

1 A bill to be entitled
2 An act relating to transportation; amending s. 20.23,
3 F.S., relating to the Department of Transportation;
4 authorizing district secretaries and executive
5 directors to be a professional engineer from any
6 state; removing obsolete language relating to
7 authority of district secretaries to appoint district
8 directors; amending s. 206.41, F.S., relating to
9 payment of a tax on fuel under specified provisions;
10 providing that a restriction on the use of
11 agricultural equipment to qualify for a refund of the
12 tax does not apply to citrus harvesting equipment or
13 citrus fruit loaders; revising the title of ch. 311,
14 F.S.; amending s. 311.07, F.S.; revising provisions
15 for the financing of port transportation or port
16 facilities projects; increasing funding for the
17 Florida Seaport Transportation and Economic
18 Development Program; directing the Florida Seaport
19 Transportation and Economic Development Council to
20 develop guidelines for project funding; directing
21 council staff, the Department of Transportation, and
22 the Department of Economic Opportunity to work in
23 cooperation to review projects and allocate funds as
24 specified; revising certain authorized uses of program
25 funds; revising the list of projects eligible for
26 funding under the program; removing a cap on
27 distribution of program funds; removing a requirement
28 for a specified audit; authorizing the Department of

29 | Transportation to subject projects funded under the
30 | program to a specified audit; amending s. 311.09,
31 | F.S.; revising provisions for rules of the council for
32 | evaluating certain projects; removing provisions for
33 | review by the Department of Community Affairs of the
34 | list of projects approved by the council; revising
35 | provisions for review and evaluation of such projects
36 | by the Department of Transportation and the Department
37 | of Economic Opportunity; increasing the amount of
38 | funding the Department of Transportation is required
39 | to include in its annual legislative budget request
40 | for the Florida Seaport Transportation and Economic
41 | Development Program; revising provisions relating to
42 | funding to be included in the budget; creating s.
43 | 311.10, F.S.; establishing the Strategic Port
44 | Investment Initiative within the Department of
45 | Transportation; providing for a minimum annual amount
46 | from the State Transportation Trust Fund to fund the
47 | initiative; directing the department to work with
48 | deepwater ports to develop and maintain a priority
49 | list of strategic investment projects; providing
50 | project selection criteria; requiring the department
51 | to schedule a publicly noticed workshop with the
52 | Department of Economic Opportunity and the deepwater
53 | ports to review the proposed projects; directing the
54 | department to finalize a prioritized list of potential
55 | projects after considering comments received in the
56 | workshop; directing the department to include the

57 | proposed seaport projects in the tentative work
58 | program; creating s. 311.101, F.S.; creating the
59 | Intermodal Logistics Center Infrastructure Support
60 | Program within the Department of Transportation;
61 | providing purpose of the program; defining the term
62 | "intermodal logistics center"; providing criteria for
63 | consideration by the department when evaluating
64 | projects for program assistance; directing the
65 | department to coordinate and consult with the
66 | Department of Economic Opportunity in the selection of
67 | projects to be funded; authorizing the department to
68 | administer contracts on behalf of the entity selected
69 | to receive funding; providing for the department's
70 | share of project costs; providing for a certain amount
71 | of funds in the State Transportation Trust Fund to be
72 | made available for eligible projects; directing the
73 | department to include the proposed projects in the
74 | tentative work program; authorizing the department to
75 | adopt rules; creating s. 311.106, F.S., relating to
76 | seaport stormwater permitting and mitigation;
77 | authorizing a seaport to provide for onsite and
78 | offsite stormwater treatment to mitigate the impact of
79 | port activities; requiring offsite treatment to be
80 | within the same drainage basin and constructed and
81 | maintained by the seaport or in conjunction with a
82 | local government; authorizing the port to provide a
83 | regional treatment facility constructed and maintained
84 | by the seaport or in conjunction with a local

85 government; amending s. 311.14, F.S., relating to
86 seaport planning; directing the department to develop,
87 in coordination with certain partners, a Statewide
88 Seaport and Waterways System Plan consistent with the
89 goals of the Florida Transportation Plan; providing
90 requirements for the plan; removing provisions for the
91 Florida Seaport Transportation and Economic
92 Development Council to develop freight-mobility and
93 trade-corridor plans; removing provisions that require
94 the Office of the State Public Transportation
95 Administrator to integrate the Florida Transportation
96 Plan with certain other plans and programs; removing
97 provisions relating to the construction of seaport
98 freight-mobility projects; amending s. 316.003, F.S.;
99 revising the definition of the term "motor vehicle"
100 for purposes of the payment and collection of tolls on
101 toll facilities under specified provisions; amending
102 s. 316.091, F.S.; permitting the use of shoulders for
103 vehicular traffic under certain circumstances;
104 requiring notice of where vehicular traffic is
105 allowed; providing what may not be deemed as
106 authorization; requiring the department to establish a
107 pilot program to open certain limited access highways
108 and bridges to bicycles and other human-powered
109 vehicles; providing requirements for the pilot
110 program; providing a timeframe for implementation of
111 the program; authorizing the department to continue or
112 expand the program; requiring the department to report

113 findings and recommendations to the Governor and
114 Legislature by a certain date; amending s. 316.1001,
115 F.S.; revising requirements for mailing of citations
116 for failure to pay a toll; authorizing mailing by
117 certified mail in addition to first class mail;
118 providing that mailing of the citation to the address
119 of the registered motor vehicle owner constitutes
120 notification; removing a requirement for a return
121 receipt; amending s. 316.2068, F.S.; authorizing a
122 county or municipality to regulate the operation of
123 electric personal assistive mobility devices on any
124 road, street, sidewalk, or bicycle path under its
125 jurisdiction if the governing body of the county or
126 municipality determines that such regulation is
127 necessary in the interest of safety; amending s.
128 316.515, F.S.; revising provisions for the maximum
129 allowed length of straight truck-trailer combinations;
130 revising provisions for operation of implements of
131 husbandry and farm equipment on state roads;
132 authorizing the operation of citrus harvesting
133 equipment and citrus fruit loaders for certain
134 purposes; conforming a cross-reference; amending s.
135 320.01, F.S.; revising the definition of the term
136 "low-speed vehicle" to include vehicles that are not
137 electric powered; amending s. 332.08, F.S.;

138 authorizing a municipality participating in a federal
139 airport privatization pilot program to sell an airport
140 or other air navigation facility or certain real

141 property, improvements, and equipment; requiring
142 department approval of the agreement under certain
143 circumstances; providing criteria for department
144 approval; amending s. 334.03, F.S.; removing the
145 definition of the term "Florida Intrastate Highway
146 System" and revising the definitions of the terms
147 "functional classification" and "State Highway System"
148 for purposes of the Florida Transportation Code;
149 amending s. 334.044, F.S.; revising the powers and
150 duties of the department relating to jurisdictional
151 responsibility, designating facilities, and highway
152 landscaping; adding the duty to develop a Freight
153 Mobility and Trade Plan; requiring the plan to include
154 certain proposed policies and investments; requiring
155 the plan to be submitted to the Governor and
156 Legislature; requiring freight issues to be emphasized
157 in transportation plans; amending s. 334.047, F.S.;
158 removing a provision that prohibits the department
159 from establishing a maximum number of miles of urban
160 principal arterial roads; amending s. 335.074, F.S.,
161 relating to bridge safety inspection reports;
162 requiring the governmental entity having maintenance
163 responsibility for a bridge to reduce the maximum
164 weight, size, or speed limit for the bridge or to
165 close the bridge upon receipt of a report recommending
166 the reduction or closure; requiring the entity to post
167 the reduced limits and notify the department;
168 requiring the department to post the reduced limits or

169 to close the bridge under certain circumstances;
170 requiring costs associated with the department posting
171 the revised limits or closure of the bridge to be
172 assessed against and collected from the governmental
173 entity; amending s. 335.17, F.S.; revising provisions
174 relating to highway construction noise abatement;
175 amending s. 336.021, F.S.; revising the date when
176 imposition of the ninth-cent fuel tax will be levied;
177 amending s. 336.025, F.S.; revising the date when
178 impositions and rate changes of the local option fuel
179 tax shall be levied; revising the definition of the
180 term "transportation expenditures" for purposes of
181 specified provisions that restrict the use of local
182 option fuel tax funds by counties and municipalities;
183 amending s. 337.11, F.S.; requiring the department to
184 advertise certain construction contracts for bids on
185 the department's Internet website; removing provisions
186 for such advertisement to be published in a newspaper;
187 amending s. 337.111, F.S.; providing additional forms
188 of security for the cost of removal of monuments or
189 memorials or modifications to an installation site at
190 highway rest areas; removing a provision requiring
191 renewal of a bond; amending s. 337.125, F.S.; revising
192 provisions relating to a prime contractor's submission
193 of a disadvantaged business enterprise utilization
194 form; repealing s. 337.137, F.S., relating to
195 subcontracting by socially and economically
196 disadvantaged business enterprises; amending s.

197 | 337.139, F.S.; providing an updated reference to
198 | federal law as it relates to socially and economically
199 | disadvantaged business enterprises; amending s.
200 | 337.14, F.S.; revising provisions for applications for
201 | qualification to bid on department contracts; amending
202 | s. 337.29, F.S.; authorizing transfers of right-of-way
203 | between local governments by deed; amending ss.
204 | 337.403 and 337.404, F.S.; revising provisions for
205 | alleviation of interference with a public road or
206 | publicly owned rail corridor caused by a utility
207 | facility; amending s. 337.408, F.S.; revising
208 | provisions for certain facilities installed within the
209 | right-of-way limits of roads on the State Highway
210 | System; requiring counties and municipalities that
211 | have authorized a bench or transit shelter to be
212 | responsible for determining if the facility is
213 | compliant with applicable laws and rules or remove the
214 | bench or transit shelter; limiting liability of the
215 | department; requiring a municipality or county that
216 | authorizes a bench or transit shelter to be installed
217 | to require the supplier or installer to indemnify the
218 | department and annually certify that the requirement
219 | has been met; requiring the removal of such facilities
220 | under certain circumstances; authorizing the
221 | department to direct a county or municipality to
222 | remove or relocate a bus stop, bench, transit shelter,
223 | waste disposal receptacle, public pay telephone, or
224 | modular news rack that is not in compliance with

225 applicable laws or rules; removing a provision for the
 226 replacement of an unusable transit bus bench that was
 227 in service before a certain date; prohibiting
 228 installation of a bus stop that conflicts with certain
 229 laws and regulations resulting in a loss of federal
 230 funds; authorizing the appropriate local government
 231 entity to regulate or deny competition to provide a
 232 bus stop; revising the title of ch. 338, F.S.;

233 repealing s. 338.001, F.S., relating to provisions for
 234 the Florida Intrastate Highway System Plan; amending
 235 s. 338.01, F.S.; clarifying provisions governing the
 236 designation and function of limited access facilities;
 237 authorizing the department or other governmental
 238 entities collecting tolls to pursue collection of
 239 unpaid tolls by contracting with a private attorney or
 240 collection agency; authorizing a collection fee;
 241 providing an exception to statutory requirements
 242 related to private attorney services; creating s.
 243 338.151, F.S.; authorizing the department to establish
 244 tolls on certain transportation facilities to pay for
 245 the cost of such project; prohibiting the department
 246 from establishing tolls on certain lanes of limited
 247 access facilities; providing an exception; providing
 248 for application; amending s. 338.155, F.S.;

249 authorizing the department adopt rules to allow public
 250 transit vehicles and certain military-service-related
 251 funeral processions to use certain toll facilities
 252 without payment of tolls; amending s. 338.161, F.S.;

253 | authorizing the department to enter into agreements
254 | for the use of its electronic toll collection and
255 | video billing system; authorizing modification of its
256 | rules regarding toll collection and an administrative
257 | charge; providing for construction; amending s.
258 | 338.166, F.S.; revising a provision for issuance of
259 | bonds secured by toll revenues collected on high-
260 | occupancy toll lanes or express lanes; revising
261 | authorized uses of such toll revenues; providing
262 | restrictions on such use; amending s. 338.221, F.S.;
263 | revising the definition of the term "economically
264 | feasible" for purposes of proposed turnpike projects;
265 | amending s. 338.223, F.S.; revising provisions for
266 | department requests for legislative approval of
267 | proposed turnpike projects; conforming a cross-
268 | reference; amending s. 338.227, F.S.; conforming
269 | provisions to changes made by the act; directing the
270 | department and the Department of Management Services
271 | to create and implement a program designed to enhance
272 | participation of minority businesses in certain
273 | contracts related to the Strategic Intermodal System
274 | Plan; amending ss. 338.2275 and 338.228, F.S.,
275 | relating to turnpike projects; revising cross-
276 | references; amending s. 338.231, F.S.; providing that
277 | inactive prepaid toll accounts are unclaimed property;
278 | providing for disposition by the Department of
279 | Financial Services and closing of the account;
280 | amending s. 338.234, F.S.; revising provisions that

281 exempt certain lessees from payment of commercial
282 rental tax; replacing a reference to the Florida
283 Intrastate Highway System with a reference to the
284 Strategic Intermodal System; amending s. 339.0805,
285 F.S.; revising requirements for expenditure of certain
286 funds with small business concerns owned and
287 controlled by socially and economically disadvantaged
288 individuals; revising a definition of the term "small
289 business concern"; removing provisions for a periodic
290 disparity study; deleting obsolete language; revising
291 provisions for certification as a socially and
292 economically disadvantaged business enterprise;
293 revising requirements that a disadvantaged business
294 enterprise notify the department of certain changes in
295 ownership; revising criteria for such a business
296 enterprise to participate in a construction management
297 development program; revising references to federal
298 law; amending s. 339.135, F.S.; revising provisions
299 for developing the department's tentative work
300 program; revising provisions for a list of project
301 priorities submitted by a metropolitan planning
302 organization; revising criteria for proposed amendment
303 to the department's adopted work program which
304 deletes, advances, or defers a project or project
305 phase; revising threshold amounts; directing the
306 department to index the budget amendment threshold
307 amounts to the rate of inflation; prohibiting such
308 adjustments more frequently than once a year;

309 | subjecting such adjustments to specified notice and
310 | review procedures; amending s. 339.155, F.S.; revising
311 | provisions for the Florida Transportation Plan;
312 | requiring the planning process to conform to specified
313 | federal provisions; removing provisions for a long-
314 | range component, short-range component, and a report;
315 | amending s. 339.175, F.S.; providing that to the
316 | extent possible only one metropolitan planning
317 | organization be designated in a urbanized area;
318 | providing that representatives of the department shall
319 | serve as nonvoting advisers to a metropolitan planning
320 | organization; authorizing the appointment of
321 | additional nonvoting advisers; requiring M.P.O.'s to
322 | coordinate in the development of regionally
323 | significant project priorities; amending s. 339.2819,
324 | F.S.; revising the state matching funds requirement
325 | for the Transportation Regional Incentive Program;
326 | conforming cross-references; requiring funded projects
327 | to be in the department's work program; requiring a
328 | project to meet the program's requirements prior to
329 | being funded; amending s. 339.62, F.S.; removing the
330 | Florida Intrastate Highway System from and adding
331 | highway corridors to the list of components of the
332 | Strategic Intermodal System; providing for other
333 | corridors to be included in the system; amending s.
334 | 339.63, F.S.; adding military access facilities to the
335 | types of facilities included in the Strategic
336 | Intermodal System and the Emerging Strategic

337 Intermodal System which form components of an
338 interconnected transportation system; providing that
339 an intermodal logistics center meeting certain
340 criteria shall be designated as part of the Strategic
341 Intermodal System; providing for a waiver of
342 transportation concurrency for such facility if it is
343 located within a described area; amending s. 339.64,
344 F.S.; deleting provisions creating the Statewide
345 Intermodal Transportation Advisory Council; creating
346 s. 339.65, F.S.; requiring the department to plan and
347 develop for Strategic Intermodal System highway
348 corridors to aid traffic movement around the state;
349 providing for components of the corridors; requiring
350 the department to follow specified policy guidelines
351 when developing the corridors; directing the
352 department to establish standards and criteria for
353 functional design; providing for appropriations;
354 requiring such highway corridor projects to be a part
355 of the department's adopted work program; amending s.
356 341.301, F.S.; revising the definition of "limited
357 coverage accident"; amending s. 341.302, F.S.;

358 providing parameters within which the department may
359 by contract indemnify against loss by National
360 Railroad Passenger Corporation; authorizing the
361 department to purchase liability insurance including
362 coverage for the department, National Railroad
363 Passenger Corporation, commuter rail service
364 providers, governmental entities, or any ancillary

365 development and establish a self-insurance retention
366 fund; limiting the amount of the insurance and self-
367 insurance retention fund; providing that the insureds
368 must make payments for the coverage; providing that
369 the insurance may provide coverage for all damages and
370 be maintained to provide a fund to cover liabilities
371 arising from rail corridor ownership and operations;
372 amending 341.840, F.S.; relating to the Florida Rail
373 Enterprise Act; revising obsolete references to the
374 Florida High-Speed Rail Authority; providing that
375 certain transactions made by or on behalf of the
376 enterprise are exempt from specified taxes; providing
377 for certain contractors to act as agents on behalf of
378 the enterprise for purposes of the tax exemption;
379 authorizing the department to adopt rules; amending s.
380 343.52, F.S.; revising the definition of the term
381 "area served" for purposes of provisions for the South
382 Florida Regional Transportation Authority; revising a
383 provision for expansion of the area; amending s.
384 343.53, F.S.; revising membership of and criteria for
385 appointment to the board of the South Florida Regional
386 Transportation Authority; amending s. 343.54, F.S.;
387 requiring a two-thirds vote of such board to privatize
388 certain functions; revising a provision authorizing
389 such authority to expand its service area; amending s.
390 343.56, F.S., relating to bonds of the authority;
391 removing a provision for the use of certain funds for
392 payment of principal and interest on bonds; amending

393 s. 343.57, F.S., relating to a state pledge to
394 bondholders; providing for construction; providing
395 that a bondholder shall have no right to require the
396 Legislature to make any appropriation of state funds;
397 amending s. 343.58, F.S.; providing conditions for
398 funds provided to such authority by the department;
399 providing for certain funding to cease upon
400 commencement of an alternate dedicated local funding
401 source; creating s. 347.215, F.S.; providing for the
402 operation of ferries by joint agreement between public
403 and private entities; amending s. 348.0003, F.S.;
404 revising financial disclosure requirements for certain
405 transportation authorities; creating s. 348.7645,
406 F.S.; requiring the Orlando-Orange County Expressway
407 Authority to erect a sign under certain circumstances;
408 providing for payment for the cost of the sign;
409 amending s. 349.03, F.S.; providing for financial
410 disclosure requirements for the Jacksonville
411 Transportation Authority; amending s. 349.04, F.S.;
412 providing that the Jacksonville Transportation
413 Authority may conduct meetings and workshops using
414 communications media technology; providing that
415 certain actions may not be taken unless a quorum is
416 present in person; providing that members must be
417 physically present to vote on any item; amending s.
418 373.118, F.S.; requiring that the Department of
419 Environmental Protection initiate rulemaking to adopt
420 a general permit for stormwater management systems

421 | serving airside activities at airports; providing for
422 | statewide application of the general permit; providing
423 | for any water management district or delegated local
424 | government to administer the general permit; providing
425 | that the rules are not subject to any special
426 | rulemaking requirements relating to small business;
427 | amending s. 373.413, F.S.; providing legislative
428 | intent regarding flexibility in the permitting of
429 | stormwater management systems; requiring the cost of
430 | stormwater treatment for a transportation project to
431 | be balanced with benefits to the public; requiring
432 | that alternatives to onsite treatment be allowed;
433 | specifying responsibilities of the department relating
434 | to abatement of pollutants and permits for adjacent
435 | lands impacted by right-of-way acquisition;
436 | authorizing water management districts and the
437 | Department of Environmental Protection to adopt rules;
438 | amending s. 373.4136, F.S.; providing that specified
439 | seaports are eligible to use mitigation banks;
440 | amending s. 373.4137, F.S., relating to the mitigation
441 | of environmental impact of transportation projects
442 | proposed by the department or a transportation
443 | authority; revising legislative intent; revising
444 | provisions for development of environmental impact
445 | inventories; providing for the release of escrowed
446 | mitigation funds under certain circumstances;
447 | specifying continuing responsibility for mitigation
448 | projects; revising provisions for exclusion of

449 projects from a mitigation plan; repealing s. 479.28,
450 F.S., relating to the rest area information panel or
451 device program; authorizing the department to seek
452 Federal Highway Administration approval of a tourist-
453 oriented commerce sign pilot program; directing the
454 department to submit the approved pilot program for
455 legislative approval; establishing a pilot program for
456 the Palm Beach County school district to recognize its
457 business partners; providing for expiration of the
458 program; providing for the transfer of administrative
459 rules of the former Pilotage Rate Review Board to the
460 Pilotage Rate Review Committee of the Board of Pilot
461 Commissioners; providing for retroactive application
462 of such rules; requiring the Florida Transportation
463 Commission to study the potential costs savings of the
464 department being the operating agent for certain
465 expressway authorities; providing for certain related
466 expenses to be paid by the department; requiring a
467 report to the Governor and Legislature; providing that
468 a challenge to a consolidated environmental resource
469 permit or associated variance or any sovereign
470 submerged lands authorization proposed or issued by
471 the Department of Environmental Protection in
472 connection with specified deepwater ports is subject
473 to specified summary hearing provisions; requiring
474 such proceedings to be conducted within a certain
475 timeframe; providing that the administrative law
476 judge's decision is a recommended order and does not

477 | constitute final agency action of the Department of
478 | Environmental Protection; requiring the Department of
479 | Environmental Protection to issue the final order
480 | within a certain timeframe; providing applicability of
481 | specified provisions; providing for a review by the
482 | Pinellas Suncoast Transit Authority and the
483 | Hillsborough Area Regional Transit Authority to
484 | consider and identify opportunities and greater
485 | efficiency and service improvements for increasing
486 | connectivity between each authority; requiring a
487 | report to the Legislature; requiring the Tampa Bay
488 | Area Regional Transportation Authority to provide
489 | assistance; authorizing governmental units that
490 | regulate the operation of vehicles for public hire or
491 | other for-hire transportation to request and receive
492 | criminal history record information for the purpose of
493 | screening applicants; amending ss. 215.616, 288.063,
494 | 311.22, 316.2122, 318.12, 320.20, 335.02, 338.222,
495 | 339.285, 341.053, 341.8225, 403.7211, 479.01, 479.07,
496 | and 479.261, F.S., relating to bonds for federal aid
497 | highway construction, contracts for transportation
498 | projects, dredging projects, operation of low-speed
499 | vehicles or mini-trucks, traffic infractions, license
500 | tax distribution, standards for lanes, turnpike
501 | projects, the Enhanced Bridge Program for Sustainable
502 | Transportation, the Intermodal Development Program,
503 | high-speed rail projects, hazardous waste facilities,
504 | outdoor advertising, and the logo sign program,

505 respectively; deleting obsolete language; revising
506 references to conform to the incorporation of the
507 Florida Intrastate Highway System into the Strategic
508 Intermodal System and to changes made by the act;
509 providing honorary designation of certain
510 transportation facilities in specified counties;
511 directing the Department of Transportation to erect
512 suitable markers; amending s. 316.0083, F.S.,
513 providing an additional defense for certain red-light
514 traffic infractions; providing for the dismissal of a
515 uniform traffic citation for a red-light violation
516 when the motor vehicle owner is deceased and an
517 affidavit with specified supporting documents is filed
518 with the issuing agency; amending s. 348.753, F.S.;
519 revising the membership criteria for the governing
520 body of the Orlando-Orange County Expressway
521 Authority; amending s. 320.089, F.S.; providing for
522 the issuance of a Combat Infantry Badge license plate
523 and a Combat Action Badge license plate; providing
524 qualifications and requirements for the plate;
525 providing for the use of proceeds from the sale of the
526 plate; amending s. 338.165, F.S.; authorizing the
527 department to transfer certain transportation
528 facilities to the turnpike system; providing for use
529 of funds received from Florida Turnpike Enterprise for
530 acquisition of such facilities; defining the term
531 "Wekiva Parkway"; amending s. 348.7546, F.S.; revising
532 provisions for the Orlando-Orange County Expressway

533 Authority to construct and maintain the Wekiva
534 Parkway; providing for construction of specified
535 provisions; directing the authority to make certain
536 payments to the department; providing for use of funds
537 received by the department; providing that the
538 department's obligation to construct its portions of
539 the Wekiva Parkway is contingent upon certain events;
540 amending s. 348.755, F.S.; prohibiting the Orlando-
541 Orange County Expressway Authority from issuing bonds
542 except under specified circumstances; amending s.
543 348.757, F.S.; revising provisions for the Orlando-
544 Orange County Expressway Authority to enter into
545 lease-purchase agreements with the department;
546 amending s. 369.317, F.S.; revising provisions for the
547 Wekiva Parkway; providing that the Department of
548 Environmental Protection is the exclusive permitting
549 authority for certain activities; revising provisions
550 for location of the parkway; defining the term
551 "autonomous technology"; providing legislative intent
552 and findings; amending s. 316.003, F.S.; defining the
553 terms "autonomous vehicle" and "autonomous technology"
554 when used in provisions for traffic control; creating
555 s. 316.85, F.S.; authorizing a person who possesses a
556 valid driver license to operate an autonomous vehicle;
557 specifying that the person who causes the vehicle's
558 autonomous technology to engage is the operator;
559 creating s. 319.145, F.S.; requiring an autonomous
560 vehicle registered in this state to meet federal

561 standards and regulations for a motor vehicle;
562 specifying certain requirements for such vehicle;
563 providing for the application of certain federal
564 regulations; authorizing the operation of vehicles
565 equipped with autonomous technology by certain persons
566 for testing purposes under certain conditions;
567 requiring an instrument of insurance, surety bond, or
568 self-insurance prior to the testing of a vehicle;
569 limiting liability of the original manufacturer of a
570 vehicle converted to an autonomous vehicle; directing
571 the department to prepare a report on the safe testing
572 and operation of vehicles equipped with autonomous
573 technology and submit the report to the Legislature by
574 a certain date; providing effective dates.

575

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

577

578 Section 1. Paragraphs (a) and (b) of subsection (5) of
579 section 20.23, Florida Statutes, are amended to read:

580 20.23 Department of Transportation.—There is created a
581 Department of Transportation which shall be a decentralized
582 agency.

583 (5) (a) The operations of the department shall be organized
584 into seven districts, each headed by a district secretary, and a
585 turnpike enterprise and a rail enterprise, each enterprise
586 headed by an executive director. The district secretaries and
587 the executive directors shall be registered professional
588 engineers in accordance with the provisions of chapter 471 or

589 the laws of another state, or, in lieu of professional engineer
 590 registration, a district secretary or executive director may
 591 hold an advanced degree in an appropriate related discipline,
 592 such as a Master of Business Administration. The headquarters of
 593 the districts shall be located in Polk, Columbia, Washington,
 594 Broward, Volusia, Miami-Dade, and Hillsborough Counties. The
 595 headquarters of the turnpike enterprise shall be located in
 596 Orange County. The headquarters of the rail enterprise shall be
 597 located in Leon County. In order to provide for efficient
 598 operations and to expedite the decisionmaking process, the
 599 department shall provide for maximum decentralization to the
 600 districts.

601 (b) Each district secretary may appoint up to three
 602 district directors ~~or, until July 1, 2005, each district~~
 603 ~~secretary may appoint up to four district directors.~~ These
 604 positions are exempt from part II of chapter 110.

605 Section 2. Paragraph (c) of subsection (4) of section
 606 206.41, Florida Statutes, is amended to read:

607 206.41 State taxes imposed on motor fuel.—

608 (4)

609 (c)1. Any person who uses any motor fuel for agricultural,
 610 aquacultural, commercial fishing, or commercial aviation
 611 purposes on which fuel the tax imposed by paragraph (1)(e),
 612 paragraph (1)(f), or paragraph (1)(g) has been paid is entitled
 613 to a refund of such tax.

614 2. For the purposes of this paragraph, "agricultural and
 615 aquacultural purposes" means motor fuel used in any tractor,
 616 vehicle, or other farm equipment which is used exclusively on a

617 | farm or for processing farm products on the farm, and no part of
 618 | which fuel is used in any vehicle or equipment driven or
 619 | operated upon the public highways of this state. This
 620 | restriction does not apply to the movement of a farm vehicle, ~~or~~
 621 | farm equipment, citrus harvesting equipment, or citrus fruit
 622 | loaders between farms. The transporting of bees by water and the
 623 | operating of equipment used in the apiary of a beekeeper shall
 624 | be also deemed an agricultural purpose.

625 | 3. For the purposes of this paragraph, "commercial fishing
 626 | and aquacultural purposes" means motor fuel used in the
 627 | operation of boats, vessels, or equipment used exclusively for
 628 | the taking of fish, crayfish, oysters, shrimp, or sponges from
 629 | salt or fresh waters under the jurisdiction of the state for
 630 | resale to the public, and no part of which fuel is used in any
 631 | vehicle or equipment driven or operated upon the highways of
 632 | this state; however, the term may in no way be construed to
 633 | include fuel used for sport or pleasure fishing.

634 | 4. For the purposes of this paragraph, "commercial
 635 | aviation purposes" means motor fuel used in the operation of
 636 | aviation ground support vehicles or equipment, no part of which
 637 | fuel is used in any vehicle or equipment driven or operated upon
 638 | the public highways of this state.

639 | Section 3. Chapter 311, Florida Statutes, is retitled
 640 | "SEAPORT PROGRAMS AND FACILITIES."

641 | Section 4. Section 311.07, Florida Statutes, is amended to
 642 | read:

643 | 311.07 Florida seaport transportation and economic
 644 | development funding.—

645 (1) There is created the Florida Seaport Transportation
 646 and Economic Development Program within the Department of
 647 Transportation to finance port transportation or port facilities
 648 projects that will improve the movement and intermodal
 649 transportation of cargo or passengers in commerce and trade and
 650 ~~that will~~ support the interests, purposes, and requirements of
 651 all ports listed in s. 311.09 ~~located in this state.~~

652 (2) A minimum of \$15 ~~\$8~~ million per year shall be made
 653 available from the State Transportation Trust Fund to fund the
 654 Florida Seaport Transportation and Economic Development Program.
 655 The Florida Seaport Transportation and Economic Development
 656 Council created in s. 311.09 shall develop guidelines for
 657 project funding. Council staff, the Department of
 658 Transportation, and the Department of Economic Opportunity shall
 659 work in cooperation to review projects and allocate funds in
 660 accordance with the schedule required for the Department of
 661 Transportation to include these projects in the tentative work
 662 program developed pursuant to s. 339.135(4).

663 (3) (a) Florida Seaport Transportation and Economic
 664 Development Program funds shall be used to fund approved
 665 projects on a 50-50 matching basis with any of the deepwater
 666 ports, as listed in s. 311.09 ~~s. 403.021(9)(b)~~, which is
 667 governed by a public body or any other deepwater port which is
 668 governed by a public body and which complies with the water
 669 quality provisions of s. 403.061, the comprehensive master plan
 670 requirements of s. 163.3178(2)(k), and the local financial
 671 management and reporting provisions of part III of chapter 218.
 672 However, program funds used to fund projects that involve the

673 rehabilitation of wharves, docks, berths, bulkheads, or similar
 674 structures shall require a 25-percent match of funds. Program
 675 funds also may be used by the Seaport Transportation and
 676 Economic Development Council for data and analysis that ~~to~~
 677 ~~develop trade data information products~~ which will assist
 678 Florida's seaports and international trade.

679 (b) Projects eligible for funding by grants under the
 680 program are limited to the following port facilities or port
 681 transportation projects:

682 1. Transportation facilities within the jurisdiction of
 683 the port.

684 2. The dredging or deepening of channels, turning basins,
 685 or harbors.

686 3. The construction or rehabilitation of wharves, docks,
 687 structures, jetties, piers, storage facilities, cruise
 688 terminals, automated people mover systems, or any facilities
 689 necessary or useful in connection with any of the foregoing.

690 4. The acquisition of vessel tracking systems, container
 691 cranes, or other mechanized equipment used in the movement of
 692 cargo or passengers in international commerce.

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

694 6. The acquisition, improvement, enlargement, or extension
 695 of existing port facilities.

696 7. Environmental protection projects which are necessary
 697 because of requirements imposed by a state agency as a condition
 698 of a permit or other form of state approval; which are necessary
 699 for environmental mitigation required as a condition of a state,
 700 federal, or local environmental permit; which are necessary for

701 the acquisition of spoil disposal sites and improvements to
702 existing and future spoil sites; or which result from the
703 funding of eligible projects listed in this paragraph.

704 8. Transportation facilities as defined in s. 334.03(30)
705 ~~s. 334.03(31)~~ which are not otherwise part of the Department of
706 Transportation's adopted work program.

707 9. ~~Seaport~~ Intermodal access projects ~~identified in the 5-~~
708 ~~year Florida Seaport Mission Plan as provided in s. 311.09(3).~~

709 10. Construction or rehabilitation of port facilities as
710 defined in s. 315.02, excluding any park or recreational
711 facilities, in ports listed in s. 311.09(1) with operating
712 revenues of \$5 million or less, provided that such projects
713 create economic development opportunities, capital improvements,
714 and positive financial returns to such ports.

715 11. Seaport master plan or strategic plan development or
716 updates, including the purchase of data to support such plans.

717 (c) To be eligible for consideration by the council
718 pursuant to this section, a project must be consistent with the
719 port comprehensive master plan which is incorporated as part of
720 the approved local government comprehensive plan as required by
721 s. 163.3178(2)(k) or other provisions of the Community Planning
722 Act, part II of chapter 163.

723 ~~(4) A port eligible for matching funds under the program~~
724 ~~may receive a distribution of not more than \$7 million during~~
725 ~~any 1 calendar year and a distribution of not more than \$30~~
726 ~~million during any 5-calendar-year period.~~

727 (4)~~(5)~~ Any port which receives funding under the program
728 shall institute procedures to ensure that jobs created as a

729 result of the state funding shall be subject to equal
 730 opportunity hiring practices in the manner provided in s.
 731 110.112.

732 (5)~~(6)~~ The Department of Transportation may ~~shall~~ subject
 733 any project that receives funds pursuant to this section and s.
 734 320.20 to a final audit. The department may adopt rules and
 735 perform such other acts as are necessary or convenient to ensure
 736 that the final audits are conducted and that any deficiency or
 737 questioned costs noted by the audit are resolved.

738 Section 5. Subsections (4) through (13) of section 311.09,
 739 Florida Statutes, are amended to read:

740 311.09 Florida Seaport Transportation and Economic
 741 Development Council.—

742 (4) The council shall adopt rules for evaluating projects
 743 which may be funded under ss. 311.07 and 320.20. The rules shall
 744 provide criteria for evaluating the potential project,
 745 including, but not limited to, such factors as consistency with
 746 appropriate plans, economic benefit, readiness for construction,
 747 noncompetition with other Florida ports, and capacity within the
 748 seaport system ~~economic benefit of the project, measured by the~~
 749 ~~potential for the proposed project to maintain or increase cargo~~
 750 ~~flow, cruise passenger movement, international commerce, port~~
 751 ~~revenues, and the number of jobs for the port's local community.~~

752 (5) The council shall review and approve or disapprove
 753 each project eligible to be funded pursuant to the Florida
 754 Seaport Transportation and Economic Development Program. The
 755 council shall annually submit to the Secretary of Transportation
 756 and the executive director of the Department of Economic

757 Opportunity, or his or her designee, a list of projects which
 758 have been approved by the council. The list shall specify the
 759 recommended funding level for each project; and, if staged
 760 implementation of the project is appropriate, the funding
 761 requirements for each stage shall be specified.

762 ~~(6) The Department of Community Affairs shall review the~~
 763 ~~list of projects approved by the council to determine~~
 764 ~~consistency with approved local government comprehensive plans~~
 765 ~~of the units of local government in which the port is located~~
 766 ~~and consistency with the port master plan. The Department of~~
 767 ~~Community Affairs shall identify and notify the council of those~~
 768 ~~projects which are not consistent, to the maximum extent~~
 769 ~~feasible, with such comprehensive plans and port master plans.~~

770 (6)~~(7)~~ The Department of Transportation shall review the
 771 list of project applications ~~projects~~ approved by the council
 772 for consistency with the Florida Transportation Plan, the
 773 Statewide Seaport and Waterways System Plan, and the
 774 department's adopted work program. In evaluating the consistency
 775 of a project, the department shall assess the transportation
 776 impacts and economic benefits for each project ~~determine whether~~
 777 ~~the transportation impact of the proposed project is adequately~~
 778 ~~handled by existing state-owned transportation facilities or by~~
 779 ~~the construction of additional state-owned transportation~~
 780 ~~facilities as identified in the Florida Transportation Plan and~~
 781 ~~the department's adopted work program. In reviewing for~~
 782 ~~consistency a transportation facility project as defined in s.~~
 783 ~~334.03(31) which is not otherwise part of the department's work~~
 784 ~~program, the department shall evaluate whether the project is~~

785 ~~needed to provide for projected movement of cargo or passengers~~
786 ~~from the port to a state transportation facility or local road.~~
787 ~~If the project is needed to provide for projected movement of~~
788 ~~cargo or passengers, the project shall be approved for~~
789 ~~consistency as a consideration to facilitate the economic~~
790 ~~development and growth of the state in a timely manner. The~~
791 Department of Transportation shall identify those projects which
792 are inconsistent with the Florida Transportation Plan, the
793 Statewide Seaport and Waterways System Plan, or ~~and~~ the adopted
794 work program and shall notify the council of projects found to
795 be inconsistent.

796 ~~(7)(8)~~ The Department of Economic Opportunity shall review
797 the list of project applications ~~projects~~ approved by the
798 council to evaluate the economic benefit of the project and to
799 determine whether the project is consistent with the Florida
800 Seaport Mission Plan and with state economic development goals
801 and policies. The Department of Economic Opportunity shall
802 review the proposed project's consistency with state, regional,
803 and local plans, as appropriate, and the economic benefits of
804 each project based upon the rules adopted pursuant to subsection
805 (4). The Department of Economic Opportunity shall identify those
806 projects which it has determined do not offer an economic
807 benefit to the state, are not consistent with an appropriate
808 plan, or are not consistent with the Florida Seaport Mission
809 Plan or state economic development goals and policies and shall
810 notify the council of its findings.

811 ~~(8)(9)~~ The council shall review the findings of the
812 Department of Economic Opportunity and the Department of

813 Transportation. Projects found to be inconsistent pursuant to
814 subsections (6) ~~or~~ (7) ~~and (8) or~~ and projects which have been
815 determined not to offer an economic benefit to the state
816 pursuant to subsection (7) ~~(8)~~ may ~~shall~~ not be included in the
817 list of projects to be funded.

818 ~~(9) (10)~~ The Department of Transportation shall include no
819 less than \$15 million per year in its annual legislative budget
820 request for the ~~a~~ Florida Seaport Transportation and Economic
821 Development ~~grant~~ Program funded under s. 311.07 ~~for expenditure~~
822 ~~of funds of not less than \$8 million per year~~. Such budget shall
823 include funding for projects approved by the council which have
824 been determined by each agency to be consistent ~~and which have~~
825 ~~been determined by the Department of Economic Opportunity to be~~
826 ~~economically beneficial~~. The department shall include the
827 specific approved Florida Seaport Transportation and Economic
828 Development Program ~~seaport~~ projects to be funded under s.
829 311.07 ~~this section~~ during the ensuing fiscal year in the
830 tentative work program developed pursuant to s. 339.135(4). The
831 total amount of funding to be allocated to Florida Seaport
832 Transportation and Economic Development Program ~~seaport~~ projects
833 under s. 311.07 during the successive 4 fiscal years shall also
834 be included in the tentative work program developed pursuant to
835 s. 339.135(4). The council may submit to the department a list
836 of approved projects that could be made production-ready within
837 the next 2 years. The list shall be submitted by the department
838 as part of the needs and project list prepared pursuant to s.
839 339.135(2) (b). However, the department shall, upon written
840 request of the Florida Seaport Transportation and Economic

841 Development Council, submit work program amendments pursuant to
842 s. 339.135(7) to the Governor within 10 days after the later of
843 the date the request is received by the department or the
844 effective date of the amendment, termination, or closure of the
845 applicable funding agreement between the department and the
846 affected seaport, as required to release the funds from the
847 existing commitment. Notwithstanding s. 339.135(7)(c), any work
848 program amendment to transfer prior year funds from one approved
849 seaport project to another seaport project is subject to the
850 procedures in s. 339.135(7)(d). Notwithstanding any provision of
851 law to the contrary, the department may transfer unexpended
852 budget between the seaport projects as identified in the
853 approved work program amendments.

854 (10)~~(11)~~ The council shall meet at the call of its
855 chairperson, at the request of a majority of its membership, or
856 at such times as may be prescribed in its bylaws. However, the
857 council must meet at least semiannually. A majority of voting
858 members of the council constitutes a quorum for the purpose of
859 transacting the business of the council. All members of the
860 council are voting members. A vote of the majority of the voting
861 members present is sufficient for any action of the council,
862 except that a member representing the Department of
863 Transportation or the Department of Economic Opportunity may
864 vote to overrule any action of the council approving a project
865 pursuant to subsection (5). The bylaws of the council may
866 require a greater vote for a particular action.

867 (11)~~(12)~~ Members of the council shall serve without
868 compensation but are entitled to receive reimbursement for per

869 diem and travel expenses as provided in s. 112.061. The council
 870 may elect to provide an administrative staff to provide services
 871 to the council on matters relating to the Florida Seaport
 872 Transportation and Economic Development Program and the council.
 873 The cost for such administrative services shall be paid by all
 874 ports that receive funding from the Florida Seaport
 875 Transportation and Economic Development Program, based upon a
 876 pro rata formula measured by each recipient's share of the funds
 877 as compared to the total funds disbursed to all recipients
 878 during the year. The share of costs for administrative services
 879 shall be paid in its total amount by the recipient port upon
 880 execution by the port and the Department of Transportation of a
 881 joint participation agreement for each council-approved project,
 882 and such payment is in addition to the matching funds required
 883 to be paid by the recipient port. Except as otherwise exempted
 884 by law, all moneys derived from the Florida Seaport
 885 Transportation and Economic Development Program shall be
 886 expended in accordance with the provisions of s. 287.057.
 887 Seaports subject to competitive negotiation requirements of a
 888 local governing body shall abide by the provisions of s.
 889 287.055.

890 (12)~~(13)~~ Until July 1, 2014, Citrus County may apply for a
 891 grant through the Florida Seaport Transportation and Economic
 892 Development Council to perform a feasibility study regarding the
 893 establishment of a port in Citrus County. The council shall
 894 evaluate such application pursuant to subsections (5)-(8) ~~(5)-~~
 895 ~~(9)~~ and, if approved, the Department of Transportation shall
 896 include the feasibility study in its budget request pursuant to

897 subsection (9) ~~(10)~~. If the study determines that a port in
898 Citrus County is not feasible, the membership of Port Citrus on
899 the council shall terminate.

900 Section 6. Section 311.10, Florida Statutes, is created to
901 read:

902 311.10 Strategic Port Investment Initiative.—

903 (1) There is created the Strategic Port Investment
904 Initiative within the Department of Transportation. Beginning in
905 fiscal year 2012-2013, a minimum of \$35 million annually shall
906 be made available from the State Transportation Trust Fund to
907 fund the Strategic Port Investment Initiative. The Department of
908 Transportation shall work with the deepwater ports listed in s.
909 311.09 to develop and maintain a priority list of strategic
910 investment projects. Project selection shall be based on
911 projects that meet the state's economic development goal of
912 becoming a hub for trade, logistics, and export-oriented
913 activities by:

914 (a) Providing important access and major on-port capacity
915 improvements;

916 (b) Providing capital improvements to strategically
917 position the state to maximize opportunities in international
918 trade, logistics, or the cruise industry;

919 (c) Achieving state goals of an integrated intermodal
920 transportation system; and

921 (d) Demonstrating the feasibility and availability of
922 matching funds through local or private partners.

923 (2) Prior to making final project allocations, the
924 Department of Transportation shall schedule a publicly noticed

925 workshop with the Department of Economic Opportunity and the
926 deepwater ports listed in s. 311.09 to review the proposed
927 projects. After considering the comments received, the
928 Department of Transportation shall finalize a prioritized list
929 of potential projects.

930 (3) The Department of Transportation shall, to the maximum
931 extent feasible, include the seaport projects proposed to be
932 funded under this section in the tentative work program
933 developed under s. 339.135(4).

934 Section 7. Section 311.101, Florida Statutes, is created
935 to read:

936 311.101 Intermodal Logistics Center Infrastructure Support
937 Program.—

938 (1) There is created within the Department of
939 Transportation the Intermodal Logistics Center Infrastructure
940 Support Program. The purpose of the program is to provide funds
941 for roads, rail facilities, or other means for the conveyance or
942 shipment of goods through a seaport, thereby enabling the state
943 to respond to private sector market demands and meet the state's
944 economic development goal of becoming a hub for trade,
945 logistics, and export-oriented activities. The department may
946 provide funds to assist with local government projects or
947 projects performed by private entities that meet the public
948 purpose of enhancing transportation facilities for the
949 conveyance or shipment of goods through a seaport to or from an
950 intermodal logistics center.

951 (2) For the purposes of this section, "intermodal
952 logistics center," including, but not limited to, an "inland

953 port," means a facility or group of facilities serving as a
954 point of intermodal transfer of freight in a specific area
955 physically separated from a seaport where activities relating to
956 transport, logistics, goods distribution, consolidation, or
957 value-added activities are carried out and whose activities and
958 services are designed to support or be supported by conveyance
959 or shipping through one or more seaports listed in s. 311.09.

960 (3) The department must consider, but is not limited to,
961 the following criteria when evaluating projects for Intermodal
962 Logistics Center Infrastructure Support Program assistance:

963 (a) The ability of the project to serve a strategic state
964 interest.

965 (b) The ability of the project to facilitate the cost-
966 effective and efficient movement of goods.

967 (c) The extent to which the project contributes to
968 economic activity, including job creation, increased wages, and
969 revenues.

970 (d) The extent to which the project efficiently interacts
971 with and supports the transportation network.

972 (e) A commitment of a funding match.

973 (f) The amount of investment or commitments made by the
974 owner or developer of the existing or proposed facility.

975 (g) The extent to which the owner has commitments,
976 including memorandums of understanding or memorandums of
977 agreements, with private sector businesses planning to locate
978 operations at the intermodal logistics center.

979 (h) Demonstrated local financial support and commitment to
980 the project.

981 (4) The department shall coordinate and consult with the
 982 Department of Economic Opportunity in the selection of projects
 983 to be funded by this program.

984 (5) The department is authorized to administer contracts
 985 on behalf of the entity selected to receive funding for a
 986 project under this section.

987 (6) The department shall provide up to 50 percent of
 988 project costs for eligible projects.

989 (7) Beginning in fiscal year 2012-2013, up to \$5 million
 990 per year shall be made available from the State Transportation
 991 Trust Fund for the program. The Department of Transportation
 992 shall include projects proposed to be funded under this section
 993 in the tentative work program developed pursuant so s.
 994 339.135(4).

995 (8) The Department of Transportation is authorized to
 996 adopt rules to implement this section.

997 Section 8. Section 311.106, Florida Statutes, is created
 998 to read:

999 311.106 Seaport stormwater permitting and mitigation.—A
 1000 seaport listed in s. 403.021(9)(b) is authorized to provide for
 1001 onsite or offsite stormwater treatment for water quality impacts
 1002 caused by a proposed port activity that requires a permit and
 1003 that causes or contributes to pollution from stormwater runoff.
 1004 Offsite stormwater treatment may occur outside of the
 1005 established boundaries of the port, but must be within the same
 1006 drainage basin in which the port activity occurs. A port offsite
 1007 stormwater treatment project must be constructed and maintained
 1008 by the seaport or by the seaport in conjunction with an adjacent

1009 local government. In order to limit stormwater treatment from
 1010 individual parcels within a port, a seaport may provide for a
 1011 regional stormwater treatment facility that must be constructed
 1012 and maintained by the seaport or by the seaport in conjunction
 1013 with an adjacent local government.

1014 Section 9. Section 311.14, Florida Statutes, is amended to
 1015 read:

1016 311.14 Seaport planning.—

1017 (1) The Department of Transportation shall develop, in
 1018 coordination with the ports listed in s. 311.09(1) and other
 1019 partners, a Statewide Seaport and Waterways System Plan. This
 1020 plan shall be consistent with the goals of the Florida
 1021 Transportation Plan developed pursuant to s. 339.155 and shall
 1022 consider needs identified in individual port master plans and
 1023 those from the seaport strategic plans required under this
 1024 section. The plan will identify 5-year, 10-year, and 20-year
 1025 needs for the seaport system and will include seaport, waterway,
 1026 road, and rail projects that are needed to ensure the success of
 1027 the transportation system as a whole in supporting state
 1028 economic development goals ~~The Florida Seaport Transportation~~
 1029 ~~and Economic Development Council, in cooperation with the Office~~
 1030 ~~of the State Public Transportation Administrator within the~~
 1031 ~~Department of Transportation, shall develop freight mobility and~~
 1032 ~~trade-corridor plans to assist in making freight-mobility~~
 1033 ~~investments that contribute to the economic growth of the state.~~
 1034 ~~Such plans should enhance the integration and connectivity of~~
 1035 ~~the transportation system across and between transportation~~
 1036 ~~modes throughout Florida for people and freight.~~

1037 ~~(2) The Office of the State Public Transportation~~
1038 ~~Administrator shall act to integrate freight mobility and trade-~~
1039 ~~corridor plans into the Florida Transportation Plan developed~~
1040 ~~pursuant to s. 339.155 and into the plans and programs of~~
1041 ~~metropolitan planning organizations as provided in s. 339.175.~~
1042 ~~The office may also provide assistance in expediting the~~
1043 ~~transportation permitting process relating to the construction~~
1044 ~~of seaport freight-mobility projects located outside the~~
1045 ~~physical borders of seaports. The Department of Transportation~~
1046 ~~may contract, as provided in s. 334.044, with any port listed in~~
1047 ~~s. 311.09(1) or any such other statutorily authorized seaport~~
1048 ~~entity to act as an agent in the construction of seaport~~
1049 ~~freight-mobility projects.~~

1050 (2)~~(3)~~ Each port shall develop a strategic plan with a 10-
1051 year horizon. Each plan must include the following:

1052 (a) An economic development component that identifies
1053 targeted business opportunities for increasing business and
1054 attracting new business for which a particular facility has a
1055 strategic advantage over its competitors, identifies financial
1056 resources and other inducements to encourage growth of existing
1057 business and acquisition of new business, and provides a
1058 projected schedule for attainment of the plan's goals.

1059 (b) An infrastructure development and improvement
1060 component that identifies all projected infrastructure
1061 improvements within the plan area which require improvement,
1062 expansion, or development in order for a port to attain a
1063 strategic advantage for competition with national and
1064 international competitors.

1065 (c) A component that identifies all intermodal
1066 transportation facilities, including sea, air, rail, or road
1067 facilities, which are available or have potential, with
1068 improvements, to be available for necessary national and
1069 international commercial linkages and provides a plan for the
1070 integration of port, airport, and railroad activities with
1071 existing and planned transportation infrastructure.

1072 (d) A component that identifies physical, environmental,
1073 and regulatory barriers to achievement of the plan's goals and
1074 provides recommendations for overcoming those barriers.

1075 (e) An intergovernmental coordination component that
1076 specifies modes and methods to coordinate plan goals and
1077 missions with the missions of the Department of Transportation,
1078 other state agencies, and affected local, general-purpose
1079 governments.

1080

1081 To the extent feasible, the port strategic plan must be
1082 consistent with the local government comprehensive plans of the
1083 units of local government in which the port is located. Upon
1084 approval of a plan by the port's board, the plan shall be
1085 submitted to the Florida Seaport Transportation and Economic
1086 Development Council.

1087 (3)~~(4)~~ The Florida Seaport Transportation and Economic
1088 Development Council shall review the strategic plans submitted
1089 by each port and prioritize strategic needs for inclusion in the
1090 Florida Seaport Mission Plan prepared pursuant to s. 311.09(3).

1091 Section 10. Subsection (21) of section 316.003, Florida
1092 Statutes, is amended to read:

1093 316.003 Definitions.—The following words and phrases, when
 1094 used in this chapter, shall have the meanings respectively
 1095 ascribed to them in this section, except where the context
 1096 otherwise requires:

1097 (21) MOTOR VEHICLE.—Except when used in s. 316.1001, any
 1098 self-propelled vehicle not operated upon rails or guideway, but
 1099 not including any bicycle, motorized scooter, electric personal
 1100 assistive mobility device, or moped. For purposes of s.
 1101 316.1001, "motor vehicle" has the same meaning as in s.
 1102 320.01(1)(a).

1103 Section 11. Subsection (4) of section 316.091, Florida
 1104 Statutes, is amended, subsection (5) is renumbered as subsection
 1105 (7), and new subsections (5) and (6) are added to that section,
 1106 to read:

1107 316.091 Limited access facilities; interstate highways;
 1108 use restricted.—

1109 (4) No person shall operate a bicycle or other human-
 1110 powered vehicle on the roadway or along the shoulder of a
 1111 limited access highway, including bridges, unless official signs
 1112 and a designated, marked bicycle lane are present at the
 1113 entrance of the section of highway indicating that such use is
 1114 permitted pursuant to a pilot program of the Department of
 1115 Transportation an interstate highway.

1116 (5) The Department of Transportation and expressway
 1117 authorities are authorized to designate use of shoulders of
 1118 limited access facilities and interstate highways under their
 1119 jurisdiction for such vehicular traffic determined to improve
 1120 safety, reliability, and transportation system efficiency.

1121 Appropriate traffic signs or dynamic lane control signals shall
1122 be erected along those portions of the facility affected to give
1123 notice to the public of the action to be taken, clearly
1124 indicating when the shoulder is open to designated vehicular
1125 traffic. This section may not be deemed to authorize such
1126 designation in violation of any federal law or any covenant
1127 established in a resolution or trust indenture relating to the
1128 issuance of turnpike bonds, expressway authority bonds, or other
1129 bonds.

1130 (6) The Department of Transportation shall establish a 2-
1131 year pilot program, in three separate urban areas, in which it
1132 shall erect signs and designate marked bicycle lanes indicating
1133 highway approaches and bridge segments of limited access
1134 highways as open to use by operators of bicycles and other
1135 human-powered vehicles, under the following conditions:

1136 (a) The limited access highway approaches and bridge
1137 segments chosen must cross a river, lake, bay, inlet, or surface
1138 water where no street or highway crossing the water body is
1139 available for use within 2 miles of the entrance to the limited
1140 access facility measured along the shortest public right-of-way.

1141 (b) The Department of Transportation, with the concurrence
1142 of the Federal Highway Administration on the interstate
1143 facilities, shall establish the three highway approaches and
1144 bridge segments for the pilot project by October 1, 2012. In
1145 selecting the highway approaches and bridge segments, the
1146 Department of Transportation shall consider, without limitation,
1147 a minimum size of population in the urban area within 5 miles of
1148 the highway approach and bridge segment, the lack of bicycle

1149 access by other means, cost, safety, and operational impacts.

1150 (c) The Department of Transportation shall begin the pilot
 1151 program by erecting signs and designating marked bicycle lanes
 1152 indicating highway approaches and bridge segments of limited
 1153 access highways, as qualified by the conditions described in
 1154 this subsection, as open to use by operators of bicycles and
 1155 other human-powered vehicles no later than March 1, 2013.

1156 (d) The Department of Transportation shall conduct the
 1157 pilot program for a minimum of 2 years following the
 1158 implementation date.

1159 (e) The Department of Transportation shall submit a report
 1160 of its findings and recommendations from the pilot program to
 1161 the Governor, the President of the Senate, and the Speaker of
 1162 the House of Representatives by September 1, 2015. The report
 1163 shall include, at a minimum, bicycle crash data occurring in the
 1164 designated segments of the pilot program, usage by operators of
 1165 bicycles and other human-powered vehicles, enforcement issues,
 1166 operational impacts, and the cost of the pilot program.

1167 Section 12. Paragraph (b) of subsection (2) of section
 1168 316.1001, Florida Statutes, is amended to read:

1169 316.1001 Payment of toll on toll facilities required;
 1170 penalties.—

1171 (2)

1172 (b) A citation issued under this subsection may be issued
 1173 by mailing the citation by first-class mail or by certified
 1174 mail, return receipt requested, to the address of the registered
 1175 owner of the motor vehicle involved in the violation. Mailing
 1176 Receipt of the citation to such address constitutes

1177 notification. In the case of joint ownership of a motor vehicle,
 1178 the traffic citation must be mailed to the first name appearing
 1179 on the registration, unless the first name appearing on the
 1180 registration is a business organization, in which case the
 1181 second name appearing on the registration may be used. A
 1182 citation issued under this paragraph must be mailed to the
 1183 registered owner of the motor vehicle involved in the violation
 1184 within 14 days after the date of issuance of the citation. In
 1185 addition to the citation, notification must be sent to the
 1186 registered owner of the motor vehicle involved in the violation
 1187 specifying remedies available under ss. 318.14(12) and
 1188 318.18(7).

1189 Section 13. Subsection (5) of section 316.2068, Florida
 1190 Statutes, is amended to read:

1191 316.2068 Electric personal assistive mobility devices;
 1192 regulations.—

1193 (5) A county or municipality may regulate ~~prohibit~~ the
 1194 operation of electric personal assistive mobility devices on any
 1195 road, street, sidewalk, or bicycle path under its jurisdiction
 1196 if the governing body of the county or municipality determines
 1197 that regulation ~~such a prohibition~~ is necessary in the interest
 1198 of safety.

1199 Section 14. Paragraph (a) of subsection (3) and paragraphs
 1200 (a) and (c) of subsection (5) of section 316.515, Florida
 1201 Statutes, are amended to read:

1202 316.515 Maximum width, height, length.—

1203 (3) LENGTH LIMITATION.—Except as otherwise provided in
 1204 this section, length limitations apply solely to a semitrailer

1205 or trailer, and not to a truck tractor or to the overall length
1206 of a combination of vehicles. No combination of commercial motor
1207 vehicles coupled together and operating on the public roads may
1208 consist of more than one truck tractor and two trailing units.
1209 Unless otherwise specifically provided for in this section, a
1210 combination of vehicles not qualifying as commercial motor
1211 vehicles may consist of no more than two units coupled together;
1212 such nonqualifying combination of vehicles may not exceed a
1213 total length of 65 feet, inclusive of the load carried thereon,
1214 but exclusive of safety and energy conservation devices approved
1215 by the department for use on vehicles using public roads.
1216 Notwithstanding any other provision of this section, a truck
1217 tractor-semitrailer combination engaged in the transportation of
1218 automobiles or boats may transport motor vehicles or boats on
1219 part of the power unit; and, except as may otherwise be mandated
1220 under federal law, an automobile or boat transporter semitrailer
1221 may not exceed 50 feet in length, exclusive of the load;
1222 however, the load may extend up to an additional 6 feet beyond
1223 the rear of the trailer. The 50-foot length limitation does not
1224 apply to non-stinger-steered automobile or boat transporters
1225 that are 65 feet or less in overall length, exclusive of the
1226 load carried thereon, or to stinger-steered automobile or boat
1227 transporters that are 75 feet or less in overall length,
1228 exclusive of the load carried thereon. For purposes of this
1229 subsection, a "stinger-steered automobile or boat transporter"
1230 is an automobile or boat transporter configured as a semitrailer
1231 combination wherein the fifth wheel is located on a drop frame
1232 located behind and below the rearmost axle of the power unit.

1233 Notwithstanding paragraphs (a) and (b), any straight truck or
 1234 truck tractor-semitrailer combination engaged in the
 1235 transportation of horticultural trees may allow the load to
 1236 extend up to an additional 10 feet beyond the rear of the
 1237 vehicle, provided said trees are resting against a retaining bar
 1238 mounted above the truck bed so that the root balls of the trees
 1239 rest on the floor and to the front of the truck bed and the tops
 1240 of the trees extend up over and to the rear of the truck bed,
 1241 and provided the overhanging portion of the load is covered with
 1242 protective fabric.

1243 (a) Straight trucks.—A ~~No~~ straight truck may not exceed a
 1244 length of 40 feet in extreme overall dimension, exclusive of
 1245 safety and energy conservation devices approved by the
 1246 department for use on vehicles using public roads. A straight
 1247 truck may tow no more than one trailer, and the overall length
 1248 of the truck-trailer combination may not exceed 68 feet ~~such~~
 1249 ~~trailer may not exceed a length of 28 feet. However, such~~
 1250 ~~trailer limitation does not apply if the overall length of the~~
 1251 ~~truck-trailer combination is 65 feet or less, including the load~~
 1252 thereon. Notwithstanding any other provisions of this section, a
 1253 truck-trailer combination engaged in the transportation of
 1254 boats, or boat trailers whose design dictates a front-to-rear
 1255 stacking method may ~~shall~~ not exceed the length limitations of
 1256 this paragraph exclusive of the load; however, the load may
 1257 extend up to an additional 6 feet beyond the rear of the
 1258 trailer.

1259 (5) IMPLEMENTS OF HUSBANDRY AND FARM EQUIPMENT;
 1260 AGRICULTURAL TRAILERS; FORESTRY EQUIPMENT; SAFETY REQUIREMENTS.—

1261 (a) Notwithstanding any other provisions of law, straight
 1262 trucks, agricultural tractors, citrus harvesting equipment,
 1263 citrus fruit loaders, and cotton module movers, not exceeding 50
 1264 feet in length, or any combination of up to and including three
 1265 implements of husbandry, including the towing power unit, and
 1266 any single agricultural trailer with a load thereon or any
 1267 agricultural implements attached to a towing power unit, or a
 1268 self-propelled agricultural implement or an agricultural
 1269 tractor, is authorized for the purpose of transporting peanuts,
 1270 grains, soybeans, citrus, cotton, hay, straw, or other
 1271 perishable farm products from their point of production to the
 1272 first point of change of custody or of long-term storage, and
 1273 for the purpose of returning to such point of production, or for
 1274 the purpose of moving such tractors, movers, and implements from
 1275 one point of agricultural production to another, by a person
 1276 engaged in the production of any such product or custom hauler,
 1277 if such vehicle or combination of vehicles otherwise complies
 1278 with this section. The Department of Transportation may issue
 1279 overlength permits for cotton module movers greater than 50 feet
 1280 but not more than 55 feet in overall length. Such vehicles shall
 1281 be operated in accordance with all safety requirements
 1282 prescribed by law and rules of the Department of Transportation.

1283 (c) The width and height limitations of this section do
 1284 not apply to farming or agricultural equipment, whether self-
 1285 propelled, pulled, or hauled, when temporarily operated during
 1286 daylight hours upon a public road that is not a limited access
 1287 facility as defined in s. 334.03(12) ~~s. 334.03(13)~~, and the
 1288 width and height limitations may be exceeded by such equipment

1289 without a permit. To be eligible for this exemption, the
 1290 equipment shall be operated within a radius of 50 miles of the
 1291 real property owned, rented, or leased by the equipment owner.
 1292 However, equipment being delivered by a dealer to a purchaser is
 1293 not subject to the 50-mile limitation. Farming or agricultural
 1294 equipment greater than 174 inches in width must have one warning
 1295 lamp mounted on each side of the equipment to denote the width
 1296 and must have a slow-moving vehicle sign. Warning lamps required
 1297 by this paragraph must be visible from the front and rear of the
 1298 vehicle and must be visible from a distance of at least 1,000
 1299 feet.

1300 Section 15. Subsection (42) of section 320.01, Florida
 1301 Statutes, is amended to read:

1302 320.01 Definitions, general.—As used in the Florida
 1303 Statutes, except as otherwise provided, the term:

1304 (42) "Low-speed vehicle" means any four-wheeled ~~electric~~
 1305 vehicle whose top speed is greater than 20 miles per hour but
 1306 not greater than 25 miles per hour, including, but not limited
 1307 to, neighborhood electric vehicles. Low-speed vehicles must
 1308 comply with the safety standards in 49 C.F.R. s. 571.500 and s.
 1309 316.2122.

1310 Section 16. Section 332.08, Florida Statutes, is amended
 1311 to read:

1312 332.08 Additional powers.—

1313 (1) In addition to the general powers in ss. 332.01-332.12
 1314 conferred and without limitation thereof, a municipality which
 1315 has established or may hereafter establish airports, restricted
 1316 landing areas, or other air navigation facilities, or which has

1317 | acquired or set apart or may hereafter acquire or set apart real
 1318 | property for such purposes, is hereby authorized:

1319 | (a)~~(1)~~ To vest authority for the construction,
 1320 | enlargement, improvement, maintenance, equipment, operation, and
 1321 | regulation thereof in an officer, a board or body of such
 1322 | municipality by ordinance or resolution which shall prescribe
 1323 | the powers and duties of such officer, board or body. The
 1324 | expense of such construction, enlargement, improvement,
 1325 | maintenance, equipment, operation, and regulation shall be a
 1326 | responsibility of the municipality.

1327 | (b) 1.~~(2)~~~~(a)~~ To adopt and amend all needful rules,
 1328 | regulations, and ordinances for the management, government, and
 1329 | use of any properties under its control, whether within or
 1330 | without the territorial limits of the municipality; to appoint
 1331 | airport guards or police, with full police powers; to fix by
 1332 | ordinance or resolution, as may be appropriate, penalties for
 1333 | the violation of such ~~said~~ rules, regulations, and ordinances,
 1334 | and enforce such ~~said~~ penalties in the same manner in which
 1335 | penalties prescribed by other rules, regulations, and ordinances
 1336 | of the municipality are enforced.

1337 | 2.~~(b)~~ ~~Provided,~~ Where a county operates one or more
 1338 | airports, its regulations for the government thereof shall be by
 1339 | resolution of the board of county commissioners, ~~shall be~~
 1340 | recorded in the minutes of the board, and promulgated by posting
 1341 | a copy at the courthouse and at every such airport for 4
 1342 | consecutive weeks or by publication once a week in a newspaper
 1343 | published in the county for the same period. Such regulations
 1344 | shall be enforced as are the criminal laws. Violation thereof

1345 shall be a misdemeanor of the second degree, punishable as
1346 provided in s. 775.082 or s. 775.083.

1347 (c)~~(3)~~ To lease for a term not exceeding 30 years such
1348 airports or other air navigation facilities, or real property
1349 acquired or set apart for airport purposes, to private parties,
1350 any municipal or state government or the national government, or
1351 any department of either thereof, for operation; to lease or
1352 assign for a term not exceeding 30 years to private parties, any
1353 municipal or state government or the national government, or any
1354 department of either thereof, for operation or use consistent
1355 with the purposes of ss. 332.01-332.12, space, area,
1356 improvements, or equipment on such airports; to sell any part of
1357 such airports, other air navigation facilities, or real property
1358 to any municipal or state government, or the United States or
1359 any department or instrumentality thereof, for aeronautical
1360 purposes or purposes incidental thereto, and to confer the
1361 privileges of concessions of supplying upon its airports goods,
1362 commodities, things, services, and facilities; provided, that in
1363 each case in so doing the public is not deprived of its rightful
1364 equal and uniform use thereof.

1365 (d)~~(4)~~ To sell or lease any property, real or personal,
1366 acquired for airport purposes and belonging to the municipality,
1367 which, in the judgment of its governing body, may not be
1368 required for aeronautic purposes, in accordance with the laws of
1369 this state, or the provisions of the charter of the
1370 municipality, governing the sale or leasing of similar
1371 municipally owned property.

1372 (e)~~(5)~~ To exercise all powers necessarily incidental to

1373 the exercise of the general and special powers herein granted,
 1374 and is specifically authorized to assess and shall assess
 1375 against and collect from the owner or operator of each and every
 1376 airplane using such airports a sufficient fee or service charge
 1377 to cover the cost of the service furnished airplanes using such
 1378 airports, including the liquidation of bonds or other
 1379 indebtedness for construction and improvements.

1380 (2) Notwithstanding any other provision of this section, a
 1381 municipality participating in the Federal Aviation
 1382 Administration's Airport Privatization Pilot Program pursuant to
 1383 49 U.S.C. s. 47134 may lease or sell an airport or other air
 1384 navigation facility or real property, together with improvements
 1385 and equipment, acquired or set apart for airport purposes to a
 1386 private party under such terms and conditions as negotiated by
 1387 the municipality. If state funds were provided to the
 1388 municipality pursuant to s. 332.007, the municipality must
 1389 obtain approval of the agreement from the Department of
 1390 Transportation, which is authorized to approve the agreement if
 1391 it determines the state's investment has been adequately
 1392 considered and protected consistent with the applicable
 1393 conditions specified in 49 U.S.C. s. 47134.

1394 Section 17. Subsections (11) through (37) of section
 1395 334.03, Florida Statutes, are renumbered as subsections (10)
 1396 through (36), respectively, and present subsections (10), (11),
 1397 and (25) of that section are amended to read:

1398 334.03 Definitions.—When used in the Florida
 1399 Transportation Code, the term:

1400 ~~(10) "Florida Intrastate Highway System" means a system of~~

1401 ~~limited access and controlled access facilities on the State~~
 1402 ~~Highway System which have the capacity to provide high speed and~~
 1403 ~~high volume traffic movements in an efficient and safe manner.~~

1404 (10)~~(11)~~ "Functional classification" means the assignment
 1405 of roads into systems according to the character of service they
 1406 provide in relation to the total road network using procedures
 1407 developed by the Federal Highway Administration. ~~Basic~~
 1408 ~~functional categories include arterial roads, collector roads,~~
 1409 ~~and local roads which may be subdivided into principal, major,~~
 1410 ~~or minor levels. Those levels may be additionally divided into~~
 1411 ~~rural and urban categories.~~

1412 (24)~~(25)~~ "State Highway System" means ~~the following, which~~
 1413 ~~shall be facilities to which access is regulated:~~

1414 ~~(a)~~ the interstate system and all other roads within the
 1415 state which were under the jurisdiction of the state on June 10,
 1416 1995, and roads constructed by an agency of the state for the
 1417 State Highway System, plus roads transferred to the state's
 1418 jurisdiction after that date by mutual consent with another
 1419 governmental entity, but not including roads so transferred from
 1420 the state's jurisdiction. These facilities shall be facilities
 1421 to which access is regulated.~~†~~

1422 ~~(b)~~ ~~All rural arterial routes and their extensions into~~
 1423 ~~and through urban areas;~~

1424 ~~(c)~~ ~~All urban principal arterial routes; and~~

1425 ~~(d)~~ ~~The urban minor arterial mileage on the existing State~~
 1426 ~~Highway System as of July 1, 1987, plus additional mileage to~~
 1427 ~~comply with the 2-percent requirement as described below.~~

1428

1429 ~~However, not less than 2 percent of the public road mileage of~~
 1430 ~~each urbanized area on record as of June 30, 1986, shall be~~
 1431 ~~included as minor arterials in the State Highway System.~~
 1432 ~~Urbanized areas not meeting the foregoing minimum requirement~~
 1433 ~~shall have transferred to the State Highway System additional~~
 1434 ~~minor arterials of the highest significance in which case the~~
 1435 ~~total minor arterials in the State Highway System from any~~
 1436 ~~urbanized area shall not exceed 2.5 percent of that area's total~~
 1437 ~~public urban road mileage.~~

1438 Section 18. Subsections (11), (13), and (26) of section
 1439 334.044, Florida Statutes, are amended, and subsection (33) is
 1440 added to that section, to read:

1441 334.044 Department; powers and duties.—The department
 1442 shall have the following general powers and duties:

1443 (11) To establish a numbering system for public roads, and
 1444 ~~to functionally classify such roads, and to assign~~
 1445 ~~jurisdictional responsibility.~~

1446 (13) To ~~designate existing and to~~ plan proposed
 1447 transportation facilities as part of the State Highway System,
 1448 and to construct, maintain, and operate such facilities.

1449 (26) To provide for the enhancement of environmental
 1450 benefits, including air and water quality; to prevent roadside
 1451 erosion; to conserve the natural roadside growth and scenery;
 1452 and to provide for the implementation and maintenance of
 1453 roadside conservation, enhancement, and stabilization programs.
 1454 No less than 1.5 percent of the amount contracted for
 1455 construction projects that add capacity or provide significant
 1456 enhancements to the existing system shall be allocated by the

1457 department for the purchase of plant materials. Department
1458 districts may not expend funds for landscaping in connection
1459 with any project that is limited to resurfacing existing lanes
1460 unless the expenditure has been approved by the department's
1461 secretary or the secretary's designee. ~~with,~~ To the greatest
1462 extent practical, a minimum of 50 percent of these funds shall
1463 be allocated for large plant materials and the remaining funds
1464 for other plant materials. All such plant materials shall be
1465 purchased from Florida commercial nursery stock in this state on
1466 a uniform competitive bid basis. The department will develop
1467 grades and standards for landscaping materials purchased through
1468 this process. To accomplish these activities, the department may
1469 contract with nonprofit organizations having the primary purpose
1470 of developing youth employment opportunities.

1471 (33) To develop, in coordination with its partners and
1472 stakeholders, a Freight Mobility and Trade Plan to assist in
1473 making freight mobility investments that contribute to the
1474 economic growth of the state. Such plan should enhance the
1475 integration and connectivity of the transportation system across
1476 and between transportation modes throughout the state. The
1477 department shall deliver the Freight Mobility and Trade Plan to
1478 the Governor, the President of the Senate, and the Speaker of
1479 the House of Representatives by July 1, 2013.

1480 (a) The Freight Mobility and Trade Plan shall include, but
1481 need not be limited to, proposed policies and investments that
1482 promote the following:

1483 1. Increasing the flow of domestic and international trade
1484 through the state's seaports and airports, including specific

1485 policies and investments that will recapture cargo currently
 1486 shipped through seaports and airports located outside the state.

1487 2. Increasing the development of intermodal logistic
 1488 centers in the state, including specific strategies, policies,
 1489 and investments that capitalize on the empty backhaul trucking
 1490 and rail market in the state.

1491 3. Increasing the development of manufacturing industries
 1492 in the state, including specific policies and investments in
 1493 transportation facilities that will promote the successful
 1494 development and expansion of manufacturing facilities.

1495 4. Increasing the implementation of compressed natural gas
 1496 (CNG), liquefied natural gas (LNG), and propane energy policies
 1497 that reduce transportation costs for businesses and residents
 1498 located in the state.

1499 (b) Freight issues and needs shall also be given emphasis
 1500 in all appropriate transportation plans, including the Florida
 1501 Transportation Plan and the Strategic Intermodal System Plan.

1502 Section 19. Section 334.047, Florida Statutes, is amended
 1503 to read:

1504 334.047 Prohibition.—Notwithstanding any other provision
 1505 of law to the contrary, the Department of Transportation may not
 1506 establish a cap on the number of miles in the State Highway
 1507 System ~~or a maximum number of miles of urban principal arterial~~
 1508 ~~roads, as defined in s. 334.03, within a district or county.~~

1509 Section 20. Subsection (5) is added to section 335.074,
 1510 Florida Statutes, to read:

1511 335.074 Safety inspection of bridges.—

1512 (5) Upon receipt of an inspection report that recommends

1513 reducing the weight, size, or speed limit on a bridge, the
 1514 governmental entity having maintenance responsibility for the
 1515 bridge must reduce the maximum limits for the bridge in
 1516 accordance with the inspection report and post the limits in
 1517 accordance with s. 316.555. The governmental entity must, within
 1518 30 days after receipt of an inspection report recommending lower
 1519 limits, notify the department that the limitations have been
 1520 implemented and the bridge has been posted accordingly. If the
 1521 required actions are not taken within 30 days after receipt of
 1522 an inspection report, the department shall post the bridge in
 1523 accordance with the recommendations in the inspection report.
 1524 All costs incurred by the department in connection with
 1525 providing notice of the bridge's limitations or restrictions
 1526 shall be assessed against and collected from the governmental
 1527 entity having maintenance responsibility for the bridge. If an
 1528 inspection report recommends closure of a bridge, the bridge
 1529 shall be immediately closed. If the governmental entity does not
 1530 close the bridge immediately upon receipt of an inspection
 1531 report recommending closure, the department shall close the
 1532 bridge. All costs incurred by the department in connection with
 1533 the bridge closure shall be assessed against and collected from
 1534 the governmental entity having maintenance responsibility for
 1535 the bridge. Nothing in this subsection alters existing
 1536 jurisdictional responsibilities for the operation and
 1537 maintenance of bridges.

1538 Section 21. Subsections (1) and (2) of section 335.17,
 1539 Florida Statutes, are amended to read:

1540 335.17 State highway construction; means of noise

1541 abatement.—

1542 (1) The department shall make use of noise-control methods
 1543 as part of highway construction projects involving new location
 1544 or capacity expansion ~~in the construction of all new state~~
 1545 ~~highways~~, with particular emphasis on those highways located in
 1546 or near urban-residential developments which abut such highway
 1547 rights-of-way.

1548 (2) All highway projects by the department, regardless of
 1549 funding source, shall be developed in conformity with federal
 1550 standards for noise abatement as contained in 23 C.F.R. 772 as
 1551 such regulations existed on July 13, 2011 ~~March 1, 1989~~. The
 1552 department shall, at a minimum, comply with federal requirements
 1553 in the following areas:

- 1554 (a) Analysis of traffic noise impacts and abatement
- 1555 measures;
- 1556 (b) Noise abatement;
- 1557 (c) Information for local officials;
- 1558 (d) Traffic noise prediction; and
- 1559 (e) Construction noise.

1560 Section 22. Subsection (5) of section 336.021, Florida
 1561 Statutes, is amended to read:

1562 336.021 County transportation system; levy of ninth-cent
 1563 fuel tax on motor fuel and diesel fuel.—

1564 (5) All impositions of the tax shall be levied before
 1565 October ~~July~~ 1 of each year to be effective January 1 of the
 1566 following year. However, levies of the tax which were in effect
 1567 on July 1, 2002, and which expire on August 31 of any year may
 1568 be reimposed at the current authorized rate to be effective

1569 September 1 of the year of expiration. All impositions shall be
 1570 required to end on December 31 of a year. A decision to rescind
 1571 the tax shall not take effect on any date other than December 31
 1572 and shall require a minimum of 60 days' notice to the department
 1573 of such decision.

1574 Section 23. Paragraphs (a) and (b) of subsection (1),
 1575 paragraph (a) of subsection (5), and subsection (7) of section
 1576 336.025, Florida Statutes, are amended to read:

1577 336.025 County transportation system; levy of local option
 1578 fuel tax on motor fuel and diesel fuel.—

1579 (1) (a) In addition to other taxes allowed by law, there
 1580 may be levied as provided in ss. 206.41(1) (e) and 206.87(1) (c) a
 1581 1-cent, 2-cent, 3-cent, 4-cent, 5-cent, or 6-cent local option
 1582 fuel tax upon every gallon of motor fuel and diesel fuel sold in
 1583 a county and taxed under the provisions of part I or part II of
 1584 chapter 206.

1585 1. All impositions and rate changes of the tax shall be
 1586 levied before October ~~July~~ 1 to be effective January 1 of the
 1587 following year for a period not to exceed 30 years, and the
 1588 applicable method of distribution shall be established pursuant
 1589 to subsection (3) or subsection (4). However, levies of the tax
 1590 which were in effect on July 1, 2002, and which expire on August
 1591 31 of any year may be reimposed at the current authorized rate
 1592 effective September 1 of the year of expiration. Upon
 1593 expiration, the tax may be relieved provided that a
 1594 redetermination of the method of distribution is made as
 1595 provided in this section.

1596 2. County and municipal governments shall utilize moneys

1597 received pursuant to this paragraph only for transportation
 1598 expenditures.

1599 3. Any tax levied pursuant to this paragraph may be
 1600 extended on a majority vote of the governing body of the county.
 1601 A redetermination of the method of distribution shall be
 1602 established pursuant to subsection (3) or subsection (4), if,
 1603 after July 1, 1986, the tax is extended or the tax rate changed,
 1604 for the period of extension or for the additional tax.

1605 (b) In addition to other taxes allowed by law, there may
 1606 be levied as provided in s. 206.41(1)(e) a 1-cent, 2-cent, 3-
 1607 cent, 4-cent, or 5-cent local option fuel tax upon every gallon
 1608 of motor fuel sold in a county and taxed under the provisions of
 1609 part I of chapter 206. The tax shall be levied by an ordinance
 1610 adopted by a majority plus one vote of the membership of the
 1611 governing body of the county or by referendum.

1612 1. All impositions and rate changes of the tax shall be
 1613 levied before October ~~July~~ 1, to be effective January 1 of the
 1614 following year. However, levies of the tax which were in effect
 1615 on July 1, 2002, and which expire on August 31 of any year may
 1616 be reimposed at the current authorized rate effective September
 1617 1 of the year of expiration.

1618 2. The county may, prior to levy of the tax, establish by
 1619 interlocal agreement with one or more municipalities located
 1620 therein, representing a majority of the population of the
 1621 incorporated area within the county, a distribution formula for
 1622 dividing the entire proceeds of the tax among county government
 1623 and all eligible municipalities within the county. If no
 1624 interlocal agreement is adopted before the effective date of the

1625 tax, tax revenues shall be distributed pursuant to the
1626 provisions of subsection (4). If no interlocal agreement exists,
1627 a new interlocal agreement may be established prior to June 1 of
1628 any year pursuant to this subparagraph. However, any interlocal
1629 agreement agreed to under this subparagraph after the initial
1630 levy of the tax or change in the tax rate authorized in this
1631 section shall under no circumstances materially or adversely
1632 affect the rights of holders of outstanding bonds which are
1633 backed by taxes authorized by this paragraph, and the amounts
1634 distributed to the county government and each municipality shall
1635 not be reduced below the amount necessary for the payment of
1636 principal and interest and reserves for principal and interest
1637 as required under the covenants of any bond resolution
1638 outstanding on the date of establishment of the new interlocal
1639 agreement.

1640 3. County and municipal governments shall use moneys
1641 received pursuant to this paragraph for transportation
1642 expenditures needed to meet the requirements of the capital
1643 improvements element of an adopted comprehensive plan or for
1644 expenditures needed to meet immediate local transportation
1645 problems and for other transportation-related expenditures that
1646 are critical for building comprehensive roadway networks by
1647 local governments. For purposes of this paragraph, expenditures
1648 for the construction of new roads, the reconstruction or
1649 resurfacing of existing paved roads, or the paving of existing
1650 graded roads shall be deemed to increase capacity and such
1651 projects shall be included in the capital improvements element
1652 of an adopted comprehensive plan. Expenditures for purposes of

1653 | this paragraph shall not include routine maintenance of roads.

1654 | (5) (a) By October ~~July~~ 1 of each year, the county shall
 1655 | notify the Department of Revenue of the rate of the taxes levied
 1656 | pursuant to paragraphs (1) (a) and (b), and of its decision to
 1657 | rescind or change the rate of a tax, if applicable, and shall
 1658 | provide the department with a certified copy of the interlocal
 1659 | agreement established under subparagraph (1) (b)2. or
 1660 | subparagraph (3) (a)1. with distribution proportions established
 1661 | by such agreement or pursuant to subsection (4), if applicable.
 1662 | A decision to rescind a tax may ~~shall~~ not take effect on any
 1663 | date other than December 31 and requires ~~shall require~~ a minimum
 1664 | of 60 days' notice to the Department of Revenue of such
 1665 | decision.

1666 | (7) For the purposes of this section, "transportation
 1667 | expenditures" means expenditures by the local government from
 1668 | local or state shared revenue sources, excluding expenditures of
 1669 | bond proceeds, for the following programs:

1670 | (a) Public transportation operations and maintenance.

1671 | (b) Roadway and right-of-way maintenance and equipment and
 1672 | structures used primarily for the storage and maintenance of
 1673 | such equipment.

1674 | (c) Roadway and right-of-way drainage.

1675 | (d) Street lighting installation, operation, maintenance,
 1676 | and repair.

1677 | (e) Traffic signs, traffic engineering, signalization, and
 1678 | pavement markings, installation, operation, maintenance, and
 1679 | repair.

1680 | (f) Bridge maintenance and operation.

1681 (g) Debt service and current expenditures for
 1682 transportation capital projects in the foregoing program areas,
 1683 including construction or reconstruction of roads and sidewalks.

1684 Section 24. Effective January 1, 2015, paragraph (a) of
 1685 subsection (3) of section 337.11, Florida Statutes, is amended
 1686 to read:

1687 337.11 Contracting authority of department; bids;
 1688 emergency repairs, supplemental agreements, and change orders;
 1689 combined design and construction contracts; progress payments;
 1690 records; requirements of vehicle registration.—

1691 (3) (a) On all construction contracts of \$250,000 or less,
 1692 and any construction contract of less than \$500,000 for which
 1693 the department has waived prequalification under s. 337.14, the
 1694 department shall advertise for bids on the department's Internet
 1695 website for ~~in a newspaper having general circulation in the~~
 1696 ~~county where the proposed work is located. Publication shall be~~
 1697 ~~at least once a week for no less than 2 consecutive weeks, and~~
 1698 ~~the first publication shall be~~ no less than 14 consecutive days
 1699 prior to the date on which bids are to be received.

1700 Section 25. Subsection (4) of section 337.111, Florida
 1701 Statutes, is amended to read:

1702 337.111 Contracting for monuments and memorials to
 1703 military veterans at rest areas.—The Department of
 1704 Transportation is authorized to enter into contract with any
 1705 not-for-profit group or organization that has been operating for
 1706 not less than 2 years for the installation of monuments and
 1707 memorials honoring Florida's military veterans at highway rest
 1708 areas around the state pursuant to the provisions of this

1709 section.

1710 (4) The group or organization making the proposal shall
1711 provide an annual renewable ~~a 10-year~~ bond, an irrevocable
1712 letter of credit, or another form of security as approved by the
1713 department's comptroller, for the purpose of securing the cost
1714 of removal of the monument and any modifications made to the
1715 site as part of the placement of the monument should the
1716 Department of Transportation determine it necessary to remove or
1717 relocate the monument. Such removal or relocation shall be
1718 approved by the committee described in subsection (1). ~~Prior to~~
1719 ~~expiration, the bond shall be renewed for another 10-year period~~
1720 ~~if the memorial is to remain in place.~~

1721 Section 26. Subsection (1) of section 337.125, Florida
1722 Statutes, is amended to read:

1723 337.125 Socially and economically disadvantaged business
1724 enterprises; notice requirements.-

1725 (1) When contract goals are established, in order to
1726 document that a subcontract is with a certified socially and
1727 economically disadvantaged business enterprise, the prime
1728 contractor must either submit a disadvantaged business
1729 enterprise utilization form which has been signed by the
1730 socially and economically disadvantaged business enterprise and
1731 the prime contractor, or submit the written or oral quotation of
1732 the socially and economically disadvantaged business enterprise,
1733 and information contained in the quotation must be confirmed as
1734 determined by the department by rule.

1735 Section 27. Section 337.137, Florida Statutes, is
1736 repealed.

1737 Section 28. Section 337.139, Florida Statutes, is amended
1738 to read:

1739 337.139 Efforts to encourage awarding contracts to
1740 disadvantaged business enterprises.—In implementing chapter 90-
1741 136, Laws of Florida, the Department of Transportation shall
1742 institute procedures to encourage the awarding of contracts for
1743 professional services and construction to disadvantaged business
1744 enterprises. For the purposes of this section, the term
1745 "disadvantaged business enterprise" means a small business
1746 concern certified by the Department of Transportation to be
1747 owned and controlled by socially and economically disadvantaged
1748 individuals as defined by the Safe, Accountable, Flexible,
1749 Efficient Transportation Equity Act: A Legacy for Users
1750 (SAFETEA-LU) ~~Surface Transportation and Uniform Relocation Act~~
1751 ~~of 1987~~. The Department of Transportation shall develop and
1752 implement activities to encourage the participation of
1753 disadvantaged business enterprises in the contracting process.
1754 Such efforts may include:

1755 (1) Presolicitation or prebid meetings for the purpose of
1756 informing disadvantaged business enterprises of contracting
1757 opportunities.

1758 (2) Written notice to disadvantaged business enterprises
1759 of contract opportunities for commodities or contractual and
1760 construction services which the disadvantaged business provides.

1761 (3) Provision of adequate information to disadvantaged
1762 business enterprises about the plans, specifications, and
1763 requirements of contracts or the availability of jobs.

1764 (4) Breaking large contracts into several single-purpose

1765 contracts of a size which may be obtained by certified
1766 disadvantaged business enterprises.

1767 Section 29. Subsection (1) of section 337.14, Florida
1768 Statutes, is amended to read:

1769 337.14 Application for qualification; certificate of
1770 qualification; restrictions; request for hearing.—

1771 (1) Any person desiring to bid for the performance of any
1772 construction contract in excess of \$250,000 which the department
1773 proposes to let must first be certified by the department as
1774 qualified pursuant to this section and rules of the department.
1775 The rules of the department shall address the qualification of
1776 persons to bid on construction contracts in excess of \$250,000
1777 and shall include requirements with respect to the equipment,
1778 past record, experience, financial resources, and organizational
1779 personnel of the applicant necessary to perform the specific
1780 class of work for which the person seeks certification. The
1781 department may ~~is authorized to~~ limit the dollar amount of any
1782 contract upon which a person is qualified to bid or the
1783 aggregate total dollar volume of contracts such person is
1784 allowed to have under contract at any one time. Each applicant
1785 seeking qualification to bid on construction contracts in excess
1786 of \$250,000 shall furnish the department a statement under oath,
1787 on such forms as the department may prescribe, setting forth
1788 detailed information as required on the application. Each
1789 application for certification shall be accompanied by the latest
1790 annual financial statement of the applicant completed within the
1791 last 12 months. If the application or the annual financial
1792 statement shows the financial condition of the applicant more

1793 | than 4 months prior to the date on which the application is
 1794 | received by the department, then an interim financial statement
 1795 | must be submitted and be accompanied by an updated application.
 1796 | The interim financial statement must cover the period from the
 1797 | end date of the annual statement and must show the financial
 1798 | condition of the applicant no more than 4 months prior to the
 1799 | date the interim financial statement is received by the
 1800 | department. However, upon request by the applicant, an
 1801 | application and accompanying annual or interim financial
 1802 | statement received by the department within 15 days after either
 1803 | 4-month period under this subsection shall be considered timely.
 1804 | Each required annual or interim financial statement must be
 1805 | audited and accompanied by the opinion of a certified public
 1806 | accountant ~~or a public accountant approved by the department.~~ An
 1807 | applicant desiring to bid exclusively for the performance of
 1808 | construction contracts with proposed budget estimates of less
 1809 | than \$1 million may submit reviewed annual or reviewed interim
 1810 | financial statements prepared by a certified public accountant.
 1811 | The information required by this subsection is confidential and
 1812 | exempt from the provisions of s. 119.07(1). The department shall
 1813 | act upon the application for qualification within 30 days after
 1814 | the department determines that the application is complete. The
 1815 | department may waive the requirements of this subsection for
 1816 | projects having a contract price of \$500,000 or less if the
 1817 | department determines that the project is of a noncritical
 1818 | nature and the waiver will not endanger public health, safety,
 1819 | or property.

1820 | Section 30. Subsection (3) of section 337.29, Florida

1821 Statutes, is amended to read:

1822 337.29 Vesting of title to roads; liability for torts.—

1823 (3) Title to all roads transferred in accordance with ~~the~~
 1824 ~~provisions of~~ s. 335.0415 shall be in the governmental entity to
 1825 which such roads have been transferred, upon the recording of a
 1826 deed or a right-of-way map by the appropriate governmental
 1827 entity in the public land records of the county or counties in
 1828 which such rights-of-way are located. To the extent that
 1829 sovereign immunity has been waived, liability for torts shall be
 1830 in the governmental entity having operation and maintenance
 1831 responsibility as provided in s. 335.0415. Except as otherwise
 1832 provided by law, a municipality shall have the same
 1833 governmental, corporate, and proprietary powers with relation to
 1834 any public road or right-of-way within the municipality which
 1835 has been transferred to another governmental entity pursuant to
 1836 s. 335.0415 that the municipality has with relation to other
 1837 public roads and rights-of-way within the municipality.

1838 Section 31. Section 337.403, Florida Statutes, is amended
 1839 to read:

1840 337.403 Interference caused by ~~relocation of~~ utility;
 1841 expenses.—

1842 (1) When a ~~Any~~ utility ~~heretofore or hereafter~~ placed
 1843 upon, under, over, or along any public road or publicly owned
 1844 rail corridor ~~that~~ is found by the authority to be unreasonably
 1845 interfering in any way with the convenient, safe, or continuous
 1846 use, or the maintenance, improvement, extension, or expansion,
 1847 of such public road or publicly owned rail corridor, the utility
 1848 owner shall, upon 30 days' written notice to the utility or its

1849 agent by the authority, initiate the work necessary to alleviate
 1850 the interference ~~be removed or relocated by such utility~~ at its
 1851 own expense except as provided in paragraphs (a)-(f). The work
 1852 shall be completed within such reasonable time as stated in the
 1853 notice or such time as agreed to by the authority and the
 1854 utility owner.

1855 (a) If the relocation of utility facilities, as referred
 1856 to in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.
 1857 627 of the 84th Congress, is necessitated by the construction of
 1858 a project on the federal-aid interstate system, including
 1859 extensions thereof within urban areas, and the cost of the
 1860 project is eligible and approved for reimbursement by the
 1861 Federal Government to the extent of 90 percent or more under the
 1862 Federal Aid Highway Act, or any amendment thereof, then in that
 1863 event the utility owning or operating such facilities shall
 1864 perform any necessary work ~~relocate the facilities~~ upon notice
 1865 from ~~order of~~ the department, and the state shall pay the entire
 1866 expense properly attributable to such work ~~relocation~~ after
 1867 deducting therefrom any increase in the value of any ~~the~~ new
 1868 facility and any salvage value derived from any ~~the~~ old
 1869 facility.

1870 (b) When a joint agreement between the department and the
 1871 utility is executed for utility ~~improvement, relocation, or~~
 1872 ~~removal~~ work to be accomplished as part of a contract for
 1873 construction of a transportation facility, the department may
 1874 participate in those utility work ~~improvement, relocation, or~~
 1875 ~~removal~~ costs that exceed the department's official estimate of
 1876 the cost of the work by more than 10 percent. The amount of such

1877 participation shall be limited to the difference between the
1878 official estimate of all the work in the joint agreement plus 10
1879 percent and the amount awarded for this work in the construction
1880 contract for such work. The department may not participate in
1881 any utility work ~~improvement, relocation, or removal~~ costs that
1882 occur as a result of changes or additions during the course of
1883 the contract.

1884 (c) When an agreement between the department and utility
1885 is executed for utility ~~improvement, relocation, or removal~~ work
1886 to be accomplished in advance of a contract for construction of
1887 a transportation facility, the department may participate in the
1888 cost of clearing and grubbing necessary to perform such work.

1889 (d) If the utility facility involved ~~being removed or~~
1890 ~~relocated~~ was initially installed to exclusively serve the
1891 department, its tenants, or both, the department shall bear the
1892 costs of the utility work ~~removing or relocating that utility~~
1893 ~~facility~~. However, the department is not responsible for bearing
1894 the cost of utility work related to ~~removing or relocating~~ any
1895 subsequent additions to that facility for the purpose of serving
1896 others.

1897 (e) If, under an agreement between a utility and the
1898 authority entered into after July 1, 2009, the utility conveys,
1899 subordinates, or relinquishes a compensable property right to
1900 the authority for the purpose of accommodating the acquisition
1901 or use of the right-of-way by the authority, without the
1902 agreement expressly addressing future responsibility for the
1903 cost of necessary utility work ~~removing or relocating the~~
1904 ~~utility~~, the authority shall bear the cost ~~of removal or~~

1905 ~~relocation~~. This paragraph does not impair or restrict, and may
 1906 not be used to interpret, the terms of any such agreement
 1907 entered into before July 1, 2009.

1908 (f) If the utility is an electric facility being relocated
 1909 underground in order to enhance vehicular, bicycle, and
 1910 pedestrian safety and in which ownership of the electric
 1911 facility to be placed underground has been transferred from a
 1912 private to a public utility within the past 5 years, the
 1913 department shall incur all costs of the necessary utility work
 1914 ~~relocation~~.

1915 (g) An authority is authorized to bear the costs of
 1916 utility work required to eliminate an unreasonable interference
 1917 when the utility is not able to establish that it has a
 1918 compensable property right in the particular property where the
 1919 utility is located if:

1920 1. The utility was physically located on the particular
 1921 property before the authority acquired rights in the property;

1922 2. The utility demonstrates that it has a compensable
 1923 property right in all adjacent properties along the alignment of
 1924 the utility; and

1925 3. The information available to the authority does not
 1926 establish the relative priorities of the authority's and the
 1927 utility's interests in the particular property.

1928 (2) If such utility work ~~removal or relocation~~ is
 1929 incidental to work to be done on such road or publicly owned
 1930 rail corridor, the notice shall be given at the same time the
 1931 contract for the work is advertised for bids, or no less than 30
 1932 days prior to the commencement of such work by the authority,

1933 whichever is greater.

1934 (3) Whenever the notice from ~~an order of~~ the authority
 1935 requires such utility work ~~removal or change in the location of~~
 1936 any utility from the ~~right of way of a public road or publicly~~
 1937 ~~owned rail corridor,~~ and the owner thereof fails to perform the
 1938 work ~~remove or change the same~~ at his or her own expense ~~to~~
 1939 ~~conform to the order~~ within the time stated in the notice or
 1940 such other time as agreed to by the authority and the utility
 1941 owner, the authority shall proceed to cause the utility work to
 1942 be performed ~~to be removed.~~ The expense thereby incurred shall
 1943 be paid out of any money available therefor, and such expense
 1944 shall, except as provided in subsection (1), be charged against
 1945 the owner and levied and collected and paid into the fund from
 1946 which the expense of such relocation was paid.

1947 Section 32. Subsection (1) of section 337.404, Florida
 1948 Statutes, is amended to read:

1949 337.404 Removal or relocation of utility facilities;
 1950 notice and order; court review.-

1951 (1) Whenever it becomes ~~shall become~~ necessary for the
 1952 authority to perform utility work ~~remove or relocate any utility~~
 1953 as provided in s. 337.403 ~~the preceding section,~~ the owner of
 1954 the utility, ~~or the owner's chief agent,~~ shall be given notice
 1955 that the authority will perform ~~of such work~~ removal or
 1956 relocation and, after the work is complete, ~~given~~ an order
 1957 requiring the payment of the cost thereof, ~~and a~~ shall be given
 1958 reasonable time, which may ~~shall~~ not be less than 20 or ~~not~~ more
 1959 than 30 days, in which to appear before the authority to contest
 1960 the reasonableness of the order. Should the owner or the owner's

1961 representative not appear, the determination of the cost to the
 1962 owner shall be final. Authorities considered agencies for the
 1963 purposes of chapter 120 shall adjudicate removal or relocation
 1964 of utilities pursuant to chapter 120.

1965 Section 33. Subsections (1), (4), and (5) of section
 1966 337.408, Florida Statutes, are amended to read:

1967 337.408 Regulation of bus stops, benches, transit
 1968 shelters, street light poles, waste disposal receptacles, and
 1969 modular news racks within rights-of-way.-

1970 (1) Benches or transit shelters, including advertising
 1971 displayed on benches or transit shelters, may be installed
 1972 within the right-of-way limits of any municipal, county, or
 1973 state road, except a limited access highway, provided that such
 1974 benches or transit shelters are for the comfort or convenience
 1975 of the general public or are at designated stops on official bus
 1976 routes and provided that written authorization has been given to
 1977 a qualified private supplier of such service by the municipal
 1978 government within whose incorporated limits such benches or
 1979 transit shelters are installed or by the county government
 1980 within whose unincorporated limits such benches or transit
 1981 shelters are installed. A municipality or county may authorize
 1982 the installation, without public bid, of benches and transit
 1983 shelters together with advertising displayed thereon within the
 1984 right-of-way limits of such roads. All installations shall be in
 1985 compliance with all applicable laws and rules, including,
 1986 without limitation, the Americans with Disabilities Act.
 1987 Municipalities and counties that authorize or have authorized a
 1988 bench or transit shelter to be installed within the right-of-way

1989 limits of any road on the State Highway System shall be
 1990 responsible for ensuring that the bench or transit shelter
 1991 complies with all applicable laws and rules, including, without
 1992 limitation, the Americans with Disabilities Act, or shall remove
 1993 the bench or transit shelter. The department shall have no
 1994 liability for any claims, losses, costs, charges, expenses,
 1995 damages, liabilities, attorney fees, or court costs relating to
 1996 the installation, removal, or relocation of any benches or
 1997 transit shelters authorized by a municipality or county. On and
 1998 after July 1, 2012, a municipality or county that authorizes a
 1999 bench or transit shelter to be installed within the right-of-way
 2000 limits of any road on the State Highway System must require the
 2001 qualified private supplier, or any other person under contract
 2002 to install the bench or transit shelter, to indemnify, defend,
 2003 and hold harmless the department from any suits, actions,
 2004 proceedings, claims, losses, costs, charges, expenses, damages,
 2005 liabilities, attorney fees, and court costs relating to the
 2006 installation, removal, or relocation of such installations, and
 2007 shall annually certify to the department in a notarized signed
 2008 statement that this requirement has been met. The certification
 2009 shall include the name and address of each person responsible
 2010 for indemnifying the department for an authorized installation.
 2011 Municipalities and counties that have authorized the
 2012 installation of benches or transit shelters within the right-of-
 2013 way limits of any road on the State Highway System must remove
 2014 or relocate, or cause the removal or relocation of, the
 2015 installation at no cost to the department within 30 days after
 2016 written notice by the department that the installation is

2017 unreasonably interfering in any way with the convenient, safe,
 2018 or continuous use of or the maintenance, improvement, extension,
 2019 or expansion of the State Highway System road. Any contract for
 2020 the installation of benches or transit shelters or advertising
 2021 on benches or transit shelters which was entered into before
 2022 April 8, 1992, without public bidding is ratified and affirmed.
 2023 Such benches or transit shelters may not interfere with right-
 2024 of-way preservation and maintenance. Any bench or transit
 2025 shelter located on a sidewalk within the right-of-way limits of
 2026 any road on the State Highway System or the county road system
 2027 shall be located so as to leave at least 36 inches of clearance
 2028 for pedestrians and persons in wheelchairs. Such clearance shall
 2029 be measured in a direction perpendicular to the centerline of
 2030 the road.

2031 (4) The department has the authority to direct the
 2032 immediate relocation or removal of any bus stop, bench, transit
 2033 shelter, waste disposal receptacle, public pay telephone, or
 2034 modular news rack that endangers life or property or that is
 2035 otherwise not in compliance with applicable laws and rules,
 2036 except that transit bus benches that were placed in service
 2037 before April 1, 1992, are not required to comply with bench size
 2038 and advertising display size requirements established by the
 2039 department before March 1, 1992. ~~Any transit bus bench that was~~
 2040 ~~in service before April 1, 1992, may be replaced with a bus~~
 2041 ~~bench of the same size or smaller, if the bench is damaged or~~
 2042 ~~destroyed or otherwise becomes unusable.~~ The department may
 2043 adopt rules relating to the regulation of bench size and
 2044 advertising display size requirements. If a municipality or

2045 county within which a bench is to be located has adopted an
 2046 ordinance or other applicable regulation that establishes bench
 2047 size or advertising display sign requirements different from
 2048 requirements specified in department rule, the local government
 2049 requirement applies within the respective municipality or
 2050 county. Placement of any bench or advertising display on the
 2051 National Highway System under a local ordinance or regulation
 2052 adopted under this subsection is subject to approval of the
 2053 Federal Highway Administration.

2054 (5) A bus stop, bench, transit shelter, waste disposal
 2055 receptacle, public pay telephone, or modular news rack, or
 2056 advertising thereon, may not be erected or placed on the right-
 2057 of-way of any road in a manner that conflicts with the
 2058 requirements of federal law, regulations, or safety standards,
 2059 thereby causing the state or any political subdivision the loss
 2060 of federal funds. Competition among persons seeking to provide
 2061 bus stop, bench, transit shelter, waste disposal receptacle,
 2062 public pay telephone, or modular news rack services or
 2063 advertising on such benches, shelters, receptacles, public pay
 2064 telephone, or news racks may be regulated, restricted, or denied
 2065 by the appropriate local government entity consistent with this
 2066 section.

2067 Section 34. Chapter 338, Florida Statutes, is retitled
 2068 "LIMITED ACCESS AND TOLL FACILITIES."

2069 Section 35. Section 338.001, Florida Statutes, is
 2070 repealed.

2071 Section 36. Present subsections (1) through (6) of section
 2072 338.01, Florida Statutes, are renumbered as subsections (2)

2073 through (7), respectively, and new subsections (1) and (8) are
 2074 added to that section to read:

2075 338.01 Authority to establish and regulate limited access
 2076 facilities.—

2077 (1) The department may establish limited access facilities
 2078 as provided in s. 335.02. The primary function of such limited
 2079 access facilities shall be to allow high-speed and high-volume
 2080 traffic movements within the state. Access to abutting land is
 2081 subordinate to this function, and such access must be prohibited
 2082 or highly regulated.

2083 (8) The department, or other governmental entity
 2084 responsible for the collection of tolls, may pursue the
 2085 collection of unpaid tolls and associated fees and other amounts
 2086 to which it is entitled by contracting with a private attorney
 2087 who is a member in good standing with The Florida Bar or a
 2088 collection agent who is registered and in good standing pursuant
 2089 to chapter 559. A collection fee in an amount that is reasonable
 2090 within the collection industry, including any reasonable
 2091 attorney fees, may be added to the delinquent amount collected
 2092 by any attorney or collection agent retained by the department
 2093 or other governmental entity. The requirements of s. 287.059 do
 2094 not apply to private attorney services procured under this
 2095 section.

2096 Section 37. Section 338.151, Florida Statutes, is created
 2097 to read:

2098 338.151 Authority of the department to establish tolls on
 2099 the State Highway System.—Notwithstanding s. 338.165(8), the
 2100 department may establish tolls on new limited access facilities

2101 on the State Highway System, lanes added to existing limited
 2102 access facilities on the State Highway System, new major bridges
 2103 on the State Highway System over waterways, and replacements for
 2104 existing major bridges on the State Highway System over
 2105 waterways to pay, fully or partially, for the cost of such
 2106 projects. Except for high-occupancy vehicle lanes, express
 2107 lanes, the turnpike system, and as otherwise authorized by law,
 2108 the department may not establish tolls on lanes of limited
 2109 access facilities that exist on July 1, 2012, unless tolls were
 2110 in effect for the lanes prior to that date. The authority
 2111 provided in this section is in addition to the authority
 2112 provided under the Florida Turnpike Enterprise Law and s.
 2113 338.166.

2114 Section 38. Subsection (1) of section 338.155, Florida
 2115 Statutes, is amended to read:

2116 338.155 Payment of toll on toll facilities required;
 2117 exemptions.—

2118 (1) A person may not ~~No persons are permitted to~~ use any
 2119 toll facility without payment of tolls, except employees of the
 2120 agency operating the toll project when using the toll facility
 2121 on official state business, state military personnel while on
 2122 official military business, handicapped persons as provided in
 2123 this section, persons exempt from toll payment by the
 2124 authorizing resolution for bonds issued to finance the facility,
 2125 and persons exempt on a temporary basis where use of such toll
 2126 facility is required as a detour route. Any law enforcement
 2127 officer operating a marked official vehicle is exempt from toll
 2128 payment when on official law enforcement business. Any person

2129 | operating a fire vehicle when on official business or a rescue
 2130 | vehicle when on official business is exempt from toll payment.
 2131 | Any person participating in the funeral procession of a law
 2132 | enforcement officer or firefighter killed in the line of duty is
 2133 | exempt from toll payment. The secretary~~7~~, or the secretary's
 2134 | designee~~7~~ may suspend the payment of tolls on a toll facility
 2135 | when necessary to assist in emergency evacuation. The failure to
 2136 | pay a prescribed toll constitutes a noncriminal traffic
 2137 | infraction, punishable as a moving violation as provided in
 2138 | ~~pursuant to~~ s. 318.18. The department may ~~is authorized to~~ adopt
 2139 | rules relating to the payment, collection, and enforcement of
 2140 | tolls, as authorized in chapters 316, 318, 320, 322, and 338,
 2141 | including, but not limited to, rules for the implementation of
 2142 | video or other image billing and variable pricing. With respect
 2143 | to toll facilities managed by the department, the revenues of
 2144 | which are not pledged to repayment of bonds, the department may
 2145 | by rule allow the use of such facilities by public transit
 2146 | vehicles or by vehicles participating in a funeral procession
 2147 | for an active-duty military service member without the payment
 2148 | of tolls.

2149 | Section 39. Paragraph (c) is added to subsection (3) of
 2150 | section 338.161, Florida Statutes, to read:

2151 | 338.161 Authority of department or toll agencies to
 2152 | advertise and promote electronic toll collection; expanded uses
 2153 | of electronic toll collection system; studies authorized;
 2154 | authority of department to collect tolls, fares, and fees for
 2155 | private and public entities.-

2156 | (3)

2157 (c) If the department finds that it can increase nontoll
 2158 revenues or add convenience or other value for its customers,
 2159 the department is authorized to enter into agreements with
 2160 private or public entities for the department's use of its
 2161 electronic toll collection and video billing systems to collect
 2162 tolls, fares, administrative fees, and other applicable charges
 2163 imposed in connection with transportation facilities of the
 2164 private or public entities that become interoperable with the
 2165 department's electronic toll collection system. The department
 2166 may modify its rules regarding toll collection procedures and
 2167 the imposition of administrative charges to be applicable to
 2168 toll facilities that are not part of the turnpike system or
 2169 otherwise owned by the department. This paragraph may not be
 2170 construed to limit the authority of the department under any
 2171 other provision of law or under any agreement entered into prior
 2172 to July 1, 2012.

2173 Section 40. Section 338.166, Florida Statutes, is amended
 2174 to read:

2175 338.166 High-occupancy toll lanes or express lanes.—

2176 (1) Under s. 11, Art. VII of the State Constitution, the
 2177 department may request the Division of Bond Finance to issue
 2178 bonds secured by toll revenues collected on high-occupancy toll
 2179 lanes or express lanes established on facilities owned by the
 2180 department ~~located on Interstate 95 in Miami-Dade and Broward~~
 2181 ~~Counties.~~

2182 (2) The department may continue to collect the toll on the
 2183 high-occupancy toll lanes or express lanes after the discharge
 2184 of any bond indebtedness related to such project. All tolls so

2185 collected shall first be used to pay the annual cost of the
 2186 operation, maintenance, and improvement of the high-occupancy
 2187 toll lanes or express lanes project or associated transportation
 2188 system.

2189 (3) Any remaining toll revenue from the high-occupancy
 2190 toll lanes or express lanes shall be used by the department for
 2191 the construction, maintenance, or improvement of any road on the
 2192 State Highway System within the county or counties in which the
 2193 toll revenues were collected or to support express bus service
 2194 on the facility where the toll revenues were collected.

2195 (4) The department may implement variable rate tolls on
 2196 high-occupancy toll lanes or express lanes.

2197 (5) Except for high-occupancy toll lanes or express lanes,
 2198 tolls may not be charged for use of an interstate highway where
 2199 tolls were not charged as of July 1, 1997.

2200 (6) This section does not apply to the turnpike system as
 2201 defined under the Florida Turnpike Enterprise Law.

2202 Section 41. Paragraph (a) of subsection (8) of section
 2203 338.221, Florida Statutes, is amended to read:

2204 338.221 ~~Definitions of terms used in ss. 338.22-338.241.-~~

2205 As used in ss. 338.22-338.241, the following words and terms
 2206 have the following meanings, unless the context indicates
 2207 another or different meaning or intent:

2208 (8) "Economically feasible" means:

2209 (a) For a proposed turnpike project, that, as determined
 2210 by the department before the issuance of revenue bonds for the
 2211 project, the estimated net revenues of the proposed turnpike
 2212 project, excluding feeder roads and turnpike improvements, will

2213 be sufficient to pay at least 50 percent of the annual debt
 2214 service on the bonds associated with the project by the end of
 2215 the 12th year of operation and to pay at least 100 percent of
 2216 the debt service on the bonds by the end of the 30th ~~22nd~~ year
 2217 of operation. In implementing this paragraph, up to 50 percent
 2218 of the adopted work program costs of the project may be funded
 2219 from turnpike revenues.

2220
 2221 This subsection does not prohibit the pledging of revenues from
 2222 the entire turnpike system to bonds issued to finance or
 2223 refinance a turnpike project or group of turnpike projects.

2224 Section 42. Paragraphs (a) and (b) of subsection (1) of
 2225 section 338.223, Florida Statutes, are amended to read:

2226 338.223 Proposed turnpike projects.—

2227 (1) (a) Any proposed project to be constructed or acquired
 2228 as part of the turnpike system and any turnpike improvement
 2229 shall be included in the tentative work program. A ~~No~~ proposed
 2230 project or group of proposed projects may not ~~shall~~ be added to
 2231 the turnpike system unless such project or projects are
 2232 determined to be economically feasible and a statement of
 2233 environmental feasibility has been completed for such project or
 2234 projects and such projects are determined to be consistent, to
 2235 the maximum extent feasible, with approved local government
 2236 comprehensive plans of the local governments in which such
 2237 projects are located. The department may authorize engineering
 2238 studies, traffic studies, environmental studies, and other
 2239 expert studies of the location, costs, economic feasibility, and
 2240 practicality of proposed turnpike projects throughout the state

2241 and may proceed with the design phase of such projects. The
 2242 department may ~~shall~~ not request legislative approval of a
 2243 proposed turnpike project until the design phase of that project
 2244 is at least 30 ~~60~~ percent complete. If a proposed project or
 2245 group of proposed projects is found to be economically feasible,
 2246 consistent, to the maximum extent feasible, with approved local
 2247 government comprehensive plans of the local governments in which
 2248 such projects are located, and a favorable statement of
 2249 environmental feasibility has been completed, the department,
 2250 with the approval of the Legislature, shall, after the receipt
 2251 of all necessary permits, construct, maintain, and operate such
 2252 turnpike projects.

2253 (b) Any proposed turnpike project or improvement shall be
 2254 developed in accordance with the Florida Transportation Plan and
 2255 the work program pursuant to s. 339.135. Turnpike projects that
 2256 add capacity, alter access, affect feeder roads, or affect the
 2257 operation of the local transportation system shall be included
 2258 in the transportation improvement plan of the affected
 2259 metropolitan planning organization. If such turnpike project
 2260 does not fall within the jurisdiction of a metropolitan planning
 2261 organization, the department shall notify the affected county
 2262 and provide for public hearings in accordance with s.
 2263 339.155(5)(c) ~~s. 339.155(6)(e)~~.

2264 Section 43. Subsection (4) of section 338.227, Florida
 2265 Statutes, is amended to read:

2266 338.227 Turnpike revenue bonds.—

2267 (4) The Department of Transportation and the Department of
 2268 Management Services shall create and implement an outreach

2269 program designed to enhance the participation of minority
 2270 persons and minority business enterprises in all contracts
 2271 entered into by their respective departments for services
 2272 related to the financing of department projects for the
 2273 Strategic Intermodal System Plan developed pursuant to s. 339.64
 2274 ~~Florida Intrastate Highway System Plan~~. These services shall
 2275 include, but are not ~~be~~ limited to, bond counsel and bond
 2276 underwriters.

2277 Section 44. Subsection (2) of section 338.2275, Florida
 2278 Statutes, is amended to read:

2279 338.2275 Approved turnpike projects.-

2280 (2) The department may ~~is authorized to~~ use turnpike
 2281 revenues, the State Transportation Trust Fund moneys allocated
 2282 for turnpike projects pursuant to s. 339.65 ~~s. 338.001~~, federal
 2283 funds, and bond proceeds, and shall use the most cost-efficient
 2284 combination of such funds, in developing a financial plan for
 2285 funding turnpike projects. The department must submit a report
 2286 of the estimated cost for each ongoing turnpike project and for
 2287 each planned project to the Legislature 14 days before the
 2288 convening of the regular legislative session. Verification of
 2289 economic feasibility and statements of environmental feasibility
 2290 for individual turnpike projects must be based on the entire
 2291 project as approved. Statements of environmental feasibility are
 2292 not required for those projects listed in s. 12, chapter 90-136,
 2293 Laws of Florida, for which the Project Development and
 2294 Environmental Reports were completed by July 1, 1990. All
 2295 required environmental permits must be obtained before the
 2296 department may advertise for bids for contracts for the

2297 construction of any turnpike project.

2298 Section 45. Section 338.228, Florida Statutes, is amended
 2299 to read:

2300 338.228 Bonds not debts or pledges of credit of state.—
 2301 Turnpike revenue bonds issued under the provisions of ss.
 2302 338.22-338.241 are not debts of the state or pledges of the
 2303 faith and credit of the state. Such bonds are payable
 2304 exclusively from revenues pledged for their payment. All such
 2305 bonds shall contain a statement on their face that the state is
 2306 not obligated to pay the same or the interest thereon, except
 2307 from the revenues pledged for their payment, and that the faith
 2308 and credit of the state is not pledged to the payment of the
 2309 principal or interest of such bonds. The issuance of turnpike
 2310 revenue bonds under the provisions of ss. 338.22-338.241 does
 2311 not directly, indirectly, or contingently obligate the state to
 2312 levy or to pledge any form of taxation whatsoever, or to make
 2313 any appropriation for their payment. Except as provided in ss.
 2314 ~~338.001~~, 338.223, ~~and 338.2275~~, and 339.65, ~~no~~ state funds may
 2315 not shall be used on any turnpike project or to pay the
 2316 principal or interest of any bonds issued to finance or
 2317 refinance any portion of the turnpike system, and all such bonds
 2318 shall contain a statement on their face to this effect.

2319 Section 46. Paragraph (c) is added to subsection (3) of
 2320 section 338.231, Florida Statutes, to read:

2321 338.231 Turnpike tolls, fixing; pledge of tolls and other
 2322 revenues.—The department shall at all times fix, adjust, charge,
 2323 and collect such tolls and amounts for the use of the turnpike
 2324 system as are required in order to provide a fund sufficient

2325 with other revenues of the turnpike system to pay the cost of
 2326 maintaining, improving, repairing, and operating such turnpike
 2327 system; to pay the principal of and interest on all bonds issued
 2328 to finance or refinance any portion of the turnpike system as
 2329 the same become due and payable; and to create reserves for all
 2330 such purposes.

2331 (3)

2332 (c) Notwithstanding any other provision of law to the
 2333 contrary, any prepaid toll account of any kind which has
 2334 remained inactive for 3 years shall be presumed unclaimed and
 2335 its disposition shall be handled by the Department of Financial
 2336 Services in accordance with all applicable provisions of chapter
 2337 717 relating to the disposition of unclaimed property, and the
 2338 prepaid toll account shall be closed by the department.

2339 Section 47. Subsection (2) of section 338.234, Florida
 2340 Statutes, is amended to read:

2341 338.234 Granting concessions or selling along the turnpike
 2342 system; immunity from taxation.—

2343 (2) The effectuation of the authorized purposes of the
 2344 Strategic Intermodal System, created under ss. 339.61-339.65,
 2345 ~~Florida Intrastate Highway System~~ and Florida Turnpike
 2346 Enterprise, created under this chapter, is for the benefit of
 2347 the people of the state, for the increase of their commerce and
 2348 prosperity, and for the improvement of their health and living
 2349 conditions; and, because the system and enterprise perform
 2350 essential government functions in effectuating such purposes,
 2351 neither the turnpike enterprise nor any nongovernment lessee or
 2352 licensee renting, leasing, or licensing real property from the

2353 | turnpike enterprise, pursuant to an agreement authorized by this
 2354 | section, are required to pay any commercial rental tax imposed
 2355 | under s. 212.031 on any capital improvements constructed,
 2356 | improved, acquired, installed, or used for such purposes.

2357 | Section 48. Subsections (1), (2), and (3) of section
 2358 | 339.0805, Florida Statutes, are amended to read:

2359 | 339.0805 Funds to be expended with certified disadvantaged
 2360 | business enterprises; ~~specified percentage to be expended;~~
 2361 | construction management development program; bond guarantee
 2362 | program.—It is the policy of the state to meaningfully assist
 2363 | socially and economically disadvantaged business enterprises
 2364 | through a program that will provide for the development of
 2365 | skills through construction and business management training, as
 2366 | well as by providing contracting opportunities and financial
 2367 | assistance in the form of bond guarantees, to primarily remedy
 2368 | the effects of past economic disparity.

2369 | (1) (a) ~~Except to the extent that the head of the~~
 2370 | ~~department determines otherwise,~~ The department shall expend ~~not~~
 2371 | ~~less than 10 percent of~~ federal-aid highway funds as defined in
 2372 | 49 C.F.R. part 26 s. 23.63(a) and state matching funds with
 2373 | small business concerns owned and controlled by socially and
 2374 | economically disadvantaged individuals as defined by the Safe,
 2375 | Accountable, Flexible, Efficient Transportation Equity Act: A
 2376 | Legacy for Users (SAFETEA-LU) ~~Surface Transportation and Uniform~~
 2377 | ~~Relocation Assistance Act of 1987.~~

2378 | (b) Upon a determination by the department of past and
 2379 | continuing discrimination in nonfederally funded projects on the
 2380 | basis of race, color, creed, national origin, or sex, the

2381 department may implement a program tailored to address specific
2382 findings of disparity. The program may include the establishment
2383 of annual goals for expending a percentage of state-administered
2384 highway funds with small business concerns. The department may
2385 utilize set-asides for small business concerns to assist in
2386 achieving goals established pursuant to this subsection. For the
2387 purpose of this subsection, the term "small business concern"
2388 means a business owned and controlled by socially and
2389 economically disadvantaged individuals as defined by the Safe,
2390 Accountable, Flexible, Efficient Transportation Equity Act: A
2391 Legacy for Users (SAFETEA-LU) Surface Transportation and Uniform
2392 Relocation Assistance Act of 1987. The head of the department
2393 may elect to set goals only when significant disparity is
2394 documented. The findings of a disparity study shall be
2395 considered in determining the program goals for each group
2396 qualified to participate. ~~Such a study shall be conducted or~~
2397 ~~updated by the department or its designee at a minimum of every~~
2398 ~~5 years. The department shall adopt rules to implement this~~
2399 ~~subsection on or before October 1, 1993.~~

2400 (c) The department shall certify a socially and
2401 economically disadvantaged business enterprise, ~~which~~
2402 ~~certification shall be valid for 12 months, or as prescribed by~~
2403 ~~49 C.F.R. part 26 23.~~ The department's initial application for
2404 certification for a socially and economically disadvantaged
2405 business enterprise shall require sufficient information to
2406 determine eligibility as a small business concern owned and
2407 controlled by a socially and economically disadvantaged
2408 individual. For continuing eligibility ~~recertification~~ of a

2409 | disadvantaged business enterprise, the department may accept an
 2410 | affidavit, which meets department criteria as to form and
 2411 | content, certifying that the business remains qualified for
 2412 | certification in accordance with program requirements. A firm
 2413 | which does not fulfill all the department's criteria for
 2414 | certification may ~~shall~~ not be considered a disadvantaged
 2415 | business enterprise. An applicant who is denied certification
 2416 | may not reapply within 12 ~~6~~ months after issuance of the denial
 2417 | letter ~~or the final order, whichever is later~~. The application
 2418 | and financial information required by this section are
 2419 | confidential and exempt from s. 119.07(1).

2420 | (2) The department shall remove ~~revoke~~ the certification
 2421 | of a disadvantaged business enterprise upon receipt of
 2422 | notification of any change in ownership which results in the
 2423 | disadvantaged individual or individuals used to qualify the
 2424 | business as a disadvantaged business enterprise, no longer
 2425 | owning at least 51 percent of the business enterprise. Such
 2426 | notification shall be made to the department by certified mail
 2427 | within 30 ~~10~~ days after the change in ownership, ~~and such~~
 2428 | ~~business shall be removed from the certified disadvantaged~~
 2429 | ~~business list until a new application is submitted and approved~~
 2430 | ~~by the department~~. Failure to notify the department of the
 2431 | change in the ownership which qualifies the business as a
 2432 | disadvantaged business enterprise will also result in removal
 2433 | ~~revocation~~ of certification and subject the business to the
 2434 | provisions of s. 337.135. In addition, the department may, for
 2435 | good cause, deny or remove ~~suspend~~ the certification of a
 2436 | disadvantaged business enterprise. As used in this subsection,

2437 the term "good cause" includes, but is not limited to, the
 2438 disadvantaged business enterprise:

2439 (a) No longer meeting the certification standards set
 2440 forth in department rules;

2441 (b) Making a false, deceptive, or fraudulent statement in
 2442 its application for certification or in any other information
 2443 submitted to the department;

2444 (c) Failing to maintain the records required by department
 2445 rules;

2446 (d) Failing to perform a commercially useful function on
 2447 projects for which the enterprise was used to satisfy contract
 2448 goals;

2449 (e) Failing to fulfill its contractual obligations with
 2450 contractors;

2451 (f) Failing to respond with a statement of interest to
 2452 requests for bid quotations from contractors for three
 2453 consecutive lettings;

2454 ~~(g) Subcontracting to others more than 49 percent of the~~
 2455 ~~amount of any single subcontract that was used by the prime~~
 2456 ~~contractor to meet a contract goal;~~

2457 (g) ~~(h)~~ Failing to provide notarized certification of
 2458 payments received on specific projects to the prime contractor
 2459 when required to do so by contract specifications;

2460 (h) ~~(i)~~ Failing to schedule an onsite review upon request
 2461 of the department; or

2462 (i) ~~(j)~~ Becoming insolvent or the subject of a bankruptcy
 2463 proceeding.

2464 (3) The head of the department may ~~is authorized to~~ expend

2465 up to 6 percent of the funds specified in subsection (1) which
 2466 are designated to be expended on small business firms owned and
 2467 controlled by socially and economically disadvantaged
 2468 individuals to conduct, by contract or otherwise, a construction
 2469 management development program. Participation in the program
 2470 will be limited to those firms which are certified under the
 2471 provisions of subsection (1) by the department or the federal
 2472 Small Business Administration or to any firm which meets the
 2473 definition of a small business in 49 C.F.R. s. 26.65 ~~has annual~~
 2474 ~~gross receipts not exceeding \$2 million averaged over a 3-year~~
 2475 ~~period~~. The program shall ~~will~~ consist of classroom instruction
 2476 and on-the-job instruction. To the extent feasible, the
 2477 registration fee shall be set to cover the cost of instruction
 2478 and overhead. ~~No~~ Salary may not ~~will~~ be paid to any participant.

2479 Section 49. Paragraph (c) of subsection (4) and paragraph
 2480 (e) of subsection (7) of section 339.135, Florida Statutes, are
 2481 amended to read:

2482 339.135 Work program; legislative budget request;
 2483 definitions; preparation, adoption, execution, and amendment.—

2484 (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.—

2485 (c)1. For purposes of this section, the board of county
 2486 commissioners shall serve as the metropolitan planning
 2487 organization in those counties which are not located in a
 2488 metropolitan planning organization and shall be involved in the
 2489 development of the district work program to the same extent as a
 2490 metropolitan planning organization.

2491 2. The district work program shall be developed
 2492 cooperatively from the outset with the various metropolitan

2493 | planning organizations of the state and include, to the maximum
2494 | extent feasible, the project priorities of metropolitan planning
2495 | organizations which have been submitted to the district by
2496 | October 1 of each year pursuant to s. 339.175(8)(b); however,
2497 | the department and a metropolitan planning organization may, in
2498 | writing, cooperatively agree to vary this submittal date. To
2499 | assist the metropolitan planning organizations in developing
2500 | their lists of project priorities, the district shall disclose
2501 | to each metropolitan planning organization any anticipated
2502 | changes in the allocation or programming of state and federal
2503 | funds which may affect the inclusion of metropolitan planning
2504 | organization project priorities in the district work program.

2505 | 3. Prior to submittal of the district work program to the
2506 | central office, the district shall provide the affected
2507 | metropolitan planning organization with written justification
2508 | for any project proposed to be rescheduled or deleted from the
2509 | district work program which project is part of the metropolitan
2510 | planning organization's transportation improvement program and
2511 | is contained in the last 4 years of the previous adopted work
2512 | program. By no later than 14 days after submittal of the
2513 | district work program to the central office, the affected
2514 | metropolitan planning organization may file an objection to such
2515 | rescheduling or deletion. When an objection is filed with the
2516 | secretary, the rescheduling or deletion may ~~shall~~ not be
2517 | included in the district work program unless the inclusion of
2518 | such rescheduling or deletion is specifically approved by the
2519 | secretary. The Florida Transportation Commission shall include
2520 | such objections in its evaluation of the tentative work program

2521 only when the secretary has approved the rescheduling or
 2522 deletion.

2523 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

2524 (e) The department may amend the adopted work program to
 2525 transfer fixed capital outlay appropriations for projects within
 2526 the same appropriations category or between appropriations
 2527 categories, including the following amendments which shall be
 2528 subject to the procedures in paragraph (f):

2529 1. Any amendment which deletes any project or project
 2530 phase estimated to cost over \$150,000;

2531 2. Any amendment which adds a project estimated to cost
 2532 over \$500,000 ~~\$150,000~~ in funds appropriated by the Legislature;

2533 3. Any amendment which advances or defers to another
 2534 fiscal year, a right-of-way phase, a construction phase, or a
 2535 public transportation project phase estimated to cost over \$1.5
 2536 million ~~\$500,000~~ in funds appropriated by the Legislature,
 2537 except an amendment advancing a phase by 1 year to the current
 2538 fiscal year or deferring a phase for a period of 90 days or
 2539 less; or

2540 4. Any amendment which advances or defers to another
 2541 fiscal year, any preliminary engineering phase or design phase
 2542 estimated to cost over \$500,000 ~~\$150,000~~ in funds appropriated
 2543 by the Legislature, except an amendment advancing a phase by 1
 2544 year to the current fiscal year or deferring a phase for a
 2545 period of 90 days or less.

2546
 2547 Beginning July 1, 2013, the department shall index the budget
 2548 amendment threshold amounts established in this paragraph to the

2549 Consumer Price Index or similar inflation indicators. Threshold
 2550 adjustments for inflation under this paragraph may be made no
 2551 more frequently than once a year. Adjustments for inflation are
 2552 subject to the notice and review procedures contained in s.
 2553 216.177.

2554 Section 50. Section 339.155, Florida Statutes, is amended
 2555 to read:

2556 339.155 Transportation planning.—

2557 (1) THE FLORIDA TRANSPORTATION PLAN.—The department shall
 2558 ~~develop and annually update~~ a statewide transportation plan, to
 2559 be known as the Florida Transportation Plan. The plan shall be
 2560 designed so as to be easily read and understood by the general
 2561 public. The plan shall consider the needs of the entire state
 2562 transportation system and examine the use of all modes of
 2563 transportation to effectively and efficiently meet such needs.
 2564 The purpose of the Florida Transportation Plan is to establish
 2565 and define the state's long-range transportation goals and
 2566 objectives to be accomplished over a period of at least 20 years
 2567 within the context of the State Comprehensive Plan, and any
 2568 other statutory mandates and authorizations and based upon the
 2569 prevailing principles of:

- 2570 (a) Preserving the existing transportation infrastructure.
- 2571 (b) Enhancing Florida's economic competitiveness.
- 2572 (c) Improving travel choices to ensure mobility.
- 2573 (d) Expanding the state's role as a hub for trade and
 2574 investment.

2575 (2) SCOPE OF PLANNING PROCESS.—The department shall carry
 2576 out a transportation planning process in conformance with s.

2577 334.046(1) and 23 U.S.C. s. 135. ~~which provides for~~
 2578 ~~consideration of projects and strategies that will:~~
 2579 ~~(a) Support the economic vitality of the United States,~~
 2580 ~~Florida, and the metropolitan areas, especially by enabling~~
 2581 ~~global competitiveness, productivity, and efficiency;~~
 2582 ~~(b) Increase the safety and security of the transportation~~
 2583 ~~system for motorized and nonmotorized users;~~
 2584 ~~(c) Increase the accessibility and mobility options~~
 2585 ~~available to people and for freight;~~
 2586 ~~(d) Protect and enhance the environment, promote energy~~
 2587 ~~conservation, and improve quality of life;~~
 2588 ~~(e) Enhance the integration and connectivity of the~~
 2589 ~~transportation system, across and between modes throughout~~
 2590 ~~Florida, for people and freight;~~
 2591 ~~(f) Promote efficient system management and operation; and~~
 2592 ~~(g) Emphasize the preservation of the existing~~
 2593 ~~transportation system.~~
 2594 (3) FORMAT, SCHEDULE, AND REVIEW.—The Florida
 2595 Transportation Plan shall be a unified, concise planning
 2596 document that clearly defines the state's long-range
 2597 transportation goals and objectives ~~and documents the~~
 2598 ~~department's short-range objectives developed to further such~~
 2599 ~~goals and objectives.~~ The plan shall:
 2600 (a) Include a glossary that clearly and succinctly defines
 2601 any and all phrases, words, or terms of art included in the
 2602 plan, with which the general public may be unfamiliar. ~~and shall~~
 2603 ~~consist of, at a minimum, the following components:~~
 2604 (b)-(a) Document A long-range component documenting the

2605 goals and long-term objectives necessary to implement the
 2606 results of the department's findings from its examination of the
 2607 criteria specified ~~listed~~ in ~~subsection (2) and~~ s. 334.046(1)
 2608 and 23 U.S.C. s. 135. ~~The long-range component must~~

2609 (c) Be developed in cooperation with the metropolitan
 2610 planning organizations and reconciled, to the maximum extent
 2611 feasible, with the long-range plans developed by metropolitan
 2612 planning organizations pursuant to s. 339.175. ~~The plan must~~
 2613 ~~also~~

2614 (d) Be developed in consultation with affected local
 2615 officials in nonmetropolitan areas and with any affected Indian
 2616 tribal governments. ~~The plan must~~

2617 (e) Provide an examination of transportation issues likely
 2618 to arise during at least a 20-year period. ~~The long-range~~
 2619 ~~component shall~~

2620 (f) Be updated at least once every 5 years, or more often
 2621 as necessary, to reflect substantive changes to federal or state
 2622 law.

2623 ~~(b) A short-range component documenting the short-term~~
 2624 ~~objectives and strategies necessary to implement the goals and~~
 2625 ~~long-term objectives contained in the long-range component. The~~
 2626 ~~short-range component must define the relationship between the~~
 2627 ~~long-range goals and the short-range objectives, specify those~~
 2628 ~~objectives against which the department's achievement of such~~
 2629 ~~goals will be measured, and identify transportation strategies~~
 2630 ~~necessary to efficiently achieve the goals and objectives in the~~
 2631 ~~plan. It must provide a policy framework within which the~~
 2632 ~~department's legislative budget request, the strategie~~

2633 ~~information resource management plan, and the work program are~~
 2634 ~~developed. The short range component shall serve as the~~
 2635 ~~department's annual agency strategic plan pursuant to s.~~
 2636 ~~186.021. The short range component shall be developed consistent~~
 2637 ~~with available and forecasted state and federal funds. The~~
 2638 ~~short range component shall also be submitted to the Florida~~
 2639 ~~Transportation Commission.~~

2640 ~~(4) ANNUAL PERFORMANCE REPORT. The department shall~~
 2641 ~~develop an annual performance report evaluating the operation of~~
 2642 ~~the department for the preceding fiscal year. The report shall~~
 2643 ~~also include a summary of the financial operations of the~~
 2644 ~~department and shall annually evaluate how well the adopted work~~
 2645 ~~program meets the short-term objectives contained in the short-~~
 2646 ~~range component of the Florida Transportation Plan. This~~
 2647 ~~performance report shall be submitted to the Florida~~
 2648 ~~Transportation Commission and the legislative appropriations and~~
 2649 ~~transportation committees.~~

2650 ~~(4)(5)~~ (4) ADDITIONAL TRANSPORTATION PLANS.—

2651 (a) Upon request by local governmental entities, the
 2652 department may in its discretion develop and design
 2653 transportation corridors, arterial and collector streets,
 2654 vehicular parking areas, and other support facilities which are
 2655 consistent with the plans of the department for major
 2656 transportation facilities. The department may render to local
 2657 governmental entities or their planning agencies such technical
 2658 assistance and services as are necessary so that local plans and
 2659 facilities are coordinated with the plans and facilities of the
 2660 department.

2661 (b) Each regional planning council, as provided for in s.
 2662 186.504, or any successor agency thereto, shall develop, as an
 2663 element of its strategic regional policy plan, transportation
 2664 goals and policies. The transportation goals and policies must
 2665 be prioritized to comply with the prevailing principles provided
 2666 in subsection (1) ~~(2)~~ and s. 334.046(1). The transportation
 2667 goals and policies shall be consistent, to the maximum extent
 2668 feasible, with the goals and policies of the metropolitan
 2669 planning organization and the Florida Transportation Plan. The
 2670 transportation goals and policies of the regional planning
 2671 council will be advisory only and shall be submitted to the
 2672 department and any affected metropolitan planning organization
 2673 for their consideration and comments. Metropolitan planning
 2674 organization plans and other local transportation plans shall be
 2675 developed consistent, to the maximum extent feasible, with the
 2676 regional transportation goals and policies. The regional
 2677 planning council shall review urbanized area transportation
 2678 plans and any other planning products stipulated in s. 339.175
 2679 and provide the department and respective metropolitan planning
 2680 organizations with written recommendations, which the department
 2681 and the metropolitan planning organizations shall take under
 2682 advisement. Further, the regional planning councils shall
 2683 directly assist local governments that ~~which~~ are not part of a
 2684 metropolitan area transportation planning process in the
 2685 development of the transportation element of their comprehensive
 2686 plans as required by s. 163.3177.

2687 (c) Regional transportation plans may be developed in
 2688 regional transportation areas in accordance with an interlocal

2689 agreement entered into pursuant to s. 163.01 by two or more
2690 contiguous metropolitan planning organizations; one or more
2691 metropolitan planning organizations and one or more contiguous
2692 counties, none of which is a member of a metropolitan planning
2693 organization; a multicounty regional transportation authority
2694 created by or pursuant to law; two or more contiguous counties
2695 that are not members of a metropolitan planning organization; or
2696 metropolitan planning organizations comprised of three or more
2697 counties.

2698 (d) The interlocal agreement must, at a minimum, identify
2699 the entity that will coordinate the development of the regional
2700 transportation plan; delineate the boundaries of the regional
2701 transportation area; provide the duration of the agreement and
2702 specify how the agreement may be terminated, modified, or
2703 rescinded; describe the process by which the regional
2704 transportation plan will be developed; and provide how members
2705 of the entity will resolve disagreements regarding
2706 interpretation of the interlocal agreement or disputes relating
2707 to the development or content of the regional transportation
2708 plan. Such interlocal agreement shall become effective upon its
2709 recordation in the official public records of each county in the
2710 regional transportation area.

2711 (e) The regional transportation plan developed pursuant to
2712 this section must, at a minimum, identify regionally significant
2713 transportation facilities located within a regional
2714 transportation area and contain a prioritized list of regionally
2715 significant projects. The projects shall be adopted into the
2716 capital improvements schedule of the local government

2717 comprehensive plan pursuant to s. 163.3177(3).

2718 (5)~~(6)~~ PROCEDURES FOR PUBLIC PARTICIPATION IN
 2719 TRANSPORTATION PLANNING.—

2720 (a) During the development of the ~~long range component of~~
 2721 ~~the~~ Florida Transportation Plan and prior to substantive
 2722 revisions, the department shall provide citizens, affected
 2723 public agencies, representatives of transportation agency
 2724 employees, other affected employee representatives, private
 2725 providers of transportation, and other known interested parties
 2726 with an opportunity to comment on the proposed plan or
 2727 revisions. These opportunities shall include, at a minimum,
 2728 publishing a notice in the Florida Administrative Weekly and
 2729 within a newspaper of general circulation within the area of
 2730 each department district office.

2731 (b) During development of major transportation
 2732 improvements, such as those increasing the capacity of a
 2733 facility through the addition of new lanes or providing new
 2734 access to a limited or controlled access facility or
 2735 construction of a facility in a new location, the department
 2736 shall hold one or more hearings prior to the selection of the
 2737 facility to be provided; prior to the selection of the site or
 2738 corridor of the proposed facility; and prior to the selection of
 2739 and commitment to a specific design proposal for the proposed
 2740 facility. Such public hearings shall be conducted so as to
 2741 provide an opportunity for effective participation by interested
 2742 persons in the process of transportation planning and site and
 2743 route selection and in the specific location and design of
 2744 transportation facilities. The various factors involved in the

2745 decision or decisions and any alternative proposals shall be
2746 clearly presented so that the persons attending the hearing may
2747 present their views relating to the decision or decisions that
2748 ~~which~~ will be made.

2749 (c) Opportunity for design hearings:

2750 1. The department, prior to holding a design hearing,
2751 shall duly notify all affected property owners of record, as
2752 recorded in the property appraiser's office, by mail at least 20
2753 days prior to the date set for the hearing. The affected
2754 property owners shall be:

2755 a. Those whose property lies in whole or in part within
2756 300 feet on either side of the centerline of the proposed
2757 facility.

2758 b. Those who ~~whom~~ the department determines will be
2759 substantially affected environmentally, economically, socially,
2760 or safetywise.

2761 2. For each subsequent hearing, the department shall
2762 publish notice prior to the hearing date in a newspaper of
2763 general circulation for the area affected. These notices must be
2764 published twice, with the first notice appearing at least 15
2765 days, but no later than 30 days, before the hearing.

2766 3. A copy of the notice of opportunity for the hearing
2767 must be furnished to the United States Department of
2768 Transportation and to the appropriate departments of the state
2769 government at the time of publication.

2770 4. The opportunity for another hearing shall be afforded
2771 in any case when proposed locations or designs are so changed
2772 from those presented in the notices specified above or at a

2773 hearing as to have a substantially different social, economic,
 2774 or environmental effect.

2775 5. The opportunity for a hearing shall be afforded in each
 2776 case in which the department is in doubt as to whether a hearing
 2777 is required.

2778 Section 51. Paragraph (a) of subsection (2), paragraph (a)
 2779 of subsection (4), and paragraph (b) of subsection (8) of
 2780 section 339.175, Florida Statutes, are amended to read:

2781 339.175 Metropolitan planning organization.—

2782 (2) DESIGNATION.—

2783 (a)1. An M.P.O. shall be designated for each urbanized
 2784 area of the state; however, this does not require that an
 2785 individual M.P.O. be designated for each such area. Such
 2786 designation shall be accomplished by agreement between the
 2787 Governor and units of general-purpose local government
 2788 representing at least 75 percent of the population of the
 2789 urbanized area; however, the unit of general-purpose local
 2790 government that represents the central city or cities within the
 2791 M.P.O. jurisdiction, as defined by the United States Bureau of
 2792 the Census, must be a party to such agreement.

2793 2. To the extent possible, only one M.P.O. shall be
 2794 designated for each urbanized area or group of contiguous
 2795 urbanized areas. More than one M.P.O. may be designated within
 2796 an existing urbanized ~~metropolitan planning~~ area only if the
 2797 Governor and the existing M.P.O. determine that the size and
 2798 complexity of the existing urbanized ~~metropolitan planning~~ area
 2799 makes the designation of more than one M.P.O. for the area
 2800 appropriate.

2801
 2802 Each M.P.O. required under this section must be fully operative
 2803 no later than 6 months following its designation.
 2804 (4) APPORTIONMENT.—
 2805 (a) The Governor shall, with the agreement of the affected
 2806 units of general-purpose local government as required by federal
 2807 rules and regulations, apportion the membership on the
 2808 applicable M.P.O. among the various governmental entities within
 2809 the area. At the request of a majority of the affected units of
 2810 general-purpose local government comprising an M.P.O., the
 2811 Governor and a majority of units of general-purpose local
 2812 government serving on an M.P.O. shall cooperatively agree upon
 2813 and prescribe who may serve as an alternate member and a method
 2814 for appointing alternate members who may vote at any M.P.O.
 2815 meeting that an alternate member attends in place of a regular
 2816 member. The method shall be set forth as a part of the
 2817 interlocal agreement describing the M.P.O.'s membership or in
 2818 the M.P.O.'s operating procedures and bylaws. The governmental
 2819 entity so designated shall appoint the appropriate number of
 2820 members to the M.P.O. from eligible officials. Representatives
 2821 of the department shall serve as nonvoting advisers to ~~members~~
 2822 ~~of~~ the M.P.O. governing board. Additional nonvoting advisers may
 2823 be appointed by the M.P.O. as deemed necessary; however, to the
 2824 maximum extent feasible, each M.P.O. shall seek to appoint
 2825 nonvoting representatives of various multimodal forms of
 2826 transportation not otherwise represented by voting members of
 2827 the M.P.O. An M.P.O. shall appoint nonvoting advisers
 2828 representing major military installations located within the

2829 jurisdictional boundaries of the M.P.O. upon the request of the
 2830 aforesaid major military installations and subject to the
 2831 agreement of the M.P.O. All nonvoting advisers may attend and
 2832 participate fully in governing board meetings but may ~~shall~~ not
 2833 ~~have a vote~~ or ~~and shall not~~ be members of the governing board.
 2834 The Governor shall review the composition of the M.P.O.
 2835 membership in conjunction with the decennial census as prepared
 2836 by the United States Department of Commerce, Bureau of the
 2837 Census, and reapportion it as necessary to comply with
 2838 subsection (3).

2839 (8) TRANSPORTATION IMPROVEMENT PROGRAM.—Each M.P.O. shall,
 2840 in cooperation with the state and affected public transportation
 2841 operators, develop a transportation improvement program for the
 2842 area within the jurisdiction of the M.P.O. In the development of
 2843 the transportation improvement program, each M.P.O. must provide
 2844 the public, affected public agencies, representatives of
 2845 transportation agency employees, freight shippers, providers of
 2846 freight transportation services, private providers of
 2847 transportation, representatives of users of public transit, and
 2848 other interested parties with a reasonable opportunity to
 2849 comment on the proposed transportation improvement program.

2850 (b) Each M.P.O. annually shall prepare a list of project
 2851 priorities and shall submit the list to the appropriate district
 2852 of the department by October 1 of each year; however, the
 2853 department and a metropolitan planning organization may, in
 2854 writing, agree to vary this submittal date. Where more than one
 2855 M.P.O. exists in an urbanized area, the M.P.O.'s shall
 2856 coordinate in the development of regionally significant project

2857 priorities. The list of project priorities must be formally
 2858 reviewed by the technical and citizens' advisory committees, and
 2859 approved by the M.P.O., before it is transmitted to the
 2860 district. The approved list of project priorities must be used
 2861 by the district in developing the district work program and must
 2862 be used by the M.P.O. in developing its transportation
 2863 improvement program. The annual list of project priorities must
 2864 be based upon project selection criteria that, at a minimum,
 2865 consider the following:

- 2866 1. The approved M.P.O. long-range transportation plan;
- 2867 2. The Strategic Intermodal System Plan developed under s.
 2868 339.64.
- 2869 3. The priorities developed pursuant to s. 339.2819(4).
- 2870 4. The results of the transportation management systems;
- 2871 and
- 2872 5. The M.P.O.'s public-involvement procedures.

2873 Section 52. Subsections (1), (2), (3), and (4) of section
 2874 339.2819, Florida Statutes, are amended to read:

2875 339.2819 Transportation Regional Incentive Program.—

2876 (1) There is created within the Department of
 2877 Transportation a Transportation Regional Incentive Program for
 2878 the purpose of providing funds to improve regionally significant
 2879 transportation facilities in regional transportation areas
 2880 created pursuant to s. 339.155(4) ~~s. 339.155(5)~~.

2881 (2) The percentage of matching funds provided from the
 2882 Transportation Regional Incentive Program shall be up to 50
 2883 percent of project costs.

2884 (3) The department shall allocate funding available for

2885 the Transportation Regional Incentive Program to the districts
 2886 based on a factor derived from equal parts of population and
 2887 motor fuel collections for eligible counties in regional
 2888 transportation areas created pursuant to s. 339.155(4) ~~s.~~
 2889 ~~339.155(5)~~.

2890 (4) (a) Projects to be funded with Transportation Regional
 2891 Incentive Program funds shall, at a minimum:

2892 1. ~~Support those transportation facilities that~~ Serve
 2893 national, statewide, or regional functions and function as part
 2894 of an integrated regional transportation system.

2895 2. Be identified in the capital improvements element of a
 2896 comprehensive plan that has been determined to be in compliance
 2897 with part II of chapter 163, after July 1, 2005. Further, the
 2898 project shall be in compliance with local government
 2899 comprehensive plan policies relative to corridor management.

2900 3. Be consistent with the Strategic Intermodal System Plan
 2901 developed under s. 339.64.

2902 4. Have a commitment for local, regional, or private
 2903 financial matching funds as a percentage of the overall project
 2904 cost.

2905 (b) Projects funded under this section shall be included
 2906 in the department's work program developed pursuant to s.
 2907 339.135. The department may not program a project to be funded
 2908 under this section unless the project meets the requirements of
 2909 this section. ~~In allocating Transportation Regional Incentive~~
 2910 ~~Program funds, priority shall be given to projects that:~~

2911 (c) The department shall give priority to projects that:

2912 1. Provide connectivity to the Strategic Intermodal System

2913 developed under s. 339.64.

2914 2. Support economic development and the movement of goods
 2915 in rural areas of critical economic concern designated under s.
 2916 288.0656(7).

2917 3. Are subject to a local ordinance that establishes
 2918 corridor management techniques, including access management
 2919 strategies, right-of-way acquisition and protection measures,
 2920 appropriate land use strategies, zoning, and setback
 2921 requirements for adjacent land uses.

2922 4. Improve connectivity between military installations and
 2923 the Strategic Highway Network or the Strategic Rail Corridor
 2924 Network.

2925

2926 The department shall also consider the extent to which local
 2927 matching funds are available to be committed to the project.

2928 Section 53. Subsections (1) and (6) of section 339.62,
 2929 Florida Statutes, are amended to read:

2930 339.62 System components.—The Strategic Intermodal System
 2931 shall consist of appropriate components of:

2932 (1) Highway corridors ~~The Florida Intrastate Highway~~
 2933 ~~System~~ established under s. 339.65 ~~s. 338.001~~.

2934 (6) Other existing or planned corridors that serve a
 2935 statewide or interregional purpose.

2936 Section 54. Subsection (2) of section 339.63, Florida
 2937 Statutes, is amended, and subsection (5) is added to that
 2938 section, to read:

2939 339.63 System facilities designated; additions and
 2940 deletions.—

2941 (2) The Strategic Intermodal System and the Emerging
 2942 Strategic Intermodal System include five ~~four~~ different types of
 2943 facilities that each form one component of an interconnected
 2944 transportation system which types include:

2945 (a) Existing or planned hubs that are ports and terminals
 2946 including airports, seaports, spaceports, passenger terminals,
 2947 and rail terminals serving to move goods or people between
 2948 Florida regions or between Florida and other markets in the
 2949 United States and the rest of the world.

2950 (b) Existing or planned corridors that are highways, rail
 2951 lines, waterways, and other exclusive-use facilities connecting
 2952 major markets within Florida or between Florida and other states
 2953 or nations.

2954 (c) Existing or planned intermodal connectors that are
 2955 highways, rail lines, waterways or local public transit systems
 2956 serving as connectors between the components listed in
 2957 paragraphs (a) and (b).

2958 (d) Existing or planned military access facilities that
 2959 are highways or rail lines linking Strategic Intermodal System
 2960 corridors to the state's strategic military installations.

2961 (e) ~~(d)~~ Existing or planned facilities that significantly
 2962 improve the state's competitive position to compete for the
 2963 movement of additional goods into and through this state.

2964 (5) (a) The Secretary of Transportation shall designate a
 2965 planned facility as part of the Strategic Intermodal System upon
 2966 request of the facility if it meets the criteria and thresholds
 2967 established by the department pursuant to subsection (4), meets
 2968 the definition of an "intermodal logistics center" as defined in

2969 s. 311.101(2), and has been designated in a local comprehensive
 2970 plan or local government development order as an intermodal
 2971 logistics center or an equivalent planning term.

2972 (b) A facility designated part of the Strategic Intermodal
 2973 System pursuant to paragraph (a) that is within the jurisdiction
 2974 of a local government that maintains a transportation
 2975 concurrency system shall receive a waiver of transportation
 2976 concurrency requirements applicable to Strategic Intermodal
 2977 System facilities in order to accommodate any development at the
 2978 facility which occurs pursuant to a building permit issued on or
 2979 before December 31, 2017, but only if such facility is located:

2980 1. Within an area designated pursuant to s. 288.0656(7) as
 2981 a rural area of critical economic concern;

2982 2. Within a rural enterprise zone as defined in s.
 2983 290.004(5); or

2984 3. Within 15 miles of the boundary of a rural area of
 2985 critical economic concern or a rural enterprise zone.

2986 Section 55. Section 339.64, Florida Statutes, is amended
 2987 to read:

2988 339.64 Strategic Intermodal System Plan.—

2989 (1) The department shall develop, in cooperation with
 2990 metropolitan planning organizations, regional planning councils,
 2991 local governments, ~~the Statewide Intermodal Transportation~~
 2992 ~~Advisory Council~~ and other transportation providers, a Strategic
 2993 Intermodal System Plan. The plan shall be consistent with the
 2994 Florida Transportation Plan developed pursuant to s. 339.155 and
 2995 shall be updated at least once every 5 years, subsequent to
 2996 updates of the Florida Transportation Plan.

2997 (2) In association with the continued development of the
 2998 Strategic Intermodal System Plan, the Florida Transportation
 2999 Commission, as part of its work program review process, shall
 3000 conduct an annual assessment of the progress that the department
 3001 and its transportation partners have made in realizing the goals
 3002 of economic development, improved mobility, and increased
 3003 intermodal connectivity of the Strategic Intermodal System. The
 3004 Florida Transportation Commission shall coordinate with the
 3005 department, ~~the Statewide Intermodal Transportation Advisory~~
 3006 ~~Council,~~ and other appropriate entities when developing this
 3007 assessment. The Florida Transportation Commission shall deliver
 3008 a report to the Governor and Legislature no later than 14 days
 3009 after the regular session begins, with recommendations as
 3010 necessary to fully implement the Strategic Intermodal System.

3011 (3) (a) During the development of updates to the Strategic
 3012 Intermodal System Plan, the department shall provide
 3013 metropolitan planning organizations, regional planning councils,
 3014 local governments, transportation providers, affected public
 3015 agencies, and citizens with an opportunity to participate in and
 3016 comment on the development of the update.

3017 (b) The department also shall coordinate with federal,
 3018 regional, and local partners the planning for the Strategic
 3019 Highway Network and the Strategic Rail Corridor Network
 3020 transportation facilities that either are included in the
 3021 Strategic Intermodal System or that provide a direct connection
 3022 between military installations and the Strategic Intermodal
 3023 System. In addition, the department shall coordinate with
 3024 regional and local partners to determine whether the roads ~~road~~

3025 and other transportation infrastructure that connect military
 3026 installations to the Strategic Intermodal System, the Strategic
 3027 Highway Network, or the Strategic Rail Corridor are ~~is~~
 3028 regionally significant and should be included in the Strategic
 3029 Intermodal System Plan.

3030 (4) The Strategic Intermodal System Plan shall include the
 3031 following:

3032 (a) A needs assessment.

3033 (b) A project prioritization process.

3034 (c) A map of facilities designated as Strategic Intermodal
 3035 System facilities; facilities that are emerging in importance
 3036 and ~~that~~ are likely to become part of the system in the future;
 3037 and planned facilities that will meet the established criteria.

3038 (d) A finance plan based on reasonable projections of
 3039 anticipated revenues, including both 10-year and at least 20-
 3040 year cost-feasible components.

3041 (e) An assessment of the impacts of proposed improvements
 3042 to Strategic Intermodal System corridors on military
 3043 installations that are either located directly on the Strategic
 3044 Intermodal System or located on the Strategic Highway Network or
 3045 Strategic Rail Corridor Network.

3046 ~~(5) STATEWIDE INTERMODAL TRANSPORTATION ADVISORY COUNCIL.~~

3047 ~~(a) The Statewide Intermodal Transportation Advisory
 3048 Council is created to advise and make recommendations to the
 3049 Legislature and the department on policies, planning, and
 3050 funding of intermodal transportation projects. The council's
 3051 responsibilities shall include:~~

3052 ~~1. Advising the department on the policies, planning, and~~

3053 ~~implementation of strategies related to intermodal~~
 3054 ~~transportation.~~

3055 ~~2. Providing advice and recommendations to the Legislature~~
 3056 ~~on funding for projects to move goods and people in the most~~
 3057 ~~efficient and effective manner for the State of Florida.~~

3058 ~~(b) MEMBERSHIP. Members of the Statewide Intermodal~~
 3059 ~~Transportation Advisory Council shall consist of the following:~~

3060 ~~1. Six intermodal industry representatives selected by the~~
 3061 ~~Governor as follows:~~

3062 ~~a. One representative from an airport involved in the~~
 3063 ~~movement of freight and people from their airport facility to~~
 3064 ~~another transportation mode.~~

3065 ~~b. One individual representing a fixed-route, local-~~
 3066 ~~government transit system.~~

3067 ~~e. One representative from an intercity bus company~~
 3068 ~~providing regularly scheduled bus travel as determined by~~
 3069 ~~federal regulations.~~

3070 ~~d. One representative from a spaceport.~~

3071 ~~e. One representative from intermodal trucking companies.~~

3072 ~~f. One representative having command responsibilities of a~~
 3073 ~~major military installation.~~

3074 ~~2. Three intermodal industry representatives selected by~~
 3075 ~~the President of the Senate as follows:~~

3076 ~~a. One representative from major-line railroads.~~

3077 ~~b. One representative from seaports listed in s. 311.09(1)~~
 3078 ~~from the Atlantic Coast.~~

3079 ~~e. One representative from an airport involved in the~~
 3080 ~~movement of freight and people from their airport facility to~~

3081 ~~another transportation mode.~~

3082 ~~3. Three intermodal industry representatives selected by~~

3083 ~~the Speaker of the House of Representatives as follows:~~

3084 ~~a. One representative from short-line railroads.~~

3085 ~~b. One representative from seaports listed in s. 311.09(1)~~

3086 ~~from the Gulf Coast.~~

3087 ~~e. One representative from intermodal trucking companies.~~

3088 ~~In no event may this representative be employed by the same~~

3089 ~~company that employs the intermodal trucking company~~

3090 ~~representative selected by the Governor.~~

3091 ~~(c) Initial appointments to the council must be made no~~

3092 ~~later than 30 days after the effective date of this section.~~

3093 ~~1. The initial appointments made by the President of the~~

3094 ~~Senate and the Speaker of the House of Representatives shall~~

3095 ~~serve terms concurrent with those of the respective appointing~~

3096 ~~officer. Beginning January 15, 2005, and for all subsequent~~

3097 ~~appointments, council members appointed by the President of the~~

3098 ~~Senate and the Speaker of the House of Representatives shall~~

3099 ~~serve 2-year terms, concurrent with the term of the respective~~

3100 ~~appointing officer.~~

3101 ~~2. The initial appointees, and all subsequent appointees,~~

3102 ~~made by the Governor shall serve 2-year terms.~~

3103 ~~3. Vacancies on the council shall be filled in the same~~

3104 ~~manner as the initial appointments.~~

3105 ~~(d) Each member of the council shall be allowed one vote.~~

3106 ~~The council shall select a chair from among its membership.~~

3107 ~~Meetings shall be held at the call of the chair, but not less~~

3108 ~~frequently than quarterly. The members of the council shall be~~

3109 ~~reimbursed for per diem and travel expenses as provided in s.~~
3110 ~~112.061.~~

3111 ~~(c) The department shall provide administrative staff~~
3112 ~~support and shall ensure that council meetings are~~
3113 ~~electronically recorded. Such recordings and all documents~~
3114 ~~received, prepared for, or used by the council in conducting its~~
3115 ~~business shall be preserved pursuant to chapters 119 and 257.~~

3116 Section 56. Section 339.65, Florida Statutes, is created
3117 to read:

3118 339.65 Strategic Intermodal System highway corridors.—

3119 (1) The department shall plan and develop Strategic
3120 Intermodal System highway corridors, including limited and
3121 controlled access facilities, allowing for high-speed and high-
3122 volume traffic movements within the state. The primary function
3123 of the corridors is to provide such traffic movements. Access to
3124 abutting land is subordinate to this function, and such access
3125 must be prohibited or highly regulated.

3126 (2) Strategic Intermodal System highway corridors shall
3127 include facilities from the following components of the State
3128 Highway System that meet the criteria adopted by the department
3129 pursuant to s. 339.63:

3130 (a) Interstate highways.

3131 (b) The Florida Turnpike System.

3132 (c) Interregional and intercity limited access facilities.

3133 (d) Existing interregional and intercity arterial highways
3134 previously upgraded or upgraded in the future to limited access
3135 or controlled access facility standards.

3136 (e) New limited access facilities necessary to complete a

3137 balanced statewide system.

3138 (3) The department shall adhere to the following policy
 3139 guidelines in the development of Strategic Intermodal System
 3140 highway corridors. The department shall:

3141 (a) Make capacity improvements to existing facilities
 3142 where feasible to minimize costs and environmental impacts.

3143 (b) Identify appropriate arterial highways in major
 3144 transportation corridors for inclusion in a program to bring
 3145 these facilities up to limited access or controlled access
 3146 facility standards.

3147 (c) Coordinate proposed projects with appropriate limited
 3148 access projects undertaken by expressway authorities and local
 3149 governmental entities.

3150 (d) Maximize the use of limited access facility standards
 3151 when constructing new arterial highways.

3152 (e) Identify appropriate new limited access highways for
 3153 inclusion as a part of the Florida Turnpike System.

3154 (f) To the maximum extent feasible, ensure that proposed
 3155 projects are consistent with approved local government
 3156 comprehensive plans of the local jurisdictions in which such
 3157 facilities are to be located and with the transportation
 3158 improvement program of any metropolitan planning organization
 3159 where such facilities are to be located.

3160 (4) The department shall develop and maintain a plan of
 3161 Strategic Intermodal System highway corridor projects that are
 3162 anticipated to be let to contract for construction within a time
 3163 period of at least 20 years. The plan shall also identify when
 3164 segments of the corridor will meet the standards and criteria

3165 developed pursuant to subsection (5).

3166 (5) The department shall establish the standards and
 3167 criteria for the functional characteristics and design of
 3168 facilities proposed as part of Strategic Intermodal System
 3169 highway corridors.

3170 (6) For the purposes of developing the proposed Strategic
 3171 Intermodal System highway corridors, beginning in fiscal year
 3172 2012-2013 and for each fiscal year thereafter, the minimum
 3173 amount allocated shall be based on the fiscal year 2003-2004
 3174 allocation of \$450 million adjusted annually by the change in
 3175 the Consumer Price Index for the prior fiscal year compared to
 3176 the Consumer Price Index for fiscal year 2003-2004.

3177 (7) Any project to be constructed as part of a Strategic
 3178 Intermodal System highway corridor shall be included in the
 3179 department's adopted work program. Any Strategic Intermodal
 3180 System highway corridor projects that are added to or deleted
 3181 from the previous adopted work program, or any modification to
 3182 Strategic Intermodal System highway corridor projects contained
 3183 in the previous adopted work program, shall be specifically
 3184 identified and submitted as a separate part of the tentative
 3185 work program.

3186 Section 57. Subsection (7) of section 341.301, Florida
 3187 Statutes, is amended to read:

3188 341.301 Definitions; ss. 341.302-341.303.—As used in ss.
 3189 341.302-341.303, the term:

3190 (7) "Limited covered accident" means:

3191 (a) A collision directly between the trains, locomotives,
 3192 rail cars, or rail equipment of the department and the freight

3193 rail operator only, where the collision is caused by or arising
 3194 from the willful misconduct of the freight rail operator or its
 3195 subsidiaries, agents, licensees, employees, officers, or
 3196 directors or where punitive damages or exemplary damages are
 3197 awarded due to the conduct of the freight rail operator or its
 3198 subsidiaries, agents, licensees, employees, officers, or
 3199 directors; or

3200 (b) A collision directly between the trains, locomotives,
 3201 rail cars, or rail equipment of the department and National
 3202 Railroad Passenger Corporation only, where the collision is
 3203 caused by or arising from the willful misconduct of National
 3204 Railroad Passenger Corporation or its subsidiaries, agents,
 3205 licensees, employees, officers, or directors or where punitive
 3206 damages or exemplary damages are awarded due to the conduct of
 3207 National Railroad Passenger Corporation or its subsidiaries,
 3208 agents, licensees, employees, officers, or directors.

3209 Section 58. Subsection (17) of section 341.302, Florida
 3210 Statutes, is amended to read:

3211 341.302 Rail program; duties and responsibilities of the
 3212 department.—The department, in conjunction with other
 3213 governmental entities, including the rail enterprise and the
 3214 private sector, shall develop and implement a rail program of
 3215 statewide application designed to ensure the proper maintenance,
 3216 safety, revitalization, and expansion of the rail system to
 3217 assure its continued and increased availability to respond to
 3218 statewide mobility needs. Within the resources provided pursuant
 3219 to chapter 216, and as authorized under federal law, the
 3220 department shall:

3221 (17) In conjunction with the acquisition, ownership,
 3222 construction, operation, maintenance, and management of a rail
 3223 corridor, have the authority to:

3224 (a) Assume obligations pursuant to the following:

3225 1.a. The department may assume the obligation by contract
 3226 to forever protect, defend, indemnify, and hold harmless the
 3227 freight rail operator, or its successors, from whom the
 3228 department has acquired a real property interest in the rail
 3229 corridor, and that freight rail operator's officers, agents, and
 3230 employees, from and against any liability, cost, and expense,
 3231 including, but not limited to, commuter rail passengers and rail
 3232 corridor invitees in the rail corridor, regardless of whether
 3233 the loss, damage, destruction, injury, or death giving rise to
 3234 any such liability, cost, or expense is caused in whole or in
 3235 part, and to whatever nature or degree, by the fault, failure,
 3236 negligence, misconduct, nonfeasance, or misfeasance of such
 3237 freight rail operator, its successors, or its officers, agents,
 3238 and employees, or any other person or persons whomsoever; or

3239 b. The department may assume the obligation by contract to
 3240 forever protect, defend, indemnify, and hold harmless National
 3241 Railroad Passenger Corporation, or its successors, and National
 3242 Railroad Passenger Corporation's officers, agents, and
 3243 employees, from and against any liability, cost, and expense,
 3244 including, but not limited to, commuter rail passengers and rail
 3245 corridor invitees in the rail corridor, regardless of whether
 3246 the loss, damage, destruction, injury, or death giving rise to
 3247 any such liability, cost, or expense is caused in whole or in
 3248 part, and to whatever nature or degree, by the fault, failure,

3249 negligence, misconduct, nonfeasance, or misfeasance of National
 3250 Railroad Passenger Corporation, its successors, or its officers,
 3251 agents, and employees, or any other person or persons
 3252 whomsoever.

3253 2. However, ~~Provided that~~ such assumption of liability of
 3254 the department by contract as to either sub-subparagraph 1.a. or
 3255 sub-subparagraph 1.b. may ~~shall~~ not in any instance exceed the
 3256 following parameters of allocation of risk:

3257 a.1. The department may be solely responsible for any
 3258 loss, injury, or damage to commuter rail passengers, or rail
 3259 corridor invitees, or trespassers, regardless of circumstances
 3260 or cause, subject to sub-subparagraph b. and subparagraphs ~~2.,~~
 3261 3., 4., 5., and 6.

3262 b.(I)2. In the event of a limited covered accident, the
 3263 authority of the department to protect, defend, and indemnify
 3264 the freight operator for all liability, cost, and expense,
 3265 including punitive or exemplary damages, in excess of the
 3266 deductible or self-insurance retention fund established under
 3267 paragraph (b) and actually in force at the time of the limited
 3268 covered accident exists only if the freight operator agrees,
 3269 with respect to the limited covered accident, to protect,
 3270 defend, and indemnify the department for the amount of the
 3271 deductible or self-insurance retention fund established under
 3272 paragraph (b) and actually in force at the time of the limited
 3273 covered accident.

3274 (II) In the event of a limited covered accident, the
 3275 authority of the department to protect, defend, and indemnify
 3276 National Railroad Passenger Corporation for all liability, cost,

3277 and expense, including punitive or exemplary damages, in excess
 3278 of the deductible or self-insurance retention fund established
 3279 under paragraph (b) and actually in force at the time of the
 3280 limited covered accident exists only if National Railroad
 3281 Passenger Corporation agrees, with respect to the limited
 3282 covered accident, to protect, defend, and indemnify the
 3283 department for the amount of the deductible or self-insurance
 3284 retention fund established under paragraph (b) and actually in
 3285 force at the time of the limited covered accident.

3286 3. When only one train is involved in an incident, the
 3287 department may be solely responsible for any loss, injury, or
 3288 damage if the train is a department train or other train
 3289 pursuant to subparagraph 4., but only if;

3290 a. When an incident occurs with only a freight train
 3291 involved, including incidents with trespassers or at grade
 3292 crossings, the freight rail operator is solely responsible for
 3293 any loss, injury, or damage, except for commuter rail passengers
 3294 and rail corridor invitees; or

3295 b. When an incident occurs with only a National Railroad
 3296 Passenger Corporation train involved, including incidents with
 3297 trespassers or at grade crossings, National Railroad Passenger
 3298 Corporation is solely responsible for any loss, injury, or
 3299 damage, except for commuter rail passengers and rail corridor
 3300 invitees.

3301 4. For the purposes of this subsection:

3302 a. Any train involved in an incident that is neither the
 3303 department's train nor the freight rail operator's train,
 3304 hereinafter referred to in this subsection as an "other train,"

3305 | may be treated as a department train, solely for purposes of any
 3306 | allocation of liability between the department and the freight
 3307 | rail operator only, but only if the department and the freight
 3308 | rail operator share responsibility equally as to third parties
 3309 | outside the rail corridor who incur loss, injury, or damage as a
 3310 | result of any incident involving both a department train and a
 3311 | freight rail operator train, and the allocation as between the
 3312 | department and the freight rail operator, regardless of whether
 3313 | the other train is treated as a department train, shall remain
 3314 | one-half each as to third parties outside the rail corridor who
 3315 | incur loss, injury, or damage as a result of the incident. The
 3316 | involvement of any other train shall not alter the sharing of
 3317 | equal responsibility as to third parties outside the rail
 3318 | corridor who incur loss, injury, or damage as a result of the
 3319 | incident; or

3320 | b. Any train involved in an incident that is neither the
 3321 | department's train nor the National Railroad Passenger
 3322 | Corporation's train, hereinafter referred to in this subsection
 3323 | as an "other train," may be treated as a department train,
 3324 | solely for purposes of any allocation of liability between the
 3325 | department and National Railroad Passenger Corporation only, but
 3326 | only if the department and National Railroad Passenger
 3327 | Corporation share responsibility equally as to third parties
 3328 | outside the rail corridor who incur loss, injury, or damage as a
 3329 | result of any incident involving both a department train and a
 3330 | National Railroad Passenger Corporation train, and the
 3331 | allocation as between the department and National Railroad
 3332 | Passenger Corporation, regardless of whether the other train is

3333 treated as a department train, shall remain one-half each as to
 3334 third parties outside the rail corridor who incur loss, injury,
 3335 or damage as a result of the incident. The involvement of any
 3336 other train shall not alter the sharing of equal responsibility
 3337 as to third parties outside the rail corridor who incur loss,
 3338 injury, or damage as a result of the incident.

3339 5. When more than one train is involved in an incident:

3340 a.(I) If only a department train and freight rail
 3341 operator's train, or only an other train as described in sub-
 3342 subparagraph 4.a. ~~subparagraph 4.~~ and a freight rail operator's
 3343 train, are involved in an incident, the department may be
 3344 responsible for its property and all of its people, all commuter
 3345 rail passengers, and rail corridor invitees, but only if the
 3346 freight rail operator is responsible for its property and all of
 3347 its people, and the department and the freight rail operator
 3348 each share one-half responsibility as to trespassers or third
 3349 parties outside the rail corridor who incur loss, injury, or
 3350 damage as a result of the incident; or

3351 (II) If only a department train and a National Railroad
 3352 Passenger Corporation train, or only an other train as described
 3353 in sub-subparagraph 4.b. and a National Railroad Passenger
 3354 Corporation train, are involved in an incident, the department
 3355 may be responsible for its property and all of its people, all
 3356 commuter rail passengers, and rail corridor invitees, but only
 3357 if National Railroad Passenger Corporation is responsible for
 3358 its property and all of its people, all National Railroad
 3359 Passenger Corporation's rail passengers, and the department and
 3360 National Railroad Passenger Corporation each share one-half

3361 responsibility as to trespassers or third parties outside the
 3362 rail corridor who incur loss, injury, or damage as a result of
 3363 the incident.

3364 b. (I) If a department train, a freight rail operator
 3365 train, and any other train are involved in an incident, the
 3366 allocation of liability between the department and the freight
 3367 rail operator, regardless of whether the other train is treated
 3368 as a department train, shall remain one-half each as to third
 3369 parties outside the rail corridor who incur loss, injury, or
 3370 damage as a result of the incident; the involvement of any other
 3371 train shall not alter the sharing of equal responsibility as to
 3372 third parties outside the rail corridor who incur loss, injury,
 3373 or damage as a result of the incident; and, if the owner,
 3374 operator, or insurer of the other train makes any payment to
 3375 injured third parties outside the rail corridor who incur loss,
 3376 injury, or damage as a result of the incident, the allocation of
 3377 credit between the department and the freight rail operator as
 3378 to such payment shall not in any case reduce the freight rail
 3379 operator's third-party-sharing allocation of one-half under this
 3380 paragraph to less than one-third of the total third party
 3381 liability; or

3382 (II) If a department train, a National Railroad Passenger
 3383 Corporation train, and any other train are involved in an
 3384 incident, the allocation of liability between the department and
 3385 National Railroad Passenger Corporation, regardless of whether
 3386 the other train is treated as a department train, shall remain
 3387 one-half each as to third parties outside the rail corridor who
 3388 incur loss, injury, or damage as a result of the incident; the

3389 involvement of any other train shall not alter the sharing of
3390 equal responsibility as to third parties outside the rail
3391 corridor who incur loss, injury, or damage as a result of the
3392 incident; and, if the owner, operator, or insurer of the other
3393 train makes any payment to injured third parties outside the
3394 rail corridor who incur loss, injury, or damage as a result of
3395 the incident, the allocation of credit between the department
3396 and National Railroad Passenger Corporation as to such payment
3397 shall not in any case reduce National Railroad Passenger
3398 Corporation's third-party-sharing allocation of one-half under
3399 this sub-subparagraph to less than one-third of the total third
3400 party liability.

3401 6. Any such contractual duty to protect, defend,
3402 indemnify, and hold harmless such a freight rail operator or
3403 National Railroad Passenger Corporation shall expressly include
3404 a specific cap on the amount of the contractual duty, which
3405 amount shall not exceed \$200 million without prior legislative
3406 approval, and the department to purchase liability insurance and
3407 establish a self-insurance retention fund in the amount of the
3408 specific cap established under this subparagraph, provided that:

3409 a. No such contractual duty shall in any case be effective
3410 nor otherwise extend the department's liability in scope and
3411 effect beyond the contractual liability insurance and self-
3412 insurance retention fund required pursuant to this paragraph;
3413 and

3414 b. The freight rail operator's compensation to the
3415 department for future use of the department's rail corridor
3416 shall include a monetary contribution to the cost of such

3417 liability coverage for the sole benefit of the freight rail
 3418 operator. National Railroad Passenger Corporation's compensation
 3419 to the department for future use of the department's rail
 3420 corridor shall include a monetary contribution to the cost of
 3421 such liability coverage for the sole benefit of National
 3422 Railroad Passenger Corporation.

3423 (b) Purchase liability insurance, which amount shall not
 3424 exceed \$200 million, and establish a self-insurance retention
 3425 fund for the purpose of paying the deductible limit established
 3426 in the insurance policies it may obtain, including coverage for
 3427 the department, any freight rail operator as described in
 3428 paragraph (a), National Railroad Passenger Corporation, commuter
 3429 rail service providers, governmental entities, or any ancillary
 3430 development, which self-insurance retention fund or deductible
 3431 shall not exceed \$10 million. The insureds shall pay a
 3432 reasonable monetary contribution to the cost of such liability
 3433 coverage for the sole benefit of the insured. Such insurance and
 3434 self-insurance retention fund may provide coverage for all
 3435 damages, including, but not limited to, compensatory, special,
 3436 and exemplary, and be maintained to provide an adequate fund to
 3437 cover claims and liabilities for loss, injury, or damage arising
 3438 out of or connected with the ownership, operation, maintenance,
 3439 and management of a rail corridor.

3440 (c) Incur expenses for the purchase of advertisements,
 3441 marketing, and promotional items.

3442
 3443 Neither the assumption by contract to protect, defend,
 3444 indemnify, and hold harmless; the purchase of insurance; nor the

3445 establishment of a self-insurance retention fund shall be deemed
 3446 to be a waiver of any defense of sovereign immunity for torts
 3447 nor deemed to increase the limits of the department's or the
 3448 governmental entity's liability for torts as provided in s.
 3449 768.28. The requirements of s. 287.022(1) shall not apply to the
 3450 purchase of any insurance under this subsection. The provisions
 3451 of this subsection shall apply and inure fully as to any other
 3452 governmental entity providing commuter rail service and
 3453 constructing, operating, maintaining, or managing a rail
 3454 corridor on publicly owned right-of-way under contract by the
 3455 governmental entity with the department or a governmental entity
 3456 designated by the department. Notwithstanding any law to the
 3457 contrary, procurement for the construction, operation,
 3458 maintenance, and management of any rail corridor described in
 3459 this subsection, whether by the department, a governmental
 3460 entity under contract with the department, or a governmental
 3461 entity designated by the department, shall be pursuant to s.
 3462 287.057 and shall include, but not be limited to, criteria for
 3463 the consideration of qualifications, technical aspects of the
 3464 proposal, and price. Further, any such contract for design-build
 3465 shall be procured pursuant to the criteria in s. 337.11(7).

3466 Section 59. Section 341.840, Florida Statutes, is amended
 3467 to read:

3468 341.840 Tax exemption.—

3469 (1) The exercise of the powers granted under ss. 341.8201-
 3470 341.842 ~~by this act~~ will be in all respects for the benefit of
 3471 the people of this state, for the increase of their commerce,
 3472 welfare, and prosperity, and for the improvement of their health

3473 and living conditions. The design, construction, operation,
 3474 maintenance, and financing of a high-speed rail system by the
 3475 enterprise authority, its agent, or the owner or lessee thereof,
 3476 as herein authorized, constitutes the performance of an
 3477 essential public function.

3478 (2) (a) For the purposes of this section, the term
 3479 "enterprise authority" does not include agents of the enterprise
 3480 authority other than contractors who qualify as such pursuant to
 3481 subsection (7).

3482 (b) For the purposes of this section, any item or property
 3483 that is within the definition of the term "associated
 3484 development" in s. 341.8203(1) may ~~shall~~ not be considered ~~to be~~
 3485 part of the high-speed rail system as defined in s.
 3486 341.8203(3) ~~(6)~~.

3487 (3) (a) Purchases or leases of tangible personal property
 3488 or real property by the enterprise authority, excluding agents
 3489 of the enterprise authority, are exempt from taxes imposed by
 3490 chapter 212 as provided in s. 212.08(6). Purchases or leases of
 3491 tangible personal property that is incorporated into the high-
 3492 speed rail system as a component part thereof, as determined by
 3493 the enterprise authority, by agents of the enterprise authority
 3494 or the owner of the high-speed rail system are exempt from sales
 3495 or use taxes imposed by chapter 212. Leases, rentals, or
 3496 licenses to use real property granted to agents of the
 3497 enterprise authority or the owner of the high-speed rail system
 3498 are exempt from taxes imposed by s. 212.031 if the real property
 3499 becomes part of such system. The exemptions granted in this
 3500 subsection do not apply to sales, leases, or licenses by the

3501 enterprise authority, agents of the authority, or the owner of
3502 the high-speed rail system.

3503 (b) The exemption granted in paragraph (a) to purchases or
3504 leases of tangible personal property by agents of the enterprise
3505 authority or by the owner of the high-speed rail system applies
3506 only to property that becomes a component part of such system.
3507 It does not apply to items, including, but not limited to,
3508 cranes, bulldozers, forklifts, other machinery and equipment,
3509 tools and supplies, or other items of tangible personal property
3510 used in the construction, operation, or maintenance of the high-
3511 speed rail system when such items are not incorporated into the
3512 high-speed rail system as a component part thereof.

3513 (4) Any bonds or other security, and all notes, mortgages,
3514 security agreements, letters of credit, or other instruments
3515 that arise out of or are given to secure the repayment of bonds
3516 or other security, issued by the enterprise authority, or on
3517 behalf of the enterprise authority, their transfer, and the
3518 income therefrom, including any profit made on the sale thereof,
3519 shall at all times be free from taxation of every kind by the
3520 state, the counties, and the municipalities and other political
3521 subdivisions in the state. This subsection, however, does not
3522 exempt from taxation or assessment the leasehold interest of a
3523 lessee in any project or any other property or interest owned by
3524 the lessee. The exemption granted by this subsection is not
3525 applicable to any tax imposed by chapter 220 on interest income
3526 or profits on the sale of debt obligations owned by
3527 corporations.

3528 (5) When property of the enterprise authority is leased to

3529 another person or entity, the property shall be exempt from ad
 3530 valorem taxation only if the use by the lessee qualifies the
 3531 property for exemption under s. 196.199.

3532 (6) A leasehold interest held by the enterprise authority
 3533 is not subject to intangible tax. However, if a leasehold
 3534 interest held by the enterprise authority is subleased to a
 3535 nongovernmental lessee, such subleasehold interest shall be
 3536 deemed to be an interest described in s. 199.023(1)(d), Florida
 3537 Statutes 2005, and is subject to the intangible tax.

3538 (7)(a) In order to be considered an agent of the
 3539 enterprise authority for purposes of the exemption from sales
 3540 and use tax granted by subsection (3) for tangible personal
 3541 property incorporated into the high-speed rail system, a
 3542 contractor of the enterprise authority that purchases or
 3543 fabricates such tangible personal property must be certified by
 3544 the enterprise authority as provided in this subsection.

3545 (b)1. A contractor must apply for a renewal of the
 3546 exemption not later than December 1 of each calendar year.

3547 2. A contractor must apply to the enterprise authority on
 3548 the application form adopted by the enterprise authority, which
 3549 shall develop the form in consultation with the Department of
 3550 Revenue.

3551 3. The enterprise authority shall review each submitted
 3552 application and determine whether it is complete. The enterprise
 3553 authority shall notify the applicant of any deficiencies in the
 3554 application within 30 days. Upon receipt of a completed
 3555 application, the enterprise authority shall evaluate the
 3556 application for exemption under this subsection and issue a

3557 certification that the contractor is qualified to act as an
3558 agent of the enterprise authority for purposes of this section
3559 or a denial of such certification within 30 days. The enterprise
3560 authority shall provide the Department of Revenue with a copy of
3561 each certification issued upon approval of an application. Upon
3562 receipt of a certification from the enterprise authority, the
3563 Department of Revenue shall issue an exemption permit to the
3564 contractor.

3565 (c)1. The contractor may extend a copy of its exemption
3566 permit to its vendors in lieu of paying sales tax on purchases
3567 of tangible personal property qualifying for exemption under
3568 this section. Possession of a copy of the exemption permit
3569 relieves the seller of the responsibility of collecting tax on
3570 the sale, and the Department of Revenue shall look solely to the
3571 contractor for recovery of tax upon a determination that the
3572 contractor was not entitled to the exemption.

3573 2. The contractor may extend a copy of its exemption
3574 permit to real property subcontractors supplying and installing
3575 tangible personal property that is exempt under subsection (3).
3576 Any such subcontractor may ~~is authorized to~~ extend a copy of the
3577 permit to the subcontractor's vendors in order to purchase
3578 qualifying tangible personal property tax-exempt. If the
3579 subcontractor uses the exemption permit to purchase tangible
3580 personal property that is determined not to qualify for
3581 exemption under subsection (3), the Department of Revenue may
3582 assess and collect any tax, penalties, and interest that are due
3583 from either the contractor holding the exemption permit or the
3584 subcontractor that extended the exemption permit to the seller.

3585 (d) Any contractor authorized to act as an agent of the
3586 enterprise authority under this section shall maintain the
3587 necessary books and records to document the exempt status of
3588 purchases and fabrication costs made or incurred under the
3589 permit. In addition, an authorized contractor extending its
3590 exemption permit to its subcontractors shall maintain a copy of
3591 the subcontractor's books, records, and invoices indicating all
3592 purchases made by the subcontractor under the authorized
3593 contractor's permit. If, in an audit conducted by the Department
3594 of Revenue, it is determined that tangible personal property
3595 purchased or fabricated claiming exemption under this section
3596 does not meet the criteria for exemption, the amount of taxes
3597 not paid at the time of purchase or fabrication shall be
3598 immediately due and payable to the Department of Revenue,
3599 together with the appropriate interest and penalty, computed
3600 from the date of purchase, in the manner prescribed by chapter
3601 212.

3602 (e) If a contractor fails to apply for a high-speed rail
3603 system exemption permit, or if a contractor initially determined
3604 by the enterprise authority to not qualify for exemption is
3605 subsequently determined to be eligible, the contractor shall
3606 receive the benefit of the exemption in this subsection through
3607 a refund of previously paid taxes for transactions that
3608 otherwise would have been exempt. A refund may not be made for
3609 such taxes without the issuance of a certification by the
3610 enterprise authority that the contractor was authorized to make
3611 purchases tax-exempt and a determination by the Department of
3612 Revenue that the purchases qualified for the exemption.

3613 (f) The enterprise authority may adopt rules governing the
 3614 application process for exemption of a contractor as an
 3615 authorized agent of the enterprise authority.

3616 (g) The Department of Revenue may adopt rules governing
 3617 the issuance and form of high-speed rail system exemption
 3618 permits, the audit of contractors and subcontractors using such
 3619 permits, the recapture of taxes on nonqualified purchases, and
 3620 the manner and form of refund applications.

3621 Section 60. Subsection (3) of section 343.52, Florida
 3622 Statutes, is amended to read:

3623 343.52 Definitions.—As used in this part, the term:

3624 (3) "Area served" means Miami-Dade, Broward, and Palm
 3625 Beach Counties. However, this area may be expanded by mutual
 3626 consent of the authority and the board of county commissioners
 3627 of Monroe County representing the proposed expansion area. The
 3628 authority may not expand into any additional counties without
 3629 the department's prior written approval.

3630 Section 61. Section 343.53, Florida Statutes, is amended
 3631 to read:

3632 343.53 South Florida Regional Transportation Authority.—

3633 (1) There is created and established a body politic and
 3634 corporate, an agency of the state, to be known as the "South
 3635 Florida Regional Transportation Authority," hereinafter referred
 3636 to as the "authority."

3637 (2) The governing board of the authority shall consist of
 3638 10 ~~nine~~ voting members, as follows:

3639 (a) The county commissions of Miami-Dade, Broward, and
 3640 Palm Beach Counties shall each elect a commissioner as that

3641 commission's representative on the board. The commissioner must
3642 be a member of the county commission when elected and for the
3643 full extent of his or her term.

3644 (b) The county commissions of Miami-Dade, Broward, and
3645 Palm Beach Counties shall each appoint a citizen member to the
3646 board who is not a member of the county commission but who is a
3647 resident of the county from which he or she is appointed and a
3648 qualified elector of that county. Insofar as practicable, the
3649 citizen member shall represent the business and civic interests
3650 of the community.

3651 (c) The secretary of the Department of Transportation
3652 shall appoint one of the district secretaries, or his or her
3653 designee, for the districts within which the area served by the
3654 South Florida Regional Transportation Authority is located, who
3655 shall serve ex officio as a voting member.

3656 (d) If the authority's service area is expanded pursuant
3657 to s. 343.54(5), the county containing the new service area
3658 shall have two ~~three~~ members appointed to the board as follows:

3659 1. The county commission of the county shall elect a
3660 commissioner as that commission's representative on the board.
3661 The commissioner must be a member of the county commission when
3662 elected and for the full extent of his or her term.

3663 ~~2. The county commission of the county shall appoint a~~
3664 ~~citizen member to the board who is not a member of the county~~
3665 ~~commission but who is a resident and a qualified elector of that~~
3666 ~~county. Insofar as is practicable, the citizen member shall~~
3667 ~~represent the business and civic interests of the community.~~

3668 2.3. The Governor shall appoint a citizen member to the
3669 board who is not a member of the county commission but who is a
3670 resident and a qualified elector of that county.

3671 (e) The Governor shall appoint three ~~two~~ members to the
3672 board who are residents and qualified electors in the area
3673 served by the authority but who are not residents of the same
3674 county ~~and also not residents of the county in which the~~
3675 ~~district secretary who was appointed pursuant to paragraph (c)~~
3676 ~~is a resident.~~

3677 (3)(a) Members of the governing board of the authority
3678 shall be appointed to serve 4-year staggered terms, except that
3679 the terms of the appointees of the Governor shall be concurrent.

3680 ~~(b) The terms of the board members currently serving on~~
3681 ~~the authority that is being succeeded by this act shall expire~~
3682 ~~July 30, 2003, at which time the terms of the members appointed~~
3683 ~~pursuant to subsection (2) shall commence. The Governor shall~~
3684 ~~make his or her appointments to the board within 30 days after~~
3685 ~~July 30, 2003.~~

3686 (4) A vacancy during a term shall be filled by the
3687 respective appointing authority in the same manner as the
3688 original appointment and only for the balance of the unexpired
3689 term.

3690 (5) The members of the authority shall serve without
3691 compensation, but are entitled to reimbursement for travel
3692 expenses actually incurred in their duties as provided by law.

3693 Section 62. Paragraph (q) is added to subsection (3) of
3694 section 343.54, Florida Statutes, and subsection (5) of that
3695 section is amended, to read:

3696 | 343.54 Powers and duties.—

3697 | (3) The authority may exercise all powers necessary,
 3698 | appurtenant, convenient, or incidental to the carrying out of
 3699 | the aforesaid purposes, including, but not limited to, the
 3700 | following rights and powers:

3701 | (g) To privatize any of the administrative functions of
 3702 | the authority existing as of July 1, 2012, by contracting with a
 3703 | private entity or entities to perform any or all of those
 3704 | functions, which shall require a two-thirds vote of the entire
 3705 | membership of the board.

3706 | (5) The authority, by a resolution of its governing board,
 3707 | may expand its service area into Monroe County ~~and enter into a~~
 3708 | ~~partnership with any county that is contiguous to the service~~
 3709 | ~~area of the authority.~~ The board shall determine the conditions
 3710 | and terms of the partnership, except as provided herein.

3711 | However, the authority may not expand its service area without
 3712 | the consent of the board of county commissioners representing
 3713 | the proposed expansion area, and a county may not be added to
 3714 | the service area except in the year that federal reauthorization
 3715 | legislation for transportation funds is enacted. The authority
 3716 | shall not expand into any county other than Monroe County
 3717 | without the department's prior written approval.

3718 | Section 63. Section 343.56, Florida Statutes, is amended
 3719 | to read:

3720 | 343.56 Bonds not debts or pledges of credit of state.—
 3721 | Revenue bonds issued under the provisions of this part are not
 3722 | debts of the state or pledges of the faith and credit of the
 3723 | state. Such bonds are payable exclusively from revenues pledged

3724 for their payment. All such bonds shall contain a statement on
 3725 their face that the state is not obligated to pay the same or
 3726 the interest thereon, except from the revenues pledged for their
 3727 payment, and that the faith and credit of the state is not
 3728 pledged to the payment of the principal or interest of such
 3729 bonds. The issuance of revenue bonds under the provisions of
 3730 this part does not directly, indirectly, or contingently
 3731 obligate the state to levy or to pledge any form of taxation
 3732 whatsoever, or to make any appropriation for their payment. No
 3733 state funds shall be used or pledged to pay the principal or
 3734 interest of any bonds issued to finance or refinance any portion
 3735 of the South Florida Regional Transportation Authority transit
 3736 system, and all such bonds shall contain a statement on their
 3737 face to this effect. ~~However, federal funds being passed through~~
 3738 ~~the department to the South Florida Regional Transportation~~
 3739 ~~Authority and those state matching funds required by the United~~
 3740 ~~States Department of Transportation as a condition of federal~~
 3741 ~~funding may be used to pay principal and interest of any bonds~~
 3742 ~~issued.~~

3743 Section 64. Section 343.57, Florida Statutes, is amended
 3744 to read:

3745 343.57 Pledge to bondholders not to restrict certain
 3746 rights of authority.—The state pledges to and agrees with the
 3747 holders of the bonds issued pursuant to this part that the state
 3748 will not limit or restrict the rights vested in the authority to
 3749 construct, reconstruct, maintain, and operate any project as
 3750 defined in this part, to establish and collect such fees or
 3751 other charges as may be convenient or necessary to produce

3752 sufficient revenues to meet the expenses of maintenance and
 3753 operation of the system, and to fulfill the terms of any
 3754 agreements made with the holders of bonds authorized by this
 3755 part. The state further pledges that it will not in any way
 3756 impair the rights or remedies of the holders of such bonds until
 3757 the bonds, together with interest thereon, are fully paid and
 3758 discharged. Nothing in this section or in any agreement between
 3759 the authority and the Department of Transportation shall be
 3760 construed to require the Legislature to make or continue any
 3761 appropriation of state funds to the authority, including, but
 3762 not limited to, the amounts specified in s. 343.58(4), nor shall
 3763 any holder of bonds have any right to require the Legislature to
 3764 make or continue any appropriation of state funds.

3765 Section 65. Subsection (4) of section 343.58, Florida
 3766 Statutes, is amended, and subsection (6) is added to that
 3767 section, to read:

3768 343.58 County funding for the South Florida Regional
 3769 Transportation Authority.—

3770 (4) Notwithstanding any other provision of law to the
 3771 contrary and effective July 1, 2010, until as provided in
 3772 paragraph (d), the department shall transfer annually from the
 3773 State Transportation Trust Fund to the South Florida Regional
 3774 Transportation Authority the amounts specified in subparagraph
 3775 (a)1. or subparagraph (a)2.

3776 (a)1. If the authority becomes responsible for maintaining
 3777 and dispatching the South Florida Rail Corridor:

3778 a. \$15 million from the State Transportation Trust Fund to
 3779 the South Florida Regional Transportation Authority for
 3780 operations, maintenance, and dispatch; and

3781 b. An amount no less than the work program commitments
 3782 equal to \$27.1 million for fiscal year 2010-2011, as of July 1,
 3783 2009, for operating assistance to the authority and corridor
 3784 track maintenance and contract maintenance for the South Florida
 3785 Rail Corridor.

3786 2. If the authority does not become responsible for
 3787 maintaining and dispatching the South Florida Rail Corridor:

3788 a. \$13.3 million from the State Transportation Trust Fund
 3789 to the South Florida Regional Transportation Authority for
 3790 operations; and

3791 b. An amount no less than the work program commitments
 3792 equal to \$17.3 million for fiscal year 2010-2011, as of July 1,
 3793 2009, for operating assistance to the authority.

3794 (b) Funding required by this subsection may not be
 3795 provided from the funds dedicated to the Florida Rail Enterprise
 3796 under s. 201.15(1)(c)1.d.

3797 (c)1. Funds provided to the authority by the department
 3798 under this subsection may not be committed by the authority
 3799 without the approval of the department, which may not be
 3800 unreasonably withheld. At least 90 days before advertising any
 3801 procurement or renewing any existing contract that will rely on
 3802 state funds for payment, the authority shall notify the
 3803 department of the proposed procurement or renewal and the
 3804 proposed terms thereof. If the department, within 60 days after
 3805 receipt of notice, objects in writing to the proposed

3806 procurement or renewal, specifying its reasons for objection,
3807 the authority may not proceed with the proposed procurement or
3808 renewal. Failure of the department to object in writing within
3809 60 days after notice shall be deemed consent. This requirement
3810 does not impair or cause the authority to cancel contracts that
3811 exist as of June 30, 2012.

3812 2. To enable the department to evaluate the authority's
3813 proposed uses of state funds, the authority shall annually
3814 provide the department with its proposed budget for the
3815 following authority fiscal year and shall provide the department
3816 with any additional documentation or information required by the
3817 department for its evaluation of the proposed uses of the state
3818 funds.

3819 (d) Funding required by this subsection shall cease upon
3820 commencement of an alternate dedicated local funding source
3821 sufficient for the authority to meet its responsibilities for
3822 operating, maintaining, and dispatching the South Florida Rail
3823 Corridor. The authority and the department shall cooperate in
3824 the effort to identify and implement such an alternate dedicated
3825 local funding source before July 1, 2019. Upon commencement of
3826 the alternate dedicated local funding source, the department
3827 shall convey to the authority a perpetual commuter rail easement
3828 in the South Florida Rail Corridor and all of the department's
3829 right, title, and interest in rolling stock, equipment, tracks,
3830 and other personal property owned and used by the department for
3831 the operation and maintenance of the commuter rail operations in
3832 the South Florida Rail Corridor.

3833 (6) Before the authority undertakes any new capital
 3834 projects or transit system improvements not approved by the
 3835 authority board, and not identified in the authority's 5-year
 3836 capital program, on or before July 1, 2012, the authority shall
 3837 ensure that the funding available to the authority under this
 3838 section, together with any revenues available to the authority,
 3839 are currently, and are anticipated to continue to be, sufficient
 3840 for the authority to meet its obligations under any agreement
 3841 through which federal funds have been or are anticipated to be
 3842 received by the authority.

3843 Section 66. Section 347.215, Florida Statutes, is created
 3844 to read:

3845 347.215 Operation of ferries by joint agreement between
 3846 public and private entities.—The county commission of any county
 3847 that has granted a license to operate a ferry in the county may
 3848 authorize the operation of such ferry by a single party or
 3849 multiple parties under a joint agreement between the appropriate
 3850 public entities and one or more private corporations conducting
 3851 business in the state.

3852 Section 67. Paragraph (c) of subsection (4) of section
 3853 348.0003, Florida Statutes, is amended to read:

3854 348.0003 Expressway authority; formation; membership.—

3855 (4)

3856 (c) Members of each expressway authority, transportation
 3857 authority, bridge authority, or toll authority, created pursuant
 3858 to this chapter, chapter 343, ~~or chapter 349~~ or any other
 3859 general law, legislative enactment shall comply with the
 3860 applicable financial disclosure requirements of s. 8, Art. II of

3861 the State Constitution. This paragraph does not subject any
 3862 statutorily created authority, other than an expressway
 3863 authority created under this part, to any other requirement of
 3864 this part except the requirement of this paragraph.

3865 Section 68. Section 348.7645, Florida Statutes, is created
 3866 to read:

3867 348.7645 Exit sign to university.—Notwithstanding any
 3868 provision of law to the contrary, the authority, upon request by
 3869 a university described in this section, shall erect signage at
 3870 the most convenient, existing exit directing traffic to a
 3871 university with at least 6,000 full-time students which is
 3872 located within 5 miles of a roadway operated by the authority.
 3873 Any such university shall pay to the authority the actual costs
 3874 of any signage erected.

3875 Section 69. Subsection (3) of section 349.03, Florida
 3876 Statutes, is amended to read:

3877 349.03 Jacksonville Transportation Authority.—

3878 (3) (a) The terms of appointed members shall be for 4 years
 3879 deemed to have commenced on June 1 of the year in which they are
 3880 appointed. Each member shall hold office until a successor has
 3881 been appointed and has qualified. A vacancy during a term shall
 3882 be filled by the respective appointing authority only for the
 3883 balance of the unexpired term. Any member appointed to the
 3884 authority for two consecutive full terms shall not be eligible
 3885 for appointment to the next succeeding term. One of the members
 3886 so appointed shall be designated annually by the members as
 3887 chair of the authority, one member shall be designated annually
 3888 as the vice chair of the authority, one member shall be

3889 designated annually as the secretary of the authority, and one
3890 member shall be designated annually as the treasurer of the
3891 authority. The members of the authority shall not be entitled to
3892 compensation, but shall be reimbursed for travel expenses or
3893 other expenses actually incurred in their duties as provided by
3894 law. Four voting members of the authority shall constitute a
3895 quorum, and no resolution adopted by the authority shall become
3896 effective unless with the affirmative vote of at least four
3897 members. Members of the authority shall file as their mandatory
3898 financial disclosure a statement of financial interest with the
3899 Commission on Ethics as provided in s. 112.3145.

3900 (b) The authority shall employ an executive director, and
3901 the executive director may hire such staff, permanent or
3902 temporary, as he or she may determine and may organize the staff
3903 of the authority into such departments and units as he or she
3904 may determine. The executive director may appoint department
3905 directors, deputy directors, division chiefs, and staff
3906 assistants to the executive director, as he or she may
3907 determine. In so appointing the executive director, the
3908 authority may fix the compensation of such appointee, who shall
3909 serve at the pleasure of the authority. All employees of the
3910 authority shall be exempt from the provisions of part II of
3911 chapter 110. The authority may employ such financial advisers
3912 and consultants, technical experts, engineers, and agents and
3913 employees, permanent or temporary, as it may require and may fix
3914 the compensation and qualifications of such persons, firms, or
3915 corporations. The authority may delegate to one or more of its
3916 agents or employees such of its powers as it shall deem

3917 necessary to carry out the purposes of this chapter, subject
 3918 always to the supervision and control of the governing body of
 3919 the authority.

3920 Section 70. Subsection (8) is added to section 349.04,
 3921 Florida Statutes, to read:

3922 349.04 Purposes and powers.—

3923 (8) The authority may conduct public meetings and
 3924 workshops by means of communications media technology, as
 3925 provided in s. 120.54(5). However, a resolution, rule, or formal
 3926 action is not binding unless a quorum is physically present at
 3927 the noticed meeting location, and only members physically
 3928 present may vote on any item.

3929 Section 71. Subsection (6) is added to section 373.118,
 3930 Florida Statutes, to read:

3931 373.118 General permits; delegation.—

3932 (6) By July 1, 2012, the department shall initiate
 3933 rulemaking to adopt a general permit for stormwater management
 3934 systems serving airside activities at airports. The general
 3935 permit applies statewide and shall be administered by any water
 3936 management district or any delegated local government pursuant
 3937 to the operating agreements applicable to part IV, with no
 3938 additional rulemaking required. Such rules are not subject to
 3939 any special rulemaking requirements related to small business.

3940 Section 72. Subsection (6) is added to section 373.413,
 3941 Florida Statutes, to read:

3942 373.413 Permits for construction or alteration.—

3943 (6) It is the intent of the Legislature that the governing
 3944 board or department exercise flexibility in the permitting of

3945 stormwater management systems associated with the construction
3946 or alteration of systems serving state transportation projects
3947 and facilities. Because of the unique limitations of linear
3948 facilities, the governing board or department shall balance the
3949 expenditure of public funds for stormwater treatment for state
3950 transportation projects and facilities with the benefits to the
3951 public in providing the most cost-efficient and effective method
3952 of achieving the treatment objectives. In consideration thereof,
3953 the governing board or department shall allow alternatives to
3954 onsite treatment, including, but not limited to, regional
3955 stormwater treatment systems. The Department of Transportation
3956 is responsible for treating stormwater generated from state
3957 transportation projects but is not responsible for the abatement
3958 of pollutants and flows entering its stormwater management
3959 systems from offsite sources; however, this subsection does not
3960 prohibit the Department of Transportation from receiving and
3961 managing such pollutants and flows when cost effective and
3962 prudent. Further, in association with right-of-way acquisition
3963 for state transportation projects, the Department of
3964 Transportation is responsible for providing stormwater treatment
3965 and attenuation for the acquired right-of-way but is not
3966 responsible for modifying permits for adjacent lands affected by
3967 right-of-way acquisition when it is not the permittee. The
3968 governing board or department may establish, by rule, specific
3969 criteria to implement the management and treatment alternatives
3970 and activities under this subsection.

3971 Section 73. Paragraph (d) of subsection (6) of section
3972 373.4136, Florida Statutes, is amended to read:

3973 | 373.4136 Establishment and operation of mitigation banks.—

3974 | (6) MITIGATION SERVICE AREA.—The department or water
 3975 | management district shall establish a mitigation service area
 3976 | for each mitigation bank permit. The department or water
 3977 | management district shall notify and consider comments received
 3978 | on the proposed mitigation service area from each local
 3979 | government within the proposed mitigation service area. Except
 3980 | as provided herein, mitigation credits may be withdrawn and used
 3981 | only to offset adverse impacts in the mitigation service area.
 3982 | The boundaries of the mitigation service area shall depend upon
 3983 | the geographic area where the mitigation bank could reasonably
 3984 | be expected to offset adverse impacts. Mitigation service areas
 3985 | may overlap, and mitigation service areas for two or more
 3986 | mitigation banks may be approved for a regional watershed.

3987 | (d) If the requirements in s. 373.414(1)(b) and (8) are
 3988 | met, the following projects or activities regulated under this
 3989 | part shall be eligible to use a mitigation bank, regardless of
 3990 | whether they are located within the mitigation service area:

3991 | 1. Projects with adverse impacts partially located within
 3992 | the mitigation service area.

3993 | 2. Linear projects, such as roadways, transmission lines,
 3994 | distribution lines, pipelines, ~~or~~ railways, or seaports listed
 3995 | in s. 403.021(9)(b).

3996 | 3. Projects with total adverse impacts of less than 1 acre
 3997 | in size.

3998 | Section 74. Subsections (1) through (5) of section
 3999 | 373.4137, Florida Statutes, are amended to read:

4000 | 373.4137 Mitigation requirements for specified

4001 transportation projects.—

4002 (1) The Legislature finds that environmental mitigation
 4003 for the impact of transportation projects proposed by the
 4004 Department of Transportation or a transportation authority
 4005 established pursuant to chapter 348 or chapter 349 can be more
 4006 effectively achieved by regional, long-range mitigation planning
 4007 rather than on a project-by-project basis. It is the intent of
 4008 the Legislature that mitigation to offset the adverse effects of
 4009 these transportation projects be funded by the Department of
 4010 Transportation and be carried out by the water management
 4011 districts, including the use of mitigation banks and any other
 4012 mitigation options that satisfy state and federal requirements
 4013 ~~established pursuant to this part.~~

4014 (2) Environmental impact inventories for transportation
 4015 projects proposed by the Department of Transportation or a
 4016 transportation authority established pursuant to chapter 348 or
 4017 chapter 349 shall be developed as follows:

4018 (a) By July 1 of each year, the Department of
 4019 Transportation, or a transportation authority established
 4020 pursuant to chapter 348 or chapter 349 which chooses to
 4021 participate in this program, shall submit to the water
 4022 management districts a list ~~copy~~ of its projects in the adopted
 4023 work program and an environmental impact inventory of habitats
 4024 addressed in the rules adopted pursuant to this part and s. 404
 4025 of the Clean Water Act, 33 U.S.C. s. 1344, which may be impacted
 4026 by its plan of construction for transportation projects in the
 4027 next 3 years of the tentative work program. The Department of
 4028 Transportation or a transportation authority established

4029 | pursuant to chapter 348 or chapter 349 may also include in its
4030 | environmental impact inventory the habitat impacts of any future
4031 | transportation project. The Department of Transportation and
4032 | each transportation authority established pursuant to chapter
4033 | 348 or chapter 349 may fund any mitigation activities for future
4034 | projects using current year funds.

4035 | (b) The environmental impact inventory shall include a
4036 | description of these habitat impacts, including their location,
4037 | acreage, and type; state water quality classification of
4038 | impacted wetlands and other surface waters; any other state or
4039 | regional designations for these habitats; and a list ~~survey~~ of
4040 | threatened species, endangered species, and species of special
4041 | concern affected by the proposed project.

4042 | (3) (a) To fund development and implementation of the
4043 | mitigation plan for the projected impacts identified in the
4044 | environmental impact inventory described in subsection (2), the
4045 | Department of Transportation shall identify funds quarterly in
4046 | an escrow account within the State Transportation Trust Fund for
4047 | the environmental mitigation phase of projects budgeted by the
4048 | Department of Transportation for the current fiscal year. The
4049 | escrow account shall be maintained by the Department of
4050 | Transportation for the benefit of the water management
4051 | districts. Any interest earnings from the escrow account shall
4052 | remain with the Department of Transportation.

4053 | (b) Each transportation authority established pursuant to
4054 | chapter 348 or chapter 349 that chooses to participate in this
4055 | program shall create an escrow account within its financial
4056 | structure and deposit funds in the account to pay for the

4057 environmental mitigation phase of projects budgeted for the
4058 current fiscal year. The escrow account shall be maintained by
4059 the authority for the benefit of the water management districts.
4060 Any interest earnings from the escrow account shall remain with
4061 the authority.

4062 (c) Except for current mitigation projects in the
4063 monitoring and maintenance phase and except as allowed by
4064 paragraph (d), the water management districts may request a
4065 transfer of funds from an escrow account no sooner than 30 days
4066 prior to the date the funds are needed to pay for activities
4067 associated with development or implementation of the approved
4068 mitigation plan described in subsection (4) for the current
4069 fiscal year, including, but not limited to, design, engineering,
4070 production, and staff support. Actual conceptual plan
4071 preparation costs incurred before plan approval may be submitted
4072 to the Department of Transportation or the appropriate
4073 transportation authority each year with the plan. The conceptual
4074 plan preparation costs of each water management district shall
4075 ~~will~~ be paid from mitigation funds associated with the
4076 environmental impact inventory for the current year. The amount
4077 transferred to the escrow accounts each year by the Department
4078 of Transportation and participating transportation authorities
4079 established pursuant to chapter 348 or chapter 349 shall
4080 correspond to a cost per acre of \$75,000 multiplied by the
4081 projected acres of impact identified in the environmental impact
4082 inventory described in subsection (2). However, the \$75,000 cost
4083 per acre does not constitute an admission against interest by
4084 the state or its subdivisions nor is the cost admissible as

4085 evidence of full compensation for any property acquired by
 4086 eminent domain or through inverse condemnation. Each July 1, the
 4087 cost per acre shall be adjusted by the percentage change in the
 4088 average of the Consumer Price Index issued by the United States
 4089 Department of Labor for the most recent 12-month period ending
 4090 September 30, compared to the base year average, which is the
 4091 average for the 12-month period ending September 30, 1996. Each
 4092 quarter, the projected acreage of impact shall be reconciled
 4093 with the acreage of impact of projects as permitted, including
 4094 permit modifications, pursuant to this part and s. 404 of the
 4095 Clean Water Act, 33 U.S.C. s. 1344. The subject year's transfer
 4096 of funds shall be adjusted accordingly to reflect the acreage of
 4097 impacts as permitted. The Department of Transportation and
 4098 participating transportation authorities established pursuant to
 4099 chapter 348 or chapter 349 may ~~are authorized to~~ transfer such
 4100 funds from the escrow accounts to the water management districts
 4101 to carry out the mitigation programs. Environmental mitigation
 4102 funds that are identified for or maintained in an escrow account
 4103 for the benefit of a water management district may be released
 4104 if the associated transportation project is excluded in whole or
 4105 part from the mitigation plan. For a mitigation project that is
 4106 in the maintenance and monitoring phase, the water management
 4107 district may request and receive a one-time payment based on the
 4108 project's expected future maintenance and monitoring costs. Upon
 4109 disbursement of the final maintenance and monitoring payment,
 4110 the obligation of the Department of Transportation or the
 4111 participating transportation authority is satisfied, the water
 4112 management district has continuing responsibility for the

4113 mitigation project, and the escrow account for the project
 4114 established by the Department of Transportation or the
 4115 participating transportation authority may be closed. Any
 4116 interest earned on these disbursed funds shall remain with the
 4117 water management district and must be used as authorized under
 4118 this section.

4119 (d) Beginning in the 2005-2006 fiscal year, each water
 4120 management district shall be paid a lump-sum amount of \$75,000
 4121 per acre, adjusted as provided under paragraph (c), for
 4122 federally funded transportation projects that are included on
 4123 the environmental impact inventory and that have an approved
 4124 mitigation plan. Beginning in the 2009-2010 fiscal year, each
 4125 water management district shall be paid a lump-sum amount of
 4126 \$75,000 per acre, adjusted as provided under paragraph (c), for
 4127 federally funded and nonfederally funded transportation projects
 4128 that have an approved mitigation plan. All mitigation costs,
 4129 including, but not limited to, the costs of preparing conceptual
 4130 plans and the costs of design, construction, staff support,
 4131 future maintenance, and monitoring the mitigated acres shall be
 4132 funded through these lump-sum amounts.

4133 (4) Before ~~Prior to~~ March 1 of each year, each water
 4134 management district, in consultation with the Department of
 4135 Environmental Protection, the United States Army Corps of
 4136 Engineers, the Department of Transportation, participating
 4137 transportation authorities established pursuant to chapter 348
 4138 or chapter 349, and other appropriate federal, state, and local
 4139 governments, and other interested parties, including entities
 4140 operating mitigation banks, shall develop a plan for the primary

4141 | purpose of complying with the mitigation requirements adopted
4142 | pursuant to this part and 33 U.S.C. s. 1344. In developing such
4143 | plans, the districts shall utilize sound ecosystem management
4144 | practices to address significant water resource needs and shall
4145 | focus on activities of the Department of Environmental
4146 | Protection and the water management districts, such as surface
4147 | water improvement and management (SWIM) projects and lands
4148 | identified for potential acquisition for preservation,
4149 | restoration or enhancement, and the control of invasive and
4150 | exotic plants in wetlands and other surface waters, to the
4151 | extent that such activities comply with the mitigation
4152 | requirements adopted under this part and 33 U.S.C. s. 1344. In
4153 | determining the activities to be included in such plans, the
4154 | districts shall also consider the purchase of credits from
4155 | public or private mitigation banks permitted under s. 373.4136
4156 | and associated federal authorization and shall include such
4157 | purchase as a part of the mitigation plan when such purchase
4158 | would offset the impact of the transportation project, provide
4159 | equal benefits to the water resources than other mitigation
4160 | options being considered, and provide the most cost-effective
4161 | mitigation option. The mitigation plan shall be submitted to the
4162 | water management district governing board, or its designee, for
4163 | review and approval. At least 14 days prior to approval, the
4164 | water management district shall provide a copy of the draft
4165 | mitigation plan to any person who has requested a copy.

4166 | (a) For each transportation project with a funding request
4167 | for the next fiscal year, the mitigation plan must include a
4168 | brief explanation of why a mitigation bank was or was not chosen

4169 as a mitigation option, including an estimation of identifiable
4170 costs of the mitigation bank and nonbank options to the extent
4171 practicable.

4172 (b) Specific projects may be excluded from the mitigation
4173 plan, in whole or in part, and are ~~shall~~ not be subject to this
4174 section upon the election agreement of the Department of
4175 Transportation, ~~or~~ a transportation authority if applicable, or
4176 ~~and~~ the appropriate water management district ~~that the inclusion~~
4177 ~~of such projects would hamper the efficiency or timeliness of~~
4178 ~~the mitigation planning and permitting process. The water~~
4179 ~~management district may choose to exclude a project in whole or~~
4180 ~~in part if the district is unable to identify mitigation that~~
4181 ~~would offset impacts of the project.~~

4182 (5) The water management district shall ensure ~~be~~
4183 ~~responsible for ensuring~~ that mitigation requirements pursuant
4184 to 33 U.S.C. s. 1344 are met for the impacts identified in the
4185 environmental impact inventory described in subsection (2), by
4186 implementation of the approved plan described in subsection (4)
4187 to the extent funding is provided by the Department of
4188 Transportation, or a transportation authority established
4189 pursuant to chapter 348 or chapter 349, if applicable. During
4190 the federal permitting process, the water management district
4191 may deviate from the approved mitigation plan in order to comply
4192 with federal permitting requirements.

4193 Section 75. Section 479.28, Florida Statutes, is repealed.

4194 Section 76. The Department of Transportation may seek
4195 Federal Highway Administration approval of a tourist-oriented
4196 commerce sign pilot program for small businesses, as defined in

4197 s. 288.703, Florida Statutes, in rural areas of critical
 4198 economic concern, as defined by s. 288.0656(2)(d) and (e),
 4199 Florida Statutes. Upon Federal Highway Administration approval,
 4200 the department shall submit the pilot program for legislative
 4201 approval in the next regular legislative session.

4202 Section 77. There is established a pilot program for the
 4203 Palm Beach County school district to recognize its business
 4204 partners. The district may recognize its business partners by
 4205 publicly displaying such business partners' names on school
 4206 district property in the unincorporated areas of the county.
 4207 Project graduation and athletic sponsorships are examples of
 4208 appropriate recognition. The district shall make every effort to
 4209 display its business partners' names in a manner that is
 4210 consistent with the county standards for uniformity in size,
 4211 color, and placement of signs. If the provisions of this section
 4212 are inconsistent with county ordinances or regulations relating
 4213 to signs in the unincorporated areas of the county or
 4214 inconsistent with chapter 125 or chapter 166, Florida Statutes,
 4215 the provisions of this section prevail. The pilot program
 4216 expires June 30, 2014.

4217 Section 78. Effective upon this act becoming a law, all
 4218 administrative rules adopted by the former Pilotage Rate Review
 4219 Board, which were in effect upon the effective date of ss. 5 and
 4220 6, chapter 2010-225, Laws of Florida, are transferred by a type
 4221 two transfer, as defined in s. 20.06(2), Florida Statutes, to
 4222 the Pilotage Rate Review Committee of the Board of Pilot
 4223 Commissioners and shall apply retroactively to the effective
 4224 date of ss. 5 and 6, chapter 2010-225, Laws of Florida.

4225 Section 79. The Florida Transportation Commission shall
4226 conduct a study of the potential for cost savings that might be
4227 realized through increased efficiencies through the sharing of
4228 resources for the accomplishment of design, construction, and
4229 maintenance activities by or on behalf of expressway authorities
4230 in the state. The commission may retain such experts as are
4231 reasonably necessary to complete the study, and the department
4232 shall pay the expenses of such experts. The commission shall
4233 complete the study and provide a written report of its findings
4234 and conclusions to the Governor, the President of the Senate,
4235 the Speaker of the House of Representatives, and the chairs of
4236 each of the appropriations committees of the Legislature by
4237 December 31, 2012. In conducting the study, the commission shall
4238 seek input from the existing expressway authorities.

4239 Section 80. Notwithstanding s. 120.569, s. 120.57, or s.
4240 373.427, Florida Statutes, or any other provision of law to the
4241 contrary, a challenge to a consolidated environmental resource
4242 permit or any associated variance or any sovereign submerged
4243 lands authorization proposed or issued by the Department of
4244 Environmental Protection in connection with the state's
4245 deepwater ports, as listed in s. 403.021(9), Florida Statutes,
4246 shall be conducted pursuant to the summary hearing provisions of
4247 s. 120.574, Florida Statutes; however, the summary proceeding
4248 shall be conducted within 30 days after a party files a motion
4249 for a summary hearing, regardless of whether the parties agree
4250 to the summary proceeding, and the administrative law judge's
4251 decision shall be in the form of a recommended order and does
4252 not constitute final agency action of the department. The

4253 Department of Environmental Protection shall issue the final
4254 order within 45 working days after receipt of the administrative
4255 law judge's recommended order. The summary hearing provisions of
4256 this section apply to pending administrative proceedings;
4257 however, s. 120.574(1)(b) and (d) and (2)(a)3. and 5., Florida
4258 Statutes, do not apply to pending administrative proceedings.
4259 This section shall take effect upon this act becoming a law.

4260 Section 81. It is the intent of the Legislature to
4261 encourage and facilitate a review by the Pinellas Suncoast
4262 Transit Authority (PSTA) and the Hillsborough Area Regional
4263 Transit Authority (HART) in order to achieve improvements in
4264 regional transit connectivity and implementation of operational
4265 efficiencies and service enhancements that are consistent with
4266 the regional approach to transit identified in the Tampa Bay
4267 Area Regional Transportation Authority's (TBARTA's) Regional
4268 Transportation Master Plan. The Legislature finds that such
4269 improvements and efficiencies can best be achieved through a
4270 joint review, evaluation, and recommendations by the Pinellas
4271 Suncoast Transit Authority and the Hillsborough Area Regional
4272 Transit Authority.

4273 (1) The governing bodies or a designated subcommittee of
4274 both the Pinellas Suncoast Transit Authority and the
4275 Hillsborough Area Regional Transit Authority shall hold a joint
4276 meeting within 30 days after July 1, 2012, and as often as
4277 deemed necessary thereafter, in order to consider and identify
4278 opportunities for greater efficiency and service improvements,
4279 including specific methods for increasing service connectivity

4280 between the jurisdictions of each agency. The elements to be
 4281 reviewed must also include:

4282 (a) Governance structure, including governing board
 4283 membership, terms, responsibilities, officers, powers, duties,
 4284 and responsibilities;

4285 (b) Funding options and implementation;

4286 (c) Facilities ownership and management;

4287 (d) Current financial obligations and resources; and

4288 (e) Actions to be taken that are consistent with the Tampa
 4289 Bay Area Regional Transportation Authority's master plan.

4290 (2) The Pinellas Suncoast Transit Authority and the
 4291 Hillsborough Area Regional Transit Authority shall jointly
 4292 submit a report to the Speaker of the House of Representatives
 4293 and the President of the Senate on the elements described in
 4294 this section by February 1, 2013. The report must include
 4295 proposed legislation to implement each recommendation and
 4296 specific recommendations concerning the reorganization of each
 4297 agency, the organizational merger of both agencies, or the
 4298 consolidation of functions within and between each agency.

4299 (3) The Tampa Bay Area Regional Transportation Authority
 4300 shall assist and facilitate the Pinellas Suncoast Transit
 4301 Authority and the Hillsborough Area Regional Transit Authority
 4302 in carrying out the purposes of this section. The Tampa Bay Area
 4303 Regional Transportation Authority shall provide technical
 4304 assistance and information regarding its master plan, make
 4305 recommendations for achieving consistency and improved regional
 4306 connectivity, and provide support to the Pinellas Suncoast
 4307 Transit Authority and the Hillsborough Area Regional Transit

4308 Authority in the preparation of their joint report and
 4309 recommendations to the Legislature. For this purpose, the
 4310 Pinellas Suncoast Transit Authority and the Hillsborough Area
 4311 Regional Transit Authority shall reimburse the Tampa Bay Area
 4312 Regional Transportation Authority for necessary and reasonable
 4313 expense in a total amount not to exceed \$100,000.

4314 Section 82. Subsection (7) of section 215.616, Florida
 4315 Statutes, is amended to read:

4316 215.616 State bonds for federal aid highway construction.—

4317 ~~(7) Up to \$325 million in bonds may be issued for the~~
 4318 ~~Mobility 2000 Initiative with emphasis on the Florida Intrastate~~
 4319 ~~Highway System to advance projects in the most cost-effective~~
 4320 ~~manner and to support emergency evacuation, improved access to~~
 4321 ~~urban areas, or the enhancement of trade and economic growth~~
 4322 ~~corridors of statewide and regional significance which promote~~
 4323 ~~Florida's economic growth.~~

4324 Section 83. Subsection (3) of section 288.063, Florida
 4325 Statutes, is amended to read:

4326 288.063 Contracts for transportation projects.—

4327 (3) With respect to any contract executed pursuant to this
 4328 section, the term "transportation project" means a
 4329 transportation facility as defined in s. 334.03(30) ~~s.~~
 4330 ~~334.03(31)~~ which is necessary in the judgment of the department
 4331 to facilitate the economic development and growth of the state.
 4332 Such transportation projects shall be approved only as a
 4333 consideration to attract new employment opportunities to the
 4334 state or expand or retain employment in existing companies
 4335 operating within the state, or to allow for the construction or

4336 expansion of a state or federal correctional facility in a
 4337 county having ~~with~~ a population of 75,000 or less that creates
 4338 new employment opportunities or expands or retains employment in
 4339 the county. The department shall institute procedures to ensure
 4340 that small and minority businesses have equal access to funding
 4341 provided under this section. Funding for approved transportation
 4342 projects may include any expenses, other than administrative
 4343 costs and equipment purchases specified in the contract,
 4344 necessary for new, or improvement to existing, transportation
 4345 facilities. Funds made available pursuant to this section may
 4346 not be expended in connection with the relocation of a business
 4347 from one community to another community in this state unless the
 4348 department determines that without such relocation the business
 4349 will move outside this state or determines that the business has
 4350 a compelling economic rationale for the relocation which creates
 4351 additional jobs. Subject to appropriation for projects under
 4352 this section, any appropriation greater than \$10 million shall
 4353 be allocated to each of the districts of the Department of
 4354 Transportation to ensure equitable geographical distribution.
 4355 Such allocated funds that remain uncommitted by the third
 4356 quarter of the fiscal year shall be reallocated among the
 4357 districts based on pending project requests.

4358 Section 84. Subsection (2) of section 311.22, Florida
 4359 Statutes, is amended to read:

4360 311.22 Additional authorization for funding certain
 4361 dredging projects.—

4362 (2) The council shall adopt rules for evaluating the
 4363 projects that may be funded pursuant to this section. The rules

4364 must provide criteria for evaluating the economic benefit of the
 4365 project. The rules must include the creation of an
 4366 administrative review process by the council which is similar to
 4367 the process described in s. 311.09(5)-(11) ~~s. 311.09(5)-(12)~~,
 4368 and provide for a review by the Department of Transportation and
 4369 the Department of Economic Opportunity of all projects submitted
 4370 for funding under this section.

4371 Section 85. Section 316.2122, Florida Statutes, is amended
 4372 to read:

4373 316.2122 Operation of a low-speed vehicle or mini truck on
 4374 certain roadways.—The operation of a low-speed vehicle as
 4375 defined in s. 320.01(42) or a mini truck as defined in s.
 4376 320.01(45) on any road ~~as defined in s. 334.03(15) or (33)~~ is
 4377 authorized with the following restrictions:

4378 (1) A low-speed vehicle or mini truck may be operated only
 4379 on streets where the posted speed limit is 35 miles per hour or
 4380 less. This does not prohibit a low-speed vehicle or mini truck
 4381 from crossing a road or street at an intersection where the road
 4382 or street has a posted speed limit of more than 35 miles per
 4383 hour.

4384 (2) A low-speed vehicle must be equipped with headlamps,
 4385 stop lamps, turn signal lamps, taillamps, reflex reflectors,
 4386 parking brakes, rearview mirrors, windshields, seat belts, and
 4387 vehicle identification numbers.

4388 (3) A low-speed vehicle or mini truck must be registered
 4389 and insured in accordance with s. 320.02 and titled pursuant to
 4390 chapter 319.

4391 (4) Any person operating a low-speed vehicle or mini truck

4392 must have in his or her possession a valid driver's license.

4393 (5) A county or municipality may prohibit the operation of
 4394 low-speed vehicles or mini trucks on any road under its
 4395 jurisdiction if the governing body of the county or municipality
 4396 determines that such prohibition is necessary in the interest of
 4397 safety.

4398 (6) The Department of Transportation may prohibit the
 4399 operation of low-speed vehicles or mini trucks on any road under
 4400 its jurisdiction if it determines that such prohibition is
 4401 necessary in the interest of safety.

4402 Section 86. Section 318.12, Florida Statutes, is amended
 4403 to read:

4404 318.12 Purpose.—It is the legislative intent in the
 4405 adoption of this chapter to decriminalize certain violations of
 4406 chapter 316, the Florida Uniform Traffic Control Law; chapter
 4407 320, Motor Vehicle Licenses; chapter 322, Drivers' Licenses;
 4408 chapter 338, Limited Access Florida Intrastate Highway System
 4409 and Toll Facilities; and chapter 1006, Support of Learning,
 4410 thereby facilitating the implementation of a more uniform and
 4411 expeditious system for the disposition of traffic infractions.

4412 Section 87. Subsections (3) and (4) of section 320.20,
 4413 Florida Statutes, are amended to read:

4414 320.20 Disposition of license tax moneys.—The revenue
 4415 derived from the registration of motor vehicles, including any
 4416 delinquent fees and excluding those revenues collected and
 4417 distributed under the provisions of s. 320.081, must be
 4418 distributed monthly, as collected, as follows:

4419 (3) Notwithstanding any other provision of law except

4420 subsections (1) and (2), on July 1, 1996, and annually
 4421 thereafter, \$15 million shall be deposited in the State
 4422 Transportation Trust Fund solely for the purposes of funding the
 4423 Florida Seaport Transportation and Economic Development Program
 4424 as provided for in chapter 311. Such revenues shall be
 4425 distributed on a 50-50 matching basis to any port listed in s.
 4426 311.09(1) to be used for funding projects as described in s.
 4427 311.07(3)(b). Such revenues may be assigned, pledged, or set
 4428 aside as a trust for the payment of principal or interest on
 4429 bonds, tax anticipation certificates, or any other form of
 4430 indebtedness issued by an individual port or appropriate local
 4431 government having jurisdiction thereof, or collectively by
 4432 interlocal agreement among any of the ports, or used to purchase
 4433 credit support to permit such borrowings. However, such debt
 4434 shall not constitute a general obligation of the State of
 4435 Florida. The state does hereby covenant with holders of such
 4436 revenue bonds or other instruments of indebtedness issued
 4437 hereunder that it will not repeal or impair or amend in any
 4438 manner which will materially and adversely affect the rights of
 4439 such holders so long as bonds authorized by this section are
 4440 outstanding. Any revenues which are not pledged to the repayment
 4441 of bonds as authorized by this section may be utilized for
 4442 purposes authorized under the Florida Seaport Transportation and
 4443 Economic Development Program. This revenue source is in addition
 4444 to any amounts provided for and appropriated in accordance with
 4445 s. 311.07. The Florida Seaport Transportation and Economic
 4446 Development Council shall approve distribution of funds to ports
 4447 for projects which have been approved pursuant to s. 311.09(5)-

4448 (8) ~~s. 311.09(5)-(9)~~. The council and the Department of
 4449 Transportation may ~~are authorized to~~ perform such acts as are
 4450 required to facilitate and implement ~~the provisions of~~ this
 4451 subsection. To better enable the ports to cooperate to their
 4452 mutual advantage, the governing body of each port may exercise
 4453 powers provided to municipalities or counties in s. 163.01(7)(d)
 4454 subject to the provisions of chapter 311 and special acts, if
 4455 any, pertaining to a port. The use of funds provided pursuant to
 4456 this subsection are limited to eligible projects listed in this
 4457 subsection. Income derived from a project completed with the use
 4458 of program funds, beyond operating costs and debt service, shall
 4459 be restricted to further port capital improvements consistent
 4460 with maritime purposes and for no other purpose. Use of such
 4461 income for nonmaritime purposes is prohibited. ~~The provisions of~~
 4462 ~~s. 311.07(4) do not apply to any funds received pursuant to this~~
 4463 ~~subsection~~. The revenues available under this subsection shall
 4464 not be pledged to the payment of any bonds other than the
 4465 Florida Ports Financing Commission Series 1996 and Series 1999
 4466 Bonds currently outstanding; provided, however, such revenues
 4467 may be pledged to secure payment of refunding bonds to refinance
 4468 the Florida Ports Financing Commission Series 1996 and Series
 4469 1999 Bonds. No refunding bonds secured by revenues available
 4470 under this subsection may be issued with a final maturity later
 4471 than the final maturity of the Florida Ports Financing
 4472 Commission Series 1996 and Series 1999 Bonds or which provide
 4473 for higher debt service in any year than is currently payable on
 4474 such bonds. Any revenue bonds or other indebtedness issued after
 4475 July 1, 2000, other than refunding bonds shall be issued by the

4476 Division of Bond Finance at the request of the Department of
 4477 Transportation pursuant to the State Bond Act.

4478 (4) Notwithstanding any other provision of law except
 4479 subsections (1), (2), and (3), on July 1, 1999, and annually
 4480 thereafter, \$10 million shall be deposited in the State
 4481 Transportation Trust Fund solely for the purposes of funding the
 4482 Florida Seaport Transportation and Economic Development Program
 4483 as provided in chapter 311 and for funding seaport intermodal
 4484 access projects of statewide significance as provided in s.
 4485 341.053. Such revenues shall be distributed to any port listed
 4486 in s. 311.09(1), to be used for funding projects as follows:

4487 (a) For any seaport intermodal access projects that are
 4488 identified in the 1997-1998 Tentative Work Program of the
 4489 Department of Transportation, up to the amounts needed to offset
 4490 the funding requirements of this section.

4491 (b) For seaport intermodal access projects as described in
 4492 s. 341.053(5) that are identified in the 5-year Florida Seaport
 4493 Mission Plan as provided in s. 311.09(3). Funding for such
 4494 projects shall be on a matching basis as mutually determined by
 4495 the Florida Seaport Transportation and Economic Development
 4496 Council and the Department of Transportation, provided a minimum
 4497 of 25 percent of total project funds shall come from any port
 4498 funds, local funds, private funds, or specifically earmarked
 4499 federal funds.

4500 (c) On a 50-50 matching basis for projects as described in
 4501 s. 311.07(3)(b).

4502 (d) For seaport intermodal access projects that involve
 4503 the dredging or deepening of channels, turning basins, or

4504 harbors; or the rehabilitation of wharves, docks, or similar
 4505 structures. Funding for such projects shall require a 25 percent
 4506 match of the funds received pursuant to this subsection.

4507 Matching funds shall come from any port funds, federal funds,
 4508 local funds, or private funds.

4509

4510 Such revenues may be assigned, pledged, or set aside as a trust
 4511 for the payment of principal or interest on bonds, tax
 4512 anticipation certificates, or any other form of indebtedness
 4513 issued by an individual port or appropriate local government
 4514 having jurisdiction thereof, or collectively by interlocal
 4515 agreement among any of the ports, or used to purchase credit
 4516 support to permit such borrowings. However, such debt shall not
 4517 constitute a general obligation of the state. This state does
 4518 hereby covenant with holders of such revenue bonds or other
 4519 instruments of indebtedness issued hereunder that it will not
 4520 repeal or impair or amend this subsection in any manner which
 4521 will materially and adversely affect the rights of holders so
 4522 long as bonds authorized by this subsection are outstanding. Any
 4523 revenues that are not pledged to the repayment of bonds as
 4524 authorized by this section may be utilized for purposes
 4525 authorized under the Florida Seaport Transportation and Economic
 4526 Development Program. This revenue source is in addition to any
 4527 amounts provided for and appropriated in accordance with s.
 4528 311.07 and subsection (3). The Florida Seaport Transportation
 4529 and Economic Development Council shall approve distribution of
 4530 funds to ports for projects that have been approved pursuant to
 4531 s. 311.09(5)-(8) ~~s. 311.09(5)-(9)~~, or for seaport intermodal

4532 access projects identified in the 5-year Florida Seaport Mission
4533 Plan as provided in s. 311.09(3) and mutually agreed upon by the
4534 Florida Seaport Transportation and Economic Development FSTED
4535 Council and the Department of Transportation. All contracts for
4536 actual construction of projects authorized by this subsection
4537 must include a provision encouraging employment of participants
4538 in the welfare transition program. The goal for employment of
4539 participants in the welfare transition program is 25 percent of
4540 all new employees employed specifically for the project, unless
4541 the Department of Transportation and the Florida Seaport
4542 Transportation and Economic Development Council demonstrate that
4543 such a requirement would severely hamper the successful
4544 completion of the project. In such an instance, Workforce
4545 Florida, Inc., shall establish an appropriate percentage of
4546 employees that must be participants in the welfare transition
4547 program. The council and the Department of Transportation may
4548 ~~are authorized to~~ perform such acts as are required to
4549 facilitate and implement the provisions of this subsection. To
4550 better enable the ports to cooperate to their mutual advantage,
4551 the governing body of each port may exercise powers provided to
4552 municipalities or counties in s. 163.01(7)(d) subject to the
4553 provisions of chapter 311 and special acts, if any, pertaining
4554 to a port. The use of funds provided pursuant to this subsection
4555 is limited to eligible projects listed in this subsection. ~~The~~
4556 ~~provisions of s. 311.07(4) do not apply to any funds received~~
4557 ~~pursuant to this subsection.~~ The revenues available under this
4558 subsection shall not be pledged to the payment of any bonds
4559 other than the Florida Ports Financing Commission Series 1996

4560 and Series 1999 Bonds currently outstanding; provided, however,
 4561 such revenues may be pledged to secure payment of refunding
 4562 bonds to refinance the Florida Ports Financing Commission Series
 4563 1996 and Series 1999 Bonds. No refunding bonds secured by
 4564 revenues available under this subsection may be issued with a
 4565 final maturity later than the final maturity of the Florida
 4566 Ports Financing Commission Series 1996 and Series 1999 Bonds or
 4567 which provide for higher debt service in any year than is
 4568 currently payable on such bonds. Any revenue bonds or other
 4569 indebtedness issued after July 1, 2000, other than refunding
 4570 bonds shall be issued by the Division of Bond Finance at the
 4571 request of the Department of Transportation pursuant to the
 4572 State Bond Act.

4573 Section 88. Subsection (3) of section 335.02, Florida
 4574 Statutes, is amended to read:

4575 335.02 Authority to designate transportation facilities
 4576 and rights-of-way and establish lanes; procedure for
 4577 redesignation and relocation; application of local regulations.-

4578 (3) The department may establish standards for lanes on
 4579 the State Highway System, including the Strategic Intermodal
 4580 System highway corridors ~~Florida Intrastate Highway System~~
 4581 established pursuant to s. 339.65 ~~s. 338.001~~. In determining the
 4582 number of lanes for any regional corridor or section of highway
 4583 on the State Highway System to be funded by the department with
 4584 state or federal funds, the department shall evaluate all
 4585 alternatives and seek to achieve the highest degree of efficient
 4586 mobility for corridor users. In conducting the analysis, the
 4587 department must give consideration to the following factors

- 4588 consistent with sound engineering principles:
- 4589 (a) Overall economic importance of the corridor as a trade
- 4590 or tourism corridor.
- 4591 (b) Safety of corridor users, including the importance of
- 4592 the corridor for evacuation purposes.
- 4593 (c) Cost-effectiveness of alternative methods of
- 4594 increasing the mobility of corridor users.
- 4595 (d) Current and projected traffic volumes on the corridor.
- 4596 (e) Multimodal alternatives.
- 4597 (f) Use of intelligent transportation technology in
- 4598 increasing the efficiency of the corridor.
- 4599 (g) Compliance with state and federal policies related to
- 4600 clean air, environmental impacts, growth management, livable
- 4601 communities, and energy conservation.
- 4602 (h) Addition of special use lanes, such as exclusive truck
- 4603 lanes, high-occupancy-vehicle toll lanes, and exclusive
- 4604 interregional traffic lanes.
- 4605 (i) Availability and cost of rights-of-way, including
- 4606 associated costs, and the most effective use of existing rights-
- 4607 of-way.
- 4608 (j) Regional economic and transportation objectives, where
- 4609 articulated.
- 4610 (k) The future land use plan element of local government
- 4611 comprehensive plans, as appropriate, including designated urban
- 4612 infill and redevelopment areas.
- 4613 (l) The traffic circulation element, if applicable, of
- 4614 local government comprehensive plans, including designated
- 4615 transportation corridors and public transportation corridors.

4616 (m) The approved metropolitan planning organization's
 4617 long-range transportation plan, as appropriate.

4618
 4619 This subsection does not preclude a number of lanes in excess of
 4620 10 lanes, but an additional factor that must be considered
 4621 before the department may determine that the number of lanes
 4622 should be more than 10 is the capacity to accommodate in the
 4623 future alternative forms of transportation within existing or
 4624 potential rights-of-way.

4625 Section 89. Subsection (2) of section 338.222, Florida
 4626 Statutes, is amended to read:

4627 338.222 Department of Transportation sole governmental
 4628 entity to acquire, construct, or operate turnpike projects;
 4629 exception.—

4630 (2) The department may contract with any local
 4631 governmental entity as defined in s. 334.03(13) ~~s. 334.03(14)~~
 4632 for the design, right-of-way acquisition, or construction of any
 4633 turnpike project which the Legislature has approved. Local
 4634 governmental entities may negotiate with the department for the
 4635 design, right-of-way acquisition, and construction of any
 4636 section of the turnpike project within areas of their respective
 4637 jurisdictions or within counties with which they have interlocal
 4638 agreements.

4639 Section 90. Subsection (6) of section 339.285, Florida
 4640 Statutes, is amended to read:

4641 339.285 Enhanced Bridge Program for Sustainable
 4642 Transportation.—

4643 (6) Preference shall be given to bridge projects located

4644 on corridors that connect to the Strategic Intermodal System,
 4645 created under s. 339.64, and that have been identified as
 4646 regionally significant in accordance with s. 339.155(4)(c), (d),
 4647 and (e) ~~s. 339.155(5)(c), (d), and (e)~~.

4648 Section 91. Subsection (2) of section 341.053, Florida
 4649 Statutes, is amended to read:

4650 341.053 Intermodal Development Program; administration;
 4651 eligible projects; limitations.—

4652 (2) In recognition of the department's role in the
 4653 economic development of this state, the department shall develop
 4654 a proposed intermodal development plan to connect Florida's
 4655 airports, deepwater seaports, rail systems serving both
 4656 passenger and freight, and major intermodal connectors to the
 4657 Strategic Intermodal System highway corridors ~~Florida Intrastate~~
 4658 ~~Highway System facilities~~ as the primary system for the movement
 4659 of people and freight in this state in order to make the
 4660 intermodal development plan a fully integrated and
 4661 interconnected system. The intermodal development plan must:

4662 (a) Define and assess the state's freight intermodal
 4663 network, including airports, seaports, rail lines and terminals,
 4664 intercity bus lines and terminals, and connecting highways.

4665 (b) Prioritize statewide infrastructure investments,
 4666 including the acceleration of current projects, which are found
 4667 by the Freight Stakeholders Task Force to be priority projects
 4668 for the efficient movement of people and freight.

4669 (c) Be developed in a manner that will assure maximum use
 4670 of existing facilities and optimum integration and coordination
 4671 of the various modes of transportation, including both

4672 government-owned and privately owned resources, in the most
 4673 cost-effective manner possible.

4674 Section 92. Subsection (2) of section 341.8225, Florida
 4675 Statutes, is amended to read:

4676 341.8225 Department of Transportation sole governmental
 4677 entity to acquire, construct, or operate high-speed rail
 4678 projects; exception.—

4679 (2) Local governmental entities, as defined in s.
 4680 334.03(13) ~~s. 334.03(14)~~, may negotiate with the department for
 4681 the design, right-of-way acquisition, and construction of any
 4682 component of the high-speed rail system within areas of their
 4683 respective jurisdictions or within counties with which they have
 4684 interlocal agreements.

4685 Section 93. Subsection (2) of section 403.7211, Florida
 4686 Statutes, is amended to read:

4687 403.7211 Hazardous waste facilities managing hazardous
 4688 wastes generated offsite; federal facilities managing hazardous
 4689 waste.—

4690 (2) The department may ~~shall~~ not issue any permit under s.
 4691 403.722 for the construction, initial operation, or substantial
 4692 modification of a facility for the disposal, storage, or
 4693 treatment of hazardous waste generated offsite which is proposed
 4694 to be located in any of the following locations:

4695 (a) Any area where life-threatening concentrations of
 4696 hazardous substances could accumulate at any residence or
 4697 residential subdivision as the result of a catastrophic event at
 4698 the proposed facility, unless each such residence or residential
 4699 subdivision is served by at least one arterial road or urban

4700 minor arterial road, as determined under the procedures
 4701 referenced in s. 334.03(10) ~~defined in s. 334.03~~, which provides
 4702 safe and direct egress by land to an area where such life-
 4703 threatening concentrations of hazardous substances could not
 4704 accumulate in a catastrophic event. Egress by any road leading
 4705 from any residence or residential subdivision to any point
 4706 located within 1,000 yards of the proposed facility is unsafe
 4707 for the purposes of this paragraph. In determining whether
 4708 egress proposed by the applicant is safe and direct, the
 4709 department shall also consider, at a minimum, the following
 4710 factors:

4711 1. Natural barriers such as water bodies, and whether any
 4712 road in the proposed evacuation route is impaired by a natural
 4713 barrier such as a water body.†

4714 2. Potential exposure during egress and potential
 4715 increases in the duration of exposure.†

4716 3. Whether any road in a proposed evacuation route passes
 4717 in close proximity to the facility.† ~~and~~

4718 4. Whether any portion of the evacuation route is
 4719 inherently directed toward the facility.

4720 (b) Any location within 1,500 yards of any hospital,
 4721 prison, school, nursing home facility, day care facility,
 4722 stadium, place of assembled worship, or any other similar site
 4723 where individuals are routinely confined or assembled in such a
 4724 manner that reasonable access to immediate evacuation is likely
 4725 to be unavailable.†

4726 (c) Any location within 1,000 yards of any residence.† ~~or~~

4727 (d) Any location which is inconsistent with rules adopted

4728 by the department under this part.

4729

4730 For the purposes of this subsection, all distances shall be
 4731 measured from the outer limit of the active hazardous waste
 4732 management area. "Substantial modification" includes: any
 4733 physical change in, change in the operations of, or addition to
 4734 a facility which could increase the potential offsite impact, or
 4735 risk of impact, from a release at that facility; and any change
 4736 in permit conditions which is reasonably expected to lead to
 4737 greater potential impacts or risks of impacts, from a release at
 4738 that facility. "Substantial modification" does not include a
 4739 change in operations, structures, or permit conditions which
 4740 does not substantially increase either the potential impact
 4741 from, or the risk of, a release. Physical or operational changes
 4742 to a facility related solely to the management of nonhazardous
 4743 waste at the facility is ~~shall~~ not be considered a substantial
 4744 modification. The department shall, by rule, adopt criteria to
 4745 determine whether a facility has been substantially modified.
 4746 "Initial operation" means the initial commencement of operations
 4747 at the facility.

4748 Section 94. Subsection (27) of section 479.01, Florida
 4749 Statutes, is amended to read:

4750 479.01 Definitions.—As used in this chapter, the term:

4751 (27) "Urban area" has the same meaning as defined in s.
 4752 334.03(31) ~~s. 334.03(32)~~.

4753 Section 95. Subsection (1) of section 479.07, Florida
 4754 Statutes, is amended to read:

4755 479.07 Sign permits.—

4756 (1) Except as provided in ss. 479.105(1)(e) and 479.16, a
4757 person may not erect, operate, use, or maintain, or cause to be
4758 erected, operated, used, or maintained, any sign on the State
4759 Highway System outside an urban area, as defined in s.
4760 334.03(31) ~~s. 334.03(32)~~, or on any portion of the interstate or
4761 federal-aid primary highway system without first obtaining a
4762 permit for the sign from the department and paying the annual
4763 fee as provided in this section. As used in this section, the
4764 term "on any portion of the State Highway System, interstate, or
4765 federal-aid primary system" means a sign located within the
4766 controlled area which is visible from any portion of the main-
4767 traveled way of such system.

4768 Section 96. Subsection (5) of section 479.261, Florida
4769 Statutes, is amended to read:

4770 479.261 Logo sign program.—

4771 (5) At a minimum, permit fees for businesses that
4772 participate in the program must be established in an amount
4773 sufficient to offset the total cost to the department for the
4774 program, including contract costs. The department shall provide
4775 the services in the most efficient and cost-effective manner
4776 through department staff or by contracting for some or all of
4777 the services. The department shall adopt rules that set
4778 reasonable rates based upon factors such as population, traffic
4779 volume, market demand, and costs for annual permit fees.
4780 However, annual permit fees for sign locations inside an urban
4781 area, as defined in s. 334.03(31) ~~s. 334.03(32)~~, may not exceed
4782 \$3,500, and annual permit fees for sign locations outside an
4783 urban area, as defined in s. 334.03(31) ~~s. 334.03(32)~~, may not

4784 exceed \$2,000. After recovering program costs, the proceeds from
 4785 the annual permit fees shall be deposited into the State
 4786 Transportation Trust Fund and used for transportation purposes.

4787 Section 97. Pembroke Park Boulevard designated; Department
 4788 of Transportation to erect suitable markers.-

4789 (1) That portion of State Road 858/Hallandale Beach
 4790 Boulevard between Interstate 95/State Road 9 and S.W. 56th
 4791 Avenue in Broward County is designated as "Pembroke Park
 4792 Boulevard."

4793 (2) The Department of Transportation is directed to erect
 4794 suitable markers designating Pembroke Park Boulevard as
 4795 described in subsection (1).

4796 Section 98. Paragraph (d) of subsection (1) of section
 4797 316.0083, Florida Statutes, is amended to read:

4798 316.0083 Mark Wandall Traffic Safety Program;
 4799 administration; report.-

4800 (1)

4801 (d)1. The owner of the motor vehicle involved in the
 4802 violation is responsible and liable for paying the uniform
 4803 traffic citation issued for a violation of s. 316.074(1) or s.
 4804 316.075(1)(c)1. when the driver failed to stop at a traffic
 4805 signal, unless the owner can establish that:

4806 a. The motor vehicle passed through the intersection in
 4807 order to yield right-of-way to an emergency vehicle or as part
 4808 of a funeral procession;

4809 b. The motor vehicle passed through the intersection at
 4810 the direction of a law enforcement officer;

4811 c. The motor vehicle was, at the time of the violation, in
 4812 the care, custody, or control of another person; ~~or~~

4813 d. A uniform traffic citation was issued by a law
 4814 enforcement officer to the driver of the motor vehicle for the
 4815 alleged violation of s. 316.074(1) or s. 316.075(1)(c)1.; or

4816 e. The motor vehicle's owner was deceased on or before the
 4817 date that the uniformed traffic citation was issued as
 4818 established by an affidavit submitted by the representative of
 4819 the motor vehicle owner's estate or other designated person or
 4820 family member.

4821 2. In order to establish such facts, the owner of the
 4822 motor vehicle shall, within 30 days after the date of issuance
 4823 of the traffic citation, furnish to the appropriate governmental
 4824 entity an affidavit setting forth detailed information
 4825 supporting an exemption as provided in this paragraph.

4826 a. An affidavit supporting an exemption under sub-
 4827 subparagraph 1.c. must include the name, address, date of birth,
 4828 and, if known, the driver's license number of the person who
 4829 leased, rented, or otherwise had care, custody, or control of
 4830 the motor vehicle at the time of the alleged violation. If the
 4831 vehicle was stolen at the time of the alleged offense, the
 4832 affidavit must include the police report indicating that the
 4833 vehicle was stolen.

4834 b. If a traffic citation for a violation of s. 316.074(1)
 4835 or s. 316.075(1)(c)1. was issued at the location of the
 4836 violation by a law enforcement officer, the affidavit must
 4837 include the serial number of the uniform traffic citation.

4838 c. If the motor vehicle's owner to whom a traffic citation
4839 has been issued is deceased, the affidavit must include a
4840 certified copy of the owner's death certificate showing that the
4841 date of death occurred on or before the issuance of the uniform
4842 traffic citation and one of the following:

4843 (I) A bill of sale or other document showing that the
4844 deceased owner's motor vehicle was sold after his or her death
4845 but on or before the date of the alleged violation.

4846 (II) Documentary proof that the registered license plate
4847 belonging to the deceased owner's vehicle was returned to the
4848 department or any branch office or authorized agent of the
4849 department on or before the date of the alleged violation.

4850 (III) A copy of a police report showing the deceased
4851 owner's registered license plate or motor vehicle was stolen
4852 after the owner's death but on or before the date of the alleged
4853 violation.

4854
4855 Upon receipt of the affidavit and documentation required under
4856 this sub-subparagraph, the governmental entity must dismiss the
4857 citation and provide proof of such dismissal to the person that
4858 submitted the affidavit.

4859 3. Upon receipt of an affidavit, the person designated as
4860 having care, custody, and control of the motor vehicle at the
4861 time of the violation may be issued a traffic citation for a
4862 violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver
4863 failed to stop at a traffic signal. The affidavit is admissible
4864 in a proceeding pursuant to this section for the purpose of
4865 providing proof that the person identified in the affidavit was

4866 in actual care, custody, or control of the motor vehicle. The
 4867 owner of a leased vehicle for which a traffic citation is issued
 4868 for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when the
 4869 driver failed to stop at a traffic signal is not responsible for
 4870 paying the traffic citation and is not required to submit an
 4871 affidavit as specified in this subsection if the motor vehicle
 4872 involved in the violation is registered in the name of the
 4873 lessee of such motor vehicle.

4874 4. The submission of a false affidavit is a misdemeanor of
 4875 the second degree, punishable as provided in s. 775.082 or s.
 4876 775.083.

4877 Section 99. Subsection (2) of section 348.753, Florida
 4878 Statutes, is amended to read:

4879 348.753 Orlando-Orange County Expressway Authority.—

4880 (2) The governing body of the authority shall consist of
 4881 five members. Four ~~Three~~ members shall be citizens of Orange
 4882 County, who shall be appointed by the Governor. ~~The fourth~~
 4883 ~~member shall be, ex officio, the chair of the County~~
 4884 ~~Commissioners of Orange County~~, and the fifth member shall be,
 4885 ex officio, the district secretary of the Department of
 4886 Transportation serving in the district that contains Orange
 4887 County. The term of each appointed member shall be for 4 years.
 4888 Each appointed member shall hold office until his or her
 4889 successor has been appointed and has qualified. A vacancy
 4890 occurring during a term shall be filled only for the balance of
 4891 the unexpired term. Each appointed member of the authority shall
 4892 be a person of outstanding reputation for integrity,
 4893 responsibility, and business ability, but no person who is an

4894 officer or employee of any city or of Orange County in any other
 4895 capacity shall be an appointed member of the authority. Any
 4896 member of the authority shall be eligible for reappointment.

4897 However, no member may be appointed who:

4898 (a) Is a local government elected official;

4899 (b) Has received campaign contributions related to any
 4900 local government election within the previous 2 years; or

4901 (c) Currently serves as a member of the Greater Orlando
 4902 Aviation Authority.

4903 Section 100. Section 320.089, Florida Statutes, is amended
 4904 to read:

4905 320.089 Members of National Guard and active United States
 4906 Armed Forces reservists; former prisoners of war; survivors of
 4907 Pearl Harbor; Purple Heart medal recipients; Operation Iraqi
 4908 Freedom and Operation Enduring Freedom Veterans; Combat Infantry
 4909 Badge or Combat Action Badge recipients; special license plates;
 4910 fee.—

4911 (1) (a) Each owner or lessee of an automobile or truck for
 4912 private use or recreational vehicle as specified in s.
 4913 320.08(9)(c) or (d), which is not used for hire or commercial
 4914 use, who is a resident of the state and an active or retired
 4915 member of the Florida National Guard, a survivor of the attack
 4916 on Pearl Harbor, a recipient of the Purple Heart medal, ~~or~~ an
 4917 active or retired member of any branch of the United States
 4918 Armed Forces Reserve, or a recipient of the Combat Infantry
 4919 Badge or Combat Action Badge shall, upon application to the
 4920 department, accompanied by proof of active membership or retired
 4921 status in the Florida National Guard, proof of membership in the

4922 Pearl Harbor Survivors Association or proof of active military
 4923 duty in Pearl Harbor on December 7, 1941, proof of being a
 4924 Purple Heart medal recipient, ~~or~~ proof of active or retired
 4925 membership in any branch of the Armed Forces Reserve, or proof
 4926 of membership in the Combat Infantrymen's Association, Inc., or
 4927 other proof of being a recipient of the Combat Infantry Badge or
 4928 Combat Action Badge, and upon payment of the license tax for the
 4929 vehicle as provided in s. 320.08, be issued a license plate as
 4930 provided by s. 320.06, upon which, in lieu of the serial numbers
 4931 prescribed by s. 320.06, shall be stamped the words "National
 4932 Guard," "Pearl Harbor Survivor," "Combat-wounded veteran," ~~or~~
 4933 "U.S. Reserve," "Combat Infantry Badge," or "Combat Action
 4934 Badge" as appropriate, followed by the serial number of the
 4935 license plate. Additionally, the Purple Heart plate may have the
 4936 words "Purple Heart" stamped on the plate and the likeness of
 4937 the Purple Heart medal appearing on the plate.

4938 (b) Notwithstanding any other provision of law to the
 4939 contrary, beginning with fiscal year 2002-2003 and annually
 4940 thereafter, the first \$100,000 in general revenue generated from
 4941 the sale of license plates issued under this section shall be
 4942 deposited into the Grants and Donations Trust Fund, as described
 4943 in s. 296.38(2), to be used for the purposes established by law
 4944 for that trust fund. Any additional general revenue generated
 4945 from the sale of such plates shall be deposited into the State
 4946 Homes for Veterans Trust Fund and used solely to construct,
 4947 operate, and maintain domiciliary and nursing homes for
 4948 veterans, subject to the requirements of chapter 216.

4949 (c) Notwithstanding any provisions of law to the contrary,
 4950 an applicant for a Pearl Harbor Survivor license plate or a
 4951 Purple Heart license plate who also qualifies for a disabled
 4952 veteran's license plate under s. 320.084 shall be issued the
 4953 appropriate special license plate without payment of the license
 4954 tax imposed by s. 320.08.

4955 (2) Each owner or lessee of an automobile or truck for
 4956 private use, truck weighing not more than 7,999 pounds, or
 4957 recreational vehicle as specified in s. 320.08(9)(c) or (d),
 4958 which is not used for hire or commercial use, who is a resident
 4959 of the state and who is a former prisoner of war, or their
 4960 unremarried surviving spouse, shall, upon application therefor
 4961 to the department, be issued a license plate as provided in s.
 4962 320.06, on which license plate are stamped the words "Ex-POW"
 4963 followed by the serial number. Each application shall be
 4964 accompanied by proof that the applicant meets the qualifications
 4965 specified in paragraph (a) or paragraph (b).

4966 (a) A citizen of the United States who served as a member
 4967 of the Armed Forces of the United States or the armed forces of
 4968 a nation allied with the United States who was held as a
 4969 prisoner of war at such time as the Armed Forces of the United
 4970 States were engaged in combat, or their unremarried surviving
 4971 spouse, may be issued the special license plate provided for in
 4972 this subsection without payment of the license tax imposed by s.
 4973 320.08.

4974 (b) A person who was serving as a civilian with the
 4975 consent of the United States Government, or a person who was a
 4976 member of the Armed Forces of the United States who was not a

4977 United States citizen and was held as a prisoner of war when the
4978 Armed Forces of the United States were engaged in combat, or
4979 their unremarried surviving spouse, may be issued the special
4980 license plate provided for in this subsection upon payment of
4981 the license tax imposed by s. 320.08.

4982 (3) Each owner or lessee of an automobile or truck for
4983 private use, truck weighing not more than 7,999 pounds, or
4984 recreational vehicle as specified in s. 320.08(9)(c) or (d),
4985 which is not used for hire or commercial use, who is a resident
4986 of this state and who is the unremarried surviving spouse of a
4987 recipient of the Purple Heart medal shall, upon application
4988 therefor to the department, with the payment of the required
4989 fees, be issued a license plate as provided in s. 320.06, on
4990 which license plate are stamped the words "Purple Heart" and the
4991 likeness of the Purple Heart medal followed by the serial
4992 number. Each application shall be accompanied by proof that the
4993 applicant is the unremarried surviving spouse of a recipient of
4994 the Purple Heart medal.

4995 (4) The owner or lessee of an automobile or truck for
4996 private use, a truck weighing not more than 7,999 pounds, or a
4997 recreational vehicle as specified in s. 320.08(9)(c) or (d)
4998 which automobile, truck, or recreational vehicle is not used for
4999 hire or commercial use who is a resident of the state and a
5000 current or former member of the United States military who was
5001 deployed and served in Iraq during Operation Iraqi Freedom or in
5002 Afghanistan during Operation Enduring Freedom shall, upon
5003 application to the department, accompanied by proof of active
5004 membership or former active duty status during one of these

5005 operations, and upon payment of the license tax for the vehicle
 5006 as provided in s. 320.08, be issued a license plate as provided
 5007 by s. 320.06 upon which, in lieu of the registration license
 5008 number prescribed by s. 320.06, shall be stamped the words
 5009 "Operation Iraqi Freedom" or "Operation Enduring Freedom," as
 5010 appropriate, followed by the registration license number of the
 5011 plate.

5012 Section 101. Subsection (10) is added to section 338.165,
 5013 Florida Statutes, to read:

5014 338.165 Continuation of tolls.—

5015 (10) The department's Beachline-East Expressway may be
 5016 transferred by the department and become part of the turnpike
 5017 system under the Florida Turnpike Enterprise Law. Any funds
 5018 expended by Florida Turnpike Enterprise for the acquisition of
 5019 the Beachline-East Expressway shall be deposited into the State
 5020 Transportation Trust Fund, and, notwithstanding any other law to
 5021 the contrary, such funds shall first be allocated by the
 5022 department to fund the department's obligation to construct the
 5023 Wekiva Parkway. The term "Wekiva Parkway" means a limited access
 5024 highway or expressway constructed between State Road 429 and
 5025 Interstate 4 specifically incorporating the corridor alignment
 5026 recommended by Recommendation 2 of the Wekiva River Basin Area
 5027 Task Force final report dated January 15, 2003, and the
 5028 recommendations of the SR 429 Working Group which were adopted
 5029 January 16, 2004, and related transportation facilities.

5030 Section 102. Section 348.7546, Florida Statutes, is
 5031 amended to read:

5032 348.7546 Wekiva Parkway, construction authorized;
 5033 financing. ~~Notwithstanding s. 338.2275,~~

5034 (1) The Orlando-Orange County Expressway Authority is
 5035 ~~hereby~~ authorized to exercise its condemnation powers and to
 5036 construct, finance, operate, own, and maintain those portions of
 5037 the Wekiva Parkway which are identified by agreement between the
 5038 authority and the department and which are included as part of
 5039 the authority's long-range capital improvement plan. The "Wekiva
 5040 Parkway" means any limited access highway or expressway
 5041 constructed between State Road 429 and Interstate 4 specifically
 5042 incorporating the corridor alignment recommended by
 5043 Recommendation 2 of the Wekiva River Basin Area Task Force final
 5044 report dated January 15, 2003, and the recommendations of the SR
 5045 429 Working Group which ~~that~~ were adopted January 16, 2004. This
 5046 project may be financed with any funds available to the
 5047 authority for such purpose or revenue bonds issued by the
 5048 authority under s. 11, Art. VII of the State Constitution and s.
 5049 348.755(1)(b). This section does not invalidate the exercise by
 5050 the authority of its condemnation powers or the acquisition of
 5051 any property for the Wekiva Parkway before July 1, 2012.

5052 (2) Notwithstanding any other provision of law to the
 5053 contrary, in order to ensure that funds are available to the
 5054 department for its portion of the Wekiva Parkway, beginning July
 5055 1, 2012, the authority shall repay the expenditures by the
 5056 department for costs of operation and maintenance of the
 5057 Orlando-Orange County Expressway System in accordance with the
 5058 terms of the memorandum of understanding between the authority
 5059 and the department ratified by the authority board on February

5060 22, 2012, which requires the authority to pay the department \$10
 5061 million on July 1, 2012, and \$20 million on each successive July
 5062 1 until the department has been fully reimbursed for all costs
 5063 of the Orlando-Orange County Expressway System which were paid,
 5064 advanced, or reimbursed to the authority by the department, with
 5065 a final payment in the amount of the balance remaining.
 5066 Notwithstanding any other law to the contrary, the funds paid to
 5067 the department pursuant to this subsection shall be allocated by
 5068 the department for construction of the Wekiva Parkway.

5069 (3) The department's obligation to construct its portions
 5070 of the Wekiva Parkway is contingent upon the timely payment by
 5071 the authority of the annual payments required of the authority
 5072 and receipt of all required environmental permits and approvals
 5073 by the Federal Government.

5074 Section 103. Subsections (6) is added to section 348.755,
 5075 Florida Statutes, to read:

5076 348.755 Bonds of the authority.—

5077 (6) Notwithstanding any other provision of law to the
 5078 contrary, on and after July 1, 2012, the authority may not issue
 5079 any bonds except as permitted under the terms of the memorandum
 5080 of understanding between the authority and the department
 5081 ratified by the authority board on February 22, 2012.

5082 Section 104. Subsections (8) and (9) are added to section
 5083 348.757, Florida Statutes, to read:

5084 348.757 Lease-purchase agreement.—

5085 (8) The only lease-purchase agreement authorized by this
 5086 section is the lease-purchase agreement between the department
 5087 and the authority dated December 23, 1985, as supplemented by a

5088 first supplement to the lease-purchase agreement dated November
5089 25, 1986, and a second supplement to the lease-purchase
5090 agreement dated October 27, 1988.

5091 (9) Upon the earlier of the defeasance, redemption, or
5092 payment in full of the authority bonds issued before July 1,
5093 2012, or the earlier date to which the purchasers of the
5094 authority bonds have consented:

5095 (a) The obligations of the department under the lease-
5096 purchase agreement with the authority, including any obligation
5097 to pay any cost of operation, maintenance, repair, or
5098 rehabilitation of the expressway system, terminate;

5099 (b) The lease purchase agreement terminates;

5100 (c) The expressway system remains the property of the
5101 authority and may not be transferred to the department; and

5102 (d) The authority remains obligated to reimburse the
5103 department in accordance with the terms of the memorandum of
5104 understanding between the authority and the department ratified
5105 by the authority board on February 22, 2012.

5106 Section 105. Subsections (2) and (5) of section 369.317,
5107 Florida Statutes, are amended to read:

5108 369.317 Wekiva Parkway.—

5109 (2) The Wekiva Parkway and related transportation
5110 facilities shall follow the design criteria contained in the
5111 recommendations of the Wekiva River Basin Area Task Force
5112 adopted by reference by the Wekiva River Basin Coordinating
5113 Committee in its final report of March 16, 2004, and the
5114 recommendations of the Wekiva Coordinating Committee contained
5115 in its final report of March 16, 2004, subject to reasonable

5116 environmental, economic, and engineering considerations. For
5117 those activities associated with the Wekiva Parkway and related
5118 transportation facilities which require authorization pursuant
5119 to part IV of chapter 373, the Department of Environmental
5120 Protection is the exclusive permitting authority.

5121 (5) In Seminole County, ~~the Seminole County Expressway~~
5122 ~~Authority,~~ the Department of Transportation, ~~and the Florida~~
5123 ~~Turnpike Enterprise~~ shall locate the precise corridor and
5124 interchanges for the Wekiva Parkway consistent with the
5125 legislative intent expressed in this act and other provisions of
5126 this act.

5127 Section 106. Vehicles equipped with autonomous technology;
5128 intent.-

5129 (1) As used in this section, the term "autonomous
5130 technology" means technology installed on a motor vehicle that
5131 has the capability to drive the vehicle on which the technology
5132 is installed without the active control or monitoring by a human
5133 operator. The term excludes a motor vehicle enabled with active
5134 safety systems or driver assistance systems, including, without
5135 limitation, a system to provide electronic blind spot
5136 assistance, crash avoidance, emergency braking, parking
5137 assistance, adaptive cruise control, lane keep assistance, lane
5138 departure warning, or traffic jam and queuing assistant, unless
5139 any such system alone or in combination with other systems
5140 enables the vehicle on which the technology is installed to
5141 drive without the active control or monitoring by a human
5142 operator.

5143 (2) It is the intent of the Legislature to encourage the
5144 safe development, testing, and operation of motor vehicles with
5145 autonomous technology on the public roads of the state. The
5146 Legislature finds that the state does not prohibit or
5147 specifically regulate the testing or operation of autonomous
5148 technology in motor vehicles on public roads.

5149 Section 107. Subsection (89) is added to section 316.003,
5150 Florida Statutes, to read:

5151 316.003 Definitions.—The following words and phrases, when
5152 used in this chapter, shall have the meanings respectively
5153 ascribed to them in this section, except where the context
5154 otherwise requires:

5155 (89) AUTONOMOUS VEHICLE.—Any vehicle equipped with
5156 autonomous technology. The term "autonomous technology" means
5157 technology installed on a motor vehicle that has the capability
5158 to drive the vehicle on which the technology is installed
5159 without the active control or monitoring by a human operator.
5160 The term excludes a motor vehicle enabled with active safety
5161 systems or driver assistance systems, including, without
5162 limitation, a system to provide electronic blind spot
5163 assistance, crash avoidance, emergency braking, parking
5164 assistance, adaptive cruise control, lane keep assistance, lane
5165 departure warning, or traffic jam and queuing assistant, unless
5166 any such system alone or in combination with other systems
5167 enables the vehicle on which the technology is installed to
5168 drive without the active control or monitoring by a human
5169 operator.

5170 Section 108. Section 316.85, Florida Statutes, is created
5171 to read:

5172 316.85 Autonomous vehicles; operation.—

5173 (1) A person who possesses a valid driver license may
5174 operate an autonomous vehicle in autonomous mode.

5175 (2) For purposes of this chapter, unless the context
5176 otherwise requires, a person shall be deemed to be the operator
5177 of an autonomous vehicle operating in autonomous mode when the
5178 person causes the vehicle's autonomous technology to engage,
5179 regardless of whether the person is physically present in the
5180 vehicle while the vehicle is operating in autonomous mode.

5181 Section 109. Section 319.145, Florida Statutes, is created
5182 to read:

5183 319.145 Autonomous vehicles.—

5184 (1) An autonomous vehicle registered in this state must
5185 continue to meet federal standards and regulations for a motor
5186 vehicle. The vehicle shall:

5187 (a) Have a means to engage and disengage the autonomous
5188 technology which is easily accessible to the operator.

5189 (b) Have a means, inside the vehicle, to visually indicate
5190 when the vehicle is operating in autonomous mode.

5191 (c) Have a means to alert the operator of the vehicle if a
5192 technology failure affecting the ability of the vehicle to
5193 safely operate autonomously is detected while the vehicle is
5194 operating autonomously in order to indicate to the operator to
5195 take control of the vehicle.

5196 (d) Be capable of being operated in compliance with the
5197 applicable traffic and motor vehicle laws of this state.

5198 (2) Federal regulations promulgated by the National
5199 Highway Traffic Safety Administration shall supersede this
5200 section when found to be in conflict with this section.

5201 Section 110. (1) Vehicles equipped with autonomous
5202 technology may be operated on roads in this state by employees,
5203 contractors, or other persons designated by manufacturers of
5204 autonomous technology for the purpose of testing the technology.
5205 For testing purposes, a human operator shall be present in the
5206 autonomous vehicle such that he or she has the ability to
5207 monitor the vehicle's performance and intervene, if necessary,
5208 unless the vehicle is being tested or demonstrated on a closed
5209 course. Prior to the start of testing in this state, the entity
5210 performing the testing must submit to the Department of Highway
5211 Safety and Motor Vehicles an instrument of insurance, surety
5212 bond, or proof of self-insurance acceptable to the department in
5213 the amount of \$5 million.

5214 (2) The original manufacturer of a vehicle converted by an
5215 unaffiliated third party into an autonomous vehicle shall not be
5216 liable in, and shall have a defense to and be dismissed from,
5217 any legal action brought against the original manufacturer by
5218 any person injured due to a vehicle defect caused by the
5219 conversion of the vehicle, or by equipment installed by the
5220 converter, unless the defect was present in the vehicle as
5221 originally manufactured.

5222 (3) By February 12, 2014, the Department of Highway Safety
5223 and Motor Vehicles shall submit a report to the President of the
5224 Senate and the Speaker of the House of Representatives
5225 recommending additional legislative or regulatory action that

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2012

5226 may be required for the safe testing and operation of motor
5227 vehicles equipped with autonomous technology.

5228 Section 111. Except as otherwise expressly provided in
5229 this act and except for this section, which shall take effect
5230 upon this act becoming a law, this act shall take effect July 1,
5231 2012.