zip

E-mail dughi@qta.com

Speaking: [X] For [] Against [] Information

Representing Enterprise, National, Alamo Rental Cars

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-7-13

Meeting Date

Topic International Driving Permits Bill Number SB 7022
(if applicable)

Name Karen MacFarlane Amendment Barcode _____
(if applicable)

Job Title _____

Address 309 Oaks Will Ct Phone 850-766-1026

Jalalanssee, Fl 32312 E-mail macFarlane, Karen
City State Zip @gmail.com

Speaking: For Against Information

Representing AAA

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-7

Meeting Date

Topic _____ Bill Number SB 1054
(if applicable)

Name Marc Dunbar Amendment Barcode _____
(if applicable)

Job Title _____

Address P.O. Box 351 Phone 850-933-8500

Tall., FL 32302 E-mail mdunbar@joneswalker.com
City State Zip

Speaking: For Against Information

Representing Fla. RV Trade Assoc.

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

Bill
TP'd

THE FLORIDA SENATE
APPEARANCE RECORD

Bill 1054

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-07-13

Meeting Date

Topic Commercial Diving Regs

Bill Number SB 1054
(if applicable)

Name Karen MacFarland

Amendment Barcode _____
(if applicable)

Job Title _____

Address 309 Oaks Wile Ct,

Phone 850-766-1026

Tallahassee, FL 32312
Street City State Zip

E-mail macfarland.karen@gmail.com

Speaking: For Against Information

Representing _____

Appearing at request of Chair: Yes No
Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/7/13

Meeting Date

Topic Mid-Bay Bridge Authority

Bill Number 1132
(if applicable)

Name Jim Vest

Amendment Barcode _____
(if applicable)

Job Title Executive Director

Address 4400 Hwy 20E Ste 403

Phone 850-897-1428

Niceville, FL 32578
Street City State Zip

E-mail jvest@mid-bay.com

Speaking: For Against Information

Representing Mid-Bay Bridge Authority

Appearing at request of Chair: Yes No
Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/7/13
Meeting Date

Topic Dept. of Transp.
Name Ryan Padgett
Job Title Asst. Gen. Counsel

Bill Number 1132
Amendment Barcode _____
(if applicable)

Address P.O. Box 1757
Street
Tallahassee FL 32302
City State Zip

Phone (904) 742-0360
E-mail rpadgett@flcities.com

Speaking: For Against Information

Representing Fla. League of Cities

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-7-13
Meeting Date

Topic Transportation
Name RICHARD GEATRY
Job Title _____

Bill Number SB 1132
Amendment Barcode _____
(if applicable)

Address 2305 BRAEBURN CIE.
Street
Tall. FL 32309
City State Zip

Phone 251-1837
E-mail _____

Speaking: For Against Information

Representing Escambia County

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/7/13
Meeting Date

Topic Transportation Package

Bill Number SB 1132
(if applicable)

Name Chris Snow

Amendment Barcode _____
(if applicable)

Job Title Senior Director of Government Relations

Address 1580 Waldo Palmer Lane
Street

Phone 321 474 9754

Tallahassee FL
City State Zip

E-mail csnow@spaceflorida.gov

Speaking: For Against Information

Representing Space Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

March-7-2013
Meeting Date

Topic Metered Parking

Bill Number SB 1132
(if applicable)

Name CHRIS Moya

Amendment Barcode 507082
(if applicable)

Job Title _____

Address 1400 Village Square Blvd. Ste 3251
Street

Phone 850 321 6692

Tallahassee Fl. 32312
City State Zip

E-mail _____

Speaking: For Against Information

Representing Miami Parking authority

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/7/13

Meeting Date

Topic Support Natural Bill SB 372 Bill Number SB 372
Name Chris Hansen Amendment Barcode _____
Job Title Gray Robinson PA

(if applicable)

(if applicable)

Address _____ Phone 850/577-9090
Street
Tallahassee FL 32301
City State Zip
E-mail Chansen@gray-robinson.com

Speaking: For Against Information

Representing Restaurant Depot

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/7/2012

Meeting Date

Topic _____ Bill Number 372
Name BRIAN PITTS Amendment Barcode _____
Job Title TRUSTEE

(if applicable)

(if applicable)

Address 1119 NEWTON AVNUE SOUTH Phone 727-897-9291
Street
SAINT PETERSBURG FLORIDA 33705
City State Zip
E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: For Against Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/17/2013

Meeting Date

Topic _____

Bill Number 402
(if applicable)

Name BRIAN PITTS

Amendment Barcode _____
(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH

Phone 727-897-9291

Street

SAINT PETERSBURG FLORIDA 33705

E-mail JUSTICE2JESUS@YAHOO.COM

City

State

Zip

Speaking: For Against Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/17/13

Meeting Date

Topic Homelessness

Bill Number 402
(if applicable)

Name FELY CURVA

Amendment Barcode _____
(if applicable)

Job Title Partner, Curva's Associates LLC

Address 1212 Piedmont Dr.

Phone (850) 508-2252

Street

Tallahassee FL 32312

E-mail Curva@mindspring.com

City

State

Zip

Speaking: For Against Information

Representing FL IMPACT & the Council of Churches

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3 / 7 / 2013

Meeting Date

Topic _____

Bill Number 638
(if applicable)

Name BRIAN PITTS

Amendment Barcode _____
(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH

Phone 727-897-9291

Street

SAINT PETERSBURG FLORIDA 33705

E-mail JUSTICE2JESUS@YAHOO.COM

City

State

Zip

Speaking: For Against Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3 / 7 / 13

Meeting Date

Topic Driver License Photos

Bill Number 5B 628
(if applicable)

Name Lisa Goodner

Amendment Barcode _____
(if applicable)

Job Title State Courts Administrator

Address 500 South Dural

Phone 850-922-5081

Street

Talle, FL 32399-1900

E-mail _____

City

State

Zip

Speaking: For Against Information

Representing State Courts System

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/7/13

Meeting Date

Topic Drive License Photos Bill Number SB 628
Name Eric Maclure Amendment Barcode
Job Title Intergov. Relations Director, State Courts Admin. Office
Address 500 South Dural St. Phone 850-922-5692
Tallahassee FL 32399 E-mail macluree@flcourts.org

Speaking: [X] For [] Against [X] Information

Representing State Courts System

Appearing at request of Chair: [] Yes [] No

Lobbyist registered with Legislature: [X] Yes [] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/7/2013

Meeting Date

Topic Bill Number 664
Name BRIAN PITTS Amendment Barcode
Job Title TRUSTEE
Address 1119 NEWTON AVNUE SOUTH Phone 727-897-9291
SAINT PETERSBURG FLORIDA 33705 E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: [] For [] Against [X] Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [] Yes [X] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/7/13
Meeting Date

Topic _____

Bill Number 954
(if applicable)

Name CHESTER STRAUB

Amendment Barcode _____
(if applicable)

Job Title EXECUTIVE DIRECTOR

Address 1050 W. NASA BLVD.

Phone 321-872-1050

Street
MELBOURNE FL 32901
City State Zip

E-mail CSTRAUB@TROA.ORG

Speaking: For Against Information

Representing TECHNOLOGICAL RESEARCH & DEVELOPMENT AUTHORITY

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/7/2013
Meeting Date

Topic _____

Bill Number 954
(if applicable)

Name BRIAN PITTS

Amendment Barcode _____
(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVNUUE SOUTH

Phone 727-897-9291

Street
SAINT PETERSBURG FLORIDA 33705
City State Zip

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: For Against Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/7/13 Meeting Date

Topic Support

Bill Number 7022 (if applicable)

Name Mat Forrest

Amendment Barcode (if applicable)

Job Title

Address 403 E. Park Street

Phone 850-577-0444

Tallahassee City State Zip

E-mail matorforrest@fl.com

Speaking: [X] For [] Against [] Information

Representing Florida Assoc. of Destination Markets

Appearing at request of Chair: [] Yes [] No

Lobbyist registered with Legislature: [X] Yes [] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/7/13 Meeting Date

Topic Intl Driver Permit

Bill Number 7022 (if applicable)

Name Leslie Dughi

Amendment Barcode (if applicable)

Job Title Governmental Consultant

Address Street

Phone

City State Zip

E-mail dughi@qta.com

Speaking: [X] For [] Against [] Information

Representing Enterprise, National, Alamo Rental Cars

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-7-13

Meeting Date

Topic International Driving Permits Bill Number SB 7022
(if applicable)

Name Karen MacFarlane Amendment Barcode _____
(if applicable)

Job Title _____

Address 309 Oaks Will Ct Phone 850-766-1026

Jalalanssee, Fl 32312 E-mail macFarlane, Karen
City State Zip @gmail.com

Speaking: For Against Information

Representing AAA

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-7

Meeting Date

Topic _____ Bill Number SB 1054
(if applicable)

Name Marc Dunbar Amendment Barcode _____
(if applicable)

Job Title _____

Address P.O. Box 351 Phone 850-933-8500

Tall., FL 32302 E-mail mdunbar@joneswalker.com
City State Zip

Speaking: For Against Information

Representing Fla. RV Trade Assoc.

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

Bill
TP'd

THE FLORIDA SENATE
APPEARANCE RECORD

Bill 1054

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-07-13

Meeting Date

Topic Commercial Diving Regs

Bill Number SB 1054
(if applicable)

Name Karen MacFarland

Amendment Barcode _____
(if applicable)

Job Title _____

Address 309 Oaks Wile Ct,

Phone 850-766-1026

Tallahassee, FL 32312
Street City State Zip

E-mail macfarland.karen@gmail.com

Speaking: For Against Information

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/7/13

Meeting Date

Topic Mid-Bay Bridge Authority

Bill Number 1132
(if applicable)

Name Jim Vest

Amendment Barcode _____
(if applicable)

Job Title Executive Director

Address 4400 Hwy 20E Ste 403

Phone 850-897-1428

Niceville, FL 32578
Street City State Zip

E-mail jvest@mid-bay.com

Speaking: For Against Information

Representing Mid-Bay Bridge Authority

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/7/13
Meeting Date

Topic Dept. of Transp.
Name Ryan Padgett
Job Title Asst. Gen. Counsel

Bill Number 1132
Amendment Barcode _____
(if applicable)

Address P.O. Box 1757
Street
Tallahassee FL 32302
City State Zip

Phone (904) 742-0360
E-mail rpadgett@flcities.com

Speaking: For Against Information

Representing Fla. League of Cities

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-7-13
Meeting Date

Topic Transportation
Name RICHARD GENTRY
Job Title _____

Bill Number SB 1132
Amendment Barcode _____
(if applicable)

Address 2305 BRAEBURN CIE.
Street
Tall. FL 32309
City State Zip

Phone 251-1837
E-mail _____

Speaking: For Against Information

Representing Escambia County

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/7/13
Meeting Date

Topic Transportation Package
Name Chris Snow
Job Title Senior Director of Government Relations

Bill Number SB 1132 (if applicable)
Amendment Barcode _____ (if applicable)

Address 1580 Waldo Palmer Lane
Tallahassee FL
City State Zip

Phone 321 474 9754
E-mail csnow@spaceflorida.gov

Speaking: For Against Information

Representing Space Florida

Appearing at request of Chair: Yes No
Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting. S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

March-7-2013
Meeting Date

Topic Metered Parking
Name CHRIS Moya
Job Title _____

Bill Number SB 1132 (if applicable)
Amendment Barcode 507082 (if applicable)

Address 1400 Village Square Blvd. Ste 3251
Tallahassee Fl. 32312
City State Zip

Phone 850-321-6692
E-mail _____

Speaking: For Against Information

Representing Miami Parking authority

Appearing at request of Chair: Yes No
Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting. S-001 (10/20/11)

CourtSmart Tag Report

Room: LL 37

Case:

Type:

Caption: Senate Transportation

Judge:

Started: 3/7/2013 10:30:08 AM

Ends: 3/7/2013 12:25:28 PM Length: 01:55:21

10:30:11 AM Meeting called to order - Vice Chair, Senator Margolis in the Chair
10:30:18 AM Roll call - Quorum present
10:30:36 AM SB 664 presented by Senator Simmons
10:32:44 AM Senator Clemens with question on bill
10:32:55 AM Response by Senator Simmons
10:33:30 AM SB 664 Adopted
10:34:29 AM SB 372 by Senator Latvala - presented by Jennifer Wilson, Legislative Assistant
10:35:15 AM Chris Hansen, Restaurant Depot, in support of bill
10:35:35 AM SB 372 - adopted
10:36:04 AM SB 402, by Senator Joyner, Homelessness
10:36:29 AM Amendment Barcode # 885432 - adopted
10:36:57 AM In support of bill - Fely Curva, Florida. Impact and the Council of Churches
10:37:20 AM SB 402 - adopted
10:37:41 AM SB 628 - By Senator Joyner, Driver Licenses
10:38:23 AM Chair Margolis comments
10:38:32 AM In Support of SB 628 - Eric Maclure, State Courts System; Brian Pitts, Justice -2-Jesus; Lisa Goodner, State Courts System
10:38:56 AM SB 628 - adopted
10:39:20 AM SB 954 - by Senator Gardiner, Drivers Licenses, presented by Gina Herron, Leg. Assistant
10:40:20 AM In Support of SB 954, Brian Pitts, Justice - 2- Jesus; Chester Straus, ED, Technological Research & Dev. Authority
10:40:34 AM SB 954 - adopted
10:40:46 AM Senator Evers - would like to be recorded as a yes vote for SB 664
10:41:11 AM SPB - 7022 - Sen. Transportation
10:41:32 AM Senator Lee Moves to take up bill SPB 7022
10:41:47 AM Staff Director - Kurt Eichin speaking on bill
10:42:47 AM Question by Senator Garcia and response by Kurt Eichin
10:42:57 AM Senator Margolis comments
10:43:49 AM Karen MacFarlane, AAA, to speak on the bill
10:44:52 AM Matt Forrest, National Association of Destination Marketers
10:45:17 AM Senator Garcia question on bill
10:45:49 AM Matt Montgomery, DHSMV, in response to question by Senator Garcia
10:46:47 AM Senator Garcia in response
10:47:27 AM Chair Margolis comments
10:47:34 AM Matt Montgomery in response to Senator Garcia
10:47:57 AM Senator Thompson in response
10:48:23 AM Matt Montgomery in response to Senator Thompson
10:48:39 AM Senator Thompson in response
10:48:59 AM Matt Montgomery in response to Senator Thompson
10:49:39 AM Senator Thompson question to Matt Montgomery
10:49:58 AM Matt Montgomery in response to Senator Thompson

10:50:35 AM Chair
10:50:39 AM Roll call for SB 7022- adopted
10:50:59 AM SPB 7020 - Motion by Senator Lee to bring up SPB 7020
10:51:27 AM Senator Diaz de la Portilla wants to be reported as yes on all previous bills taken up
10:51:44 AM Kurt Eichin, Staff Director to present SPB 7020
10:52:40 AM Senator Joyner question on SPB 7020
10:52:50 AM Kurt Eichin in response
10:53:01 AM Senator Joyner
10:53:29 AM Roll Call on SPB 7020 - adopted
10:53:54 AM SB 750 - Senator Brandes- Chris Spencer, Leg. Asst. to present the bill
10:54:32 AM Chair Margolis comments
10:54:39 AM SB 750 roll call on bill - adopted
10:55:05 AM SB 766 by Senator Brandes - presented by Chris Spencer, Leg. Assistant
10:55:49 AM Roll Call S 766- adopted
10:55:51 AM Chair Margolis comments
10:56:06 AM SB 1054 – Temporarily Postponed
10:56:14 AM Chair Margolis - calls short recess
10:57:07 AM Recording Paused
11:02:44 AM Recording Resumed
11:02:56 AM Chair Margolis comments
11:03:21 AM SB 1132 - by Senator Brandes - Department of Transportation Package
11:03:45 AM Kurt Eichin, Staff Director to present the bill
11:07:23 AM Chair Margolis comments
11:07:43 AM Secretary Ananth Prasad, FDOT, on Space Florida language
11:08:31 AM Senator Joyner question to the Secretary Prasad
11:09:03 AM Secretary Prasad in response to Senator Joyner
11:09:16 AM Senator Joyner to Secretary
11:11:56 AM Senator Lee question of Secretary
11:12:18 AM Chris Snow, Space Florida to response to Senator Lee
11:12:31 AM Chris - Space Florida to Senator Lee
11:13:18 AM Senator Lee comments
11:15:02 AM Chris Snow in response
11:15:07 AM Secretary Prasad in response
11:15:32 AM Senator Joyner - question
11:16:05 AM Secretary Prasad in response to Senator Joyner
11:16:38 AM Secretary in response to Senator Joyner
11:17:04 AM Senator Joyner comments
11:17:32 AM Chris Snow in response to Senator Joyner
11:17:46 AM Senator Joyner comments
11:18:35 AM Chris Snow in response to Senator Joyner
11:19:13 AM Chair Margolis comments
11:19:20 AM Senator Richter to Secretary Margolis
11:19:32 AM Secretary in response to Senator Richter
11:19:41 AM Senator Richter comments
11:19:48 AM Secretary in response
11:19:59 AM Senator Clemens - comments
11:20:37 AM Senator Joyner - Question
11:22:07 AM Secretary in response
11:22:12 AM Senator Joyner comments
11:22:38 AM Secretary in response
11:23:26 AM Senator Joyner comments
11:24:05 AM Secretary - comments

11:24:26 AM Senator Lee with question
11:27:12 AM Secretary in response to Senator Lee
11:27:33 AM Chris Snow - comment on language in the bill
11:28:09 AM Chair Margolis to the Secretary
11:28:16 AM Secretary Prasad comments
11:34:29 AM Chair Margolis comments
11:34:40 AM Senator Clemens comments
11:34:51 AM Senator Diaz de la Portilla comments
11:35:19 AM Secretary Prasad comments
11:36:20 AM Chair Margolis to Secretary Prasad
11:37:33 AM Secretary Prasad comments
11:40:00 AM Senator Richter comments
11:40:39 AM Secretary - comments
11:45:13 AM Senator Joyner - question to the Chair
11:47:33 AM Chair to Senator Joyner
11:48:14 AM Senator Richter with comments
11:49:06 AM Senator Diaz de la Portilla to the Chair
11:50:05 AM Chair Margolis comments
11:50:27 AM Amendments on SB 1132 by Senator Brandes
11:50:36 AM Barcode # 439862 by Senator Brandes presented by Chris Spencer
11:51:36 AM Senator Lee with question on amendment
11:52:12 AM Secretary Ananth Prasad, FDOT - with comments
11:53:05 AM Senator Lee question to Secretary
11:53:22 AM Secretary to respond to Senator Lee
11:53:25 AM Chair on amendment Barcode 439862 - adopted
11:53:36 AM Barcode # 167046 by Senator Brandes, presented by Chris Spencer, Legislative Assistant
11:54:35 AM Chair Margolis with comments
11:54:40 AM Senator Clemens, question of amendment
11:55:03 AM Secretary Prasad responds to Senator Clemens
11:55:30 AM Senator Lee - comments
11:56:15 AM Secretary Prasad responds to Senator Lee
11:56:47 AM Chair Margolis on amendment Barcode 167046- adopted
11:57:03 AM Barcode # 185716 by Senator Brandes, presented by Chris Spencer, Leg. Assistant
11:57:29 AM Senator Joyner on amendment
11:57:46 AM Secretary Prasad to Senator Joyner
11:58:30 AM Chair Margolis on amendment -Barcode 185716- adopted
11:59:19 AM Barcode # 507082
11:59:20 AM Chair Margolis on Substitute. Amendment to discuss later
11:59:25 AM Amendment Barcode #584336 by Senator Brandes
11:59:39 AM Barcode 584336 - adopted
11:59:40 AM Barcode - #302118
11:59:56 AM Chris Spencer to amendment
12:00:57 PM Amendment Barcode #302118 - adopted
12:01:01 PM Amendment Barcode # 430408
12:01:57 PM Barcode 430408 adopted
12:02:43 PM Late filed - Substitute Amendment for Barcode # 507082 by Senator Margolis
12:03:13 PM Chair on Late filed substitute amendment to Barcode 507082 - substitute amendment adopted
12:03:30 PM Barcode #507082 - adopted
12:04:07 PM Chris Moya, Miami Parking Authority, on the amendment
12:04:49 PM Chris Snow - Support on bill

12:05:02 PM Richard Gentry, Escambia County
12:06:49 PM Senator Joyner question to Richard Gentry
12:07:05 PM Richard Gentry in response to Senator Joyner
12:07:37 PM Senator Joyner in response
12:07:51 PM Richard Gentry in response
12:08:14 PM Ryan Padgett, Fla. League of Cities on concerns for parking meters
12:09:10 PM Jim Vest, Mid-Bay Bridge Authority, Section 27 of the bill
12:12:21 PM Senator Joyner with question
12:13:39 PM Jim Vest address question of Senator Joyner
12:14:39 PM Chair Margolis with comments
12:14:47 PM Secretary Prasad comments
12:15:39 PM Senator. Evers with question to Secretary
12:16:49 PM Senator Evers with question
12:17:14 PM Secretary to Senator Evers
12:17:37 PM Senator Evers with question
12:18:15 PM Secretary Prasad in response
12:18:22 PM Chair Margolis recognizes Chair Brandes
12:18:55 PM Senator Brandes to close on SB 1132
12:20:32 PM Chair Margolis comments
12:20:50 PM Senator Joyner comments
12:23:23 PM Senator Lee comments
12:24:43 PM Roll Call for SB 1132 - adopted
12:25:06 PM Chairman Brandes in Chair with closing comments
12:25:12 PM Senator Lee moves to rise. Meeting adjourned