

By Senator Latvala

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1 A bill to be entitled
2 An act relating to transportation; amending s. 20.23,
3 F.S.; providing that the Florida Statewide Passenger
4 Rail Commission has the primary and exclusive
5 authority to monitor certain designated functions
6 related to passenger rail systems; removing from the
7 Florida Transportation Commission the responsibility
8 and duty to monitor the efficiency, productivity, and
9 management of all publicly funded passenger rail
10 systems in the state; amending s. 316.3025, F.S.;
11 providing a uniform civil penalty for failure to
12 possess a current, prescribed form of medical
13 examiner's certificate reflecting a driver's physical
14 qualification to drive a commercial motor vehicle;
15 amending s. 334.03, F.S.; revising and repealing
16 obsolete definitions in the Florida Transportation
17 Code; amending s. 334.044, F.S.; revising the duties
18 and powers of the Department of Transportation;
19 amending s. 334.047, F.S.; repealing an obsolete
20 provision prohibiting the department from establishing
21 a maximum number of miles of urban principal arterial
22 roads within a district or county;
23 amending s. 336.021, F.S.; revising the date when
24 imposition of the ninth-cent fuel tax will be levied;
25 amending s. 336.025, F.S.; revising the date when
26 imposition or rate charges of the local option fuel
27 tax shall be levied; amending s. 337.111, F.S.;
28 providing additional forms of security for the cost of
29 removal of monuments or memorials or modifications to

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30 an installation site at highway rest areas; repealing
31 s. 338.001, F.S., relating to the Florida Interstate
32 Highway System Plan; amending s. 338.01, F.S.;
33 clarifying provisions governing the designation and
34 function of limited access facilities; amending s.
35 338.227, F.S.; replacing a reference to the Florida
36 Intrastate Highway System Plan with a reference to the
37 Strategic Intermodal System Plan to provide for the
38 participation of minority businesses in certain
39 contracts related to the plan; amending ss. 338.2275
40 and 338.228, F.S., relating to turnpike projects;
41 revising cross-references; amending s. 338.234, F.S.;
42 replacing a reference to the Florida Intrastate
43 Highway System with a reference to the Strategic
44 Intermodal System to exempt certain lessees from
45 payment of commercial rental tax; amending s. 339.62,
46 F.S.; replacing a reference to the Florida Intrastate
47 Highway System with a reference to highway corridors
48 to clarify the components of the Strategic Intermodal
49 System; amending s. 339.63, F.S.; adding military
50 access facilities to the types of facilities included
51 in to the Strategic Intermodal System and the Emerging
52 Strategic Intermodal System; amending s. 339.64, F.S.;
53 deleting provisions creating the Statewide Intermodal
54 Transportation Advisory Council; creating s. 339.65,
55 F.S.; requiring the department to plan and develop for
56 Strategic Intermodal System highway corridors to aid
57 traffic movement around the state; requiring the
58 department to follow specified policy guidelines when

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59 developing the corridors; directing the department to
60 establish standards and criteria for functional
61 designs of the highway system; providing for an
62 appropriation for developing the corridor; requiring
63 strategic highway projects to be a part of the
64 department's adopted work program; amending s.
65 339.155, F.S.; providing a reference to federally
66 required transportation planning factors; clarifying
67 provisions relating to the Florida Transportation
68 Plan; deleting certain duplicative performance
69 reporting requirements: amending s. 341.840, F.S.;

70 replacing references to the "Florida High Speed Rail
71 Authority" with references to the "Florida Rail
72 Enterprise" for purposes of a tax exemption; amending
73 ss. 163.3180, 288.063, 311.07, 311.09, 316.2122,
74 316.515, 336.01, 338.222, 341.8225, 479.01, 479.07,
75 and 479.261, F.S.; conforming cross-references to
76 changes made by the act; providing an effective date.

77
78 Be It Enacted by the Legislature of the State of Florida:

79
80 Section 1. Paragraph (b) of subsection (3) of section
81 20.23, Florida Statutes, is amended to read:

82 20.23 Department of Transportation.—There is created a
83 Department of Transportation which shall be a decentralized
84 agency.

85 (3) There is created the Florida Statewide Passenger Rail
86 Commission.

87 (b) The commission shall have the primary and exclusive

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88 functions of:

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

106 2. Advising the department on policies and strategies used
107 in planning, designing, building, operating, financing, and
108 maintaining a coordinated statewide system of passenger rail
109 services.

110 3. Evaluating passenger rail policies and providing advice
111 and recommendations to the Legislature on passenger rail
112 operations in the state.

113 Section 2. Paragraph (b) of subsection (3) of section
114 316.3025, Florida Statutes, is amended to read:

115 316.3025 Penalties.—

116 (3)

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117 (b) A civil penalty of \$100 may be assessed for:

118 1. Each violation of the North American Uniform Driver Out-
119 of-Service Criteria;

120 2. A violation of s. 316.302(2)(b) or (c);

121 3. A violation of 49 C.F.R. s. 392.60; ~~or~~

122 4. A violation of 49 C.F.R. s. 391.41 or s. 391.43; or

123 5.4. A violation of the North American Standard Vehicle
124 Out-of-Service Criteria resulting from an inspection of a
125 commercial motor vehicle involved in a crash.

126 Section 3. Section 334.03, Florida Statutes, is amended to
127 read:

128 334.03 Definitions.—When used in the Florida Transportation
129 Code, the term:

130 ~~(1) "Arterial road" means a route providing service which~~
131 ~~is relatively continuous and of relatively high traffic volume,~~
132 ~~long average trip length, high operating speed, and high~~
133 ~~mobility importance. In addition, every United States numbered~~
134 ~~highway is an arterial road.~~

135 (1)(2) "Bridge" means a structure, including supports,
136 erected over a depression or an obstruction, such as water or a
137 highway or railway, and having a track or passageway for
138 carrying traffic as defined in chapter 316 or other moving
139 loads.

140 (2)(3) "City street system" means all ~~local~~ roads within a
141 municipality which were under the jurisdiction of the
142 municipality on June 10, 1995; roads constructed by a
143 municipality for the municipality's street system; roads
144 completely within an area annexed by a municipality, unless
145 otherwise provided by mutual consent; and roads transferred to

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146 the municipality's jurisdiction after June 10, 1995, by mutual
147 consent with another governmental entity, but not including
148 roads transferred from the municipality's jurisdiction, and all
149 collector roads inside that municipality, which are not in the
150 county road system.

151 ~~(4) "Collector road" means a route providing service which~~
152 ~~is of relatively moderate average traffic volume, moderately~~
153 ~~average trip length, and moderately average operating speed.~~
154 ~~Such a route also collects and distributes traffic between local~~
155 ~~roads or arterial roads and serves as a linkage between land~~
156 ~~access and mobility needs.~~

157 ~~(3)(5) "Commissioners" means the governing body of a~~
158 ~~county.~~

159 ~~(4)(6) "Consolidated metropolitan statistical area" means~~
160 ~~two or more metropolitan statistical areas that are socially and~~
161 ~~economically interrelated as defined by the United States Bureau~~
162 ~~of the Census.~~

163 ~~(5)(7) "Controlled access facility" means a street or~~
164 ~~highway to which the right of access is highly regulated by the~~
165 ~~governmental entity having jurisdiction over the facility in~~
166 ~~order to maximize the operational efficiency and safety of the~~
167 ~~high-volume through traffic utilizing the facility. Owners or~~
168 ~~occupants of abutting lands and other persons have a right of~~
169 ~~access to or from such facility at such points only and in such~~
170 ~~manner as may be determined by the governmental entity.~~

171 ~~(6)(8) "County road system" means all~~ roads within a county
172 which were under the jurisdiction of that county on June 10,
173 1995; roads constructed by a county for the county's road
174 system; and roads transferred to the county's jurisdiction after

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175 June 10, 1995, by mutual consent with another governmental
176 entity. The term does not include roads transferred from the
177 county's jurisdiction by mutual consent or roads that are
178 completely within an area annexed by a municipality, except as
179 otherwise provided by mutual consent ~~collector roads in the~~
180 ~~unincorporated areas of a county and all extensions of such~~
181 ~~collector roads into and through any incorporated areas, all~~
182 ~~local roads in the unincorporated areas, and all urban minor~~
183 ~~arterial roads not in the State Highway System.~~

184 (7) ~~(9)~~ "Department" means the Department of Transportation.

185 ~~(10)~~ "Florida Intrastate Highway System" means a system of
186 limited access and controlled access facilities on the State
187 Highway System which have the capacity to provide high-speed and
188 high-volume traffic movements in an efficient and safe manner.

189 (8) ~~(11)~~ "Functional classification" means the assignment of
190 roads into systems according to the character of service they
191 provide in relation to the total road network, using procedures
192 developed by the Federal Highway Administration. Basic
193 ~~functional categories include arterial roads, collector roads,~~
194 ~~and local roads which may be subdivided into principal, major,~~
195 ~~or minor levels. Those levels may be additionally divided into~~
196 ~~rural and urban categories.~~

197 (9) ~~(12)~~ "Governmental entity" means a unit of government,
198 or any officially designated public agency or authority of a
199 unit of government, that has the responsibility for planning,
200 construction, operation, or maintenance or jurisdiction over
201 transportation facilities; the term includes the Federal
202 Government, the state government, a county, an incorporated
203 municipality, a metropolitan planning organization, an

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204 expressway or transportation authority, a road and bridge
205 district, a special road and bridge district, and a regional
206 governmental unit.

207 (10)~~(13)~~ "Limited access facility" means a street or
208 highway especially designed for through traffic, and over, from,
209 or to which owners or occupants of abutting land or other
210 persons have no right or easement of access, light, air, or view
211 by reason of the fact that their property abuts upon such
212 limited access facility or for any other reason. Such highways
213 or streets may be facilities from which trucks, buses, and other
214 commercial vehicles are excluded; or they may be facilities open
215 to use by all customary forms of street and highway traffic.

216 (11)~~(14)~~ "Local governmental entity" means a unit of
217 government with less than statewide jurisdiction, or any
218 officially designated public agency or authority of such a unit
219 of government, that has the responsibility for planning,
220 construction, operation, or maintenance of, or jurisdiction
221 over, a transportation facility; the term includes, but is not
222 limited to, a county, an incorporated municipality, a
223 metropolitan planning organization, an expressway or
224 transportation authority, a road and bridge district, a special
225 road and bridge district, and a regional governmental unit.

226 ~~(15) "Local road" means a route providing service which is~~
227 ~~of relatively low average traffic volume, short average trip~~
228 ~~length or minimal through-traffic movements, and high land~~
229 ~~access for abutting property.~~

230 (12)~~(16)~~ "Metropolitan area" means a geographic region
231 comprising as a minimum the existing urbanized area and the
232 contiguous area projected to become urbanized within a 20-year

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233 forecast period. The boundaries of a metropolitan area may be
234 designated so as to encompass a metropolitan statistical area or
235 a consolidated metropolitan statistical area. If a metropolitan
236 area, or any part thereof, is located within a nonattainment
237 area, the boundaries of the metropolitan area must be designated
238 so as to include the boundaries of the entire nonattainment
239 area, unless otherwise provided by agreement between the
240 applicable metropolitan planning organization and the Governor.

241 (13)~~(17)~~ "Metropolitan statistical area" means an area that
242 includes a municipality of 50,000 persons or more, or an
243 urbanized area of at least 50,000 persons as defined by the
244 United States Bureau of the Census, provided that the component
245 county or counties have a total population of at least 100,000.

246 (14)~~(18)~~ "Nonattainment area" means an area designated by
247 the United States Environmental Protection Agency, pursuant to
248 federal law, as exceeding national primary or secondary ambient
249 air quality standards for the pollutants carbon monoxide or
250 ozone.

251 (15)~~(19)~~ "Periodic maintenance" means activities that are
252 large in scope and require a major work effort to restore
253 deteriorated components of the transportation system to a safe
254 and serviceable condition, including, but not limited to, the
255 repair of large bridge structures, major repairs to bridges and
256 bridge systems, and the mineral sealing of lengthy sections of
257 roadway.

258 (16)~~(20)~~ "Person" means any person described in s. 1.01 or
259 any unit of government in or outside the state.

260 (17)~~(21)~~ "Right of access" means the right of ingress to a
261 highway from abutting land and egress from a highway to abutting

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262 land.

263 (18)~~(22)~~ "Right-of-way" means land in which the state, the
264 department, a county, or a municipality owns the fee or has an
265 easement devoted to or required for use as a transportation
266 facility.

267 (19)~~(23)~~ "Road" means a way open to travel by the public,
268 including, but not limited to, a street, highway, or alley. The
269 term includes associated sidewalks, the roadbed, the right-of-
270 way, and all culverts, drains, sluices, ditches, water storage
271 areas, waterways, embankments, slopes, retaining walls, bridges,
272 tunnels, and viaducts necessary for the maintenance of travel
273 and all ferries used in connection therewith.

274 (20)~~(24)~~ "Routine maintenance" means minor repairs and
275 associated tasks necessary to maintain a safe and efficient
276 transportation system. The term includes: pavement patching;
277 shoulder repair; cleaning and repair of drainage ditches,
278 traffic signs, and structures; mowing; bridge inspection and
279 maintenance; pavement striping; litter cleanup; and other
280 similar activities.

281 (21)~~(25)~~ "State Highway System" means ~~the following, which~~
282 ~~shall be facilities to which access is regulated:~~

283 ~~(a)~~ the interstate system and all other roads within the
284 state which were under the jurisdiction of the state on June 10,
285 1995, and roads constructed by an agency of the state for the
286 State Highway System, plus roads transferred to the state's
287 jurisdiction after that date by mutual consent with another
288 governmental entity, but not including roads so transferred from
289 the state's jurisdiction. These facilities shall be facilities
290 to which access is regulated.†

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291 ~~(b) All rural arterial routes and their extensions into and~~
292 ~~through urban areas;~~

293 ~~(c) All urban principal arterial routes; and~~

294 ~~(d) The urban minor arterial mileage on the existing State~~
295 ~~Highway System as of July 1, 1987, plus additional mileage to~~
296 ~~comply with the 2-percent requirement as described below.~~

297
298 ~~However, not less than 2 percent of the public road mileage of~~
299 ~~each urbanized area on record as of June 30, 1986, shall be~~
300 ~~included as minor arterials in the State Highway System.~~
301 ~~Urbanized areas not meeting the foregoing minimum requirement~~
302 ~~shall have transferred to the State Highway System additional~~
303 ~~minor arterials of the highest significance in which case the~~
304 ~~total minor arterials in the State Highway System from any~~
305 ~~urbanized area shall not exceed 2.5 percent of that area's total~~
306 ~~public urban road mileage.~~

307 ~~(22)~~(26) "State Park Road System" means roads embraced
308 within the boundaries of state parks and state roads leading to
309 state parks, other than roads of the State Highway System, the
310 county road systems, or the city street systems.

311 ~~(23)~~(27) "State road" means a street, road, highway, or
312 other way open to travel by the public generally and dedicated
313 to the public use according to law or by prescription and
314 designated by the department, as provided by law, as part of the
315 State Highway System.

316 ~~(24)~~(28) "Structure" means a bridge, viaduct, tunnel,
317 causeway, approach, ferry slip, culvert, toll plaza, gate, or
318 other similar facility used in connection with a transportation
319 facility.

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320 (25)~~(29)~~ "Sufficiency rating" means the objective rating of
321 a road or section of a road for the purpose of determining its
322 capability to serve properly the actual or anticipated volume of
323 traffic using the road.

324 (26)~~(30)~~ "Transportation corridor" means any land area
325 designated by the state, a county, or a municipality which is
326 between two geographic points and which area is used or suitable
327 for the movement of people and goods by one or more modes of
328 transportation, including areas necessary for management of
329 access and securing applicable approvals and permits.

330 Transportation corridors shall contain, but are not limited to,
331 the following:

332 (a) Existing publicly owned rights-of-way;

333 (b) All property or property interests necessary for future
334 transportation facilities, including rights of access, air,
335 view, and light, whether public or private, for the purpose of
336 securing and utilizing future transportation rights-of-way,
337 including, but not limited to, any lands reasonably necessary
338 now or in the future for securing applicable approvals and
339 permits, borrow pits, drainage ditches, water retention areas,
340 rest areas, replacement access for landowners whose access could
341 be impaired due to the construction of a future facility, and
342 replacement rights-of-way for relocation of rail and utility
343 facilities.

344 (27)~~(31)~~ "Transportation facility" means any means for the
345 transportation of people or property from place to place which
346 is constructed, operated, or maintained in whole or in part from
347 public funds. The term includes the property or property rights,
348 both real and personal, which have been or may be established by

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349 public bodies for the transportation of people or property from
350 place to place.

351 (28)~~(32)~~ "Urban area" means a geographic region comprising
352 as a minimum the area inside the United States Bureau of the
353 Census boundary of an urban place with a population of 5,000 or
354 more persons, expanded to include adjacent developed areas as
355 provided for by Federal Highway Administration regulations.

356 ~~(33) "Urban minor arterial road" means a route that~~
357 ~~generally interconnects with and augments an urban principal~~
358 ~~arterial road and provides service to trips of shorter length~~
359 ~~and a lower level of travel mobility. The term includes all~~
360 ~~arterials not classified as "principal" and contain facilities~~
361 ~~that place more emphasis on land access than the higher system.~~

362 (29)~~(34)~~ "Urban place" means a geographic region composed
363 of one or more contiguous census tracts that have been found by
364 the United States Bureau of the Census to contain a population
365 density of at least 1,000 persons per square mile.

366 ~~(35) "Urban principal arterial road" means a route that~~
367 ~~generally serves the major centers of activity of an urban area,~~
368 ~~the highest traffic volume corridors, and the longest trip~~
369 ~~purpose and carries a high proportion of the total urban area~~
370 ~~travel on a minimum of mileage. Such roads are integrated, both~~
371 ~~internally and between major rural connections.~~

372 (30)~~(36)~~ "Urbanized area" means a geographic region
373 comprising as a minimum the area inside an urban place of 50,000
374 or more persons, as designated by the United States Bureau of
375 the Census, expanded to include adjacent developed areas as
376 provided for by Federal Highway Administration regulations.
377 Urban areas with a population of fewer than 50,000 persons which

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378 are located within the expanded boundary of an urbanized area
379 are not separately recognized.

380 (31)~~(37)~~ "511" or "511 services" means three-digit
381 telecommunications dialing to access interactive voice response
382 telephone traveler information services provided in the state as
383 defined by the Federal Communications Commission in FCC Order
384 No. 00-256, July 31, 2000.

385 (32)~~(38)~~ "Interactive voice response" means a software
386 application that accepts a combination of voice telephone input
387 and touch-tone keypad selection and provides appropriate
388 responses in the form of voice, fax, callback, e-mail, and other
389 media.

390 Section 4. Subsections (11) and (13) of section 334.044,
391 Florida Statutes, are amended to read:

392 334.044 Department; powers and duties.—The department shall
393 have the following general powers and duties:

394 (11) To establish a numbering system for public roads, and
395 to functionally classify such roads, ~~and to assign~~
396 ~~jurisdictional responsibility.~~

397 (13) To ~~designate existing and to~~ plan proposed
398 transportation facilities as part of the State Highway System,
399 and to construct, maintain, and operate such facilities.

400 Section 5. Section 334.047, Florida Statutes, is amended to
401 read:

402 334.047 Prohibition.—Notwithstanding any other provision of
403 law to the contrary, the Department of Transportation may not
404 establish a cap on the number of miles in the State Highway
405 System ~~or a maximum number of miles of urban principal arterial~~
406 ~~roads, as defined in s. 334.03, within a district or county.~~

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407 Section 6. Subsection (5) of section 336.021, Florida
408 Statutes, is amended to read:

409 336.021 County transportation system; levy of ninth-cent
410 fuel tax on motor fuel and diesel fuel.—

411 (5) All impositions of the tax shall be levied before
412 October 1 ~~July 1~~ of each year to be effective January 1 of the
413 following year. However, levies of the tax which were in effect
414 on July 1, 2002, and which expire on August 31 of any year may
415 be reimposed at the current authorized rate to be effective
416 September 1 of the year of expiration. All impositions shall be
417 required to end on December 31 of a year. A decision to rescind
418 the tax shall not take effect on any date other than December 31
419 and shall require a minimum of 60 days' notice to the department
420 of such decision.

421 Section 7. Paragraphs (a) and (b) of subsection (1) of
422 section 336.025, Florida Statutes, are amended to read:

423 336.025 County transportation system; levy of local option
424 fuel tax on motor fuel and diesel fuel.—

425 (1)(a) In addition to other taxes allowed by law, there may
426 be levied as provided in ss. 206.41(1)(e) and 206.87(1)(c) a 1-
427 cent, 2-cent, 3-cent, 4-cent, 5-cent, or 6-cent local option
428 fuel tax upon every gallon of motor fuel and diesel fuel sold in
429 a county and taxed under the provisions of part I or part II of
430 chapter 206.

431 1. All impositions and rate changes of the tax shall be
432 levied before October 1 ~~July 1~~ to be effective January 1 of the
433 following year for a period not to exceed 30 years, and the
434 applicable method of distribution shall be established pursuant
435 to subsection (3) or subsection (4). However, levies of the tax

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436 which were in effect on July 1, 2002, and which expire on August
437 31 of any year may be reimposed at the current authorized rate
438 effective September 1 of the year of expiration. Upon
439 expiration, the tax may be relieved provided that a
440 redetermination of the method of distribution is made as
441 provided in this section.

442 2. County and municipal governments shall utilize moneys
443 received pursuant to this paragraph only for transportation
444 expenditures.

445 3. Any tax levied pursuant to this paragraph may be
446 extended on a majority vote of the governing body of the county.
447 A redetermination of the method of distribution shall be
448 established pursuant to subsection (3) or subsection (4), if,
449 after July 1, 1986, the tax is extended or the tax rate changed,
450 for the period of extension or for the additional tax.

451 (b) In addition to other taxes allowed by law, there may be
452 levied as provided in s. 206.41(1)(e) a 1-cent, 2-cent, 3-cent,
453 4-cent, or 5-cent local option fuel tax upon every gallon of
454 motor fuel sold in a county and taxed under the provisions of
455 part I of chapter 206. The tax shall be levied by an ordinance
456 adopted by a majority plus one vote of the membership of the
457 governing body of the county or by referendum.

458 1. All impositions and rate changes of the tax shall be
459 levied before October 1 ~~July 1~~, to be effective January 1 of the
460 following year. However, levies of the tax which were in effect
461 on July 1, 2002, and which expire on August 31 of any year may
462 be reimposed at the current authorized rate effective September
463 1 of the year of expiration.

464 2. The county may, prior to levy of the tax, establish by

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465 interlocal agreement with one or more municipalities located
466 therein, representing a majority of the population of the
467 incorporated area within the county, a distribution formula for
468 dividing the entire proceeds of the tax among county government
469 and all eligible municipalities within the county. If no
470 interlocal agreement is adopted before the effective date of the
471 tax, tax revenues shall be distributed pursuant to the
472 provisions of subsection (4). If no interlocal agreement exists,
473 a new interlocal agreement may be established prior to June 1 of
474 any year pursuant to this subparagraph. However, any interlocal
475 agreement agreed to under this subparagraph after the initial
476 levy of the tax or change in the tax rate authorized in this
477 section shall under no circumstances materially or adversely
478 affect the rights of holders of outstanding bonds which are
479 backed by taxes authorized by this paragraph, and the amounts
480 distributed to the county government and each municipality shall
481 not be reduced below the amount necessary for the payment of
482 principal and interest and reserves for principal and interest
483 as required under the covenants of any bond resolution
484 outstanding on the date of establishment of the new interlocal
485 agreement.

486 3. County and municipal governments shall use moneys
487 received pursuant to this paragraph for transportation
488 expenditures needed to meet the requirements of the capital
489 improvements element of an adopted comprehensive plan or for
490 expenditures needed to meet immediate local transportation
491 problems and for other transportation-related expenditures that
492 are critical for building comprehensive roadway networks by
493 local governments. For purposes of this paragraph, expenditures

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494 for the construction of new roads, the reconstruction or
495 resurfacing of existing paved roads, or the paving of existing
496 graded roads shall be deemed to increase capacity and such
497 projects shall be included in the capital improvements element
498 of an adopted comprehensive plan. Expenditures for purposes of
499 this paragraph shall not include routine maintenance of roads.

500 Section 8. Subsection (4) of section 337.111, Florida
501 Statutes, is amended to read:

502 337.111 Contracting for monuments and memorials to military
503 veterans at rest areas.—The Department of Transportation is
504 authorized to enter into contract with any not-for-profit group
505 or organization that has been operating for not less than 2
506 years for the installation of monuments and memorials honoring
507 Florida's military veterans at highway rest areas around the
508 state pursuant to the provisions of this section.

509 (4) The group or organization making the proposal shall
510 provide a 10-year bond, an annual renewable bond, an irrevocable
511 letter of credit, or other form of security as approved by the
512 department's comptroller, for the purpose of securing the cost
513 of removal of the monument and any modifications made to the
514 site as part of the placement of the monument should the
515 Department of Transportation determine it necessary to remove or
516 relocate the monument. Such removal or relocation shall be
517 approved by the committee described in subsection (1). ~~Prior to~~
518 ~~expiration, the bond shall be renewed for another 10-year period~~
519 ~~if the memorial is to remain in place.~~

520 Section 9. Section 338.001, Florida Statutes, is repealed.

521 Section 10. Present subsections (1) through (6) of section
522 338.01, Florida Statutes, are renumbered as subsections (2)

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523 through (7), respectively, and new subsection (1) is added to
 524 that section, to read:

525 338.01 Authority to establish and regulate limited access
 526 facilities.—

527 (1) The department is authorized to establish limited
 528 access facilities as provided in s. 335.02. The primary function
 529 of these limited access facilities is to allow high-speed and
 530 high-volume traffic movements within the state. Access to
 531 abutting land is subordinate to this function, and such access
 532 must be prohibited or highly regulated.

533 Section 11. Subsection (4) of section 338.227, Florida
 534 Statutes, is amended to read:

535 338.227 Turnpike revenue bonds.—

536 (4) The Department of Transportation and the Department of
 537 Management Services shall create and implement an outreach
 538 program designed to enhance the participation of minority
 539 persons and minority business enterprises in all contracts
 540 entered into by their respective departments for services
 541 related to the financing of department projects for the
 542 Strategic Intermodal System Plan developed pursuant to s. 339.64
 543 ~~Florida Intrastate Highway System Plan~~. These services shall
 544 include, but not be limited to, bond counsel and bond
 545 underwriters.

546 Section 12. Subsection (2) of section 338.2275, Florida
 547 Statutes, is amended to read:

548 338.2275 Approved turnpike projects.—

549 (2) The department is authorized to use turnpike revenues,
 550 the State Transportation Trust Fund moneys allocated for
 551 turnpike projects pursuant to s. 339.65 ~~s. 338.001~~, federal

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552 funds, and bond proceeds, and shall use the most cost-efficient
553 combination of such funds, in developing a financial plan for
554 funding turnpike projects. The department must submit a report
555 of the estimated cost for each ongoing turnpike project and for
556 each planned project to the Legislature 14 days before the
557 convening of the regular legislative session. Verification of
558 economic feasibility and statements of environmental feasibility
559 for individual turnpike projects must be based on the entire
560 project as approved. Statements of environmental feasibility are
561 not required for those projects listed in s. 12, chapter 90-136,
562 Laws of Florida, for which the Project Development and
563 Environmental Reports were completed by July 1, 1990. All
564 required environmental permits must be obtained before the
565 department may advertise for bids for contracts for the
566 construction of any turnpike project.

567 Section 13. Section 338.228, Florida Statutes, is amended
568 to read:

569 338.228 Bonds not debts or pledges of credit of state.—
570 Turnpike revenue bonds issued under the provisions of ss.
571 338.22-338.241 are not debts of the state or pledges of the
572 faith and credit of the state. Such bonds are payable
573 exclusively from revenues pledged for their payment. All such
574 bonds shall contain a statement on their face that the state is
575 not obligated to pay the same or the interest thereon, except
576 from the revenues pledged for their payment, and that the faith
577 and credit of the state is not pledged to the payment of the
578 principal or interest of such bonds. The issuance of turnpike
579 revenue bonds under the provisions of ss. 338.22-338.241 does
580 not directly, indirectly, or contingently obligate the state to

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581 levy or to pledge any form of taxation whatsoever, or to make
582 any appropriation for their payment. Except as provided in ss.
583 ~~338.001, 338.223, and 338.2275,~~ and 339.65, ~~no~~ state funds may
584 not shall be used on any turnpike project or to pay the
585 principal or interest of any bonds issued to finance or
586 refinance any portion of the turnpike system, and all such bonds
587 shall contain a statement on their face to this effect.

588 Section 14. Subsection (2) of section 338.234, Florida
589 Statutes, is amended to read:

590 338.234 Granting concessions or selling along the turnpike
591 system; immunity from taxation.—

592 (2) The effectuation of the authorized purposes of the
593 Strategic Intermodal System, created under ss. 339.61-339.65,
594 ~~Florida Intrastate Highway System~~ and Florida Turnpike
595 Enterprise, created under this chapter, is for the benefit of
596 the people of the state, for the increase of their commerce and
597 prosperity, and for the improvement of their health and living
598 conditions; and, because the system and enterprise perform
599 essential government functions in effectuating such purposes,
600 neither the turnpike enterprise nor any nongovernment lessee or
601 licensee renting, leasing, or licensing real property from the
602 turnpike enterprise, pursuant to an agreement authorized by this
603 section, are required to pay any commercial rental tax imposed
604 under s. 212.031 on any capital improvements constructed,
605 improved, acquired, installed, or used for such purposes.

606 Section 15. Section 339.62, Florida Statutes, is amended to
607 read:

608 339.62 System components.—The Strategic Intermodal System
609 shall consist of appropriate components of:

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610 (1) Highway corridors ~~The Florida Intrastate Highway System~~
611 established under s. 339.65 ~~s. 338.001~~.

612 (2) The National Highway System.

613 (3) Airport, seaport, and spaceport facilities.

614 (4) Rail lines and rail facilities.

615 (5) Selected intermodal facilities; passenger and freight
616 terminals; and appropriate components of the State Highway
617 System, county road system, city street system, inland
618 waterways, and local public transit systems that serve as
619 existing or planned connectors between the components listed in
620 subsections (1)-(4).

621 (6) Other existing or planned corridors that serve a
622 statewide or interregional purpose.

623 Section 16. Subsection (2) of section 339.63, Florida
624 Statutes, is amended to read:

625 339.63 System facilities designated; additions and
626 deletions.—

627 (2) The Strategic Intermodal System and the Emerging
628 Strategic Intermodal System include four ~~three~~ different types
629 of facilities that each form one component of an interconnected
630 transportation system which types include:

631 (a) Existing or planned hubs that are ports and terminals
632 including airports, seaports, spaceports, passenger terminals,
633 and rail terminals serving to move goods or people between
634 Florida regions or between Florida and other markets in the
635 United States and the rest of the world;

636 (b) Existing or planned corridors that are highways, rail
637 lines, waterways, and other exclusive-use facilities connecting
638 major markets within Florida or between Florida and other states

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639 or nations; ~~and~~

640 (c) Existing or planned intermodal connectors that are
641 highways, rail lines, waterways or local public transit systems
642 serving as connectors between the components listed in
643 paragraphs (a) and (b); and

644 (d) Existing or planned military access facilities that are
645 highways or rail lines linking Strategic Intermodal System
646 corridors to the state's strategic military installations.

647 Section 17. Section 339.64, Florida Statutes, is amended to
648 read:

649 339.64 Strategic Intermodal System Plan.—

650 (1) The department shall develop, in cooperation with
651 metropolitan planning organizations, regional planning councils,
652 local governments, ~~the Statewide Intermodal Transportation~~
653 ~~Advisory Council~~ and other transportation providers, a Strategic
654 Intermodal System Plan. The plan shall be consistent with the
655 Florida Transportation Plan developed pursuant to s. 339.155 and
656 shall be updated at least once every 5 years, subsequent to
657 updates of the Florida Transportation Plan.

658 (2) In association with the continued development of the
659 Strategic Intermodal System Plan, the Florida Transportation
660 Commission, as part of its work program review process, shall
661 conduct an annual assessment of the progress that the department
662 and its transportation partners have made in realizing the goals
663 of economic development, improved mobility, and increased
664 intermodal connectivity of the Strategic Intermodal System. The
665 Florida Transportation Commission shall coordinate with the
666 department, ~~the Statewide Intermodal Transportation Advisory~~
667 ~~Council~~, and other appropriate entities when developing this

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668 assessment. The Florida Transportation Commission shall deliver
669 a report to the Governor and Legislature no later than 14 days
670 after the regular session begins, with recommendations as
671 necessary to fully implement the Strategic Intermodal System.

672 (3) (a) During the development of updates to the Strategic
673 Intermodal System Plan, the department shall provide
674 metropolitan planning organizations, regional planning councils,
675 local governments, transportation providers, affected public
676 agencies, and citizens with an opportunity to participate in and
677 comment on the development of the update.

678 (b) The department also shall coordinate with federal,
679 regional, and local partners the planning for the Strategic
680 Highway Network and the Strategic Rail Corridor Network
681 transportation facilities that either are included in the
682 Strategic Intermodal System or that provide a direct connection
683 between military installations and the Strategic Intermodal
684 System. In addition, the department shall coordinate with
685 regional and local partners to determine whether the road and
686 other transportation infrastructure that connect military
687 installations to the Strategic Intermodal System, the Strategic
688 Highway Network, or the Strategic Rail Corridor is regionally
689 significant and should be included in the Strategic Intermodal
690 System Plan.

691 (4) The Strategic Intermodal System Plan shall include the
692 following:

693 (a) A needs assessment.

694 (b) A project prioritization process.

695 (c) A map of facilities designated as Strategic Intermodal
696 System facilities; facilities that are emerging in importance

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697 and that are likely to become part of the system in the future;
698 and planned facilities that will meet the established criteria.

699 (d) A finance plan based on reasonable projections of
700 anticipated revenues, including both 10-year and at least 20-
701 year cost-feasible components.

702 (e) An assessment of the impacts of proposed improvements
703 to Strategic Intermodal System corridors on military
704 installations that are either located directly on the Strategic
705 Intermodal System or located on the Strategic Highway Network or
706 Strategic Rail Corridor Network.

707 ~~(5) STATEWIDE INTERMODAL TRANSPORTATION ADVISORY COUNCIL.~~

708 ~~(a) The Statewide Intermodal Transportation Advisory
709 Council is created to advise and make recommendations to the
710 Legislature and the department on policies, planning, and
711 funding of intermodal transportation projects. The council's
712 responsibilities shall include:~~

713 ~~1. Advising the department on the policies, planning, and
714 implementation of strategies related to intermodal
715 transportation.~~

716 ~~2. Providing advice and recommendations to the Legislature
717 on funding for projects to move goods and people in the most
718 efficient and effective manner for the State of Florida.~~

719 ~~(b) MEMBERSHIP. Members of the Statewide Intermodal
720 Transportation Advisory Council shall consist of the following:~~

721 ~~1. Six intermodal industry representatives selected by the
722 Governor as follows:~~

723 ~~a. One representative from an airport involved in the
724 movement of freight and people from their airport facility to
725 another transportation mode.~~

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- 726 ~~b. One individual representing a fixed route, local-~~
727 ~~government transit system.~~
- 728 ~~e. One representative from an intercity bus company~~
729 ~~providing regularly scheduled bus travel as determined by~~
730 ~~federal regulations.~~
- 731 ~~d. One representative from a spaceport.~~
- 732 ~~e. One representative from intermodal trucking companies.~~
- 733 ~~f. One representative having command responsibilities of a~~
734 ~~major military installation.~~
- 735 ~~2. Three intermodal industry representatives selected by~~
736 ~~the President of the Senate as follows:~~
- 737 ~~a. One representative from major-line railroads.~~
- 738 ~~b. One representative from seaports listed in s. 311.09(1)~~
739 ~~from the Atlantic Coast.~~
- 740 ~~e. One representative from an airport involved in the~~
741 ~~movement of freight and people from their airport facility to~~
742 ~~another transportation mode.~~
- 743 ~~3. Three intermodal industry representatives selected by~~
744 ~~the Speaker of the House of Representatives as follows:~~
- 745 ~~a. One representative from short-line railroads.~~
- 746 ~~b. One representative from seaports listed in s. 311.09(1)~~
747 ~~from the Gulf Coast.~~
- 748 ~~e. One representative from intermodal trucking companies.~~
749 ~~In no event may this representative be employed by the same~~
750 ~~company that employs the intermodal trucking company~~
751 ~~representative selected by the Governor.~~
- 752 ~~(c) Initial appointments to the council must be made no~~
753 ~~later than 30 days after the effective date of this section.~~
- 754 ~~1. The initial appointments made by the President of the~~

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755 ~~Senate and the Speaker of the House of Representatives shall~~
756 ~~serve terms concurrent with those of the respective appointing~~
757 ~~officer. Beginning January 15, 2005, and for all subsequent~~
758 ~~appointments, council members appointed by the President of the~~
759 ~~Senate and the Speaker of the House of Representatives shall~~
760 ~~serve 2-year terms, concurrent with the term of the respective~~
761 ~~appointing officer.~~

762 ~~2. The initial appointees, and all subsequent appointees,~~
763 ~~made by the Governor shall serve 2-year terms.~~

764 ~~3. Vacancies on the council shall be filled in the same~~
765 ~~manner as the initial appointments.~~

766 ~~(d) Each member of the council shall be allowed one vote.~~
767 ~~The council shall select a chair from among its membership.~~
768 ~~Meetings shall be held at the call of the chair, but not less~~
769 ~~frequently than quarterly. The members of the council shall be~~
770 ~~reimbursed for per diem and travel expenses as provided in s.~~
771 ~~112.061.~~

772 ~~(e) The department shall provide administrative staff~~
773 ~~support and shall ensure that council meetings are~~
774 ~~electronically recorded. Such recordings and all documents~~
775 ~~received, prepared for, or used by the council in conducting its~~
776 ~~business shall be preserved pursuant to chapters 119 and 257.~~

777 Section 18. Section 339.65, Florida Statutes, is created to
778 read:

779 339.65 Strategic Intermodal System highway corridors.-

780 (1) The department shall plan and develop Strategic
781 Intermodal System highway corridors, including limited and
782 controlled access facilities, allowing for high-speed and high-
783 volume traffic movements within the state. The primary function

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784 of these corridors is to provide for such traffic movements.
785 Access to abutting land is subordinate to this function, and
786 such access must be prohibited or highly regulated.

787 (2) Strategic Intermodal System highway corridors shall
788 include facilities from the following components of the State
789 Highway System which meet the criteria adopted by the department
790 pursuant to s. 339.63:

791 (a) Interstate highways.

792 (b) The Florida Turnpike System.

793 (c) Interregional and intercity limited access facilities.

794 (d) Existing interregional and intercity arterial highways
795 previously upgraded or upgraded in the future to limited access
796 or controlled access facility standards.

797 (e) New limited access facilities necessary to complete a
798 balanced statewide system.

799 (3) The department shall adhere to the following policy
800 guidelines in the development of Strategic Intermodal System
801 highway corridors:

802 (a) Make capacity improvements to existing facilities where
803 feasible to minimize costs and environmental impacts.

804 (b) Identify appropriate arterial highways in major
805 transportation corridors for inclusion in a program to bring
806 these facilities up to limited access or controlled access
807 facility standards.

808 (c) Coordinate proposed projects with appropriate limited
809 access projects undertaken by expressway authorities and local
810 governmental entities.

811 (d) Maximize the use of limited access facility standards
812 when constructing new arterial highways.

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813 (e) Identify appropriate new limited access highways for
814 inclusion as a part of the Florida Turnpike System.

815 (f) To the maximum extent feasible, ensure that proposed
816 projects are consistent with approved local government
817 comprehensive plans of the local jurisdictions in which such
818 facilities are to be located and with the transportation
819 improvement program of any metropolitan planning organization in
820 which such facilities are to be located.

821 (4) The department shall develop and maintain a plan of
822 Strategic Intermodal System highway corridor projects that are
823 anticipated to be let to contract for construction within a time
824 period of at least 20 years. The plan shall also identify when
825 segments of the corridor will meet the standards and criteria
826 developed pursuant to subsection (5).

827 (5) The department shall establish the standards and
828 criteria for the functional characteristics and design of
829 facilities proposed as part of Strategic Intermodal System
830 highway corridors.

831 (6) For the purposes of developing the proposed Strategic
832 Intermodal System highway corridors, the minimum amount
833 allocated each fiscal year shall be based on the 2003-2004
834 fiscal year allocation of \$450 million, adjusted annually by the
835 change in the Consumer Price Index for the prior fiscal year
836 compared to the Consumer Price Index for the 2003-2004 fiscal
837 year.

838 (7) Any project to be constructed as part of a Strategic
839 Intermodal System highway corridor shall be included in the
840 department's adopted work program. Any Strategic Intermodal
841 System highway corridor projects that are added to or deleted

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842 from the previous adopted work program, or any modification to
843 Strategic Intermodal System highway corridor projects contained
844 in the previous adopted work program, shall be specifically
845 identified and submitted as a separate part of the tentative
846 work program.

847 Section 19. Section 339.155, Florida Statutes, is amended
848 to read:

849 339.155 Transportation planning.—

850 (1) THE FLORIDA TRANSPORTATION PLAN.—The department shall
851 develop ~~and annually update~~ a statewide transportation plan, to
852 be known as the Florida Transportation Plan. The plan shall be
853 designed so as to be easily read and understood by the general
854 public. The purpose of the Florida Transportation Plan is to
855 establish and define the state's long-range transportation goals
856 and objectives to be accomplished over a period of at least 20
857 years within the context of the State Comprehensive Plan, and
858 any other statutory mandates and authorizations and based upon
859 the prevailing principles of: preserving the existing
860 transportation infrastructure; enhancing Florida's economic
861 competitiveness; and improving travel choices to ensure
862 mobility. The Florida Transportation Plan shall consider the
863 needs of the entire state transportation system and examine the
864 use of all modes of transportation to effectively and
865 efficiently meet such needs.

866 (2) SCOPE OF PLANNING PROCESS.—The department shall carry
867 out a transportation planning process in conformance with s.
868 334.046(1) and 23 U.S.C. s. 135 ~~which provides for consideration~~
869 ~~of projects and strategies that will:~~

870 ~~(a) Support the economic vitality of the United States,~~

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871 Florida, and the metropolitan areas, especially by enabling
872 global competitiveness, productivity, and efficiency;

873 ~~(b) Increase the safety and security of the transportation~~
874 ~~system for motorized and nonmotorized users;~~

875 ~~(c) Increase the accessibility and mobility options~~
876 ~~available to people and for freight;~~

877 ~~(d) Protect and enhance the environment, promote energy~~
878 ~~conservation, and improve quality of life;~~

879 ~~(e) Enhance the integration and connectivity of the~~
880 ~~transportation system, across and between modes throughout~~
881 ~~Florida, for people and freight;~~

882 ~~(f) Promote efficient system management and operation; and~~

883 ~~(g) Emphasize the preservation of the existing~~
884 ~~transportation system.~~

885 (3) FORMAT, SCHEDULE, AND REVIEW.—The Florida
886 Transportation Plan shall be a unified, concise planning
887 document that clearly defines the state's long-range
888 transportation goals and objectives and documents the
889 department's short-range objectives developed to further such
890 goals and objectives. The plan shall:

891 (a) Include a glossary that clearly and succinctly defines
892 any and all phrases, words, or terms of art included in the
893 plan, with which the general public may be unfamiliar, and shall
894 consist of, at a minimum, the following components:

895 (b)-(a) Document A long-range component documenting the
896 goals and long-term objectives necessary to implement the
897 results of the department consistent with department's findings
898 from its examination of the criteria listed in subsection (2)
899 and s. 334.046(1) and s. 23 U.S.C. s. 135. The long-range

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900 ~~component must~~

901 (c) Be developed in cooperation with the metropolitan
902 planning organizations and reconciled, to the maximum extent
903 feasible, with the long-range plans developed by metropolitan
904 planning organizations pursuant to s. 339.175. ~~The plan must~~
905 ~~also~~

906 (d) Be developed in consultation with affected local
907 officials in nonmetropolitan areas and with any affected Indian
908 tribal governments. ~~The plan must provide~~

909 (e) Provide an examination of transportation issues likely
910 to arise during at least a 20-year period. ~~The long-range~~
911 ~~component shall~~

912 (f) Be updated at least once every 5 years, or more often
913 as necessary, to reflect substantive changes to federal or state
914 law.

915 ~~(b) A short-range component documenting the short-term~~
916 ~~objectives and strategies necessary to implement the goals and~~
917 ~~long-term objectives contained in the long-range component. The~~
918 ~~short-range component must define the relationship between the~~
919 ~~long-range goals and the short-range objectives, specify those~~
920 ~~objectives against which the department's achievement of such~~
921 ~~goals will be measured, and identify transportation strategies~~
922 ~~necessary to efficiently achieve the goals and objectives in the~~
923 ~~plan. It must provide a policy framework within which the~~
924 ~~department's legislative budget request, the strategic~~
925 ~~information resource management plan, and the work program are~~
926 ~~developed. The short-range component shall serve as the~~
927 ~~department's annual agency strategic plan pursuant to s.~~
928 ~~186.021. The short-range component shall be developed consistent~~

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929 ~~with available and forecasted state and federal funds. The~~
930 ~~short-range component shall also be submitted to the Florida~~
931 ~~Transportation Commission.~~

932 ~~(4) ANNUAL PERFORMANCE REPORT. The department shall develop~~
933 ~~an annual performance report evaluating the operation of the~~
934 ~~department for the preceding fiscal year. The report shall also~~
935 ~~include a summary of the financial operations of the department~~
936 ~~and shall annually evaluate how well the adopted work program~~
937 ~~meets the short-term objectives contained in the short-range~~
938 ~~component of the Florida Transportation Plan. This performance~~
939 ~~report shall be submitted to the Florida Transportation~~
940 ~~Commission and the legislative appropriations and transportation~~
941 ~~committees.~~

942 ~~(4)~~(5) ADDITIONAL TRANSPORTATION PLANS.—

943 (a) Upon request by local governmental entities, the
944 department may in its discretion develop and design
945 transportation corridors, arterial and collector streets,
946 vehicular parking areas, and other support facilities which are
947 consistent with the plans of the department for major
948 transportation facilities. The department may render to local
949 governmental entities or their planning agencies such technical
950 assistance and services as are necessary so that local plans and
951 facilities are coordinated with the plans and facilities of the
952 department.

953 (b) Each regional planning council, as provided for in s.
954 186.504, or any successor agency thereto, shall develop, as an
955 element of its strategic regional policy plan, transportation
956 goals and policies. The transportation goals and policies must
957 be prioritized to comply with the prevailing principles provided

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958 in subsection (2) and s. 334.046(1). The transportation goals
959 and policies shall be consistent, to the maximum extent
960 feasible, with the goals and policies of the metropolitan
961 planning organization and the Florida Transportation Plan. The
962 transportation goals and policies of the regional planning
963 council will be advisory only and shall be submitted to the
964 department and any affected metropolitan planning organization
965 for their consideration and comments. Metropolitan planning
966 organization plans and other local transportation plans shall be
967 developed consistent, to the maximum extent feasible, with the
968 regional transportation goals and policies. The regional
969 planning council shall review urbanized area transportation
970 plans and any other planning products stipulated in s. 339.175
971 and provide the department and respective metropolitan planning
972 organizations with written recommendations which the department
973 and the metropolitan planning organizations shall take under
974 advisement. Further, the regional planning councils shall
975 directly assist local governments which are not part of a
976 metropolitan area transportation planning process in the
977 development of the transportation element of their comprehensive
978 plans as required by s. 163.3177.

979 (c) Regional transportation plans may be developed in
980 regional transportation areas in accordance with an interlocal
981 agreement entered into pursuant to s. 163.01 by two or more
982 contiguous metropolitan planning organizations; one or more
983 metropolitan planning organizations and one or more contiguous
984 counties, none of which is a member of a metropolitan planning
985 organization; a multicounty regional transportation authority
986 created by or pursuant to law; two or more contiguous counties

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987 that are not members of a metropolitan planning organization; or
988 metropolitan planning organizations comprised of three or more
989 counties.

990 (d) The interlocal agreement must, at a minimum, identify
991 the entity that will coordinate the development of the regional
992 transportation plan; delineate the boundaries of the regional
993 transportation area; provide the duration of the agreement and
994 specify how the agreement may be terminated, modified, or
995 rescinded; describe the process by which the regional
996 transportation plan will be developed; and provide how members
997 of the entity will resolve disagreements regarding
998 interpretation of the interlocal agreement or disputes relating
999 to the development or content of the regional transportation
1000 plan. Such interlocal agreement shall become effective upon its
1001 recordation in the official public records of each county in the
1002 regional transportation area.

1003 (e) The regional transportation plan developed pursuant to
1004 this section must, at a minimum, identify regionally significant
1005 transportation facilities located within a regional
1006 transportation area and contain a prioritized list of regionally
1007 significant projects. The level-of-service standards for
1008 facilities to be funded under this subsection shall be adopted
1009 by the appropriate local government in accordance with s.
1010 163.3180(10). The projects shall be adopted into the capital
1011 improvements schedule of the local government comprehensive plan
1012 pursuant to s. 163.3177(3).

1013 (5) ~~(6)~~ PROCEDURES FOR PUBLIC PARTICIPATION IN
1014 TRANSPORTATION PLANNING.—

1015 (a) During the development of the ~~long-range component of~~

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1016 ~~the~~ Florida Transportation Plan and prior to substantive
1017 revisions, the department shall provide citizens, affected
1018 public agencies, representatives of transportation agency
1019 employees, other affected employee representatives, private
1020 providers of transportation, and other known interested parties
1021 with an opportunity to comment on the proposed plan or
1022 revisions. These opportunities shall include, at a minimum,
1023 publishing a notice in the Florida Administrative Weekly and
1024 within a newspaper of general circulation within the area of
1025 each department district office.

1026 (b) During development of major transportation
1027 improvements, such as those increasing the capacity of a
1028 facility through the addition of new lanes or providing new
1029 access to a limited or controlled access facility or
1030 construction of a facility in a new location, the department
1031 shall hold one or more hearings prior to the selection of the
1032 facility to be provided; prior to the selection of the site or
1033 corridor of the proposed facility; and prior to the selection of
1034 and commitment to a specific design proposal for the proposed
1035 facility. Such public hearings shall be conducted so as to
1036 provide an opportunity for effective participation by interested
1037 persons in the process of transportation planning and site and
1038 route selection and in the specific location and design of
1039 transportation facilities. The various factors involved in the
1040 decision or decisions and any alternative proposals shall be
1041 clearly presented so that the persons attending the hearing may
1042 present their views relating to the decision or decisions which
1043 will be made.

1044 (c) Opportunity for design hearings:

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1045 1. The department, prior to holding a design hearing, shall
1046 duly notify all affected property owners of record, as recorded
1047 in the property appraiser's office, by mail at least 20 days
1048 prior to the date set for the hearing. The affected property
1049 owners shall be:

1050 a. Those whose property lies in whole or in part within 300
1051 feet on either side of the centerline of the proposed facility.

1052 b. Those whom the department determines will be
1053 substantially affected environmentally, economically, socially,
1054 or safetywise.

1055 2. For each subsequent hearing, the department shall
1056 publish notice prior to the hearing date in a newspaper of
1057 general circulation for the area affected. These notices must be
1058 published twice, with the first notice appearing at least 15
1059 days, but no later than 30 days, before the hearing.

1060 3. A copy of the notice of opportunity for the hearing must
1061 be furnished to the United States Department of Transportation
1062 and to the appropriate departments of the state government at
1063 the time of publication.

1064 4. The opportunity for another hearing shall be afforded in
1065 any case when proposed locations or designs are so changed from
1066 those presented in the notices specified above or at a hearing
1067 as to have a substantially different social, economic, or
1068 environmental effect.

1069 5. The opportunity for a hearing shall be afforded in each
1070 case in which the department is in doubt as to whether a hearing
1071 is required.

1072 Section 20. Section 341.840, Florida Statutes, is amended
1073 to read:

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1074 341.840 Tax exemption.—

1075 (1) The exercise of the powers granted by this act will be
1076 in all respects for the benefit of the people of this state, for
1077 the increase of their commerce, welfare, and prosperity, and for
1078 the improvement of their health and living conditions. The
1079 design, construction, operation, maintenance, and financing of a
1080 high-speed rail system by the enterprise authority, its agent,
1081 or the owner or lessee thereof, as herein authorized,
1082 constitutes the performance of an essential public function.

1083 (2) (a) For the purposes of this section, the term
1084 "enterprise" ~~"authority"~~ does not include agents of the
1085 enterprise authority other than contractors who qualify as such
1086 pursuant to subsection (7).

1087 (b) For the purposes of this section, any item or property
1088 that is within the definition of "associated development" in s.
1089 341.8203(1) is ~~shall~~ not ~~be~~ considered to be part of the high-
1090 speed rail system as defined in s. 341.8203(6).

1091 (3) (a) Purchases or leases of tangible personal property or
1092 real property by the enterprise authority, excluding agents of
1093 the enterprise authority, are exempt from taxes imposed by
1094 chapter 212 as provided in s. 212.08(6). Purchases or leases of
1095 tangible personal property that is incorporated into the high-
1096 speed rail system as a component part thereof, as determined by
1097 the enterprise authority, by agents of the enterprise authority
1098 or the owner of the high-speed rail system are exempt from sales
1099 or use taxes imposed by chapter 212. Leases, rentals, or
1100 licenses to use real property granted to agents of the
1101 enterprise authority or the owner of the high-speed rail system
1102 are exempt from taxes imposed by s. 212.031 if the real property

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1103 becomes part of such system. The exemptions granted in this
1104 subsection do not apply to sales, leases, or licenses by the
1105 enterprise authority, agents of the enterprise authority, or the
1106 owner of the high-speed rail system.

1107 (b) The exemption granted in paragraph (a) to purchases or
1108 leases of tangible personal property by agents of the enterprise
1109 authority or by the owner of the high-speed rail system applies
1110 only to property that becomes a component part of such system.
1111 It does not apply to items, including, but not limited to,
1112 cranes, bulldozers, forklifts, other machinery and equipment,
1113 tools and supplies, or other items of tangible personal property
1114 used in the construction, operation, or maintenance of the high-
1115 speed rail system when such items are not incorporated into the
1116 high-speed rail system as a component part thereof.

1117 (4) Any bonds or other security, and all notes, mortgages,
1118 security agreements, letters of credit, or other instruments
1119 that arise out of or are given to secure the repayment of bonds
1120 or other security, issued by the enterprise authority, or on
1121 behalf of the enterprise authority, their transfer, and the
1122 income therefrom, including any profit made on the sale thereof,
1123 shall at all times be free from taxation of every kind by the
1124 state, the counties, and the municipalities and other political
1125 subdivisions in the state. This subsection, however, does not
1126 exempt from taxation or assessment the leasehold interest of a
1127 lessee in any project or any other property or interest owned by
1128 the lessee. The exemption granted by this subsection is not
1129 applicable to any tax imposed by chapter 220 on interest income
1130 or profits on the sale of debt obligations owned by
1131 corporations.

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1132 (5) When property of the enterprise authority is leased to
1133 another person or entity, the property shall be exempt from ad
1134 valorem taxation only if the use by the lessee qualifies the
1135 property for exemption under s. 196.199.

1136 (6) A leasehold interest held by the enterprise authority
1137 is not subject to intangible tax. However, if a leasehold
1138 interest held by the enterprise authority is subleased to a
1139 nongovernmental lessee, such subleasehold interest shall be
1140 deemed to be an interest described in s. 199.023(1)(d), Florida
1141 Statutes 2005, and is subject to the intangible tax.

1142 (7) (a) In order to be considered an agent of the enterprise
1143 authority for purposes of the exemption from sales and use tax
1144 granted by subsection (3) for tangible personal property
1145 incorporated into the high-speed rail system, a contractor of
1146 the enterprise authority that purchases or fabricates such
1147 tangible personal property must be certified by the authority as
1148 provided in this subsection.

1149 (b)1. A contractor must apply for a renewal of the
1150 exemption not later than December 1 of each calendar year.

1151 2. A contractor must apply to the enterprise authority on
1152 the application form adopted by the enterprise authority, which
1153 shall develop the form in consultation with the Department of
1154 Revenue.

1155 3. The enterprise authority shall review each submitted
1156 application and determine whether it is complete. The enterprise
1157 authority shall notify the applicant of any deficiencies in the
1158 application within 30 days. Upon receipt of a completed
1159 application, the enterprise authority shall evaluate the
1160 application for exemption under this subsection and issue a

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1161 certification that the contractor is qualified to act as an
1162 agent of the enterprise ~~authority~~ for purposes of this section
1163 or a denial of such certification within 30 days. The enterprise
1164 ~~authority~~ shall provide the Department of Revenue with a copy of
1165 each certification issued upon approval of an application. Upon
1166 receipt of a certification from the authority, the Department of
1167 Revenue shall issue an exemption permit to the contractor.

1168 (c)1. The contractor may extend a copy of its exemption
1169 permit to its vendors in lieu of paying sales tax on purchases
1170 of tangible personal property qualifying for exemption under
1171 this section. Possession of a copy of the exemption permit
1172 relieves the seller of the responsibility of collecting tax on
1173 the sale, and the Department of Revenue shall look solely to the
1174 contractor for recovery of tax upon a determination that the
1175 contractor was not entitled to the exemption.

1176 2. The contractor may extend a copy of its exemption permit
1177 to real property subcontractors supplying and installing
1178 tangible personal property that is exempt under subsection (3).
1179 Any such subcontractor is authorized to extend a copy of the
1180 permit to the subcontractor's vendors in order to purchase
1181 qualifying tangible personal property tax-exempt. If the
1182 subcontractor uses the exemption permit to purchase tangible
1183 personal property that is determined not to qualify for
1184 exemption under subsection (3), the Department of Revenue may
1185 assess and collect any tax, penalties, and interest that are due
1186 from either the contractor holding the exemption permit or the
1187 subcontractor that extended the exemption permit to the seller.

1188 (d) Any contractor authorized to act as an agent of the
1189 enterprise ~~authority~~ under this section shall maintain the

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1190 necessary books and records to document the exempt status of
1191 purchases and fabrication costs made or incurred under the
1192 permit. In addition, an authorized contractor extending its
1193 exemption permit to its subcontractors shall maintain a copy of
1194 the subcontractor's books, records, and invoices indicating all
1195 purchases made by the subcontractor under the authorized
1196 contractor's permit. If, in an audit conducted by the Department
1197 of Revenue, it is determined that tangible personal property
1198 purchased or fabricated claiming exemption under this section
1199 does not meet the criteria for exemption, the amount of taxes
1200 not paid at the time of purchase or fabrication shall be
1201 immediately due and payable to the Department of Revenue,
1202 together with the appropriate interest and penalty, computed
1203 from the date of purchase, in the manner prescribed by chapter
1204 212.

1205 (e) If a contractor fails to apply for a high-speed rail
1206 system exemption permit, or if a contractor initially determined
1207 by the enterprise authority to not qualify for exemption is
1208 subsequently determined to be eligible, the contractor shall
1209 receive the benefit of the exemption in this subsection through
1210 a refund of previously paid taxes for transactions that
1211 otherwise would have been exempt. A refund may not be made for
1212 such taxes without the issuance of a certification by the
1213 enterprise authority that the contractor was authorized to make
1214 purchases tax-exempt and a determination by the Department of
1215 Revenue that the purchases qualified for the exemption.

1216 (f) The enterprise authority may adopt rules governing the
1217 application process for exemption of a contractor as an
1218 authorized agent of the enterprise authority.

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1219 (g) The Department of Revenue may adopt rules governing the
1220 issuance and form of high-speed rail system exemption permits,
1221 the audit of contractors and subcontractors using such permits,
1222 the recapture of taxes on nonqualified purchases, and the manner
1223 and form of refund applications.

1224 Section 21. Paragraph (a) of subsection (12) of section
1225 163.3180, Florida Statutes, is amended to read:

1226 163.3180 Concurrency.—

1227 (12) (a) A development of regional impact may satisfy the
1228 transportation concurrency requirements of the local
1229 comprehensive plan, the local government's concurrency
1230 management system, and s. 380.06 by payment of a proportionate-
1231 share contribution for local and regionally significant traffic
1232 impacts, if:

1233 1. The development of regional impact which, based on its
1234 location or mix of land uses, is designed to encourage
1235 pedestrian or other nonautomotive modes of transportation;

1236 2. The proportionate-share contribution for local and
1237 regionally significant traffic impacts is sufficient to pay for
1238 one or more required mobility improvements that will benefit a
1239 regionally significant transportation facility;

1240 3. The owner and developer of the development of regional
1241 impact pays or assures payment of the proportionate-share
1242 contribution; and

1243 4. If the regionally significant transportation facility to
1244 be constructed or improved is under the maintenance authority of
1245 a governmental entity, as defined by s. 334.03(9) ~~s. 334.03(12)~~,
1246 other than the local government with jurisdiction over the
1247 development of regional impact, the developer is required to

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1248 enter into a binding and legally enforceable commitment to
1249 transfer funds to the governmental entity having maintenance
1250 authority or to otherwise assure construction or improvement of
1251 the facility.

1252

1253 The proportionate-share contribution may be applied to any
1254 transportation facility to satisfy the provisions of this
1255 subsection and the local comprehensive plan, but, for the
1256 purposes of this subsection, the amount of the proportionate-
1257 share contribution shall be calculated based upon the cumulative
1258 number of trips from the proposed development expected to reach
1259 roadways during the peak hour from the complete buildout of a
1260 stage or phase being approved, divided by the change in the peak
1261 hour maximum service volume of roadways resulting from
1262 construction of an improvement necessary to maintain the adopted
1263 level of service, multiplied by the construction cost, at the
1264 time of developer payment, of the improvement necessary to
1265 maintain the adopted level of service. For purposes of this
1266 subsection, "construction cost" includes all associated costs of
1267 the improvement. Proportionate-share mitigation shall be limited
1268 to ensure that a development of regional impact meeting the
1269 requirements of this subsection mitigates its impact on the
1270 transportation system but is not responsible for the additional
1271 cost of reducing or eliminating backlogs. This subsection also
1272 applies to Florida Quality Developments pursuant to s. 380.061
1273 and to detailed specific area plans implementing optional sector
1274 plans pursuant to s. 163.3245.

1275 Section 22. Subsection (3) of section 288.063, Florida
1276 Statutes, is amended to read:

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1277 288.063 Contracts for transportation projects.—
1278 (3) With respect to any contract executed pursuant to this
1279 section, the term "transportation project" means a
1280 transportation facility as defined in s. 334.03(27) ~~s.~~
1281 ~~334.03(31)~~ which is necessary in the judgment of the Office of
1282 Tourism, Trade, and Economic Development to facilitate the
1283 economic development and growth of the state. Except for
1284 applications received prior to July 1, 1996, such transportation
1285 projects shall be approved only as a consideration to attract
1286 new employment opportunities to the state or expand or retain
1287 employment in existing companies operating within the state, or
1288 to allow for the construction or expansion of a state or federal
1289 correctional facility in a county with a population of 75,000 or
1290 less that creates new employment opportunities or expands or
1291 retains employment in the county. The Office of Tourism, Trade,
1292 and Economic Development shall institute procedures to ensure
1293 that small and minority businesses have equal access to funding
1294 provided under this section. Funding for approved transportation
1295 projects may include any expenses, other than administrative
1296 costs and equipment purchases specified in the contract,
1297 necessary for new, or improvement to existing, transportation
1298 facilities. Funds made available pursuant to this section may
1299 not be expended in connection with the relocation of a business
1300 from one community to another community in this state unless the
1301 Office of Tourism, Trade, and Economic Development determines
1302 that without such relocation the business will move outside this
1303 state or determines that the business has a compelling economic
1304 rationale for the relocation which creates additional jobs.
1305 Subject to appropriation for projects under this section, any

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1306 appropriation greater than \$10 million shall be allocated to
1307 each of the districts of the Department of Transportation to
1308 ensure equitable geographical distribution. Such allocated funds
1309 that remain uncommitted by the third quarter of the fiscal year
1310 shall be reallocated among the districts based on pending
1311 project requests.

1312 Section 23. Paragraph (b) of subsection (3) of section
1313 311.07, Florida Statutes, is amended to read:

1314 311.07 Florida seaport transportation and economic
1315 development funding.—

1316 (3)

1317 (b) Projects eligible for funding by grants under the
1318 program are limited to the following port facilities or port
1319 transportation projects:

1320 1. Transportation facilities within the jurisdiction of the
1321 port.

1322 2. The dredging or deepening of channels, turning basins,
1323 or harbors.

1324 3. The construction or rehabilitation of wharves, docks,
1325 structures, jetties, piers, storage facilities, cruise
1326 terminals, automated people mover systems, or any facilities
1327 necessary or useful in connection with any of the foregoing.

1328 4. The acquisition of vessel tracking systems, container
1329 cranes, or other mechanized equipment used in the movement of
1330 cargo or passengers in international commerce.

1331 5. The acquisition of land to be used for port purposes.

1332 6. The acquisition, improvement, enlargement, or extension
1333 of existing port facilities.

1334 7. Environmental protection projects which are necessary

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1335 because of requirements imposed by a state agency as a condition
1336 of a permit or other form of state approval; which are necessary
1337 for environmental mitigation required as a condition of a state,
1338 federal, or local environmental permit; which are necessary for
1339 the acquisition of spoil disposal sites and improvements to
1340 existing and future spoil sites; or which result from the
1341 funding of eligible projects listed in this paragraph.

1342 8. Transportation facilities as defined in s. 334.03(27) ~~s.~~
1343 ~~334.03(31)~~ which are not otherwise part of the Department of
1344 Transportation's adopted work program.

1345 9. Seaport intermodal access projects identified in the 5-
1346 year Florida Seaport Mission Plan as provided in s. 311.09(3).

1347 10. Construction or rehabilitation of port facilities as
1348 defined in s. 315.02, excluding any park or recreational
1349 facilities, in ports listed in s. 311.09(1) with operating
1350 revenues of \$5 million or less, provided that such projects
1351 create economic development opportunities, capital improvements,
1352 and positive financial returns to such ports.

1353 Section 24. Subsection (7) of section 311.09, Florida
1354 Statutes, is amended to read:

1355 311.09 Florida Seaport Transportation and Economic
1356 Development Council.—

1357 (7) The Department of Transportation shall review the list
1358 of projects approved by the council for consistency with the
1359 Florida Transportation Plan and the department's adopted work
1360 program. In evaluating the consistency of a project, the
1361 department shall determine whether the transportation impact of
1362 the proposed project is adequately handled by existing state-
1363 owned transportation facilities or by the construction of

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1364 additional state-owned transportation facilities as identified
1365 in the Florida Transportation Plan and the department's adopted
1366 work program. In reviewing for consistency a transportation
1367 facility project as defined in s. 334.03(27) ~~s. 334.03(31)~~ which
1368 is not otherwise part of the department's work program, the
1369 department shall evaluate whether the project is needed to
1370 provide for projected movement of cargo or passengers from the
1371 port to a state transportation facility or local road. If the
1372 project is needed to provide for projected movement of cargo or
1373 passengers, the project shall be approved for consistency as a
1374 consideration to facilitate the economic development and growth
1375 of the state in a timely manner. The Department of
1376 Transportation shall identify those projects which are
1377 inconsistent with the Florida Transportation Plan and the
1378 adopted work program and shall notify the council of projects
1379 found to be inconsistent.

1380 Section 25. Section 316.2122, Florida Statutes, is amended
1381 to read:

1382 316.2122 Operation of a low-speed vehicle or mini truck on
1383 certain roadways.—The operation of a low-speed vehicle as
1384 defined in s. 320.01(42) or a mini truck as defined in s.
1385 320.01(45) on any road ~~as defined in s. 334.03(15) or (33)~~ is
1386 authorized with the following restrictions:

1387 (1) A low-speed vehicle or mini truck may be operated only
1388 on streets where the posted speed limit is 35 miles per hour or
1389 less. This does not prohibit a low-speed vehicle or mini truck
1390 from crossing a road or street at an intersection where the road
1391 or street has a posted speed limit of more than 35 miles per
1392 hour.

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1393 (2) A low-speed vehicle must be equipped with headlamps,
1394 stop lamps, turn signal lamps, taillamps, reflex reflectors,
1395 parking brakes, rearview mirrors, windshields, seat belts, and
1396 vehicle identification numbers.

1397 (3) A low-speed vehicle or mini truck must be registered
1398 and insured in accordance with s. 320.02 and titled pursuant to
1399 chapter 319.

1400 (4) Any person operating a low-speed vehicle or mini truck
1401 must have in his or her possession a valid driver's license.

1402 (5) A county or municipality may prohibit the operation of
1403 low-speed vehicles or mini trucks on any road under its
1404 jurisdiction if the governing body of the county or municipality
1405 determines that such prohibition is necessary in the interest of
1406 safety.

1407 (6) The Department of Transportation may prohibit the
1408 operation of low-speed vehicles or mini trucks on any road under
1409 its jurisdiction if it determines that such prohibition is
1410 necessary in the interest of safety.

1411 Section 26. Paragraph (c) of subsection (5) of section
1412 316.515, Florida Statutes, is amended to read:

1413 316.515 Maximum width, height, length.—

1414 (5) IMPLEMENTS OF HUSBANDRY AND FARM EQUIPMENT;
1415 AGRICULTURAL TRAILERS; FORESTRY EQUIPMENT; SAFETY REQUIREMENTS.—

1416 (c) The width and height limitations of this section do not
1417 apply to farming or agricultural equipment, whether self-
1418 propelled, pulled, or hauled, when temporarily operated during
1419 daylight hours upon a public road that is not a limited access
1420 facility as defined in s. 334.03(10) ~~s. 334.03(13)~~, and the
1421 width and height limitations may be exceeded by such equipment

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1422 without a permit. To be eligible for this exemption, the
 1423 equipment shall be operated within a radius of 50 miles of the
 1424 real property owned, rented, or leased by the equipment owner.
 1425 However, equipment being delivered by a dealer to a purchaser is
 1426 not subject to the 50-mile limitation. Farming or agricultural
 1427 equipment greater than 174 inches in width must have one warning
 1428 lamp mounted on each side of the equipment to denote the width
 1429 and must have a slow-moving vehicle sign. Warning lamps required
 1430 by this paragraph must be visible from the front and rear of the
 1431 vehicle and must be visible from a distance of at least 1,000
 1432 feet.

1433 Section 27. Section 336.01, Florida Statutes, is amended to
 1434 read:

1435 336.01 Designation of county road system.—The county road
 1436 system shall be as defined in s. 334.03(6) ~~s. 334.03(8)~~.

1437 Section 28. Section 338.222, Florida Statutes, is amended
 1438 to read:

1439 338.222 Department of Transportation sole governmental
 1440 entity to acquire, construct, or operate turnpike projects;
 1441 exception.—

1442 (1) No governmental entity other than the department may
 1443 acquire, construct, maintain, or operate the turnpike system
 1444 subsequent to the enactment of this law, except upon specific
 1445 authorization of the Legislature.

1446 (2) The department may contract with any local governmental
 1447 entity as defined in s. 334.03(11) ~~s. 334.03(14)~~ for the design,
 1448 right-of-way acquisition, or construction of any turnpike
 1449 project which the Legislature has approved. Local governmental
 1450 entities may negotiate with the department for the design,

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1451 right-of-way acquisition, and construction of any section of the
 1452 turnpike project within areas of their respective jurisdictions
 1453 or within counties with which they have interlocal agreements.

1454 Section 29. Section 341.8225, Florida Statutes, is amended
 1455 to read:

1456 341.8225 Department of Transportation sole governmental
 1457 entity to acquire, construct, or operate high-speed rail
 1458 projects; exception.—

1459 (1) No governmental entity other than the department may
 1460 acquire, construct, maintain, or operate the high-speed rail
 1461 system except upon specific authorization of the Legislature.

1462 (2) Local governmental entities, as defined in s.
 1463 334.03(11) ~~s. 334.03(14)~~, may negotiate with the department for
 1464 the design, right-of-way acquisition, and construction of any
 1465 component of the high-speed rail system within areas of their
 1466 respective jurisdictions or within counties with which they have
 1467 interlocal agreements.

1468 Section 30. Subsection (27) of section 479.01, Florida
 1469 Statutes, is amended to read:

1470 479.01 Definitions.—As used in this chapter, the term:

1471 (27) "Urban area" has the same meaning as defined in s.
 1472 334.03(28) ~~s. 334.03(29)~~.

1473 Section 31. Subsection (1) of section 479.07, Florida
 1474 Statutes, is amended to read:

1475 479.07 Sign permits.—

1476 (1) Except as provided in ss. 479.105(1)(e) and 479.16, a
 1477 person may not erect, operate, use, or maintain, or cause to be
 1478 erected, operated, used, or maintained, any sign on the State
 1479 Highway System outside an urban area, as defined in s.

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1480 334.03(28) ~~s. 334.03(32)~~, or on any portion of the interstate or
1481 federal-aid primary highway system without first obtaining a
1482 permit for the sign from the department and paying the annual
1483 fee as provided in this section. As used in this section, the
1484 term "on any portion of the State Highway System, interstate, or
1485 federal-aid primary system" means a sign located within the
1486 controlled area which is visible from any portion of the main-
1487 traveled way of such system.

1488 Section 32. Subsection (5) of section 479.261, Florida
1489 Statutes, is amended to read:

1490 479.261 Logo sign program.—

1491 (5) At a minimum, permit fees for businesses that
1492 participate in the program must be established in an amount
1493 sufficient to offset the total cost to the department for the
1494 program, including contract costs. The department shall provide
1495 the services in the most efficient and cost-effective manner
1496 through department staff or by contracting for some or all of
1497 the services. The department shall adopt rules that set
1498 reasonable rates based upon factors such as population, traffic
1499 volume, market demand, and costs for annual permit fees.
1500 However, annual permit fees for sign locations inside an urban
1501 area, as defined in s. 334.03(28) ~~s. 334.03(32)~~, may not exceed
1502 \$3,500, and annual permit fees for sign locations outside an
1503 urban area, as defined in s. 334.03(28) ~~s. 334.03(32)~~, may not
1504 exceed \$2,000. After recovering program costs, the proceeds from
1505 the annual permit fees shall be deposited into the State
1506 Transportation Trust Fund and used for transportation purposes.

1507 Section 33. This act shall take effect July 1, 2011.