

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

TRANSPORTATION
Senator Brandes, Chair
Senator Margolis, Vice Chair

MEETING DATE: Thursday, January 16, 2014
TIME: 9:00 —11:00 a.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
Consideration of proposed committee bill:			
1	SPB 7012	Department of Transportation; Repealing provisions relating to load limits for certain towed vehicles; authorizing the department to fund strategic airport investments; prohibiting the department from entering into a lease-purchase agreement with certain transportation authorities; revising the uses of fees generated from Alligator Alley tolls to include the cost of design and construction of a fire station that may be used by certain local governments and certain related operating costs; requiring the Department of Transportation to include funding for environmental mitigation for projects in its work program, etc.	Submitted as Committee Bill Yeas 7 Nays 0
2	SB 392 Brandes / Clemens	State Speed Zones; Raising the maximum allowable speed limit on certain highways; increasing the maximum allowable speed limit on roadways under the jurisdiction of the Department of Transportation, etc. TR 01/16/2014 Favorable CA AP	Favorable Yeas 6 Nays 1
3	Presentation by the Florida Department of Transportation: Electronic Toll Collection - Implementation and Practices		Presented
4	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: SPB 7012

INTRODUCER: For consideration by the Transportation Committee

SUBJECT: Department of Transportation

DATE: January 16, 2014

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Price	Eichin		Submitted as a committee bill

I. Summary:

SPB 7012 makes a number of revisions to statutes addressing the functions and responsibilities of the Florida Department of Transportation (FDOT). The bill:

- authorizes the FDOT to fund up to 100 percent of strategic airport investment projects under specified conditions;
- revises various provisions relating to mitigation for environmental impacts of transportation projects;
- prohibits the FDOT from entering into any lease-purchase agreements with any expressway authority, regional transportation authority, or other entity and preserves existing lease-purchase agreements;
- revises provisions relating to the uses of tolls collected on Alligator Alley to include the operation of a fire station and revises provisions relating to the transfer of excess toll revenues used in Everglades restoration;
- revises provisions relating to FDOT purchases of plant materials for roadside landscaping to allow compliance with federal law;
- allows a federally-approved higher weight to be used in calculating whether a vehicle equipped with idle-reduction technology is overweight;
- revises provisions relating to water management district public information systems to address federal law issues;
- makes technical changes; and
- repeals obsolete statutory provisions.

II. Present Situation:

Strategic Airport Investment

Section 332.007, F.S., requires the FDOT to prepare and continuously update an aviation and airport work program that separately identifies development projects and discretionary capacity improvement projects. "Development project" is defined in short as "...any activity associated with the design, construction, purchase, improvement, or repair of a public-use airport or portion

thereof....”¹ “Discretionary capacity improvement projects” are defined in short as “capacity improvements ... which enhance intercontinental capacity at [specified] airports....”²

Subject to the availability of appropriated funds, FDOT is authorized to participate in the capital cost of eligible public airport and aviation development projects, unless otherwise directed as specified, at percentage rates that vary depending on factors such as available federal funding. The 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, again at percentage rates that vary. The FDOT notes that the Legislature created a Strategic Investment Initiative within its Seaport Office during the 2012 Legislative Session and that the FDOT does not have a similar investment initiative or authority for the Aviation Program.

Environmental Mitigation for Transportation Projects

Under s. 373.4137, F.S., the FDOT and participating transportation authorities offset adverse environmental impacts of transportation projects through the use of mitigation banks and other mitigation options, including the payment of funds to the water management districts (WMDs) to develop and implement mitigation plans. The mitigation plan is developed by the WMDs and is ultimately approved by the DEP. The ability to exclude a project from the mitigation plan is provided to the FDOT, a participating transportation authority, or a WMD.

In 2012, HB 599 modified s. 373.413, F.S., to reflect that adverse impacts may be offset by the use of mitigation banks or the payment of funds to develop and implement mitigation plans. The mitigation plan is based on an environmental impact inventory that is created by the FDOT and reflects habitats that would be adversely impacted by transportation projects listed in the next three years of the FDOT’s tentative work program. The FDOT provides funding in its work program to the DEP or the WMDs for its mitigation requirements. To fund the programs, the statute directs the FDOT and the authorities to pay \$75,000 per impacted acre, adjusted by a calculation using the Consumer Product Index (CPI).³

Under s. 373.4137, F.S., mitigation plans developed by the WMDs must consider water resource needs and focus on activities in wetlands and surface waters, including preservation, restoration and enhancement, as well as control of invasive and exotic vegetation. The WMDs must also consider the purchase of credits from public and private mitigation banks if the purchase provides equal benefit to water resources and is the most cost effective option. Before transportation projects are added to the WMDs mitigation plans, the FDOT must consider if using mitigation bank credits will be more cost-effective and efficient. The WMD mitigation plans are updated annually to reflect the most recent FDOT work program and transportation authority project list and may be amended throughout the year. The mitigation plans are submitted to the governing board of the WMD or its designee for approval, and to the DEP for final approval.⁴

¹ Section 332.004(4), F.S.

² Section 332.004(5), F.S.

³ See s. 373.4137, F.S.

⁴ *Id.*

The FDOT and the participating expressway authorities are required to transfer funds each year to pay for mitigation of the projected impact acreage resulting from projects identified in the inventory. The projected impact acreage and costs are reconciled quarterly with the actual impact acreage, and the costs and balances are adjusted.⁵

Section 373.4137, F.S., provides for exclusion of specific transportation projects from the mitigation plan at the discretion of the FDOT, participating transportation authorities, and the WMDs.

Lease-purchase Agreements

In addition to the FDOT, various authorities are currently operating toll facilities and collecting and reinvesting toll revenues. Aside from Florida's Turnpike Enterprise (which is part of the 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 the 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 the FDOT, and a bridge authority established by special act of the Legislature is similarly authorized. The FDOT has entered into lease-purchase agreements with some, but not all, of these authorities.

The FDOT is authorized to enter these agreements by s. 334.044, F.S. Additionally, s. 339.08(1)(g), F.S., allows the 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. The FDOT pays such costs using funds from the State Transportation Trust Fund (STTF).

In a typical lease-purchase agreement between the FDOT and a toll authority, the FDOT, as lessee, agrees to pay the O&M (which usually includes replacement and renewal, or the 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 the FDOT would retain all revenues collected, as well as the O&M responsibility.

As required by existing agreements, the FDOT paid \$8.5million in the O&M expenses in FY 2012-2013 and an additional \$38.4 million in the 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 the FDOT. When the O&M and the 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 the FDOT. As of June 30, 2013, debt owed to FDOT from various toll authorities for expenses paid totaled approximately \$451.8 million.⁶

Alligator Alley

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

⁵ *Id.*

⁶ The FDOT email, October 22, 2013, on file in the Senate Transportation Committee.

development and operation of a fire station at mile marker 63, *may* be transferred to the South Florida Water Management District (SFWMD) Everglades Fund for specified projects.

The FDOT advises, based on Collier County projections, that operation of the fire station is expected to begin in County FY 2014-2015 (October 2014).⁷ The FDOT finance plan for the Alligator Alley supports the funding levels requested by the county, but the funding is not currently in the adopted work program. The FDOT and the county are still renegotiating the agreement. The funding levels requested by the county for operation of the fire station are:⁸

FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17	FY 2018-19
\$3,169,760	\$1,447,500	\$1,447,500	\$1,447,500	\$1,447,500

With respect to transfers to the SFWMD for use in Everglades restoration, the FDOT and the SFWMD entered into a memorandum of understanding on June 30, 1997,⁹ under which the FDOT agreed to a schedule of payments to the SFWMD totaling \$63,589,000. The agreement terminates upon the FY 2016-17 payment. The FDOT expects to be able to meet its obligations under the current payment schedule by Fiscal Year 2016 as follows:¹⁰

FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17
\$4,400,000	\$4,400,000	\$8,600,000	\$7,064,000

The agreement further provides that prior to its expiration, the FDOT and the 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.,¹¹ and the continuing costs of the Everglades restoration projects.

Federal Issues

Control of Outdoor Advertising/WMD Public Information Systems

Since the passage of the Highway Beautification Act (HBA) in 1965, the Federal Highway Administration (FHWA) has established controls for outdoor advertising along Federal-aid Primary, Interstate, and National Highway System roads. The HBA allows the location of billboards in commercial or industrial areas, mandates a state compliance program, requires the development of state standards, promotes the expeditious removal of illegal signs, and requires just compensation for takings.

⁷ The 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.

⁸ The FDOT email, January 2, 2014, on file in the Senate Transportation Committee.

⁹ On file in the Senate Transportation Committee.

¹⁰ The FDOT email, January 2, 2014, on file in the Senate Transportation Committee.

¹¹ 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.

The HBA mandates state compliance and the development of standards for certain signs as well as the removal of nonconforming signs. While the states are not directly forced to control signs, failure to impose the required controls can result in a substantial penalty. The penalty for noncompliance with the HBA is a 10 percent reduction of the state's annual federal-aid highway apportionment.¹²

Under the provisions of a 1972 agreement between the State of Florida and the U.S. Department of Transportation (USDOT)¹³ incorporating the HBA's required controls, the FDOT requires commercial signs to meet certain requirements when they are within a "controlled area": *i.e.*, within 660 feet of Interstate and Federal-Aid Primary highways in urban areas, or visible at any distance from the same roadways when outside of urban areas. The agreement embodies the federally-required "effective control of the erection and maintenance of outdoor advertising signs, displays, and devices." Absent this effective control, the non-compliance penalty of 10 percent of federal highway funds may be imposed. Florida's outdoor advertising laws are found in ch. 479, F.S., and are based on federal law and regulations and the 1972 agreement. Compliance with the provisions of ch. 479, F.S., ensures that the state remains in effective control of outdoor advertising as required by the HBA.

The federal-state agreement and s. 479.07, F.S., with limited exception, prohibit a person from erecting, operating, using, or maintaining any sign on the State Highway System outside an urban area or on any portion of the interstate or federal-aid primary highway system¹⁴ without first obtaining a permit for the sign and paying an annual fee. Certain signs, commonly referred to as "on-premise" signs, are expressly exempted by s. 479.16, F.S., from the requirement to obtain a permit, if the signs comply with the provisions of s. 479.11(4)-(8), F.S. However, that section expressly specifies that the following types of messages shall not be considered information regarding government services, activities, events, or entertainment:

- Messages which specifically reference any commercial enterprise;
- Messages which reference a commercial sponsor of any event;
- Personal messages; and,
- Political campaign messages.

SB 1986 (2012 Regular Session) created s. 373.618, F.S., authorizing public information systems to be located on property owned by WMDs when certain terms and conditions are met. The system must display messages to the general public concerning water management services, activities, events, and sponsors, as well as other public service announcements, including watering restrictions, severe weather reports, amber alerts, and other essential information needed by the public. The law expressly prohibits use of WMD funds to pay the cost to acquire, develop, construct, operate, or manage a public information system and requires that any necessary funds for a public information system be paid for and collected from private sponsors who may display commercial messages.

¹² 23 U.S.C. § 131(b)

¹³ Copy on file in the Senate Transportation Committee.

¹⁴ Also includes the national highway system pursuant to 23 U.S.C. 131(t) and s. 479.01(9), F.S.

To the extent that any WMD public information system is not located within a “controlled area,” the provisions of s. 373.618, F.S., have no effect resulting from the requirements of ch. 479, F.S. However, to the extent that any public information system is located within a “controlled area” and contains commercial messages or corporate sponsorship, such system violates both the federal-state agreement and provisions of ch. 479, F.S., which potentially subjects the FDOT to an annual loss of 10% of federal highway funding as a result of loss of control of outdoor advertising.

Plant Purchases for Roadside Landscaping

The FDOT is responsible for enhancing environmental benefits, preventing roadside erosion, conserving natural roadside growth and scenery, and providing for the implementation and maintenance of roadside conservation, enhancement, and stabilization programs.¹⁵ The FDOT is required to purchase all plant materials from Florida commercial nursery stock on a uniform competitive basis. This provision conflicts with federal requirements that specify a state transportation department cannot require the use of materials produced in state or restrict the use of materials produced out of state.¹⁶ Failure to comply with federal requirements for purchases of plant material for roadside landscaping may subject the FDOT to a significant federal funds penalty, generally 10 percent of annual highway construction funds.¹⁷

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 idle reduction technology (“auxiliary power units” or “APUs”)¹⁸ 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 idle 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.

Technical/Obsolete Language Issues

Toll Collection/Interoperable Facilities

During the 2012 Legislative Session, the Legislature passed both HB 599 and SB 1998, and both contained language relating to the FDOT authority to enter into agreements with public or private transportation facility owners (whose systems become interoperable with the FDOT’s systems) for the use of the FDOT systems to collect and enforce for the owner tolls, fares,

¹⁵ See s. 334.044(26), F.S.

¹⁶ See 23 C.F.R. s. 635.409.

¹⁷ See 23 U.S.C. s. 131(b).

¹⁸ 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).

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.

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 to comply with federal requirements and avoid a potential federal funds penalty. During the same session, s. 316.550(5), F.S., was passed to authorize the FDOT to issue such overweight permits.¹⁹ 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 been enforced since that time.

Toll Facilities Revolving Trust Fund

The Legislature repealed s. 338.251, F.S., during the 2012 Legislative Session.²⁰ 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. Two references to the now repealed trust fund remain in statute.

III. Effect of Proposed Changes:

Strategic Airport Investment, Section 3

Subsection (10) of s. 332.007, F.S., is created to authorize the FDOT to fund, at up to 100 percent of the project's cost, strategic airport investment projects that:

- provide important access and on-airport capacity improvements;
- provide capital improvements that 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 of available matching funds.

Projects meeting the new criteria become eligible for 100% funding of the project's costs, rather than a lower percentage rate.

¹⁹ 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.

²⁰ Ch. 2012-128, L.O.F.

Environmental Mitigation for Transportation Projects, Section 9

Section 373.4137, F.S., is amended to provide that mitigation take place in a manner that promotes efficiency, timeliness in project delivery, and cost-effectiveness. The following is required for the development of environmental impact inventories for transportation projects proposed by the FDOT or a transportation authority:

- The FDOT must submit an environmental impact inventory of habitat impacts and the anticipated mitigation needed to offset the impacts to the WMDs by July 1, and may include the anticipated amount of mitigation needed for future projects; and
- The environmental impact inventory must include the anticipated mitigation needed based on the Uniform Mitigation Assessment Method (UMAM) adopted in chapter 62-345, Florida Administrative Code, and must identify the proposed mitigation option.

The FDOT is required to consider using credits from a permitted mitigation bank before projects are identified for inclusion in a WMD plan, taking into account specified factors, including but not limited to the ability to satisfy state and federal requirements, maintenance, and liability.

The FDOT is authorized to implement the mitigation option identified in the environmental impact inventory by:

- purchasing credits for current and future use directly from a mitigation bank;
- purchasing mitigation services through the WMDs or the DEP;
- conducting its own mitigation; or
- using other mitigation options that meet state and federal requirements.

Funding for the identified mitigation option in the inventory must be included in the FDOT's work program under s. 339.135, F.S. The amount programmed each year must correspond to an estimated cost of \$150,000 per mitigation credit, multiplied by the projected number of credits identified in the inventory. The estimated cost per credit will be adjusted every two years by the FDOT based on the average cost per UMAM credit.

For mitigation implemented by the WMDs or the DEP, the amount paid each year must be based on mitigation services provided by the WMD or the DEP pursuant to an approved WMD mitigation plan. The WMDs or the DEP may request payment no sooner than 30 days before the date the funds are needed.

Each quarter, the projected amount of mitigation must be reconciled with the actual amount of mitigation needed for projects as permitted. The programming of funds must be adjusted to reflect the mitigation as permitted.

The FDOT may use the associated funds for the purchase of mitigation bank credits or any other mitigation option that satisfies the requirements if the WMD:

- excludes a project from an approved WMD mitigation plan;
- cannot timely permit a mitigation site to offset the impacts of an FDOT project identified in the inventory; or if
- the proposed mitigation does not meet state and federal requirements.

The WMD or the DEP, as appropriate, has continuing responsibility for the mitigation project upon final payment for mitigation as permitted, and FDOT's or the participating transportation authority's obligation is satisfied.

Each WMD or the DEP is required to invoice the FDOT for mitigation services to offset only the impacts of an FDOT project identified in the inventory, beginning with the March 2015 WMD plans. If the WMD identifies the use of mitigation bank credits to offset an FDOT impact, the WMD must exclude that purchase from the mitigation plan and the FDOT must purchase the bank credits.

For mitigation activities occurring on existing WMD or DEP mitigation sites initiated with FDOT mitigation funds prior to July 1, 2013, the WMD or the DEP is required to invoice FDOT at \$75,000 per acre multiplied by the projected acres of impact. The cost per acre must be adjusted by a calculation using the CPI.

The WMD must maintain records of the costs incurred including:

- land acquisition;
- design and construction;
- staff support, long-term maintenance and monitoring of the mitigation site; and
- other costs necessary to meet federal requirements pursuant to 33 U.S.C. s. 1344 and 33 C.F.R. s. 332.

For purposes of preparing and implementing the mitigation plans to be adopted by the WMDs on or before March 1, 2014, the funds identified in the FDOT's work program or participating transportation authorities' escrow accounts are required to correspond to \$75,000 per acre multiplied by the projected acres of impact, adjusted by the CPI. The WMD must maintain records of the costs incurred in implementing the mitigation. If moneys paid to a WMD exceed the amount spent by the WMD to implement the mitigation, the funds must be refunded to the FDOT or the participating transportation authority. This provision expires June 30, 2015.

Each WMD is required annually by March 1 to develop a plan to offset only the impacts of transportation projects in the inventory for which a WMD is implementing mitigation. The WMD plan must:

- identify the site where the WMD will mitigate;
- identify the scope of the mitigation activities at each mitigation site;
- identify the functional gain at each mitigation site as determined using the UMAM;
- describe how the mitigation offsets the impacts of each transportation project as permitted; and
- provide a schedule for the mitigation services.

Again, the WMD must maintain records of costs incurred and payments received and refund to the FDOT or the participating transportation authority moneys that exceed the amount spent by the WMD to implement the mitigation.

The mitigation plan must be submitted to the WMD's governing board for review and approval. The WMD must provide a copy of the draft mitigation plan to the DEP and any person

requesting a copy at least 14 days before governing board approval. The plan may not be implemented until it is subsequently approved by the DEP.

The requirement that the mitigation plan must include an explanation of why a mitigation bank was or was not chosen as a mitigation option for each transportation project with a funding request for the next fiscal year is removed.

The FDOT or a participating authority is prohibited from excluding a transportation project from the mitigation plan if mitigation is scheduled for implementation by the WMD in the current fiscal year, unless:

- the transportation project is removed from the FDOT's work program or a transportation authority's funding plan;
- the mitigation cannot be timely permitted to offset the impacts of an FDOT project identified in the inventory; or
- the proposed mitigation does not meet state and federal requirements.

If a project is removed from the work program or the mitigation plan, costs incurred by the WMD prior to removal are eligible for reimbursement by the FDOT or the participating authority.

The FDOT is required to exclude a project from the mitigation plan when the FDOT's investigation concludes that using mitigation credits promotes efficiency, timeliness in project delivery, cost effectiveness, and transfer of liability for success and long-term maintenance.

The WMDs are required to comply with specified federal permitting requirements in developing and implementing the mitigation plan. To the WMDs' authority to deviate from the approved mitigation plan during the federal permitting process in order to comply with federal permitting requirements is added the requirement to provide notice to and coordinate with the FDOT or the participating transportation authority. The FDOT must consider mitigation banks and other available mitigation options before amending the mitigation plan to include new projects.

Lease-purchase Agreements, Section 4

Subsection (16) of s. 334.044, F.S., is amended to prohibit the FDOT from entering into any lease-purchase agreement with any expressway authority, regional transportation authority or other entity effective July 1, 2014. The bill preserves specified agreements existing as of July 1, 2013, and expressly does not limit the FDOT's authority under s. 334.30, F.S., relating to public-private transportation facilities.

Alligator Alley, Section 6

Section 338.26, F.S., is amended to:

- remove the obligation of Alligator Alley excess toll revenues to indefinitely operate and maintain the fire station at mile marker 63;
- authorize use of such revenues to reimburse a county or another local governmental entity for the direct actual costs of operating such fire station by interlocal agreement effective July 1, 2014, through no later than June 30, 2017;
- limit the transfer of annual excess revenues to SFWMD to that which is agreed upon in the June 30, 1997, memorandum of understanding; and

- remove the SFWMD's authority to issue bonds or notes that pledge the excess toll revenues from the transfer.

Federal Issues:*Control of Outdoor Advertising/WMD Public Information Systems, Section 10*

Section 373.618, F.S., is amended to subject WMD public information systems to local government review or approval and to the provisions of ch. 479, F.S., to avoid a potential annual penalty of 10% of federal highway funds.

Plant Purchases for Roadside Landscaping, Section 4

Subsection (26) of s. 334.044, F.S., is amended to provide that the FDOT purchase all plant materials from Florida commercial nursery stock in this state on a uniform competitive bid basis, except as prohibited by applicable federal law or regulation. This revision will ensure compliance with federal regulation and avoid a potential penalty of 10% of federal highway funds.

Commercial Motor Vehicles/Auxiliary Power Units, Section 2

Section 316.545(3)(c), F.S., is amended to increase from 400 to 550 pounds the authorized weight to be used in calculating a fine for an overweight vehicle equipped with fully functional APUs, as authorized by federal law, thereby reducing a potential fine by \$7.50.

Technical/Obsolete Language Issues*Toll Collection/Interoperable Facilities, Section 5*

Section 338.161(5), F.S., is amended to replace the potentially ambiguous language regarding agreements for use of the 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.

Wrecker Permits/Disabled Vehicles, Section 1

Section 316.530(3), F.S., is repealed to remove obsolete language authorizing wreckers to tow disabled vehicles without a special use permit when the combination of wrecker and towed vehicle are over the legal weight, as the authorization has been superseded by subsequent enactment of state law to the contrary, in accordance with federal requirements.

Toll Facilities Revolving Trust Fund, Sections 7 and 8

Sections 343.82(3)(d) and 343.922(4), F.S., are amended to remove references to the previously repealed Toll Facilities Revolving Trust Fund.

The bill takes effect July 1, 2014.

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:

Section 2

The increased allowable weight of APUs decreases the potential fine for a commercial motor vehicle overweight violation by \$7.50.

Section 4

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 9

Private mitigation banks may experience increased opportunities for participation in mitigation of transportation project environmental impacts.

C. Government Sector Impact:

Section 2

The increased allowable weight of APUs decreases the potential fine for a commercial motor vehicle overweight violation by \$7.50.

Section 4

A potential annual penalty of 10% of federal highway funds resulting from a violation of federal law prohibiting in-state preferences when purchasing plant materials for roadside projects is eliminated.

Section 6

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

Section 9

The FDOT expects a positive fiscal impact because:

- mitigation will be based upon actual environmental impacts, rather than impact acres;
- mitigation implemented by the WMDs will be based upon actual costs, rather than a CPI-adjusted cost; and
- mitigation bank purchases will be conducted through the competitive bid process.

The costs to mitigate for the environmental impacts of transportation projects are included in the FDOT work program budget submitted annually to the Legislature for approval.

Section 10

A potential annual penalty of 10% of federal highway funds resulting from a loss of control of outdoor advertising due to WMD public information systems within “controlled areas” in violation of federal law is eliminated.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 316.545, 332.007, 334.044, 338.161, 338.26, 343.82, 343.922, 373.4137, and 373.618.

This bill repeals the following sections of the Florida Statutes: 316.530(3).

IX. Additional Information:**A. Committee Substitute – Statement of 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.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/16/14

Meeting Date

Topic Transplantation Bill Number SPB 7012 (if applicable)

Name Leticia M Adams Amendment Barcode _____ (if applicable)

Job Title Senior Policy Director

Address 136 S. Bronough St. Phone 850 544 6866

Tall Ha City State Zip 32301

E-mail ladams@flchamber.com

Speaking: For Against Information

Representing Florida Chamber of Commerce

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.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date _____
Topic SB 7012 Support Strategic Airport Investments Bill Number SB 7012 (if applicable)

Name John R. Johnston Amendment Barcode _____ (if applicable)

Job Title Lobbyist

Address 403 E. Park Ave Phone 850.591.4284
Gallahassan City FL State FL Zip 32301 E-mail john@ballardfl.com

Speaking: For Against Information

Representing Florida Airport Council

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.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-16-13

Meeting Date

Topic DOT Bill Number 7012 (if applicable)

Name Jose Lopano Amendment Barcode (if applicable)

Job Title CEO Tampa International Airport (if applicable)

Address PO Box 22257 Phone

Tampa FL 33602 E-mail

Speaking: [X] For [] Against [] Information

Representing Tampa International Airport

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.

This form is part of the public record for this meeting.

FOR CONSIDERATION By the Committee on Transportation

596-00901-14

20147012__

1 A bill to be entitled
 2 An act relating to the Department of Transportation;
 3 repealing s. 316.530(3), F.S., relating to load limits
 4 for certain towed vehicles; amending s. 316.545, F.S.;
 5 increasing the weight used in calculating whether a
 6 vehicle equipped with fully functional idle-reduction
 7 technology is overweight; updating terminology;
 8 amending s. 332.007, F.S.; authorizing the department
 9 to fund strategic airport investments; providing
 10 criteria; amending s. 334.044, F.S.; prohibiting the
 11 department from entering into a lease-purchase
 12 agreement with certain transportation authorities;
 13 providing that certain lease-purchase agreements are
 14 not invalidated; providing an exception from the
 15 requirement to purchase all plant materials from
 16 Florida commercial nursery stock; amending s. 338.161,
 17 F.S.; revising the authorization of the department to
 18 enter into an agreement with an owner of a
 19 transportation facility under which the department
 20 uses its electronic toll collection and video billing
 21 systems to collect for the owner certain charges for
 22 use of the owner's transportation facility; amending
 23 s. 338.26, F.S.; revising the uses of fees generated
 24 from Alligator Alley tolls to include the cost of
 25 design and construction of a fire station that may be
 26 used by certain local governments and certain related
 27 operating costs; providing that excess tolls, after
 28 payment of certain expenses, be transferred to the
 29 Everglades Trust Fund in accordance with a specified

Page 1 of 26

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

596-00901-14

20147012__

30 memorandum; removing authority of the South Florida
 31 Water Management District to issue bonds or notes;
 32 amending ss. 343.82 and 343.922, F.S.; removing
 33 references to advances from the previously repealed
 34 Toll Facilities Revolving Trust Fund as a source of
 35 funding for certain authority projects; amending s.
 36 373.4137, F.S.; providing legislative intent that
 37 environmental mitigation be implemented in a manner
 38 that promotes efficiency, timeliness in project
 39 delivery, and cost-effectiveness; revising the
 40 criteria for the environmental impact inventory and
 41 for mitigation of projected impacts identified in the
 42 environmental impact inventory; requiring the
 43 Department of Transportation to include funding for
 44 environmental mitigation for projects in its work
 45 program; revising the process and criteria for the
 46 payment by the department or participating
 47 transportation authorities of mitigation implemented
 48 by water management districts or the Department of
 49 Environmental Protection; revising the requirements
 50 for the payment to a water management district or the
 51 Department of Environmental Protection of the costs of
 52 mitigation planning and implementation of the
 53 mitigation required by a permit; revising the payment
 54 criteria for preparing and implementing mitigation
 55 plans adopted by water management districts for
 56 transportation impacts based on the environmental
 57 impact inventory; adding federal requirements for the
 58 development of a mitigation plan; providing for

Page 2 of 26

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

596-00901-14

20147012__

59 transportation projects in the environmental
60 mitigation plan for which mitigation has not been
61 specified; revising a water management district's
62 responsibilities relating to a mitigation plan;
63 amending s. 373.618, F.S.; subjecting certain public
64 information systems to local government review or
65 approval and to the requirements of ch. 479, F.S.,
66 relating to outdoor advertising; providing an
67 effective date.

68
69 Be It Enacted by the Legislature of the State of Florida:

70
71 Section 1. Subsection (3) of section 316.530, Florida
72 Statutes, is repealed.

73 Section 2. Subsection (3) of section 316.545, Florida
74 Statutes, is amended to read:

75 316.545 Weight and load unlawful; special fuel and motor
76 fuel tax enforcement; inspection; penalty; review.—

77 (3) A ~~Any~~ person who violates the overloading provisions of
78 this chapter is ~~shall be~~ conclusively presumed to have damaged
79 the highways of this state by reason of such overloading, and a
80 fine shall be assessed which damage is hereby fixed as follows:

81 (a) When the excess weight is 200 pounds or less than the
82 maximum ~~herein~~ provided in this chapter, the fine is penalty
83 shall be \$10;

84 (b) Five cents per pound for each pound of weight in excess
85 of the maximum ~~herein~~ provided in this chapter if when the
86 excess weight is greater than exceeds 200 pounds. If However,
87 ~~whenever~~ the gross weight of the vehicle or combination of

596-00901-14

20147012__

88 vehicles is not greater than ~~does not exceed~~ the maximum
89 allowable gross weight, the maximum fine for the first 600
90 pounds of unlawful axle weight is ~~shall be~~ \$10;

91 (c) For a vehicle equipped with fully functional idle-
92 reduction technology, the fine is ~~any penalty shall be~~
93 calculated by reducing the actual gross vehicle weight or the
94 internal bridge weight by the certified weight of the idle-
95 reduction technology or by 550 ~~400~~ pounds, whichever is less.
96 The vehicle operator must present written certification of the
97 weight of the idle-reduction technology and must demonstrate or
98 certify that the idle-reduction technology is fully functional
99 at all times. This calculation is not allowed for vehicles
100 described in s. 316.535(6);

101 (d) An apportionable vehicle, as defined in s. 320.01,
102 operating on the highways of this state which is not without
103 ~~being~~ properly licensed and registered is ~~shall be~~ subject to
104 the penalties ~~as~~ provided in this section; and

105 (e) A vehicle ~~Vehicles~~ operating on the highways of this
106 state from nonmember International Registration Plan
107 jurisdictions which is ~~are~~ not in compliance with ~~the provisions~~
108 ~~of~~ s. 316.605 is ~~shall be~~ subject to the penalties ~~as herein~~
109 provided in this section.

110 Section 3. Subsection (10) is added to section 332.007,
111 Florida Statutes, to read:

112 332.007 Administration and financing of aviation and
113 airport programs and projects; state plan.—

114 (10) The department may fund strategic airport investment
115 projects at up to 100 percent of the project's cost if:

116 (a) Important access and on-airport capacity improvements

596-00901-14

20147012__

117 are provided;

118 (b) Capital improvements that strategically position the
 119 state to maximize opportunities in international trade,
 120 logistics, and the aviation industry are provided;

121 (c) Goals of an integrated intermodal transportation system
 122 for the state are achieved; and

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

125 Section 4. Subsections (16) and (26) of section 334.044,
 126 Florida Statutes, are amended to read:

127 334.044 Department; powers and duties.—The department shall
 128 have the following general powers and duties:

129 (16) To plan, acquire, lease, construct, maintain, and
 130 operate toll facilities; to authorize the issuance and refunding
 131 of bonds; and to fix and collect tolls or other charges for
 132 travel on any such facilities. Notwithstanding any other law,
 133 the department may not enter into a lease-purchase agreement
 134 with an expressway authority, regional transportation authority,
 135 or other entity. This provision does not invalidate a lease-
 136 purchase agreement authorized under chapter 348 or chapter 2000-
 137 411, Laws of Florida, existing as of July 1, 2013, and does not
 138 limit the department's authority under s. 334.30.

139 (26) To provide for the enhancement of environmental
 140 benefits, including air and water quality; to prevent roadside
 141 erosion; to conserve the natural roadside growth and scenery;
 142 and to provide for the implementation and maintenance of
 143 roadside conservation, enhancement, and stabilization programs.
 144 At least ~~No less than~~ 1.5 percent of the amount contracted for
 145 construction projects shall be allocated by the department on a

596-00901-14

20147012__

146 statewide basis for the purchase of plant materials. Department
 147 districts may not expend funds for landscaping in connection
 148 with any project that is limited to resurfacing existing lanes
 149 unless the expenditure has been approved by the department's
 150 secretary or the secretary's designee. To the greatest extent
 151 practical, at least a minimum of 50 percent of the funds
 152 allocated under this subsection shall be allocated for large
 153 plant materials and the remaining funds for other plant
 154 materials. Except as prohibited by applicable federal law or
 155 regulation, all plant materials shall be purchased from Florida
 156 commercial nursery stock in this state on a uniform competitive
 157 bid basis. The department shall develop grades and standards for
 158 landscaping materials purchased through this process. To
 159 accomplish these activities, the department may contract with
 160 nonprofit organizations having the primary purpose of developing
 161 youth employment opportunities.

162 Section 5. Subsection (5) of section 338.161, Florida
 163 Statutes, is amended to read:

164 338.161 Authority of department or toll agencies to
 165 advertise and promote electronic toll collection; expanded uses
 166 of electronic toll collection system; authority of department to
 167 collect tolls, fares, and fees for private and public entities.—

168 (5) If the department finds that it can increase nontoll
 169 revenues or add convenience or other value for its customers,
 170 and if a public or private transportation facility owner agrees
 171 that its facility will become interoperable with the
 172 department's electronic toll collection and video billing
 173 systems, the department may ~~is~~ authorized to enter into an
 174 agreement with the owner of such facility under which the

596-00901-14

20147012__

175 ~~department uses private or public entities for the department's~~
 176 ~~use of its electronic toll collection and video billing systems~~
 177 ~~to collect and enforce for the owner tolls, fares,~~
 178 ~~administrative fees, and other applicable charges due imposed in~~
 179 ~~connection with use of the owner's facility transportation~~
 180 ~~facilities of the private or public entities that become~~
 181 ~~interoperable with the department's electronic toll collection~~
 182 ~~system.~~ The department may modify its rules regarding toll
 183 collection procedures and the imposition of ~~administrative~~
 184 charges to be applicable to toll facilities that are not part of
 185 the turnpike system or otherwise owned by the department. This
 186 subsection ~~does may not be construed to~~ limit the authority of
 187 the department under any other ~~provision of~~ law or under any
 188 agreement entered into ~~before prior to~~ July 1, 2012.

189 Section 6. Subsections (3) and (4) of section 338.26,
 190 Florida Statutes, are amended to read:

191 338.26 Alligator Alley toll road.—

192 (3) (a) Fees generated from tolls shall be deposited in the
 193 State Transportation Trust Fund ~~and shall be used:~~ ~~and any~~
 194 ~~amount of funds generated annually in excess of that required~~

195 1. To reimburse outstanding contractual obligations;

196 2. To operate and maintain the highway and toll facilities,
 197 including reconstruction and restoration;

198 3. To pay for those projects that are funded with Alligator
 199 Alley toll revenues and that are contained in the 1993-1994
 200 adopted work program or the 1994-1995 tentative work program
 201 submitted to the Legislature on February 22, 1994; ~~and~~

202 4. To design develop and construct operate a fire station
 203 at mile marker 63 on Alligator Alley, which may be used by a

596-00901-14

20147012__

204 county or another local governmental entity to provide fire,
 205 rescue, and emergency management services to the public on
 206 ~~adjacent counties along Alligator Alley; and~~

207 5. By interlocal agreement effective July 1, 2014, through
 208 no later than June 30, 2017, to reimburse a county or another
 209 local governmental entity for the direct actual costs of
 210 operating such fire station.

211 (b) Funds generated annually in excess of those required to
 212 pay the expenses in paragraph (a) may be transferred to the
 213 Everglades Fund of the South Florida Water Management District
 214 in accordance with the memorandum of understanding of June 30,
 215 1997, between the district and the department. The South Florida
 216 Water Management District shall deposit funds for projects
 217 undertaken pursuant to s. 373.4592 in the Everglades Trust Fund
 218 pursuant to s. 373.45926(4)(a). Any funds remaining in the
 219 Everglades Fund may be used for environmental projects to
 220 restore the natural values of the Everglades, subject to
 221 compliance with any applicable federal laws and regulations.
 222 Projects ~~must shall~~ be limited to:

223 1.(a) Highway redesign to allow for improved sheet flow of
 224 water across the southern Everglades.

225 2.(b) Water conveyance projects to enable more water
 226 resources to reach Florida Bay to replenish marine estuary
 227 functions.

228 3.(c) Engineering design plans for wastewater treatment
 229 facilities as recommended in the Water Quality Protection
 230 Program Document for the Florida Keys National Marine Sanctuary.

231 4.(d) Acquisition of lands to move STA 3/4 out of the Toe
 232 of the Boot, provided such lands are located within 1 mile of

596-00901-14

20147012__

233 the northern border of STA 3/4.

234 5.(e) Other Everglades Construction Projects as described
235 in the February 15, 1994, conceptual design document.

236 ~~(4) The district may issue revenue bonds or notes under s.
237 373.584 and pledge the revenue from the transfers from the
238 Alligator Alley toll revenues as security for such bonds or
239 notes. The proceeds from such revenue bonds or notes shall be
240 used for environmental projects; at least 50 percent of said
241 proceeds must be used for projects that benefit Florida Bay, as
242 described in this section subject to resolutions approving such
243 activity by the Board of Trustees of the Internal Improvement
244 Trust Fund and the governing board of the South Florida Water
245 Management District and the remaining proceeds must be used for
246 restoration activities in the Everglades Protection Area.~~

247 Section 7. Paragraph (d) of subsection (3) of section
248 343.82, Florida Statutes, is amended to read:

249 343.82 Purposes and powers.—

250 (3)

251 (d) The authority may undertake projects or other
252 improvements in the master plan in phases as particular projects
253 or segments thereof become feasible, as determined by the
254 authority. In carrying out its purposes and powers, the
255 authority may request funding and technical assistance from the
256 department and appropriate federal and local agencies,
257 including, but not limited to, state infrastructure bank loans,
258 ~~advances from the Toll Facilities Revolving Trust Fund, and from~~
259 ~~any other sources.~~

260 Section 8. Subsection (4) of section 343.922, Florida
261 Statutes, is amended to read:

Page 9 of 26

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

596-00901-14

20147012__

262 343.922 Powers and duties.—

263 (4) The authority may undertake projects or other
264 improvements in the master plan in phases as particular projects
265 or segments become feasible, as determined by the authority. The
266 authority shall coordinate project planning, development, and
267 implementation with the applicable local governments. The
268 authority's projects that are transportation oriented must shall
269 be consistent to the maximum extent feasible with the adopted
270 local government comprehensive plans at the time such projects
271 they are funded for construction. Authority projects that are
272 not transportation oriented and meet the definition of
273 development pursuant to s. 380.04 must shall be consistent with
274 the local comprehensive plans. In carrying out its purposes and
275 powers, the authority may request funding and technical
276 assistance from the department and appropriate federal and local
277 agencies, including, but not limited to, state infrastructure
278 bank loans, ~~advances from the Toll Facilities Revolving Trust
279 Fund, and funding and technical assistance from any other
280 source.~~

281 Section 9. Section 373.4137, Florida Statutes, is amended
282 to read:

283 373.4137 Mitigation requirements for specified
284 transportation projects.—

285 (1) The Legislature finds that environmental mitigation for
286 the impact of transportation projects proposed by the Department
287 of Transportation or a transportation authority established
288 pursuant to chapter 348 or chapter 349 can be more effectively
289 achieved by regional, long-range mitigation planning rather than
290 on a project-by-project basis. It is the intent of the

Page 10 of 26

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

596-00901-14

20147012__

291 Legislature that mitigation to offset the adverse effects of
 292 these transportation projects be funded by the Department of
 293 Transportation and be carried out by the use of mitigation banks
 294 and any other mitigation options that satisfy state and federal
 295 requirements in a manner that promotes efficiency, timeliness in
 296 project delivery, and cost-effectiveness.

297 (2) Environmental impact inventories for transportation
 298 projects proposed by the Department of Transportation or a
 299 transportation authority established pursuant to chapter 348 or
 300 chapter 349 shall be developed as follows:

301 (a) By July 1 of each year, the Department of
 302 Transportation, or a transportation authority established
 303 pursuant to chapter 348 or chapter 349 which chooses to
 304 participate in the program, shall submit to the water management
 305 districts a list of its projects in the adopted work program and
 306 an environmental impact inventory of habitat impacts and the
 307 anticipated mitigation needed to offset impacts as described in
 308 paragraph (b). The environmental impact inventory must be based
 309 on habitats addressed in the rules adopted pursuant to this
 310 part, and s. 404 of the Clean Water Act, 33 U.S.C. s. 1344, and
 311 the Department of Transportation's which may be impacted by its
 312 plan of construction for transportation projects in the next 3
 313 years of the tentative work program. The Department of
 314 Transportation or a transportation authority established
 315 pursuant to chapter 348 or chapter 349 may also include in its
 316 environmental impact inventory the habitat impacts and the
 317 anticipated amount of mitigation needed for ~~of~~ any future
 318 transportation project. The Department of Transportation and
 319 each transportation authority established pursuant to chapter

Page 11 of 26

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

596-00901-14

20147012__

320 348 or chapter 349 may fund any mitigation activities for future
 321 projects using current year funds.

322 (b) The environmental impact inventory ~~must shall~~ include a
 323 description of ~~these~~ habitat impacts, including ~~their~~ location,
 324 acreage, and type; the anticipated mitigation needed based on
 325 the functional loss as determined through the Uniform Mitigation
 326 Assessment Method (UMAM) adopted in chapter 62-345, Florida
 327 Administrative Code; identification of the proposed mitigation
 328 option; state water quality classification of impacted wetlands
 329 and other surface waters; any other state or regional
 330 designations for these habitats; and a list of threatened
 331 species, endangered species, and species of special concern
 332 affected by the proposed project.

333 (c) Before projects are identified for inclusion in a water
 334 management district mitigation plan as described in subsection
 335 (4), the Department of Transportation must consider using
 336 credits from a permitted mitigation bank. The Department of
 337 Transportation must consider the availability of suitable and
 338 sufficient mitigation bank credits within the transportation
 339 project's area, the ability to satisfy commitments to regulatory
 340 and resource agencies, the availability of suitable and
 341 sufficient mitigation purchased or developed under this section,
 342 the ability to complete suitable existing water management
 343 district or Department of Environmental Protection mitigation
 344 sites initiated with Department of Transportation mitigation
 345 funds, and the ability to satisfy state and federal
 346 requirements, including long-term maintenance and liability.

347 (3) (a) To implement the mitigation option fund development
 348 and implementation of the mitigation plan for the projected

Page 12 of 26

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

596-00901-14

20147012__

349 ~~impacts~~ identified in the environmental impact inventory
 350 described in subsection (2), the Department of Transportation
 351 may purchase credits for current and future use directly from a
 352 mitigation bank, purchase mitigation services through the water
 353 management districts or the Department of Environmental
 354 Protection, conduct its own mitigation, or use other mitigation
 355 options that meet state and federal requirements. Funding for
 356 the identified mitigation option as described in the
 357 environmental impact inventory must be included in ~~shall~~
 358 identify funds quarterly in an escrow account within the State
 359 Transportation Trust Fund for the environmental mitigation phase
 360 of projects budgeted by the Department of Transportation's work
 361 program developed pursuant to s. 339.135 Transportation for the
 362 current fiscal year. The amount programmed each year by the
 363 Department of Transportation and participating transportation
 364 authorities established pursuant to chapter 348 or chapter 349
 365 must correspond to an estimated cost per credit of \$150,000
 366 multiplied by the projected number of credits identified in the
 367 environmental impact inventory described in subsection (2). This
 368 estimated cost per credit must be adjusted every 2 years by the
 369 Department of Transportation based on the average cost per UMAM
 370 credit paid through this section The escrow account shall be
 371 maintained by the Department of Transportation for the benefit
 372 of the water management districts. Any interest earnings from
 373 the escrow account shall remain with the Department of
 374 Transportation.

375 (b) Each transportation authority established pursuant to
 376 chapter 348 or chapter 349 which that chooses to participate in
 377 this program shall create an escrow account within its financial

Page 13 of 26

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

596-00901-14

20147012__

378 structure and deposit funds in the account to pay for the
 379 environmental mitigation phase of projects budgeted for the
 380 current fiscal year. The escrow account shall be maintained by
 381 the authority for the benefit of the water management districts.
 382 Any interest earnings from the escrow account must ~~shall~~ remain
 383 with the authority.

384 (c) For mitigation implemented by the water management
 385 district or the Department of Environmental Protection, as
 386 appropriate, the amount paid each year must be based on
 387 mitigation services provided by the water management districts
 388 or the Department of Environmental Protection pursuant to an
 389 approved water management district mitigation plan, as described
 390 in subsection (4). ~~Except for current mitigation projects in the~~
 391 monitoring and maintenance phase and except as allowed by
 392 paragraph (d), The water management districts or the Department
 393 of Environmental Protection, as appropriate, may request payment
 394 a transfer of funds from an escrow account no sooner than 30
 395 days before the date the funds are needed to pay for activities
 396 associated with development or implementation of permitted
 397 mitigation that meets the requirements of this part, 33 U.S.C.
 398 s. 1344, and 33 C.F.R. part 332, in the approved water
 399 management district mitigation plan described in subsection (4)
 400 for the current fiscal year, including, but not limited to,
 401 design, engineering, production, and staff support. Actual
 402 conceptual plan preparation costs incurred before plan approval
 403 may be submitted to the Department of Transportation or the
 404 appropriate transportation authority each year with the plan.
 405 The conceptual plan preparation costs of each water management
 406 district will be paid from mitigation funds associated with the

Page 14 of 26

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

596-00901-14 20147012__

407 ~~environmental impact inventory for the current year. The amount~~
 408 ~~transferred to the escrow accounts each year by the Department~~
 409 ~~of Transportation and participating transportation authorities~~
 410 ~~established pursuant to chapter 348 or chapter 349 shall~~
 411 ~~correspond to a cost per acre of \$75,000 multiplied by the~~
 412 ~~projected acres of impact identified in the environmental impact~~
 413 ~~inventory described in subsection (2). However, the \$75,000 cost~~
 414 ~~per acre does not constitute an admission against interest by~~
 415 ~~the state or its subdivisions and is not admissible as evidence~~
 416 ~~of full compensation for any property acquired by eminent domain~~
 417 ~~or through inverse condemnation. Each July 1, the cost per acre~~
 418 ~~shall be adjusted by the percentage change in the average of the~~
 419 ~~Consumer Price Index issued by the United States Department of~~
 420 ~~Labor for the most recent 12-month period ending September 30,~~
 421 ~~compared to the base year average, which is the average for the~~
 422 ~~12-month period ending September 30, 1996. Each quarter, The~~
 423 ~~projected amount of mitigation acreage of impact shall be~~
 424 ~~reconciled each quarter with the actual amount of mitigation~~
 425 ~~needed for acreage of impact of projects as permitted, including~~
 426 ~~permit modifications, pursuant to this part and s. 404 of the~~
 427 ~~Clean Water Act, 33 U.S.C. s. 1344. The subject year's~~
 428 ~~programming transfer of funds shall be adjusted accordingly to~~
 429 ~~reflect the mitigation acreage of impacts as permitted. If the~~
 430 ~~water management district excludes a project from an approved~~
 431 ~~water management district mitigation plan, if the water~~
 432 ~~management district cannot timely permit a mitigation site to~~
 433 ~~offset the impacts of a Department of Transportation project~~
 434 ~~identified in the environmental impact inventory, or if the~~
 435 ~~proposed mitigation does not meet state and federal~~

596-00901-14 20147012__

436 requirements, the Department of Transportation may use the
 437 associated funds for the purchase of mitigation bank credits or
 438 any other mitigation option that satisfies state and federal
 439 requirements. The Department of Transportation and participating
 440 transportation authorities established pursuant to chapter 348
 441 or chapter 349 are authorized to transfer such funds from the
 442 escrow accounts to the water management districts to carry out
 443 the mitigation programs. Environmental mitigation funds that are
 444 identified for or maintained in an escrow account for the
 445 benefit of a water management district may be released if the
 446 associated transportation project is excluded in whole or part
 447 from the mitigation plan. For a mitigation project that is in
 448 the maintenance and monitoring phase, the water management
 449 district may request and receive a one-time payment based on the
 450 project's expected future maintenance and monitoring costs. Upon
 451 final disbursement of the final maintenance and monitoring
 452 payment for mitigation of a transportation project as permitted,
 453 the obligation of the Department of Transportation or the
 454 participating transportation authority is satisfied, and the
 455 water management district or the Department of Environmental
 456 Protection, as appropriate, has continuing responsibility for
 457 the mitigation project, the escrow account for the project
 458 established by the Department of Transportation or the
 459 participating transportation authority may be closed. Any
 460 interest earned on these disbursed funds shall remain with the
 461 water management district and must be used as authorized under
 462 this section.

463 (d) Beginning with the March 2015 water management district
 464 mitigation plans in the 2005-2006 fiscal year, each water

596-00901-14 20147012__

465 management district or the Department of Environmental
 466 Protection, as appropriate, shall invoice the Department of
 467 Transportation for mitigation services to offset only the
 468 impacts of a Department of Transportation project identified in
 469 the environmental impact inventory, including planning, design,
 470 construction, maintenance and monitoring, and other costs
 471 necessary to meet the requirements of this section, 33 U.S.C. s.
 472 1344, and 33 C.F.R. part 332 ~~be paid a lump-sum amount of~~
 473 ~~\$75,000 per acre, adjusted as provided under paragraph (c), for~~
 474 ~~federally funded transportation projects that are included on~~
 475 ~~the environmental impact inventory and that have an approved~~
 476 ~~mitigation plan. If the water management district identifies the~~
 477 ~~use of mitigation bank credits to offset a Department of~~
 478 ~~Transportation impact, the water management district shall~~
 479 ~~exclude that purchase from the mitigation plan, and the~~
 480 ~~Department of Transportation shall purchase the bank credits.~~
 481 ~~Beginning in the 2009-2010 fiscal year, each water management~~
 482 ~~district shall be paid a lump-sum amount of \$75,000 per acre,~~
 483 ~~adjusted as provided under paragraph (c), for federally funded~~
 484 ~~and nonfederally funded transportation projects that have an~~
 485 ~~approved mitigation plan. All mitigation costs, including, but~~
 486 ~~not limited to, the costs of preparing conceptual plans and the~~
 487 ~~costs of design, construction, staff support, future~~
 488 ~~maintenance, and monitoring the mitigated acres shall be funded~~
 489 ~~through these lump-sum amounts.~~

490 (e) For mitigation activities occurring on existing water
 491 management district or Department of Environmental Protection
 492 mitigation sites initiated with Department of Transportation
 493 mitigation funds before July 1, 2013, the water management

596-00901-14 20147012__

494 district or the Department of Environmental Protection, as
 495 appropriate, shall invoice the Department of Transportation or a
 496 participating transportation authority at a cost per acre of
 497 \$75,000 multiplied by the projected acres of impact as
 498 identified in the environmental impact inventory. The cost per
 499 acre must be adjusted by the percentage change in the average of
 500 the Consumer Price Index issued by the United States Department
 501 of Labor for the most recent 12-month period ending September
 502 30, compared to the base year average, which is the average for
 503 the 12-month period ending September 30, 1996. When implementing
 504 the mitigation activities necessary to offset the permitted
 505 impacts as provided in the approved mitigation plan, the water
 506 management district shall maintain records of the costs incurred
 507 in implementing the mitigation. The records must include, but
 508 are not limited to, costs for planning, land acquisition,
 509 design, construction, staff support, long-term maintenance and
 510 monitoring of the mitigation site, and other costs necessary to
 511 meet the requirements of 33 U.S.C. s. 1344 and 33 C.F.R. part
 512 332.

513 (f) For purposes of preparing and implementing the
 514 mitigation plans to be adopted by the water management districts
 515 on or before March 1, 2014, for impacts based on the July 1,
 516 2013, environmental impact inventory, the funds identified in
 517 the Department of Transportation's work program or participating
 518 transportation authorities' escrow accounts must correspond to a
 519 cost per acre of \$75,000 multiplied by the projected acres of
 520 impact as identified in the environmental impact inventory. The
 521 cost per acre must be adjusted by the percentage change in the
 522 average of the Consumer Price Index issued by the United States

596-00901-14 20147012__

523 Department of Labor for the most recent 12-month period ending
 524 September 30, compared to the base year average, which is the
 525 average for the 12-month period ending September 30, 1996.
 526 Payment under this paragraph is limited to mitigation activities
 527 that are identified in the first year of the 2013 mitigation
 528 plan and for which the transportation project is permitted and
 529 are in the Department of Transportation's adopted work program,
 530 or equivalent for a transportation authority. When implementing
 531 the mitigation activities necessary to offset the permitted
 532 impacts as provided in the approved mitigation plan, the water
 533 management district shall maintain records of the costs incurred
 534 in implementing the mitigation. The records must include, but
 535 are not limited to, costs for planning, land acquisition,
 536 design, construction, staff support, long-term maintenance and
 537 monitoring of the mitigation site, and other costs necessary to
 538 meet the requirements of 33 U.S.C. s. 1344 and 33 C.F.R. part
 539 332. To the extent moneys paid to a water management district by
 540 the Department of Transportation or a participating
 541 transportation authority are greater than the amount spent by
 542 the water management districts in implementing the mitigation to
 543 offset the permitted impacts, these funds must be refunded to
 544 the Department of Transportation or participating transportation
 545 authority. This paragraph expires June 30, 2015.

546 (4) Before March 1 of each year, each water management
 547 district shall develop a mitigation plan to offset only the
 548 impacts of transportation projects in the environmental impact
 549 inventory for which a water management district is implementing
 550 mitigation that meets the requirements of this section, 33
 551 U.S.C. s. 1344, and 33 C.F.R. part 332. The water management

596-00901-14 20147012__

552 district mitigation plan must be developed, in consultation with
 553 the Department of Environmental Protection, the United States
 554 Army Corps of Engineers, the Department of Transportation,
 555 participating transportation authorities established pursuant to
 556 chapter 348 or chapter 349, ~~and~~ other appropriate federal,
 557 state, and local governments, and other interested parties,
 558 including entities operating mitigation banks, ~~shall develop a~~
 559 ~~plan for the primary purpose of complying with the mitigation~~
 560 ~~requirements adopted pursuant to this part and 33 U.S.C. s.~~
 561 ~~1344.~~ In developing such plans, the water management districts
 562 shall use sound ecosystem management practices to address
 563 significant water resource needs and consider shall focus on
 564 activities of the Department of Environmental Protection and the
 565 water management districts, such as surface water improvement
 566 and management (SWIM) projects and lands identified for
 567 potential acquisition for preservation, restoration, or
 568 enhancement, and the control of invasive and exotic plants in
 569 wetlands and other surface waters, to the extent that the
 570 activities comply with the mitigation requirements adopted under
 571 this part, and 33 U.S.C. s. 1344, and 33 C.F.R. part 332. The
 572 water management district mitigation plan must identify each
 573 site where the water management district will mitigate for a
 574 transportation project. For each mitigation site, the water
 575 management district shall provide the scope of the mitigation
 576 services; provide the functional gain as determined through the
 577 UMAM adopted in chapter 62-345, Florida Administrative Code;
 578 describe how the mitigation offsets the impacts of each
 579 transportation project as permitted; and provide a schedule for
 580 the mitigation services. The water management districts shall

596-00901-14 20147012__

581 maintain records of costs incurred and payments received for
 582 providing these services. Records must include, but are not
 583 limited to, planning, land acquisition, design, construction,
 584 staff support, long-term maintenance and monitoring of the
 585 mitigation site, and other costs necessary to meet the
 586 requirements of 33 U.S.C. s. 1344 and 33 C.F.R. part 332. To the
 587 extent moneys paid to a water management district by the
 588 Department of Transportation or a participating transportation
 589 authority are greater than the amount spent by the water
 590 management districts in providing the mitigation services to
 591 offset the permitted transportation project impacts, these
 592 moneys must be refunded to the Department of Transportation or
 593 participating transportation authority. In determining the
 594 activities to be included in the plans, the districts shall
 595 consider the purchase of credits from public or private
 596 mitigation banks permitted under s. 373.4136 and associated
 597 federal authorization and shall include the purchase as a part
 598 of the mitigation plan when the purchase would offset the impact
 599 of the transportation project, provide equal benefits to the
 600 water resources than other mitigation options being considered,
 601 and provide the most cost-effective mitigation option. The
 602 mitigation plan shall be submitted to the water management
 603 district governing board, or its designee, for review and
 604 approval. At least 14 days before approval by the governing
 605 board, the water management district shall provide a copy of the
 606 draft mitigation plan to the Department of Environmental
 607 Protection and any person who has requested a copy. Subsequent
 608 to the governing board approval, the mitigation plan shall be
 609 submitted to the Department of Environmental Protection for

596-00901-14 20147012__

610 approval. The plan may not be implemented until it is submitted
 611 to, and approved, in part or in its entirety, by, the Department
 612 of Environmental Protection.

613 ~~(a) For each transportation project with a funding request~~
 614 ~~for the next fiscal year, the mitigation plan must include a~~
 615 ~~brief explanation of why a mitigation bank was or was not chosen~~
 616 ~~as a mitigation option, including an estimation of identifiable~~
 617 ~~costs of the mitigation bank and nonbank options and other~~
 618 ~~factors such as time saved, liability for success of the~~
 619 ~~mitigation, and long-term maintenance.~~

620 ~~(a)(b)~~ Specific projects may be excluded from the
 621 mitigation plan, in whole or in part, and are not subject to
 622 this section upon the election of the Department of
 623 Transportation, a transportation authority if applicable, or the
 624 appropriate water management district. The Department of
 625 Transportation or a participating transportation authority may
 626 not exclude a transportation project from the mitigation plan if
 627 mitigation is scheduled for implementation by the water
 628 management district in the current fiscal year unless the
 629 transportation project is removed from the Department of
 630 Transportation's work program or transportation authority
 631 funding plan, the mitigation cannot be timely permitted to
 632 offset the impacts of a Department of Transportation project
 633 identified in the environmental impact inventory, or the
 634 proposed mitigation does not meet state and federal
 635 requirements. If a project is removed from the work program or
 636 the mitigation plan, costs spent by the water management
 637 district before removal are eligible for reimbursement by the
 638 Department of Transportation or participating transportation

596-00901-14

20147012__

639 authority.

640 ~~(b)(e)~~ When determining which projects to include in or
 641 exclude from the mitigation plan, the Department of
 642 Transportation shall investigate using credits from a permitted
 643 mitigation bank before those projects are submitted for
 644 inclusion in a water management district mitigation ~~the~~ plan.
 645 The Department of Transportation shall exclude a project from
 646 the mitigation plan if the investigation undertaken pursuant to
 647 this paragraph results in the conclusion that the use of credits
 648 from a permitted mitigation bank promotes efficiency, timeliness
 649 in project delivery, The investigation shall consider the cost-
 650 effectiveness, and of mitigation bank credits, including, but
 651 not limited to, factors such as time saved, transfer of
 652 liability for success of the mitigation, and long-term
 653 maintenance.

654 (5) The water management district shall ensure that
 655 mitigation requirements pursuant to 33 U.S.C. s. 1344 and 33
 656 C.F.R. part 332 are met for the impacts identified in the
 657 environmental impact inventory for which the water management
 658 district will implement mitigation described in subsection (2),
 659 by implementation of the approved mitigation plan described in
 660 subsection (4) to the extent funding is provided by the
 661 Department of Transportation, or a transportation authority
 662 established pursuant to chapter 348 or chapter 349, if
 663 applicable. In developing and implementing the mitigation plan,
 664 the water management district shall comply with federal
 665 permitting requirements pursuant to 33 U.S.C. s. 1344 and 33
 666 C.F.R. part 332. During the federal permitting process, the
 667 water management district may deviate from the approved

Page 23 of 26

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

596-00901-14

20147012__

668 mitigation plan in order to comply with federal permitting
 669 requirements upon notice and coordination with the Department of
 670 Transportation or participating transportation authority.

671 (6) The water management district mitigation plans shall be
 672 updated annually to reflect the most current Department of
 673 Transportation work program and project list of a transportation
 674 authority established pursuant to chapter 348 or chapter 349, if
 675 applicable, and may be amended throughout the year to anticipate
 676 schedule changes or additional projects that ~~which~~ may arise.
 677 Before amending the mitigation plan to include new projects, the
 678 Department of Transportation must consider mitigation banks and
 679 other available mitigation options that meet state and federal
 680 requirements. Each update and amendment of the mitigation plan
 681 shall be submitted to the governing board of the water
 682 management district or its designee for approval. However, such
 683 approval ~~does~~ shall not apply be applicable to a deviation as
 684 described in subsection (5).

685 (7) Upon approval by the governing board of the water
 686 management district and the Department of Environmental
 687 Protection or its designee, the mitigation plan shall ~~be deemed~~
 688 ~~to~~ satisfy the mitigation requirements under this part for
 689 impacts specifically identified in the environmental impact
 690 inventory described in subsection (2) and any other mitigation
 691 requirements imposed by local, regional, and state agencies for
 692 these same impacts. The approval of the governing board of the
 693 water management district and the Department of Environmental
 694 Protection authorizes or its designee shall authorize the
 695 activities proposed in the mitigation plan, and no other state,
 696 regional, or local permit or approval ~~is~~ shall be necessary.

Page 24 of 26

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

596-00901-14

20147012__

697 (8) This section does ~~shall not be construed to~~ eliminate
 698 the need for the Department of Transportation or a
 699 transportation authority established pursuant to chapter 348 or
 700 chapter 349 to comply with the requirement to implement
 701 practicable design modifications, including realignment of
 702 transportation projects, to reduce or eliminate the impacts of
 703 its transportation projects on wetlands and other surface waters
 704 as required by rules adopted pursuant to this part, or to
 705 diminish the authority under this part to regulate other
 706 impacts, including water quantity or water quality impacts, or
 707 impacts regulated under this part which ~~that~~ are not identified
 708 in the environmental impact inventory described in subsection
 709 (2).

710 ~~(9) The process for environmental mitigation for the impact~~
 711 ~~of transportation projects under this section shall be available~~
 712 ~~to an expressway, bridge, or transportation authority~~
 713 ~~established under chapter 348 or chapter 349. Use of this~~
 714 ~~process may be initiated by an authority depositing the~~
 715 ~~requisite funds into an escrow account set up by the authority~~
 716 ~~and filing an environmental impact inventory with the~~
 717 ~~appropriate water management district. An authority that~~
 718 ~~initiates the environmental mitigation process established by~~
 719 ~~this section shall comply with subsection (6) by timely~~
 720 ~~providing the appropriate water management district with the~~
 721 ~~requisite work program information. A water management district~~
 722 ~~may draw down funds from the escrow account as provided in this~~
 723 ~~section.~~

724 Section 10. Section 373.618, Florida Statutes, is amended
 725 to read:

Page 25 of 26

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

596-00901-14

20147012__

726 373.618 Public service warnings, alerts, and
 727 announcements.—The Legislature believes it is in the public
 728 interest that each ~~all~~ water management district ~~districts~~
 729 created pursuant to s. 373.069 own, acquire, develop, construct,
 730 operate, and manage public information systems. Public
 731 information systems may be located on property owned by the
 732 water management district, upon terms and conditions approved by
 733 the water management district, and must display messages to the
 734 general public concerning water management services, activities,
 735 events, and sponsors, as well as other public service
 736 announcements, including watering restrictions, severe weather
 737 reports, amber alerts, and other essential information needed by
 738 the public. ~~Local government review or approval is not required~~
 739 ~~for a public information system owned or hereafter acquired,~~
 740 ~~developed, or constructed by the water management district on~~
 741 ~~its own property.~~ A public information system is subject to
 742 ~~exempt from~~ the requirements of chapter 479. Water management
 743 district funds may not be used to pay the cost to acquire,
 744 develop, construct, operate, or manage a public information
 745 system. Such system ~~Any necessary funds for a public information~~
 746 ~~system~~ shall be paid for with funds ~~and~~ collected from private
 747 sponsors, who may display commercial messages.

748 Section 11. This act shall take effect July 1, 2014.

Page 26 of 26

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 392

INTRODUCER: Senators Brandes and Clemens

SUBJECT: State Speed Zones

DATE: January 16, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Eichin	TR	Favorable
2.			CA	
3.			AP	

I. Summary:

SB 392 raises the maximum allowable speed limit on certain highways and authorizes, but does not require, the Florida Department of Transportation (FDOT) to increase the speed limit on certain roadway types, subject to the new maximum limits. The bill also directs the FDOT to determine the minimum speed limit on certain highways and makes technical and conforming changes.

II. Present Situation:

Speed Limit History and Current Law

The FDOT has long been charged with posting maximum and minimum speed limits on state and federal highways in Florida, subject at various times to national speed limits. Prior to 1974, state law authorized the FDOT to set maximum and minimum speed limits for travel on roadways under its authority, not to exceed 70 mph, with discretion for certain highways outside of a city or state roads connecting links or extensions thereof within a city.¹

In 1974, a National Maximum Speed Limit (NMSL), designed chiefly to conserve fuel, took effect, establishing a national maximum speed limit of 55 mph. Congress relaxed the law in 1987, allowing states to set speed limits of up to 65 mph on interstate roads in areas with fewer than 50,000 people ("rural interstates"). In 1995, Congress repealed the NMSL, allowing states to set their own speed limits (or none at all) on their roads. Most states have since increased the speed limits on some or all of their roads.

Since 1996, the authorized maximum speed limits on state highways in Florida are as follows:

- 70 mph on limited access highways,

¹ Chapter 71-135, Laws of Fla.

- 65 mph on any other highways outside an urban area of 5,000 or more persons with at least four lanes divided by a median strip, and
- 60 mph on other roadways under FDOT jurisdiction.²

As to minimum speeds on state roads in Florida, current s. 316.187(2)(c), F.S., establishes the minimum on all highways that are a part of the National System of Interstate and Defense Highways and have not fewer than four lanes at 40 mph, except that if the posted speed limit is 70 mph, the minimum speed is 50 mph.

Intent of Speed Limits

The FDOT notes that the “primary intent for establishing a speed zone is to improve vehicular and pedestrian safety by reducing the probability and severity of crashes.”

“The “statutory” or allowable speed limits mandated by state statutes prevail on the types of roads and/or locations identified within state, municipality, and county jurisdictions. Such speed limits may be altered upward or downward by speed zoning thus creating specific or altered speed limits or restrictions for prescribed segments of highways...”³

Establishment of Speed Limits/Speed Differential/85th Percentile Rule

The 85th percentile rule is used by all states to establish speed limits. The Institute of Transportation Engineers reports:

“The most widely accepted method by state and local agencies is to set the limit at or below the speed at which 85 percent of the traffic is moving. . . . Studies have shown crash rates are lowest at around the 85th percentile speed. Drivers traveling significantly faster OR slower than this speed are at a greater risk for being in a crash. It is not high speeds alone that relate to crash risk; it is the variation of speed within the traffic stream.”

“Large variations in speed within the traffic stream create more conflicts and passing maneuvers.”

“According to a Federal Highway Administration study, all states and most local agencies use the 85th percentile speed of free flowing traffic as the basic factor in establishing speed limits.

“Radar, laser and other methods are used to collect speed data from random vehicles on a given roadway. This speed is subject to revision based upon such factors as: crash experience, roadway geometrics, parking, pedestrians, curves, adjacent development and engineering judgment. This practice is in accordance with the MUTCD.⁴

² Section 316.187(2), F.S.

³ FDOT Traffic Engineering & Operations Office Topic No. 750-010-002, *Speed Zoning for Highways, Roads & Streets*, on file in the Senate Transportation Committee.

⁴ The Manual on Uniform Traffic Control Devices, which is a uniform system of traffic control devices for use on the streets and highways of the state adopted by the FDOT pursuant to s. 316.0745, F.S. Per s. 316.0745(3), F.S., “All official traffic control signals or official traffic control devices purchased and installed in this state by any public body or official shall conform with the manual and specifications published by the Department of Transportation....”

“In the final analysis, it is the judgment of the traffic engineer that determines which, if any, of the factors in the speed study warrant an adjustment of the 85th percentile speeds. After all variables are considered and a speed limit is established, traffic should flow at a safe and efficient level.”⁵

The FDOT adheres to the 85th percentile rule when establishing speed limits on state highways, subject to the statutory maximum limits, and advises:

“It is common traffic engineering knowledge that about 85% of all drivers travel at reasonably safe speeds for the various roadway conditions they encounter, regardless of speed limit signs.”

“Based on this knowledge, a traffic engineering study is conducted to establish speed limits on the state highway. The Department uses the “85th percentile” method of determining appropriate and safe posted speed limits in conjunction with the maximum statute-based speeds. This method is based on extensive nationally accepted studies and observations. By measuring the speed of hundreds of vehicles at various points along the roadway, traffic engineers are able to use data to determine a reasonable and safe maximum speed to post for all vehicles to travel.”⁶

Once the 85th percentile speed is identified and revised based on factors such as roadway conditions, crash experience, and applied engineering judgment, a maximum limit is established. Because vehicle speed differential; *i.e.*, large variations in speed within the traffic stream, have a clearly established impact on crash risk, an appropriate minimum allowable speed may also be set. The FDOT then periodically reviews maximum speed limits on state roads for a variety of reasons, such as a request for review from a citizen or an effort to study the effects of a prior increase in the limit.

Speed/Safety Relationship

Noting a disparity in findings among various studies of aggregate data relating to the relationship between increased speed and vehicle crashes, the National Cooperative Highway Research Program (NCHRP,) a branch of the National Academy of Science, analyzed the results of several studies of specific locations before and after an increase in the posted speed limit.⁷ Results of the NCHRP study are encapsulated in the following table:

Increase in Speed Limit (mph)	Change in Avg Actual Speed	Change in Total Crash	Change in Probability of Fatal Injury	Total Change in Fatal Injury Count
55 to 65	+3 mph	+3.3%	+24%	+28%
65 to 75	+3 mph	+0.64%	+12%	+13%

⁵ Institute of Traffic Engineers, *Speed Zoning Information, A Case of “Majority Rule,”* on file in the Senate Transportation Committee.

⁶ FDOT website, *Frequently Asked Questions – Speed Limits.* Last visited November 18, 2013: <http://www.dot.state.fl.us/trafficoperations/faqs/speedlimitfaq.shtm>.

⁷ National Cooperative Highway Research Program, Research Results Digest 303, *“Safety Impacts and Other Implications of Raised Speed Limits on High-Speed Roads,”* on file in the Senate Transportation Committee.

Similarly, the Federal Highway Administration notes that “the effects of speed on safety are complex and only partially known.”⁸ However:

“There is clear and convincing evidence that crash severity increases with individual vehicle speed. This finding is supported by theory and statistical analysis.

“A vehicle’s kinetic energy is proportional to its velocity squared. When a crash occurs, all or part of the kinetic energy is dissipated, primarily through friction and mass deformation. As kinetic energy increases exponentially with speed, so does the potential for mass deformation, including humans that are inside and outside of the vehicle. Analysis of crash statistics have shown that the probability of being injured in a crash increases as the change in speed at impact increases, particularly when this change in speed occurs over a short time duration.”⁹

Speed/Fuel Use Relationship

A study by the Fuels, Engines and Emissions Research Center of the Oak Ridge National Laboratory,¹⁰ conducted on 74 vehicles, model years 2003 to 2012, including “various sizes of sedans, wagons, and SUVs, as well as pickup trucks, minivans and a few “muscle cars” and sports cars,” showed the following general negative effect of increased speed on fuel economy:

Speed Increase	Average mpg decrease for a given 10 mph increase in speed
50 to 60 mph	12.4
60 to 70 mph	14.0
70 to 80 mph	15.4
All three increments	13.9

III. Effect of Proposed Changes:

Generally, the bill revises statutes that control minimum and maximum speed limits on certain roadways in the state. The bill does not require raising posted speed limits on any road. Rather, the FDOT is authorized to increase the speed limits on the identified roadways, subject to the new maximum limits, and to set minimum speed limits on those roadways, as described below.

Section 1 amends s. 316.183(2), F.S., to eliminate statutorily specified minimum speed limits on all highways that are a part of the National System of Interstate and Defense Highways with at least four lanes and to authorize the FDOT to determine the safe and advisable minimum speed limit on all such highways. Discretion to set minimum speed limits on all highways that are a part of the National System of Interstate and Defense Highways with at least four lanes is granted to the FDOT.

⁸ Federal Highway Administration, *Speed Concepts: Informational Guide*, Chapter 3, September 2009: http://safety.fhwa.dot.gov/speedmgt/ref_mats/fhwas10001/. Last visited November 18, 2013.

⁹ *Id.*

¹⁰ “ORNL researchers quantify the effect of increasing highway speed on fuel economy, 18 January 2013:” <http://www.greencarcongress.com/2013/01/thomas-20130117.html#ftn.id1>. Last visited November 2, 2013.

Section 2 amends s. 316.187(2), F.S., to increase by five miles per hour the existing authorized maximum speed limits on state highways in Florida as follows:

- 75 mph on limited access highways,
- 70 mph on any other highways outside an urban area of 5,000 or more persons with at least four lanes divided by a median strip, and
- 65 mph on other roadways under FDOT jurisdiction.

Section 3 provides the bill takes effect on July 1, 2014.

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:

Indeterminate. Increased personal injury or deaths, property damage, and litigation costs associated with increased crash severity might be anticipated. Increased fuel consumption by individual travelers choosing to travel at higher speeds on any roadways upon which the speed limit may be increased is also expected.

C. Government Sector Impact:

The FDOT advises it expects an “indeterminate insignificant” fiscal impact and reports “[a]ny increases to speed limits would involve engineering study costs and speed limit signage change including fabrication and installation costs, on a case by case basis.”¹¹

VI. Technical Deficiencies:

None.

¹¹ FDOT 2014 SB 392 Bill Analysis, July 1, 2014, on file in the Senate Transportation Committee.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: 316.183 and 316.87.

IX. Additional Information:

A. Committee Substitute – Statement of 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.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Jan 16 2014

Meeting Date

Topic Speed Limits

Bill Number SB 392

Name Karen MacFarland

(if applicable)

Job Title Attorney at Law Gov't Relations Advisor

(if applicable)

Address 309 Oaks Will Court

Street

Phone 813 760-5712

Tallahassee

City

FL 32312

State

Zip

E-mail karen.macfarland@arlaw.com

Speaking: For

Against

Information

Representing AAA Auto Club Group, formerly AAA Auto Club South

Appearing at request of Chair: Yes No

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.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/16/14 Meeting Date

Topic Transportation Bill Number 7092 / 292 (if applicable)

Name Ananth Prasad Amendment Barcode (if applicable)

Job Title Secretary

Address 605 Swannee St, Phone

Tallahassee City Tallahassee State Zip

Speaking: [X] For [] Against [X] Information

Representing Department of Transportation

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.

This form is part of the public record for this meeting.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Jan 16 2014

Meeting Date

Topic Speed Limits Bill Number SB 392 (if applicable)

Name H. Lee Moffitt Amendment Barcode _____ (if applicable)

Job Title Attorney at Law

Address 101 E Kennedy Blvd, Suite 4000 Phone 813 760-5712

Tampa FL 33602 E-mail Lee.Moffitt@arlaw.com

Street City State Zip

Speaking: For Against Information

Representing AAA Auto Club Group, formerly AAA Auto Club South

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.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-16-14

Meeting Date

Topic SB 0392 State Speed Zone Bill Number SB 0392 (if applicable)

Name Amy Datz Amendment Barcode (if applicable)

Job Title Retired State Transportation Air Quality Program Manager (if applicable)

Address 1130 Eestview Ave. Phone

Tallahassee FL 32303 E-mail amadredatz@a.com (City State Zip)

Speaking: For Against Information

Representing Environmental Caucus

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.

January 16, 2014

Senators: Brandes + Clemens.

From Amy Datz

Environmental Caucus

Subject SB 0392 State Speed Zones.

Your Bill 0392 relating to State

Speed Zones. Increasing Speeds on

our highways will increase air Pollution

and decrease the miles per gallon of

all vehicles. Aside from the increased

human cost of more devastating accidents

the environmental contamination from

accidents will also increase.

This is environmentally objectionable.

Please do not increase Speed Limits.

By Senators Brandes and Clemens

22-00244B-14

2014392__

1 A bill to be entitled
 2 An act relating to state speed zones; amending s.
 3 316.183, F.S.; conforming a provision to changes made
 4 by the act; making technical changes; amending s.
 5 316.187, F.S.; raising the maximum allowable speed
 6 limit on certain highways; increasing the maximum
 7 allowable speed limit on roadways under the
 8 jurisdiction of the Department of Transportation;
 9 providing an effective date.

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

11 Section 1. Subsection (2) of section 316.183, Florida
 12 Statutes, is amended to read:
 13 316.183 Unlawful speed.—
 14 (2) On all streets or highways, the maximum speed limits
 15 for all vehicles must be 30 miles per hour in business or
 16 residence districts, and 55 miles per hour at any time at all
 17 other locations. However, with respect to a residence district,
 18 a county or municipality may set a maximum speed limit of 20 or
 19 25 miles per hour on local streets and highways after an
 20 investigation determines that such a limit is reasonable. It is
 21 not necessary to conduct a separate investigation for each
 22 residence district. The Department of Transportation shall
 23 determine the safe and advisable minimum speed limit on all
 24 highways that are ~~comprise~~ a part of the National System of
 25 Interstate and Defense Highways and have at least ~~not fewer than~~
 26 four lanes is ~~40 miles per hour, except that when the posted~~
 27 ~~speed limit is 70 miles per hour, the minimum speed limit is 50~~

Page 1 of 2

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

22-00244B-14

2014392__

30 ~~miles per hour.~~
 31 Section 2. Subsection (2) of section 316.187, Florida
 32 Statutes, is amended to read:
 33 316.187 Establishment of state speed zones.—
 34 (2) (a) The maximum allowable speed limit on limited access
 35 highways is 75 ~~70~~ miles per hour.
 36 (b) The maximum allowable speed limit on any other highway
 37 ~~that which~~ is outside an urban area of 5,000 or more persons and
 38 ~~that which~~ has at least four lanes divided by a median strip is
 39 70 ~~65~~ miles per hour.
 40 (c) The Department of Transportation is authorized to set
 41 such maximum and minimum speed limits for travel over other
 42 roadways under its authority as it deems safe and advisable, not
 43 to exceed as a maximum limit 65 ~~60~~ miles per hour.
 44 Section 3. This act shall take effect July 1, 2014.

Page 2 of 2

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



Florida Department of
TRANSPORTATION

ELECTRONIC TOLL COLLECTION – IMPLEMENTATION AND PRACTICES

**Diane Gutierrez-Scaccetti, Executive Director
Florida's Turnpike Enterprise**



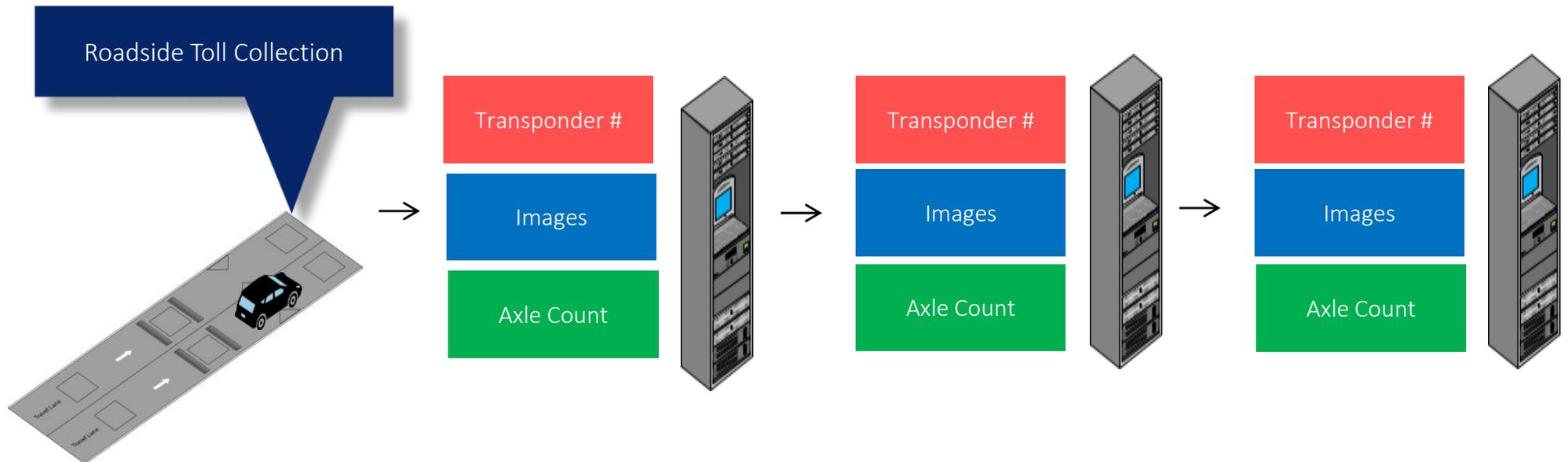
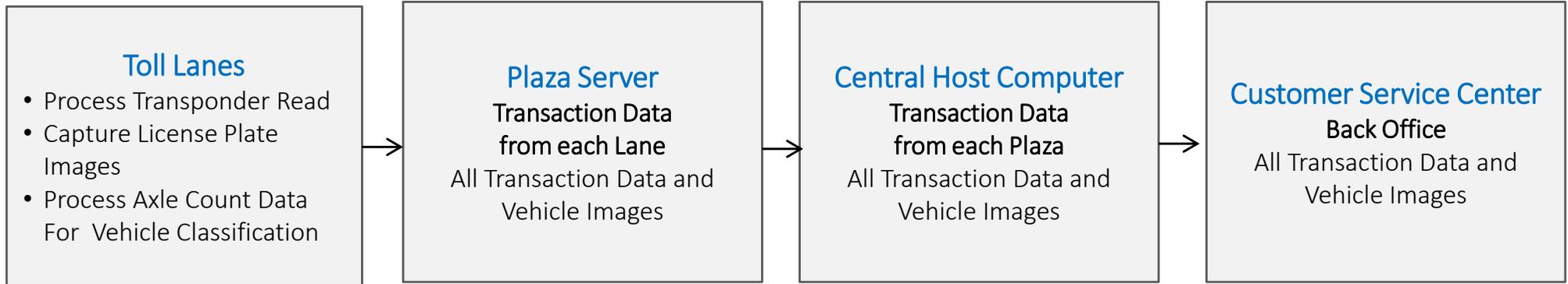
PURPOSE

- **PROVIDE OVERVIEW OF AN ELECTRONIC TOLL SYSTEM**
- **QUALITY ASSURANCE MEASURES**
- **SUMMARIZE CUSTOMER RESOLUTION**

ELEMENTS OF AN ELECTRONIC TOLL COLLECTION SYSTEM

- **IN-LANE TECHNOLOGY**
- **HOST COMPUTER**
- **CUSTOMER SERVICE CENTER**

Toll Collection Process



Toll Collection Process

Toll Lanes

- Process Transponder Read
- Capture License Plate Images
- Process Axle Count Data For Vehicle Classification

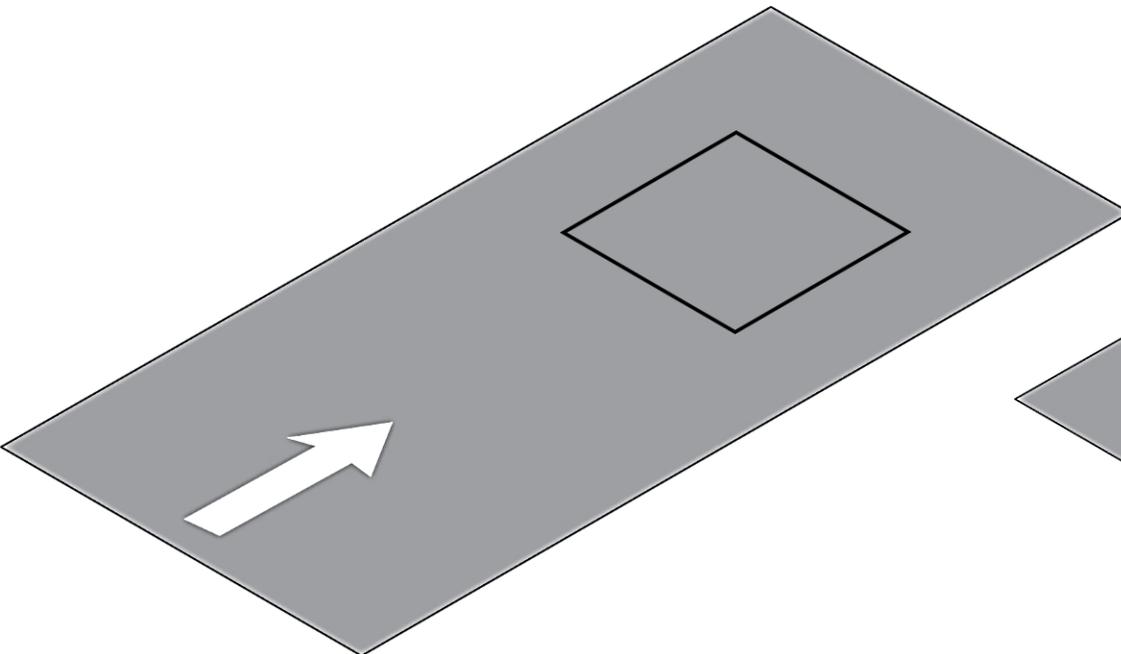


How Does The Technology Work

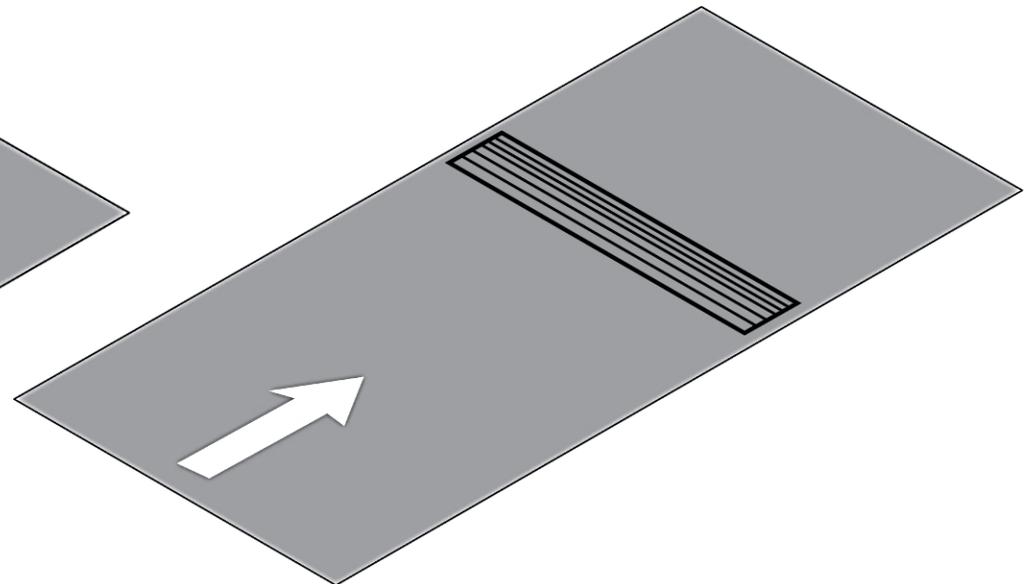
Vehicle Classification

FTE Classification Sensors

Primary Sensors -
Vehicle Presence Detection



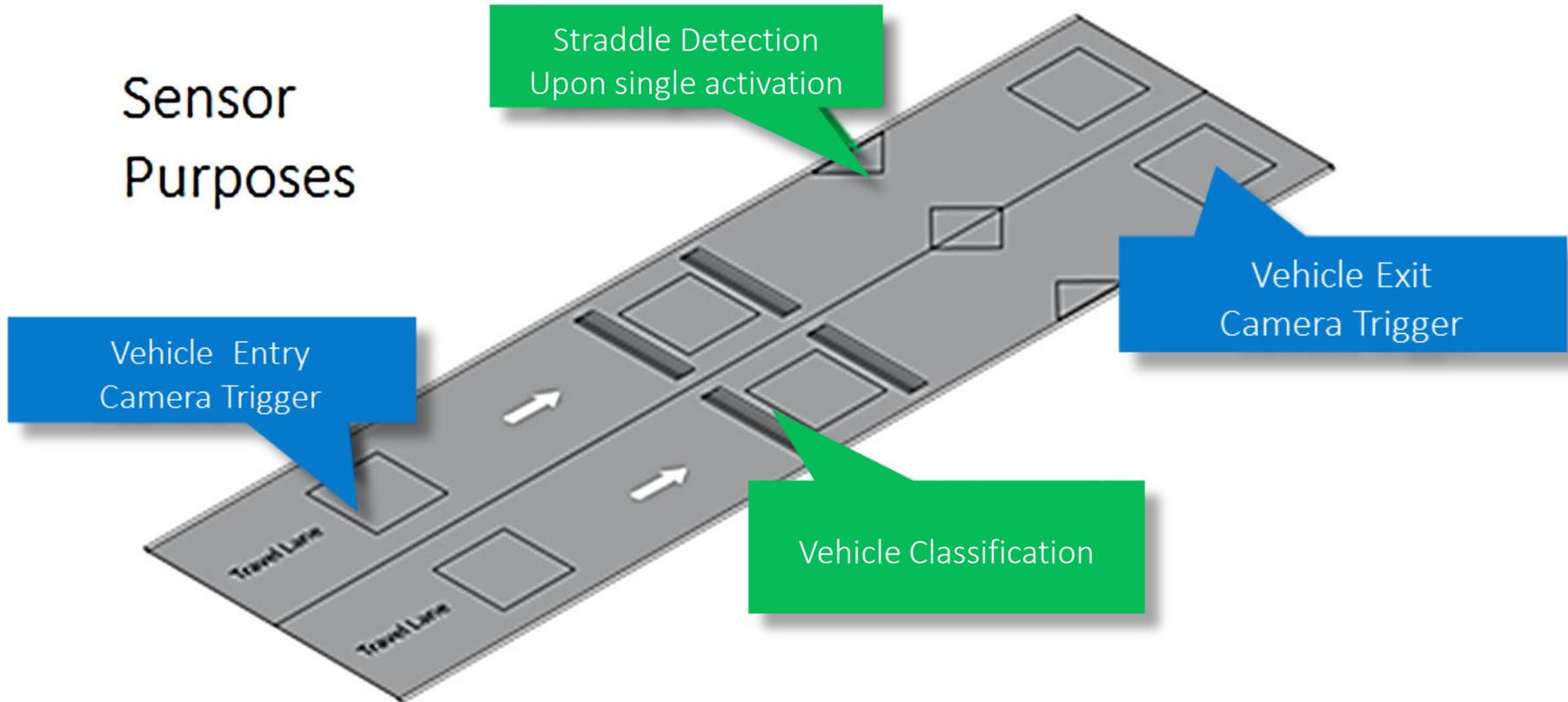
Gradient Sensors -
Axle Detection





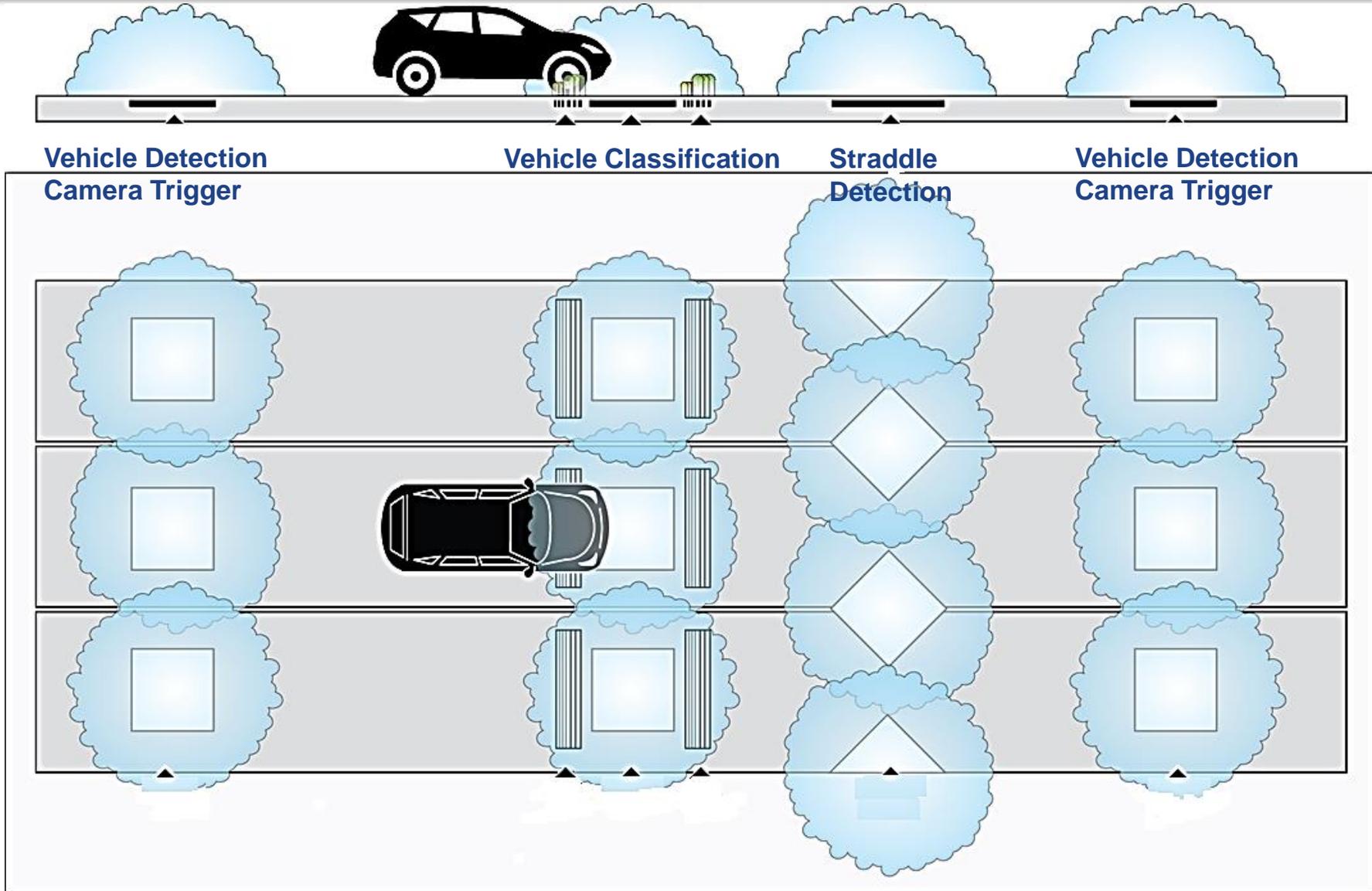
How Does The Technology Work

Sensor Purposes





How Does The Technology Work





Vehicle Classification Stage

- Electromagnetic fields of varying heights and intensities
- Measure change of inductance
- Vehicle signature on gradients show axles



Vehicle Classification Profiles





Florida Department of
TRANSPORTATION

Quality Assurance Measures

Quality Assurance Measures

- Customer Account Maintenance
 - Vehicle Classification Watch List
 - Direct Customer Outreach
 - Improvements in the Program
- Lane System Maintenance and Monitoring
 - Preventative Maintenance
 - Maintenance Online Management System
 - Sunwatch Auto Logging Issues and Technician Dispatch
- Toll Systems Replacement Program



VEHICLE REGISTRATION HOLD PROCESS BENEFITS

Implementing registration hold achieves –

- Significant improvement in our customer experience by greatly reducing court related actions
- Increases payment of outstanding tolls by employing the registration hold process
- Keeps FTE/FDOT in control of the toll payment process
- Provides a pathway to address the most egregious toll violators by maintaining a court based collection pathway



Florida Department of
TRANSPORTATION

Questions

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

01/16/2014
Meeting Date

Topic Electronic Toll Collection Bill Number N/A (if applicable)
Name Diane Gutierrez-Scarce Amendment Barcode N/A (if applicable)
Job Title Executive Director / CEO, Florida's Turnpike Enterprise
Address MP 263, Bldg. 5B15, Florida's Turnpike Phone 407-264-3100
Ocoee FL 34711
City State Zip

E-mail diane.scarce@dot.state.fl us

Speaking: For Against Information

Representing Florida Department of Transportation

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.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations Subcommittee on General
Government, *Vice Chair*
Community Affairs, *Vice Chair*
Appropriations Subcommittee on Transportation,
Tourism, and Economic Development
Children, Families, and Elder Affairs
Commerce and Tourism
Transportation

JOINT COMMITTEE:
Joint Administrative Procedures Committee

SENATOR GERALDINE F. THOMPSON
12th District

January 3, 2014

The Honorable Jeff Brandes
3637 Fourth Street North
Suite 101
St. Petersburg, FL 33704

Dear Chair Brandes:

I respectfully request an excused absence from the January 16th meeting of the Committee on Transportation.

I will be traveling and unable to attend.

Sincerely,

A handwritten signature in cursive script that reads "Geraldine F. Thompson".

Senator Geraldine F. Thompson, D-12

cc: Kurt Eichin

GT:dr

REPLY TO:

511 W. South Street, Suite 204, Orlando, Florida 32805
 224 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5012

Senate's Website: www.flsenate.gov

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore



January 13, 2014

To: Senator Brandes, Chair

Senate Transportation Committee

From: Senator Gwen Margolis

A handwritten signature in cursive script, appearing to read "Gwen Margolis".

Please excuse me from the Transportation Meeting on Thursday, January 16, 2014. I will be returning to Miami on Wednesday for a commitment there.

Thank you.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations Subcommittee on Criminal and
Civil Justice
Appropriations Subcommittee on Finance and Tax
Banking and Insurance
Children, Families, and Elder Affairs
Ethics and Elections
Rules
Transportation

JOINT COMMITTEE:

Joint Committee on Administrative Procedures

SENATOR MIGUEL DIAZ de la PORTILLA

40th District

January 16, 2014

The Honorable Jeff Brandes
Chairman
Senate Transportation Committee

Via email

Dear Chairman Brandes:

I respectfully request that I be excused from the Transportation Committee meeting this morning. I have to fly back to Miami.

Thank you for your consideration.

Sincerely,

Miguel Diaz de la Portilla
Senator, District 40

Cc: Mr. Kurt Eichen, Staff Director; Ms. Marilyn Hudson, Committee Administrative Assistant

REPLY TO:

2100 Coral Way, Suite 505, Miami, Florida 33145 (305) 643-7200

312 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5040

Senate's Website: www.flsenate.gov

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore

CourtSmart Tag Report

Room: LL 37
Caption: Senate Transportation

Case:
Judge:

Type:

Started: 1/16/2014 9:05:55 AM
Ends: 1/16/2014 10:18:55 AM **Length:** 01:13:01

9:05:56 AM Meeting called to order by Chairman Brandes
9:06:00 AM Roll call by Administrative Assistant, Marilyn Hudson
9:06:22 AM Per Chairman Brandes, Senators Thompson, Margolis and Diaz de la Portilla are excused from the meeting
9:06:55 AM Comments from Chairman Brandes
9:06:59 AM Introduction of 7012 Proposed Committee Bill by Cindy Price, Analyst
9:09:40 AM Comments from Chairman Brandes regarding Senator Lee's proposal that 7012 be considered as a Committee Bill
9:10:11 AM Question from Senator Garcia
9:10:29 AM Response from Cindy Price
9:10:51 AM Response from Secretary Ananth Prasad, Department of Transportation
9:11:43 AM Follow-up question from Senator Garcia
9:11:53 AM Response from Secretary Ananth Prasad
9:12:55 AM Speaker Leticia Adams, Senior Policy Director, Florida Chamber of Commerce in support of Bill
9:13:42 AM Speaker, John Johnston, Lobbyist, Florida Airport Council in support of the Bill
9:13:55 AM Speaker, Joe Lopano, CEO, Tampa International Airport in support of the Bill
9:16:22 AM Comments from Chairman Brandes
9:16:29 AM Question from Senator Lee
9:16:57 AM Response from Secretary Ananth Prasad
9:18:34 AM Follow-up question/comments from Senator Lee
9:19:34 AM Response from Secretary Ananth Prasad
9:20:10 AM Comments from Chairman Brandes
9:20:26 AM Comments from Senator Garcia in debate
9:21:17 AM Closure waived on 7012
9:21:23 AM Roll call by Administrative Assistant, Marilyn Hudson
9:21:39 AM Introduction and passage of SB 7012 reported favorably
9:21:52 AM Chair passed to Senator Lee
9:22:12 AM Explanation of SB 392 by Chairman Brandes
9:23:49 AM Comments from Senator Lee
9:23:56 AM Question from Senator Joyner
9:24:16 AM Response from Chairman Brandes
9:24:25 AM Follow-up question from Senator Joyner
9:24:32 AM Response from Chairman Brandes
9:24:40 AM Additional question from Senator Joyner
9:24:48 AM Response from Chairman Brandes
9:24:59 AM Additional question from Senator Joyner
9:25:43 AM Comments from Senator Lee
9:25:50 AM Response from Chairman Brandes
9:27:44 AM Comments from Senator Lee
9:28:01 AM Comments/question from Senator Joyner
9:28:11 AM Response from Secretary Ananth Prasad
9:32:10 AM Comments from Senator Lee
9:32:27 AM Question from Senator Garcia
9:32:45 AM Response from Chairman Brandes
9:33:03 AM Follow-up question from Senator Garcia
9:33:19 AM Response from Chairman Brandes
9:33:52 AM Comments from Senator Lee
9:34:05 AM Speaker, Karen MacFarland, Government Relations Advisor, AAA Auto Group in opposition of the Bill
9:37:40 AM Question from Senator Evers
9:37:52 AM Response from Karen MacFarland
9:38:07 AM H. Lee Moffitt, Attorney at Law on behalf of AAA Auto Club Group, waives in opposition
9:38:49 AM Comments from Senator Lee

9:40:40 AM Comments from Senator Joyner in debate
9:41:42 AM Closure by Chairman Brandes on SB 392
9:42:59 AM Roll call by Administrative Assistant, Marilyn Hudson
9:43:18 AM SB 392 passes favorably
9:43:28 AM Chair returned to Chairman Brandes
9:43:54 AM Chairman Brandes' introduction of Department Transportation Staff
9:45:33 AM Presentation by Diane Gutierrez-Scaccetti, Executive Director/CEO, Florida's Turnpike Enterprise,
Department of Transportation
10:00:12 AM Comments from Chairman Brandes
10:00:18 AM Question from Senator Garcia
10:00:45 AM Response from Diane Gutierrez-Scaccetti
10:04:16 AM Question from Senator Evers
10:04:29 AM Response from Diane Gutierrez-Scaccetti
10:04:42 AM Follow-up question from Senator Evers
10:04:50 AM Response from Diane Gutierrez-Scaccetti
10:04:56 AM Additional question from Senator Evers
10:05:03 AM Response from Diane Gutierrez-Scaccetti
10:06:08 AM Additional question from Senator Evers
10:07:35 AM Response from Diane Gutierrez-Scaccetti
10:09:05 AM Comments from Senator Evers
10:09:16 AM Response from Diane Gutierrez-Scaccetti
10:12:57 AM Response from Senator Evers
10:13:18 AM Response from Diane Gutierrez-Scaccetti
10:13:49 AM Comments from Senator Evers
10:13:58 AM Response from Diane Gutierrez-Scaccetti
10:14:37 AM Comments from Senator Evers
10:14:44 AM Response from Diane Gutierrez-Scaccetti
10:15:04 AM Comments from Senator Lee
10:15:46 AM Question from Senator Joyner
10:16:14 AM Response from Diane Gutierrez-Scaccetti
10:17:08 AM Question from Senator Joyner
10:17:25 AM Response from Diane Gutierrez-Scaccetti
10:17:50 AM Comments from Senator Joyner
10:17:59 AM Response from Diane Gutierrez-Scaccetti
10:18:19 AM Comments from Chairman Brandes
10:18:20 AM Comments from Senator Evers
10:18:30 AM Senator Joyner moves to rise