

By the Committees on Budget; and Transportation; and Senator
Latvala

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1 A bill to be entitled
2 An act relating to the Department of Transportation;
3 amending s. 20.23, F.S.; providing that the district
4 secretaries and the executive directors of the
5 Department of Transportation may be registered
6 professional engineers in accordance with the laws of
7 another state; deleting obsolete provisions; amending
8 s. 206.41, F.S.; revising the definition of the term
9 "agricultural and aquacultural purposes" for the
10 purpose of obtaining a refund of the state motor fuel
11 tax; providing a directive to the Division of
12 Statutory Revision; amending s. 311.07, F.S.;
13 increasing funding for the Florida Seaport
14 Transportation and Economic Development Program;
15 requiring the program's council to develop guidelines
16 for program funding; revising the list of projects
17 eligible for program funding; deleting a cap on
18 distribution of program funds to eligible ports;
19 amending s. 311.09, F.S.; revising the rule criteria
20 for evaluating a potential Florida Seaport
21 Transportation and Economic Development Council
22 project; deleting provisions relating to project
23 review by the Department of Community Affairs;
24 requiring projects to be consistent with the Statewide
25 Seaport and Waterways System Plan; revising the
26 criteria used by the Department of Transportation and
27 the Department of Economic Opportunity to review
28 project applications approved by the council;
29 increasing the amount of funding the Department of

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30 Transportation is required to include in its annual
31 legislative budget request for the Florida Seaport
32 Transportation and Economic Development grant program;
33 creating s. 311.10, F.S.; establishing the Strategic
34 Port Investment Initiative within the department;
35 providing annual funding from the State Transportation
36 Trust Fund; directing the department to work with
37 deepwater ports to develop and maintain a specified
38 priority list of strategic investment projects;
39 providing project selection criteria; requiring the
40 department to schedule a publicly noticed workshop
41 with the Department of Economic Opportunity and the
42 deepwater ports to review proposed projects; directing
43 the department to include seaport projects proposed
44 for funding in the tentative work program; excluding
45 project funding from the requirement that a minimum of
46 15 percent of state revenues deposited into the State
47 Transportation Fund be committed to specified public
48 transportation projects; creating s. 311.101, F.S.;
49 establishing the Intermodal Logistics Center
50 Infrastructure Support Program within the department
51 to fund projects conveying or shipping goods through a
52 seaport; defining the term "intermodal logistics
53 center"; providing project criteria; providing for
54 funding; authorizing the department to adopt rules;
55 amending s. 311.14, F.S.; directing the department to
56 develop a Statewide Seaport and Waterways System Plan;
57 deleting provisions relating to the development and
58 integration of freight mobility and trade corridor

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59 plans; amending s. 311.22, F.S.; conforming a cross-
60 reference; amending s. 316.003, F.S.; revising the
61 definition of the term "motor vehicle" for purposes of
62 the payment of tolls; amending s. 316.091, F.S.;
63 revising provisions relating to prohibitions against
64 operating a human-operated vehicle on a limited access
65 highway; authorizing the department and expressway
66 authorities to designate the use of shoulders of
67 limited access facilities and interstate highways for
68 vehicular traffic under certain conditions; requiring
69 the department to establish a pilot program to open
70 certain limited access highways and bridges to
71 bicycles and other human-powered vehicles; providing
72 requirements for the program; requiring a report;
73 amending s. 316.1001, F.S.; revising provisions
74 relating to mailing citations for failing to pay a
75 toll; amending s. 316.2122, F.S.; deleting a cross-
76 reference; amending s. 316.515, F.S.; revising
77 provisions related to the maximum allowed length of
78 straight truck-trailer combinations; revising
79 provisions relating to farm equipment; amending s.
80 318.12, F.S.; conforming provisions to changes made by
81 the act; amending s. 320.01, F.S.; revising the
82 definition of the term "low-speed vehicle"; amending
83 s. 320.20, F.S.; conforming provisions to changes made
84 by the act; amending s. 332.08, F.S.; authorizing a
85 municipality participating in the Federal Aviation
86 Administration's pilot program on the private
87 ownership of airports to lease or sell airport

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88 property to a private party; providing for department
89 approval under certain conditions; reordering and
90 amending s. 334.03, F.S.; revising definitions for
91 purposes of the Florida Transportation Code; amending
92 s. 334.044, F.S.; revising the powers and duties of
93 the department relating to jurisdictional
94 responsibility, the designation of facilities, and
95 highway landscaping, and adding a duty to develop
96 freight mobility and trade plans; amending s. 334.047,
97 F.S.; deleting a prohibition preventing the department
98 from establishing a maximum number of miles of urban
99 principal arterial roads; amending s. 335.02, F.S.;
100 revising references to conform to the incorporation of
101 the Florida Intrastate Highway System into the
102 Strategic Intermodal System; amending s. 335.074,
103 F.S.; requiring the governmental entity having
104 maintenance responsibility for a bridge to reduce the
105 maximum limits for the bridge in accordance with a
106 bridge inspection report and post such limits as
107 specified; requiring the governmental entity to
108 immediately close a bridge if recommended in the
109 report; amending s. 335.17, F.S., relating to highway
110 construction noise abatement; clarifying project
111 eligibility provisions governing noise abatement;
112 updating a reference to a federal regulation; amending
113 s. 336.021, F.S.; revising the date for levying
114 certain fuel taxes; amending s. 336.025, F.S.;
115 revising the date for levying certain fuel taxes;
116 specifying certain transportation program

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117 expenditures; amending s. 337.11, F.S.; revising the
118 department's advertising requirements for bids on
119 certain construction contracts; amending s. 337.111,
120 F.S.; providing additional forms of security for the
121 cost of removing or modifying monuments or memorials
122 at highway rest areas; amending s. 337.125, F.S.;
123 revising provisions relating to the submission of
124 information documenting that a subcontract is with a
125 disadvantaged business enterprise; repealing s.
126 337.137, F.S., relating to subcontract limitations by
127 socially and economically disadvantaged business
128 enterprises; amending s. 337.139, F.S.; updating a
129 reference to federal law as it relates to encouraging
130 the award of contracts to socially and economically
131 disadvantaged business enterprises; amending s.
132 337.14, F.S.; specifying when an application for
133 qualification to bid on a department contract is
134 timely; authorizing certain applicants to submit
135 reviewed annual or reviewed interim financial
136 statements prepared by a certified public accountant;
137 amending ss. 337.403 and 337.404, F.S.; clarifying
138 provisions relating to responsibility for the work and
139 costs for alleviating interference on a public road or
140 publicly owned rail corridor caused by a utility
141 facility; requiring the utility owner to initiate and
142 complete the work necessary within a certain time
143 period; requiring the local governmental authority to
144 bear the costs of work on a utility facility that was
145 initially installed to serve the governmental entity

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146 or its tenants; providing that the governmental entity
147 is not responsible for the costs of utility work
148 related to subsequent additions to the facility;
149 requiring that the local governmental authority bear
150 the costs of removing or relocating a utility facility
151 under certain circumstances; providing for notice to
152 the utility; revising provisions for payment of costs;
153 revising provisions for completion of work when the
154 utility owner does not perform the work; amending s.
155 337.408, F.S.; revising provisions for certain
156 facilities installed within the right-of-way limits of
157 a road; requiring counties and municipalities to
158 indemnify the department from certain claims relating
159 to the installation, removal, or relocation of a
160 noncompliant bench or shelter; authorizing the
161 department to remove or relocate a noncompliant
162 installation and charge the cost to the county or
163 municipality; removing a provision for the replacement
164 of an unusable transit bus bench that was in service
165 before a certain date; providing a directive to the
166 Division of Statutory Revision; repealing s. 338.001,
167 F.S., relating to the Florida Intrastate Highway
168 System Plan; amending s. 338.01, F.S.; clarifying
169 provisions governing the designation and function of
170 limited access facilities established by the
171 department; creating s. 338.151, F.S.; authorizing the
172 department to establish tolls on certain
173 transportation facilities to pay for the cost of such
174 project; amending s. 338.155, F.S.; authorizing the

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175 department to allow the use of certain toll facilities
176 by certain vehicles without paying the tolls under
177 certain circumstances; amending s. 338.161, F.S.;
178 authorizing the department to enter in agreements with
179 other entities for the use of the public or private
180 toll facilities under certain circumstances;
181 authorizing the department to modify its rules
182 regarding toll collection procedures and the
183 imposition of administrative charges for certain toll
184 facilities; amending s. 338.166, F.S.; removing a
185 location restriction on the issuing of bonds secured
186 by toll revenues; restricting the use of remaining
187 tolls revenues to the county or counties in which the
188 revenues were collected or to support express bus
189 service on the facility where the toll revenues were
190 collected; amending s. 338.221, F.S.; revising the
191 definition of the term "economically feasible" for
192 purposes of proposed turnpike projects; amending s.
193 338.223, F.S.; revising a provision relating to
194 department requests for legislative approval of
195 proposed turnpike projects; conforming a cross-
196 reference; amending s. 338.227, F.S.; replacing a
197 reference to the Florida Intrastate Highway System
198 Plan with a reference to the Strategic Intermodal
199 System Plan; amending ss. 338.2275 and 338.228, F.S.;
200 conforming cross-references; amending s. 338.231,
201 F.S.; authorizing the department to assess an
202 administrative fee as an account maintenance charge
203 for inactive prepaid toll accounts; amending s.

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204 338.234, F.S.; replacing a reference to the Florida
205 Intrastate Highway System with a reference to the
206 Strategic Intermodal System; amending s. 339.0805,
207 F.S.; revising provisions relating to the
208 certification of socially and economically
209 disadvantaged individuals; deleting provisions
210 requiring a periodic disparity study; deleting
211 obsolete provisions; revising the timeframe for
212 notifying the department of any change in ownership of
213 a qualifying individual or individuals; conforming
214 provisions to changes made by the act; updating
215 references to federal law; amending s. 339.155, F.S.;
216 providing a cross-reference to federally required
217 transportation planning factors; clarifying and
218 revising provisions relating to the Florida
219 Transportation Plan; deleting duplicative performance
220 reporting requirements; amending s. 339.175, F.S.;
221 revising provisions relating to the designation of
222 metropolitan planning organizations for urbanized
223 areas; revising provisions relating to representatives
224 of the department who serve as nonvoting advisers to
225 such organization; requiring metropolitan planning
226 organizations in urbanized areas containing more than
227 one organization to coordinate in the development of
228 regionally significant project priorities; amending s.
229 339.2819, F.S.; conforming cross-references; revising
230 the state matching funds requirement for the
231 Transportation Regional Incentive Program; requiring
232 projects funded under the program to be included in

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233 the department's work program; amending s. 339.285,
234 F.S.; conforming a cross-reference; amending s.
235 339.62, F.S.; replacing a reference to the Florida
236 Intrastate Highway System with a reference to highway
237 corridors; revising the facility component types;
238 amending s. 339.63, F.S.; adding military access
239 facilities to the types of facilities included in the
240 Strategic Intermodal System and the Emerging Strategic
241 Intermodal System; requiring that the Secretary of
242 Transportation designate certain planned facilities as
243 part of the Strategic Intermodal System; providing for
244 such facilities to receive a waiver of the
245 transportation concurrency requirements under certain
246 circumstances; amending s. 339.64, F.S.; deleting
247 provisions creating the Statewide Intermodal
248 Transportation Advisory Council; creating s. 339.65,
249 F.S.; requiring the department to plan and develop
250 Strategic Intermodal System highway corridors to aid
251 traffic movement; specifying components of the system;
252 requiring the department to follow specified policy
253 guidelines when developing the corridors; requiring
254 the department to develop a plan for corridor
255 projects; specifying an appropriation amount for
256 developing the corridor; requiring strategic highway
257 projects to be a part of the department's adopted work
258 program; amending s. 341.053, F.S.; replacing a
259 reference to the Florida Intrastate Highway System
260 with a reference to the Strategic Intermodal System;
261 amending s. 341.840, F.S., relating to tax exemptions

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262 in connection with the high-speed rail system;
263 references to the "enterprise"; amending s. 343.52,
264 F.S.; revising the definition of the term "area
265 served" for purposes of provisions for the South
266 Florida Regional Transportation Authority; revising a
267 provision for expansion of the area; amending s.
268 343.53, F.S.; revising the number of members of and
269 criteria for appointment to the board of the South
270 Florida Regional Transportation Authority; amending s.
271 343.54, F.S.; revising a provision authorizing the
272 authority to expand its service area; transferring
273 control of the Mid-Bay Bridge Authority system to the
274 Florida Turnpike Enterprise; transferring all assets,
275 rights, powers, duties, and bond liabilities of the
276 authority to the turnpike enterprise; transferring all
277 provisions that protect the rights of certain
278 bondholders from the authority to the turnpike
279 enterprise; providing for the turnpike enterprise to
280 annually transfer funds from the activities of the
281 transferred authority to the State Transportation
282 Trust Fund to repay certain long-term debt; requiring
283 that specific toll revenue be used for the
284 construction, maintenance, or improvement of certain
285 toll facilities of the turnpike enterprise; amending
286 s. 348.0003, F.S.; removing members of the governing
287 body of the Jacksonville Transportation Authority from
288 those entities required to comply with certain
289 constitutional financial disclosure requirements;
290 amending s. 348.0004, F.S.; removing provisions

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291 qualifying funding received by an authority from a
292 portion of the county gasoline tax funds; amending s.
293 348.0005, F.S.; providing criteria under which bonds
294 may be issued; providing an exception to the
295 application of certain bond requirements; creating s.
296 348.0013, F.S., relating to expressway authorities
297 created on or after a specified date; providing that
298 the department is the agent for the purpose of
299 performing all phases of constructing improvements to
300 and extensions of an expressway system; requiring that
301 the Division of Bond Finance and the authority provide
302 certain construction documents to the department;
303 providing for payment and the use of funds for the
304 construction; requiring that an authority identify an
305 expressway project in the authority's work plan and
306 submit the work plan along with its budget; requiring
307 that the work plan include certain information;
308 requiring that the department operate and maintain the
309 expressway system; requiring that the costs incurred
310 by the department be reimbursed from revenues of the
311 expressway system; providing that an expressway system
312 is part of the State Highway System; authorizing the
313 authority to collect tolls, fees, and other charges;
314 amending s. 348.52, F.S.; authorizing the Tampa-
315 Hillsborough County Expressway Authority to employ
316 certain personnel; amending s. 348.54, F.S.; providing
317 for the powers of the authority with respect to
318 certain lease-purchase agreements; amending s.
319 348.545, F.S.; conforming cross-references; amending

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320 s. 348.56, F.S.; restricting the authority's ability
321 to request the issuance of bonds; providing criteria
322 for refunding bonds; prohibiting the authority from
323 requesting the issuance of bonds having certain rights
324 against the department; providing criteria for bonds
325 issued on or after a certain date; amending s.
326 348.565, F.S.; conforming provisions; removing from
327 the list of approved projects for the Tampa-
328 Hillsborough County Expressway System the connector
329 highway linking Lee Roy Selmon Crosstown Expressway to
330 Interstate 4; amending s. 348.57, F.S., relating to
331 refunding bonds; conforming references and provisions;
332 amending s. 348.60, F.S.; providing that the Tampa-
333 Hillsborough County Expressway Authority is a party to
334 lease-purchase agreements between the department and
335 the authority which are dated on specified dates;
336 prohibiting the authority from entering into other
337 lease-purchase agreements or amending the lease-
338 purchase agreement unless the department determines an
339 agreement or amendment is necessary to permit
340 refunding of certain bonds; providing that the
341 expressway system remains the property of the
342 authority if the lease-purchase agreement terminates;
343 providing that the authority remains obligated to
344 reimburse the department if the agreement terminates;
345 requiring that the department operate and maintain the
346 system as the agent of the authority; creating s.
347 348.615, F.S.; providing that the department is the
348 agent of the authority for purposes of collecting

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349 tolls; authorizing the authority to establish tolls,
350 fees, and other charges; amending s. 348.753, F.S.;
351 authorizing the Orlando-Orange County Expressway
352 Authority to contract with the Division of Bond
353 Finance for certain financial services; amending s.
354 348.754, F.S.; providing that the transportation
355 authority is a party to specified lease-purchase
356 agreements between the department and the authority;
357 prohibiting the authority from entering into other
358 lease-purchase agreements or amending a specified
359 lease-purchase agreement; amending s. 348.7543, F.S.;
360 conforming a cross-reference and revising provisions
361 governing the issuance of bonds; amending ss. 348.7545
362 and 348.7547, F.S.; conforming cross-references;
363 amending s. 348.755, F.S.; restricting the authority's
364 ability to request the issuance of bonds; prohibiting
365 the authority from requesting the issuance of
366 refunding bonds under certain circumstances; providing
367 conditions for issuing certain bonds; amending s.
368 348.757, F.S.; limiting certain authorized lease-
369 purchase agreements; prohibiting the authority from
370 entering into or amending certain lease-purchase
371 agreements; providing for the termination of the
372 department's obligations under certain lease-purchase
373 agreements; creating s. 348.7585, F.S.; providing that
374 the department is the agent of the authority for
375 purposes of collecting tolls; authorizing the
376 authority to establish tolls, fees, and other charges;
377 conforming provisions; amending s. 348.9952, F.S.;

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378 removing provisions authorizing the Osceola County
379 Expressway Authority to employ a fiscal agent;
380 repealing s. 348.9956, F.S., relating to the
381 appointment of the department as the agent of the
382 authority for construction; creating s. 348.99565,
383 F.S.; providing that the department is the agent of
384 the authority for purposes of performing all phases of
385 constructing improvements and extensions to the
386 Orlando-Orange County Expressway System; requiring
387 that the Division of Bond Finance and the expressway
388 authority provide construction documents to the
389 department; providing for payment and use of funds for
390 the construction; providing guidelines that the
391 authority must follow if it proposes construction of
392 an expressway; authorizing the authority to collect
393 tolls, fees, and other charges; requiring the Florida
394 Transportation Commission to study the potential costs
395 savings of the department being the operating agent
396 for certain expressway authorities; amending s.
397 349.03, F.S.; requiring that members of the authority
398 file a statement of financial interest with the
399 Commission on Ethics as their mandatory financial
400 disclosure; amending s. 349.04, F.S.; authorizing the
401 Jacksonville Transportation Authority to conduct
402 public meetings and workshops by means of media
403 technology; amending s. 373.413, F.S.; providing
404 legislative intent regarding flexibility in permitting
405 stormwater management systems serving state
406 transportation projects; requiring the cost of

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407 stormwater treatment for a transportation project to
408 be balanced with benefits to the public; absolving the
409 department of responsibility for the abatement of
410 pollutants entering its stormwater facilities from
411 offsite sources and from updating permits for adjacent
412 lands impacted by right-of-way acquisition;
413 authorizing the water management districts and the
414 Department of Environmental Protection to adopt rules;
415 amending s. 373.4137, F.S.; revising mitigation
416 requirements for transportation projects to include
417 other mitigation options; providing for the release of
418 escrowed mitigation funds under certain circumstances;
419 clarifying responsibility for mitigation projects;
420 providing for the exclusion of projects from a
421 mitigation plan upon the election of one or more
422 agencies; amending s. 403.7211, F.S.; conforming
423 provisions to changes made by the act; repealing s.
424 479.28, F.S., relating to a rest area information or
425 device program within the department; prohibiting the
426 use of glass beads used for road markings which
427 contain a certain amount of inorganic arsenic;
428 providing penalties; authorizing the department to
429 seek Federal Highway Administration approval of a
430 tourist-oriented commerce sign pilot program and
431 submit the approved program for legislative approval;
432 providing for a review by the Pinellas Suncoast
433 Transit Authority and the Hillsborough Area Regional
434 Transit Authority to consider and identify
435 opportunities and greater efficiency and service

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436 improvements for increasing connectivity between each
437 authority; requiring a report to the Legislature;
438 requiring the Tampa Bay Area Regional Transportation
439 Authority to provide assistance; authorizing
440 governmental units that regulate the operation of
441 vehicles for public hire or other for-hire
442 transportation to request and receive criminal history
443 record information for the purpose of screening
444 applicants; requiring that the costs associated with
445 the transmittal and processing of such information be
446 borne by the governmental unit, the employer, or the
447 person who is the subject of the background check;
448 amending ss. 215.616, 288.063, 338.222, 341.8225,
449 479.01, 479.07, and 479.261, F.S., relating to
450 contracts for transportation projects, turnpike
451 projects, high-speed rail projects, outdoor
452 advertising, and the logo sign program, respectively;
453 deleting obsolete language; revising references to
454 conform to the incorporation of the Florida Intrastate
455 Highway System into the Strategic Intermodal System
456 and to changes made by the act; creating the Seminole
457 County Expressway Authority Law; providing
458 definitions; creating the Seminole County Expressway
459 Authority; prohibiting an entity or body or another
460 authority from exercising jurisdiction, control,
461 authority, or power over an expressway system in
462 Seminole County without the consent of the Seminole
463 County Expressway Authority; providing for membership
464 and terms of the governing body of the authority;

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465 providing for officers, a quorum, and reimbursement
466 for travel and per diem; authorizing staffing;
467 providing for certain reimbursement for authority
468 members; authorizing the authority to contract with
469 the Division of Bond Finance for financial services;
470 providing for the powers and duties of the authority;
471 providing for the assumption of duties and
472 responsibilities of the prior Seminole County
473 Expressway Authority for certain contracts and
474 agreements; prohibiting the authority from pledging
475 the credit or taxing power of the state; providing
476 that the authority does not need the consent of a
477 municipality for projects but must provide the
478 opportunity for public comment; providing for the
479 issuance of bonds; authorizing the State Board of
480 Administration to act as the fiscal agent of the
481 authority in the issuance of bonds; authorizing the
482 authority to enter into agreements to secure such
483 bonds; providing that the Department of Transportation
484 is the agent of authority for performing all phases of
485 a project and for operating the expressway system;
486 providing that the authority has the power to set and
487 collect all tolls and charges; authorizing the
488 authority to acquire land and properties, including
489 eminent domain; providing for the cooperation of other
490 entities to further the purposes of the act;
491 prohibiting the state from changing the terms of the
492 bonds; exempting the authority from certain taxes;
493 providing for the bond's eligibility for investments

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494 and security; providing for the extent of the powers
495 authorized by the act; amending s. 369.317, F.S.;
496 authorizing only the department to locate the corridor
497 and interchanges for the Wekiva Parkway; providing an
498 effective date.

499

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

501

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

504 20.23 Department of Transportation.—There is created a
505 Department of Transportation which shall be a decentralized
506 agency.

507 (5) (a) The operations of the department shall be organized
508 into seven districts, each headed by a district secretary, and a
509 turnpike enterprise and a rail enterprise, each enterprise
510 headed by an executive director. The district secretaries and
511 the executive directors must ~~shall~~ be registered professional
512 engineers in accordance with ~~the provisions of~~ chapter 471 or
513 the laws of another state or, in lieu of professional engineer
514 registration, a district secretary or executive director may
515 hold an advanced degree in an appropriate related discipline,
516 such as a Master of Business Administration. The headquarters of
517 the districts shall be located in Polk, Columbia, Washington,
518 Broward, Volusia, Miami-Dade, and Hillsborough Counties. The
519 headquarters of the turnpike enterprise shall be located in
520 Orange County. The headquarters of the rail enterprise shall be
521 located in Leon County. In order to provide for efficient
522 operations and to expedite the decisionmaking process, the

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523 department shall provide for maximum decentralization to the
524 districts.

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

529 Section 2. Paragraph (c) of subsection (4) of section
530 206.41, Florida Statutes, is amended to read:

531 206.41 State taxes imposed on motor fuel.—

532 (4)

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

538 2. As used in ~~For the purposes of~~ this paragraph, the term
539 "agricultural and aquacultural purposes" means motor fuel used
540 in any tractor, vehicle, or other farm equipment that ~~which~~ is
541 used exclusively on a farm or for processing farm products on
542 the farm, and no part of which fuel is used in any vehicle or
543 equipment driven or operated upon the public highways of this
544 state. This restriction does not apply to the movement of a farm
545 vehicle, ~~or farm equipment,~~ citrus harvesting equipment, or
546 citrus fruit loaders between farms. The transporting of bees by
547 water and the operating of equipment used in the apiary of a
548 beekeeper are ~~shall be~~ also deemed an agricultural purpose.

549 3. As used in ~~For the purposes of~~ this paragraph, the term
550 "commercial fishing and aquacultural purposes" means motor fuel
551 used in the operation of boats, vessels, or equipment used

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552 exclusively for the taking of fish, crayfish, oysters, shrimp,
553 or sponges from salt or fresh waters under the jurisdiction of
554 the state for resale to the public, and no part of which fuel is
555 used in any vehicle or equipment driven or operated upon the
556 highways of this state; however, the term does not ~~may in no way~~
557 ~~be construed to~~ include fuel used for sport or pleasure fishing.

558 4. As used in ~~For the purposes of~~ this paragraph, the term
559 "commercial aviation purposes" means motor fuel used in the
560 operation of aviation ground support vehicles or equipment, no
561 part of which fuel is used in any vehicle or equipment driven or
562 operated upon the public highways of this state.

563 Section 3. The Division of Statutory Revision is requested
564 to rename chapter 311, Florida Statutes, as "Seaport Facilities
565 and Programs."

566 Section 4. Section 311.07, Florida Statutes, is amended to
567 read:

568 311.07 Florida seaport transportation and economic
569 development funding.—

570 (1) There is created the Florida Seaport Transportation and
571 Economic Development (FSTED) Program within the Department of
572 Transportation to finance port transportation or port facilities
573 projects that will improve the movement and intermodal
574 transportation of cargo or passengers in commerce and trade and
575 ~~that will~~ support the interests, purposes, and requirements of
576 all ports listed in s. 311.09(1) located in this state.

577 (2) A minimum of \$15 ~~\$8~~ million per year shall be made
578 available from the State Transportation Trust Fund to fund the
579 FSTED Florida Seaport Transportation and Economic Development
580 Program. The Florida Seaport Transportation and Economic

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581 Development Council created in s. 311.09 shall develop
582 guidelines for the use of project funding. Council staff, the
583 Department of Transportation, and the Department of Economic
584 Opportunity shall work cooperatively to review projects and
585 allocate funds in accordance with the schedule for including
586 projects in the Department of Transportation's tentative work
587 program developed pursuant to s. 339.135(4).

588 (3) (a) FSTED Program funds shall be used to fund approved
589 projects on a 50-50 matching basis with a ~~any of the~~ deepwater
590 port ports, as listed in s. 311.09(1) ~~403.021(9)(b)~~, which is
591 governed by a public body or ~~any~~ other deepwater port ~~which is~~
592 governed by a public body and which comply ~~complies~~ with the
593 water quality provisions of s. 403.061, the comprehensive master
594 plan requirements of s. 163.3178(2)(k), and the local financial
595 management and reporting provisions of part III of chapter 218.
596 However, program funds used to fund projects that involve the
597 rehabilitation of wharves, docks, berths, bulkheads, or similar
598 structures ~~shall~~ require a 25-percent match of funds. Program
599 funds also may be used by the Seaport Transportation and
600 Economic Development Council for data and analysis to develop
601 ~~trade data information products which will~~ assist the state's
602 Florida's seaports and international trade.

603 (b) Projects eligible for funding by grants under the
604 program are limited to the following port facilities or port
605 transportation projects:

- 606 1. Transportation facilities within the jurisdiction of the
607 port.
- 608 2. The dredging or deepening of channels, turning basins,
609 or harbors.

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610 3. The construction or rehabilitation of wharves, docks,
611 structures, jetties, piers, storage facilities, cruise
612 terminals, automated people mover systems, or any facilities
613 necessary or useful in connection with any of the foregoing.

614 4. The acquisition of vessel tracking systems, container
615 cranes, or other mechanized equipment used in the movement of
616 cargo or passengers in international commerce.

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

618 6. The acquisition, improvement, enlargement, or extension
619 of existing port facilities.

620 7. Environmental protection projects that ~~which~~ are
621 necessary because of requirements imposed by a state agency as a
622 condition of a permit or other form of state approval; ~~which~~ are
623 necessary for environmental mitigation required as a condition
624 of a state, federal, or local environmental permit; ~~which~~ are
625 necessary for the acquisition of spoil disposal sites and
626 improvements to existing and future spoil sites; or ~~which~~ result
627 from the funding of eligible projects listed in this paragraph.

628 8. Transportation facilities as defined in s. 334.03~~(31)~~
629 which are not otherwise part of the Department of
630 Transportation's adopted work program.

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

633 10. Construction or rehabilitation of port facilities as
634 defined in s. 315.02, excluding any park or recreational
635 facilities, in ports listed in s. 311.09(1) which have ~~with~~
636 operating revenues of \$5 million or less, if ~~provided that~~ such
637 projects create economic development opportunities, capital
638 improvements, and positive financial returns to such ports.

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

641 (c) To be eligible for consideration by the council
642 pursuant to this section, a project must be consistent with the
643 port comprehensive master plan that ~~which~~ is incorporated as
644 part of the approved local government comprehensive plan ~~as~~
645 required by s. 163.3178(2)(k) or other provisions of the
646 Community Planning Act, part II of chapter 163.

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

651 (4)~~(5)~~ Any port that ~~which~~ receives funding under the
652 program must ~~shall~~ institute procedures to ensure that jobs
653 created as a result of the state funding are ~~shall be~~ subject to
654 equal opportunity hiring practices in the manner provided in s.
655 110.112.

656 (5)~~(6)~~ The Department of Transportation may ~~shall~~ subject
657 any project that receives funds pursuant to this section and s.
658 320.20 to a final audit. The department may adopt rules and
659 perform such other acts as are necessary or convenient to ensure
660 that the final audits are conducted and that any deficiency or
661 questioned costs noted by the audit are resolved.

662 Section 5. Subsection (1) and subsections (4) through (13)
663 of section 311.09, Florida Statutes, are amended to read:

664 311.09 Florida Seaport Transportation and Economic
665 Development Council.—

666 (1) The Florida Seaport Transportation and Economic
667 Development (FSTED) Council is created within the Department of

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668 Transportation. The council consists of the following 17 ~~18~~
669 members: the port director, or the port director's designee, of
670 each of the ports of Jacksonville, Port Canaveral, Port Citrus,
671 Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee,
672 St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key
673 West, and Fernandina; the Secretary of ~~the Department of~~
674 Transportation or his or her designee; and the executive
675 director of the Department of Economic Opportunity or his or her
676 designee.

677 (4) The council shall adopt rules for evaluating projects
678 that ~~which~~ may be funded under ss. 311.07 and 320.20. The rules
679 must ~~shall~~ provide criteria for evaluating the potential
680 project, including, but not limited to, consistency with
681 appropriate plans, economic benefit, readiness for construction,
682 noncompetition with other Florida ports, and capacity within the
683 seaport system ~~economic benefit of the project, measured by the~~
684 ~~potential for the proposed project to maintain or increase cargo~~
685 ~~flow, cruise passenger movement, international commerce, port~~
686 ~~revenues, and the number of jobs for the port's local community.~~

687 (5) The council shall review and approve or disapprove each
688 project eligible to be funded pursuant to the FSTED ~~Florida~~
689 ~~Seaport Transportation and Economic Development~~ Program. The
690 council shall annually submit to the Secretary of Transportation
691 and the executive director of the Department of Economic
692 Opportunity, or his or her designee, a list of projects that
693 ~~which~~ have been approved by the council. The list must ~~shall~~
694 specify the recommended funding level for each project; and, if
695 staged implementation of the project is appropriate, the funding
696 requirements for each stage must ~~shall~~ be specified.

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697 ~~(6) The Department of Community Affairs shall review the~~
698 ~~list of projects approved by the council to determine~~
699 ~~consistency with approved local government comprehensive plans~~
700 ~~of the units of local government in which the port is located~~
701 ~~and consistency with the port master plan. The Department of~~
702 ~~Community Affairs shall identify and notify the council of those~~
703 ~~projects which are not consistent, to the maximum extent~~
704 ~~feasible, with such comprehensive plans and port master plans.~~

705 (6)~~(7)~~ The Department of Transportation shall review the
706 list of project applications ~~projects~~ approved by the council
707 for consistency with the Florida Transportation Plan, the
708 Statewide Seaport and Waterways System Plan, and the
709 department's adopted work program. In evaluating the consistency
710 of a project, the department shall assess the transportation
711 impacts and economic benefits for each project ~~determine whether~~
712 ~~the transportation impact of the proposed project is adequately~~
713 ~~handled by existing state-owned transportation facilities or by~~
714 ~~the construction of additional state-owned transportation~~
715 ~~facilities as identified in the Florida Transportation Plan and~~
716 ~~the department's adopted work program. In reviewing for~~
717 ~~consistency a transportation facility project as defined in s.~~
718 ~~334.03(31) which is not otherwise part of the department's work~~
719 ~~program, the department shall evaluate whether the project is~~
720 ~~needed to provide for projected movement of cargo or passengers~~
721 ~~from the port to a state transportation facility or local road.~~
722 ~~If the project is needed to provide for projected movement of~~
723 ~~cargo or passengers, the project shall be approved for~~
724 ~~consistency as a consideration to facilitate the economic~~
725 ~~development and growth of the state in a timely manner. The~~

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726 Department of Transportation shall identify those projects that
727 ~~which~~ are inconsistent with the Florida Transportation Plan, the
728 Statewide Seaport and Waterways System Plan, or and the adopted
729 work program and ~~shall~~ notify the council of projects found to
730 be inconsistent.

731 (7)~~(8)~~ The Department of Economic Opportunity shall review
732 the list of project applications ~~projects~~ approved by the
733 council to evaluate the economic benefit of the project and to
734 determine whether the project is consistent with the Florida
735 Seaport Mission Plan and with state economic development goals
736 and policies. The Department of Economic Opportunity shall
737 evaluate the proposed project's consistency with state,
738 regional, and local plans, as appropriate, and ~~review~~ the
739 economic benefits of each project based upon the rules adopted
740 pursuant to subsection (4). The Department of Economic
741 Opportunity shall identify those projects that ~~which~~ it has
742 determined do not offer an economic benefit to the state, are
743 not consistent with an appropriate plan, or are not consistent
744 with the Florida Seaport Mission Plan or state economic
745 development goals and policies and ~~shall~~ notify the council of
746 its findings.

747 (8)~~(9)~~ The council shall review the findings of the
748 Department of Economic Opportunity and the Department of
749 Transportation. Projects found to be inconsistent under
750 subsection pursuant to subsections (6) or subsection~~7~~ (7), or
751 ~~and (8) and projects which have been determined not to offer an~~
752 economic benefit to the state, may pursuant to subsection ~~(8)~~
753 ~~shall~~ not be included in the list of projects to be funded.

754 (9)~~(10)~~ The Department of Transportation shall include at

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755 least \$15 million per year in its annual legislative budget
756 request for the FSTED ~~a Florida Seaport Transportation and~~
757 ~~Economic Development~~ grant program funded under s. 311.07 ~~for~~
758 ~~expenditure of funds of not less than \$8 million per year~~. Such
759 budget must ~~shall~~ include funding for projects approved by the
760 council which have been determined by each agency to be
761 consistent ~~and which have been determined by the Department of~~
762 ~~Economic Opportunity to be economically beneficial~~. The
763 department shall include the specific approved FSTED ~~seaport~~
764 projects to be funded under s. 311.07 ~~this section~~ during the
765 ensuing fiscal year in the tentative work program developed
766 pursuant to s. 339.135(4). The total amount of funding to be
767 allocated to FSTED ~~seaport~~ projects under s. 311.07 during the
768 successive 4 fiscal years must ~~shall~~ also be included in the
769 tentative work program developed pursuant to s. 339.135(4). The
770 council may submit to the department a list of approved projects
771 that could be made production-ready within the next 2 years. The
772 list shall be submitted by the department as part of the needs
773 and project list prepared pursuant to s. 339.135(2)(b). However,
774 the department shall, upon written request of the ~~Florida~~
775 ~~Seaport Transportation and Economic Development~~ council, submit
776 work program amendments pursuant to s. 339.135(7) to the
777 Governor within 10 days after the later of the date the request
778 is received by the department or the effective date of the
779 amendment, termination, or closure of the applicable funding
780 agreement between the department and the affected seaport, as
781 required to release the funds from the existing commitment.
782 Notwithstanding s. 339.135(7)(c), any work program amendment to
783 transfer prior year funds from one approved seaport project to

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784 another seaport project is subject to ~~the procedures in s.~~
785 339.135(7)(d). Notwithstanding any other provision of law ~~to the~~
786 ~~contrary~~, the department may transfer unexpended budget between
787 the seaport projects ~~as~~ identified in the approved work program
788 amendments.

789 (10)~~(11)~~ The council shall meet at the call of its
790 chairperson, at the request of a majority of its membership, or
791 at such times as may be prescribed in its bylaws. However, the
792 council must meet at least semiannually. A majority of voting
793 members of the council constitutes a quorum for the purpose of
794 transacting the business of the council. All members of the
795 council are voting members. A vote of the majority of the voting
796 members present is sufficient for any action of the council,
797 except that a member representing the Department of
798 Transportation or the Department of Economic Opportunity may
799 vote to overrule any action of the council approving a project
800 pursuant to subsection (5). The bylaws of the council may
801 require a greater vote for a particular action.

802 (11)~~(12)~~ Members of the council shall serve without
803 compensation but are entitled to ~~receive~~ reimbursement for per
804 diem and travel expenses as provided in s. 112.061. The council
805 may elect to provide ~~an~~ administrative staff to provide services
806 to the council on matters relating to the FSTED ~~Florida Seaport~~
807 ~~Transportation and Economic Development~~ Program and the council.
808 The cost for such administrative services shall be paid by all
809 ports that receive funding from the FSTED ~~Florida Seaport~~
810 ~~Transportation and Economic Development~~ Program, based upon a
811 pro rata formula measured by each recipient's share of the funds
812 ~~as~~ compared to the total funds disbursed to all recipients

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813 during the year. The share of costs for administrative services
814 shall be paid in its total amount by the recipient port upon
815 execution by the port and the Department of Transportation of a
816 joint participation agreement for each council-approved project,
817 and such payment is in addition to the matching funds required
818 to be paid by the recipient port. Except as otherwise exempted
819 by law, all moneys derived from the FSTED ~~Florida Seaport~~
820 ~~Transportation and Economic Development~~ Program shall be
821 expended in accordance with ~~the provisions of~~ s. 287.057.
822 Seaports subject to the competitive negotiation requirements of
823 a local governing body must ~~shall~~ abide by ~~the provisions of~~ s.
824 287.055.

825 (12) ~~(13)~~ Until July 1, 2014, Citrus County may apply for a
826 grant through the ~~Florida Seaport Transportation and Economic~~
827 ~~Development~~ council to perform a feasibility study regarding the
828 establishment of a port in Citrus County. The council shall
829 evaluate such application pursuant to subsections (5)-(8) ~~(5)-~~
830 ~~(9)~~ and, if approved, the Department of Transportation shall
831 include the feasibility study in its budget request pursuant to
832 subsection (9) ~~(10)~~. If the study determines that a port in
833 Citrus County is not feasible, the membership of Port Citrus on
834 the council shall terminate.

835 Section 6. Section 311.10, Florida Statutes, is created to
836 read:

837 311.10 Strategic Port Investment Initiative.-

838 (1) The Strategic Port Investment Initiative is created
839 within the Department of Transportation. Beginning in the 2012-
840 2013 fiscal year, a minimum of \$35 million per year shall be
841 made available from the State Transportation Trust Fund to fund

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842 the initiative. The Department of Transportation shall work with
843 the deepwater ports listed in s. 311.09 to develop and maintain
844 a priority list of strategic investment projects. Project
845 selection shall be based on projects that meet the state's
846 economic development goal of becoming a hub for trade,
847 logistics, and export-oriented activities by:

848 (a) Providing important access and major on-port capacity
849 improvements;

850 (b) Providing capital improvements to strategically
851 position the state to maximize opportunities in international
852 trade, logistics, or the cruise industry;

853 (c) Achieving the state goals of an integrated intermodal
854 transportation system; and

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

857 (2) Before making final project allocations, the Department
858 of Transportation shall schedule a publicly noticed workshop
859 with the Department of Economic Opportunity and the deepwater
860 ports listed in s. 311.09(1) to review the proposed projects.
861 After considering all comments received, the Department of
862 Transportation shall finalize a prioritized list of potential
863 projects.

864 (3) To the maximum extent feasible, the Department of
865 Transportation shall include the seaport projects proposed to be
866 funded under this section in the tentative work program
867 developed pursuant to s. 339.135(4).

868 Section 7. Section 311.101, Florida Statutes, is created to
869 read:

870 311.101 Intermodal Logistics Center Infrastructure Support

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871 Program.—The Intermodal Logistics Center Infrastructure Support
872 Program is created within the Department of Transportation. The
873 purpose of the program is to provide funds for roads, rail
874 facilities, or other means for conveying or shipping goods
875 through a seaport, thereby enabling the state to respond to
876 private sector market demands and meet the state's economic
877 development goal of becoming a hub for trade, logistics, and
878 export-oriented activities. The department may provide funds to
879 assist with local government projects or projects performed by
880 private entities which meet the public purpose of enhancing
881 transportation facilities that serve intermodal logistics
882 centers that facilitate the conveyance or shipment of goods
883 through a seaport to or from an intermodal logistics center.

884 (1) For the purposes of this section, "intermodal logistics
885 center," including, but not limited to, an "inland port," means
886 a facility or group of facilities serving as a point of
887 intermodal transfer of freight in a specific area physically
888 separated from a seaport where activities relating to transport,
889 logistics, goods distribution, consolidation, or value-added
890 activities are carried out and whose activities and services are
891 designed to support or be supported by conveyance or shipping
892 through one or more seaports, listed in s. 311.09.

893 (2) The department must consider, but is not limited to,
894 the following criteria when evaluating projects for Intermodal
895 Logistics Center Infrastructure Support Program assistance:

896 (a) The ability of the project to serve a strategic state
897 interest.

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

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

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

904 (e) A commitment of a funding match.

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

907 (g) The extent to which the owner has commitments,
908 including memorandums of understanding or memorandums of
909 agreements, with private sector businesses planning to locate
910 operations at the intermodal logistics center.

911 (h) A demonstration of local financial support and
912 commitment to the project.

913 (3) The department shall coordinate and consult with the
914 Department of Economic Opportunity in the selection of projects
915 to be funded by the program.

916 (4) The department may administer contracts on behalf of
917 the entity selected to receive funding for a project.

918 (5) The department may provide up to 50 percent of project
919 costs for eligible projects.

920 (6) Beginning in the 2012-2013 fiscal year, up to \$5
921 million per year shall be made available for the program from
922 the State Transportation Trust Fund. The department shall
923 include projects proposed to be funded under this section in the
924 tentative work program developed pursuant to s. 339.135(4).

925 (7) The department may adopt rules to administer this
926 section.

927 Section 8. Section 311.14, Florida Statutes, is amended to
928 read:

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929 311.14 Seaport planning.—

930 (1) The Department of Transportation, in coordination with
931 the ports listed in s. 311.09(1) and other partners, shall
932 develop a Statewide Seaport and Waterways System Plan. The plan
933 must be consistent with the goals of the Florida Transportation
934 Plan developed pursuant to s. 339.155 and must consider the
935 needs identified in individual port master plans, as well as
936 those from the seaport strategic plans required under this
937 section. The plan must identify 5-, 10-, and 20-year needs for
938 the seaport system and include seaport, waterway, road, and rail
939 projects that are needed to ensure the success of the
940 transportation system as a whole in supporting state economic
941 development goals.

942 ~~(1) The Florida Seaport Transportation and Economic~~
943 ~~Development Council, in cooperation with the Office of the State~~
944 ~~Public Transportation Administrator within the Department of~~
945 ~~Transportation, shall develop freight mobility and trade-~~
946 ~~corridor plans to assist in making freight-mobility investments~~
947 ~~that contribute to the economic growth of the state. Such plans~~
948 ~~should enhance the integration and connectivity of the~~
949 ~~transportation system across and between transportation modes~~
950 ~~throughout Florida for people and freight.~~

951 ~~(2) The Office of the State Public Transportation~~
952 ~~Administrator shall act to integrate freight-mobility and trade-~~
953 ~~corridor plans into the Florida Transportation Plan developed~~
954 ~~pursuant to s. 339.155 and into the plans and programs of~~
955 ~~metropolitan planning organizations as provided in s. 339.175.~~
956 ~~The office may also provide assistance in expediting the~~
957 ~~transportation permitting process relating to the construction~~

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958 ~~of seaport freight-mobility projects located outside the~~
959 ~~physical borders of seaports. The Department of Transportation~~
960 ~~may contract, as provided in s. 334.044, with any port listed in~~
961 ~~s. 311.09(1) or any such other statutorily authorized seaport~~
962 ~~entity to act as an agent in the construction of seaport~~
963 ~~freight-mobility projects.~~

964 (2)~~(3)~~ Each port shall develop a strategic plan that has
965 ~~with~~ a 10-year horizon. Each plan must include ~~the following:~~

966 (a) An economic development component that identifies
967 targeted business opportunities for increasing business and
968 attracting new business for which a particular facility has a
969 strategic advantage over its competitors, identifies financial
970 resources and other inducements to encourage growth of existing
971 business and acquisition of new business, and provides a
972 projected schedule for attainment of the plan's goals.

973 (b) An infrastructure development and improvement component
974 that identifies all projected infrastructure improvements within
975 the plan area which require improvement, expansion, or
976 development in order for a port to attain a strategic
977 competitive advantage over ~~for competition with~~ national and
978 international competitors.

979 (c) A component that identifies all intermodal
980 transportation facilities, including sea, air, rail, or road
981 facilities, which are available or have potential, with
982 improvements, to be available for necessary national and
983 international commercial linkages and provides a plan for the
984 integration of port, airport, and railroad activities with
985 existing and planned transportation infrastructure.

986 (d) A component that identifies physical, environmental,

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987 and regulatory barriers to the achievement of the plan's goals
988 and provides recommendations for overcoming those barriers.

989 (e) An intergovernmental coordination component that
990 specifies modes and methods to coordinate plan goals and
991 missions with the missions of the Department of Transportation,
992 other state agencies, and affected local, general-purpose
993 governments.

994

995 To the extent feasible, the port strategic plan must be
996 consistent with the local government comprehensive plans of the
997 units of local government in which the port is located.

998 (3) Upon approval of a plan by the port's board, the plan
999 shall be submitted to the Florida Seaport Transportation and
1000 Economic Development Council.

1001 ~~(4)~~ The Florida Seaport Transportation and Economic
1002 Development Council shall review the strategic plans submitted
1003 by each port and prioritize strategic needs for inclusion in the
1004 Florida Seaport Mission Plan prepared pursuant to s. 311.09(3).

1005 Section 9. Subsection (2) of section 311.22, Florida
1006 Statutes, is amended to read:

1007 311.22 Additional authorization for funding certain
1008 dredging projects.—

1009 (2) The council shall adopt rules for evaluating the
1010 projects that may be funded pursuant to this section. The rules
1011 must provide criteria for evaluating the economic benefit of the
1012 project. The rules must include the creation of an
1013 administrative review process by the council which is similar to
1014 the process described in s. 311.09(5)-(11) ~~311.09(5)-(12)~~, and
1015 provide for a review by the Department of Transportation and the

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1016 Department of Economic Opportunity of all projects submitted for
1017 funding under this section.

1018 Section 10. Subsection (21) of section 316.003, Florida
1019 Statutes, is amended to read:

1020 316.003 Definitions.—The following words and phrases, when
1021 used in this chapter, shall have the meanings respectively
1022 ascribed to them in this section, except where the context
1023 otherwise requires:

1024 (21) MOTOR VEHICLE.—Any self-propelled vehicle not operated
1025 upon rails or guideway, but not including any bicycle, motorized
1026 scooter, electric personal assistive mobility device, or moped.
1027 However, as used in s. 316.1001, the term "motor vehicle" has
1028 the same meaning as provided in s. 320.01.

1029 Section 11. Subsections (1) through (4) of section 316.091,
1030 Florida Statutes, are amended, present subsection (5) of that
1031 section is renumbered as subsection (7), and new subsections (5)
1032 and (6) are added to that section, to read:

1033 316.091 Limited access facilities; interstate highways; use
1034 restricted.—

1035 (1) A ~~No~~ person may not shall drive a vehicle onto or from
1036 any limited access roadway except at such entrances and exits as
1037 are established by public authority.

1038 (2) Except as provided herein, a ~~no~~ person may not shall
1039 operate upon a limited access facility a ~~any~~ bicycle, motor-
1040 driven cycle, animal-drawn vehicle, or any other vehicle that,
1041 ~~which~~ by its design or condition, is incompatible with the safe
1042 and expedient movement of traffic.

1043 (3) A ~~No~~ person may not shall ride an ~~any~~ animal on ~~upon~~
1044 any portion of a limited access facility.

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1045 (4) ~~A No~~ person may not shall operate a bicycle or other
1046 human-powered vehicle on the roadway or along the shoulder of a
1047 limited access highway, including bridges, unless official signs
1048 and a designated marked bicycle lane are present at the entrance
1049 of the section of highway indicating that such use is permitted
1050 pursuant to a pilot program of the Department of Transportation
1051 an interstate highway.

1052 (5) The Department of Transportation and expressway
1053 authorities may designate the use of shoulders of limited access
1054 facilities and interstate highways under their jurisdiction for
1055 vehicular traffic determined to improve safety, reliability, and
1056 transportation system efficiency. Appropriate traffic signs or
1057 dynamic lane control signals shall be erected along the affected
1058 portions of the facility or highway in order to give notice to
1059 the public of the action to be taken and to clearly indicate
1060 when the shoulder is open to designated vehicular traffic. Such
1061 designation is not allowed if it would violate any federal law
1062 or covenant established in a resolution or trust indenture
1063 relating to the issuance of turnpike bonds, expressway authority
1064 bonds, or other bonds.

1065 (6) The Department of Transportation shall establish a 2-
1066 year pilot program in three urban areas in which it shall erect
1067 signs and designate marked bicycle lanes indicating highway
1068 approaches and bridge segments of limited access highways as
1069 open to use by operators of bicycles and other human-powered
1070 vehicles, under the following conditions:

1071 (a) The limited access highway approaches and bridge
1072 segments chosen must cross a river, lake, bay, inlet, or surface
1073 water where no street or highway crossing the water body is

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1074 available for use within 2 miles of the entrance to the limited
1075 access facility as measured along the shortest public right-of-
1076 way.

1077 (b) The department, with the concurrence of the Federal
1078 Highway Administration if interstate facilities are involved,
1079 shall establish the three highway approaches and bridge segments
1080 for the pilot project by October 1, 2012. In selecting the
1081 highway approaches and bridge segments, the department shall
1082 consider, without limitation, the minimum acceptable population
1083 size in the urban area within 5 miles of the highway approach
1084 and bridge segment, the lack of bicycle access by other means,
1085 cost, safety, and operational impacts.

1086 (c) The department shall begin the pilot program by
1087 erecting signs and designating marked bicycle lanes indicating
1088 highway approaches and bridge segments of limited access
1089 highways, as qualified by the conditions described in this
1090 subsection, as open to use by operators of bicycles and other
1091 human-powered vehicles by March 1, 2013.

1092 (d) The department shall conduct the pilot program for a
1093 minimum of 2 years following the implementation date.

1094 (e) The department shall submit a report of its findings
1095 and recommendations from the pilot program to the Governor, the
1096 President of the Senate, and the Speaker of the House of
1097 Representatives by September 1, 2015. The report, at a minimum,
1098 must include data on bicycle crashes occurring in the designated
1099 segments of the pilot program, usage by operators of bicycles
1100 and other human-powered vehicles, enforcement issues,
1101 operational impacts, and the cost of the pilot program.

1102 Section 12. Paragraph (b) of subsection (2) of section

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1103 316.1001, Florida Statutes, is amended to read:

1104 316.1001 Payment of toll on toll facilities required;
1105 penalties.—

1106 (2)

1107 (b) A citation issued under this subsection must ~~may~~ be
1108 issued by mailing the citation by certified ~~first-class~~ mail,
1109 ~~return receipt requested~~, to the address of the registered owner
1110 of the motor vehicle involved in the violation. Delivery Receipt ~~Receipt~~
1111 of the citation constitutes notification. In the case of joint
1112 ownership of a motor vehicle, the traffic citation must be
1113 mailed to the first name appearing on the registration, unless
1114 the first name appearing on the registration is a business
1115 organization, in which case the second name appearing on the
1116 registration may be used. A citation issued under this paragraph
1117 must be mailed to the registered owner of the motor vehicle
1118 involved in the violation within 14 days after the date of
1119 issuance of the citation. In addition to the citation,
1120 notification must be sent to the registered owner of the motor
1121 vehicle involved in the violation specifying remedies available
1122 under ss. 318.14(12) and 318.18(7).

1123 Section 13. Section 316.2122, Florida Statutes, is amended
1124 to read:

1125 316.2122 Operation of a low-speed vehicle or mini truck on
1126 certain roadways.—~~The operation of~~ A low-speed vehicle as
1127 defined in s. 320.01(42) or a mini truck as defined in s.
1128 320.01(45) may operate on any road ~~as defined in s. 334.03(15)~~
1129 ~~or (33) is authorized~~ with the following restrictions:

1130 (1) A low-speed vehicle or mini truck may be operated only
1131 on streets where the posted speed limit is 35 miles per hour or

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1132 less. This does not prohibit a low-speed vehicle or mini truck
1133 from crossing a road or street at an intersection where the road
1134 or street has a posted speed limit of more than 35 miles per
1135 hour.

1136 (2) A low-speed vehicle must be equipped with headlamps,
1137 stop lamps, turn signal lamps, taillamps, reflex reflectors,
1138 parking brakes, rearview mirrors, windshields, seat belts, and
1139 vehicle identification numbers.

1140 (3) A low-speed vehicle or mini truck must be registered
1141 and insured in accordance with s. 320.02 and titled pursuant to
1142 chapter 319.

1143 (4) Any person operating a low-speed vehicle or mini truck
1144 must have ~~in his or her possession~~ a valid driver's license in
1145 his or her possession.

1146 (5) A county or municipality may prohibit the operation of
1147 low-speed vehicles or mini trucks on any road under its
1148 jurisdiction if the governing body of the county or municipality
1149 determines that such prohibition is necessary in the interest of
1150 safety.

1151 (6) The Department of Transportation may prohibit the
1152 operation of low-speed vehicles or mini trucks on any road under
1153 its jurisdiction if it determines that such prohibition is
1154 necessary in the interest of safety.

1155 Section 14. Paragraph (a) of subsection (3) and paragraphs
1156 (a) and (c) of subsection (5) of section 316.515, Florida
1157 Statutes, are amended to read:

1158 316.515 Maximum width, height, length.—

1159 (3) LENGTH LIMITATION.—Except as otherwise provided in this
1160 section, length limitations apply solely to a semitrailer or

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1161 trailer, and not to a truck tractor or to the overall length of
1162 a combination of vehicles. No combination of commercial motor
1163 vehicles coupled together and operating on the public roads may
1164 consist of more than one truck tractor and two trailing units.
1165 Unless otherwise specifically provided for in this section, a
1166 combination of vehicles not qualifying as commercial motor
1167 vehicles may consist of no more than two units coupled together;
1168 such nonqualifying combination of vehicles may not exceed a
1169 total length of 65 feet, inclusive of the load carried thereon,
1170 but exclusive of safety and energy conservation devices approved
1171 by the department for use on vehicles using public roads.
1172 Notwithstanding any other provision of this section, a truck
1173 tractor-semitrailer combination engaged in the transportation of
1174 automobiles or boats may transport motor vehicles or boats on
1175 part of the power unit; and, except as may otherwise be mandated
1176 under federal law, an automobile or boat transporter semitrailer
1177 may not exceed 50 feet in length, exclusive of the load;
1178 however, the load may extend up to an additional 6 feet beyond
1179 the rear of the trailer. The 50-foot length limitation does not
1180 apply to non-stinger-steered automobile or boat transporters
1181 that are 65 feet or less in overall length, exclusive of the
1182 load carried thereon, or to stinger-steered automobile or boat
1183 transporters that are 75 feet or less in overall length,
1184 exclusive of the load carried thereon. For purposes of this
1185 subsection, a "stinger-steered automobile or boat transporter"
1186 is an automobile or boat transporter configured as a semitrailer
1187 combination wherein the fifth wheel is located on a drop frame
1188 located behind and below the rearmost axle of the power unit.
1189 Notwithstanding paragraphs (a) and (b), any straight truck or

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1190 truck tractor-semitrailer combination engaged in the
 1191 transportation of horticultural trees may allow the load to
 1192 extend up to an additional 10 feet beyond the rear of the
 1193 vehicle, provided said trees are resting against a retaining bar
 1194 mounted above the truck bed so that the root balls of the trees
 1195 rest on the floor and to the front of the truck bed and the tops
 1196 of the trees extend up over and to the rear of the truck bed,
 1197 and provided the overhanging portion of the load is covered with
 1198 protective fabric.

1199 (a) *Straight trucks.*—~~A No~~ straight truck may not exceed a
 1200 length of 40 feet in extreme overall dimension, exclusive of
 1201 safety and energy conservation devices approved by the
 1202 department for use on vehicles using public roads. A straight
 1203 truck may tow no more than one trailer, and the overall length
 1204 of the truck-trailer combination may not exceed 68 feet ~~such~~
 1205 ~~trailer may not exceed a length of 28 feet. However, such~~
 1206 ~~trailer limitation does not apply if the overall length of the~~
 1207 ~~truck-trailer combination is 65 feet or less, including the load~~
 1208 thereon. Notwithstanding any other provisions of this section, a
 1209 truck-trailer combination engaged in the transportation of
 1210 boats, or boat trailers whose design dictates a front-to-rear
 1211 stacking method may ~~shall~~ not exceed the length limitations of
 1212 this paragraph exclusive of the load; however, the load may
 1213 extend up to an additional 6 feet beyond the rear of the
 1214 trailer.

1215 (5) IMPLEMENTS OF HUSBANDRY AND FARM EQUIPMENT;
 1216 AGRICULTURAL TRAILERS; FORESTRY EQUIPMENT; SAFETY REQUIREMENTS.—

1217 (a) Notwithstanding any other provisions of law, straight
 1218 trucks, agricultural tractors, citrus fruit loaders, citrus

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1219 harvesting equipment, and cotton module movers, not exceeding 50
1220 feet in length, or any combination of up to and including three
1221 implements of husbandry, including the towing power unit, and
1222 any single agricultural trailer that has ~~with~~ a load thereon or
1223 any agricultural implements attached to a towing power unit, or
1224 a self-propelled agricultural implement or an agricultural
1225 tractor, may transport ~~is authorized for the purpose of~~
1226 ~~transporting~~ peanuts, grains, soybeans, citrus, cotton, hay,
1227 straw, or other perishable farm products from their point of
1228 production to the first point of change of custody or of long-
1229 term storage, ~~and return for the purpose of returning~~ to such
1230 point of production, or move ~~for the purpose of moving~~ such
1231 tractors, movers, and implements from one point of agricultural
1232 production to another, by a person engaged in the production of
1233 any such product or custom hauler, if such vehicle or
1234 combination of vehicles otherwise complies with this section.
1235 The Department of Transportation may issue overlength permits
1236 for cotton module movers greater than 50 feet but not more than
1237 55 feet in overall length. Such vehicles must ~~shall~~ be operated
1238 in accordance with all safety requirements prescribed by law and
1239 rules of the Department of Transportation.

1240 (c) The width and height limitations of this section do not
1241 apply to farming or agricultural equipment, whether self-
1242 propelled, pulled, or hauled, if ~~when~~ temporarily operated
1243 during daylight hours upon a public road that is not a limited
1244 access facility as defined in s. 334.03(13), and the width and
1245 height limitations may be exceeded by such equipment without a
1246 permit. To be eligible for this exemption, the equipment must
1247 ~~shall~~ be operated within a radius of 50 miles of the real

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1248 property owned, rented, or leased by the equipment owner.
1249 However, equipment being delivered by a dealer to a purchaser is
1250 not subject to the 50-mile limitation. Farming or agricultural
1251 equipment greater than 174 inches in width must have one warning
1252 lamp mounted on each side of the equipment to denote the width
1253 and must have a slow-moving vehicle sign. Warning lamps required
1254 by this paragraph must be visible from the front and rear of the
1255 vehicle and must be visible from a distance of at least 1,000
1256 feet.

1257 Section 15. Section 318.12, Florida Statutes, is amended to
1258 read:

1259 318.12 Purpose.—~~It is the legislative intent~~ In the
1260 adoption of this chapter, it is the Legislature's intent to
1261 decriminalize certain violations of chapter 316, the Florida
1262 Uniform Traffic Control Law; chapter 320, Motor Vehicle
1263 Licenses; chapter 322, Drivers' Licenses; chapter 338, Limited
1264 Access Florida Intrastate Highway System and Toll Facilities;
1265 and chapter 1006, Support of Learning, thereby facilitating the
1266 implementation of a more uniform and expeditious system for the
1267 disposition of traffic infractions.

1268 Section 16. Subsection (42) of section 320.01, Florida
1269 Statutes, is amended to read:

1270 320.01 Definitions, general.—As used in the Florida
1271 Statutes, except as otherwise provided, the term:

1272 (42) "Low-speed vehicle" means any four-wheeled ~~electric~~
1273 vehicle whose top speed is greater than 20 miles per hour but
1274 not greater than 25 miles per hour, including, but not limited
1275 to, neighborhood electric vehicles. Low-speed vehicles must
1276 comply with the safety standards in 49 C.F.R. s. 571.500 and s.

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1277 316.2122.

1278 Section 17. Subsections (3) and (4) of section 320.20,
1279 Florida Statutes, are amended to read:

1280 320.20 Disposition of license tax moneys.—The revenue
1281 derived from the registration of motor vehicles, including any
1282 delinquent fees and excluding those revenues collected and
1283 distributed under the provisions of s. 320.081, must be
1284 distributed monthly, as collected, as follows:

1285 (3) Notwithstanding any other provision of law except
1286 subsections (1) and (2), ~~on July 1, 1996, and annually~~
1287 ~~thereafter~~, \$15 million shall be deposited annually into ~~in~~ the
1288 State Transportation Trust Fund solely for the purposes of
1289 funding the Florida Seaport Transportation and Economic
1290 Development Program as provided ~~for~~ in chapter 311. Such
1291 revenues shall be distributed on a 50-50 matching basis to any
1292 port listed in s. 311.09(1) to be used for funding projects as
1293 described in s. 311.07(3)(b). Such revenues may be assigned,
1294 pledged, or set aside as a trust for the payment of principal or
1295 interest on bonds, tax anticipation certificates, or any other
1296 form of indebtedness issued by an individual port or appropriate
1297 local government having jurisdiction thereof, or collectively by
1298 interlocal agreement among any of the ports, or used to purchase
1299 credit support to permit such borrowings. However, such debt is
1300 ~~shall not constitute~~ a general obligation of the state ~~of~~
1301 ~~Florida~~. The state covenants ~~does hereby covenant~~ with holders
1302 of such revenue bonds or other instruments of indebtedness
1303 issued ~~hereunder~~ that it will not repeal or impair or amend in
1304 any manner that ~~which~~ will materially and adversely affect the
1305 rights of such holders so long as bonds authorized by this

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1306 section are outstanding. Any revenues that ~~which~~ are not pledged
1307 to the repayment of bonds ~~as~~ authorized by this section may be
1308 used ~~utilized~~ for purposes authorized under the Florida Seaport
1309 Transportation and Economic Development Program. This revenue
1310 source is in addition to any amounts provided ~~for~~ and
1311 appropriated in accordance with s. 311.07. The Florida Seaport
1312 Transportation and Economic Development Council shall approve
1313 the distribution of funds to ports for projects that ~~which~~ have
1314 been approved pursuant to s. 311.09(5)-(8) ~~311.09(5)-(9)~~. The
1315 council and the Department of Transportation may ~~are authorized~~
1316 ~~to~~ perform ~~such~~ acts ~~as are~~ required to facilitate and implement
1317 the provisions of this subsection. To better enable the ports to
1318 cooperate to their mutual advantage, the governing body of each
1319 port may exercise powers provided to municipalities or counties
1320 in s. 163.01(7)(d) subject to ~~the provisions of~~ chapter 311 and
1321 special acts, if any, pertaining to a port. The use of funds
1322 provided pursuant to this subsection are limited to eligible
1323 projects listed in this subsection. Income derived from a
1324 project completed with the use of program funds, beyond
1325 operating costs and debt service, is ~~shall be~~ restricted solely
1326 to further port capital improvements consistent with maritime
1327 purposes ~~and for no other purpose~~. Use of such income for
1328 nonmaritime purposes is prohibited. ~~The provisions of s.~~
1329 ~~311.07(4) do not apply to any funds received pursuant to this~~
1330 ~~subsection~~. The revenues available under this subsection may
1331 ~~shall~~ not be pledged to the payment of any bonds other than the
1332 Florida Ports Financing Commission Series 1996 and Series 1999
1333 Bonds currently outstanding; ~~provided,~~ however, such revenues
1334 may be pledged to secure payment of refunding bonds to refinance

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1335 the Florida Ports Financing Commission Series 1996 and Series
1336 1999 Bonds. ~~No~~ Refunding bonds secured by revenues available
1337 under this subsection may not be issued with a final maturity
1338 later than the final maturity of the Florida Ports Financing
1339 Commission Series 1996 and Series 1999 Bonds or which provide
1340 for higher debt service in any year than is currently payable on
1341 such bonds. Any revenue bonds or other indebtedness issued after
1342 July 1, 2000, other than refunding bonds shall be issued by the
1343 Division of Bond Finance at the request of the Department of
1344 Transportation pursuant to the State Bond Act.

1345 (4) Notwithstanding any other provision of law except
1346 subsections (1), (2), and (3), ~~on July 1, 1999, and annually~~
1347 ~~thereafter~~, \$10 million shall be deposited annually into ~~in~~ the
1348 State Transportation Trust Fund solely for the purposes of
1349 funding the Florida Seaport Transportation and Economic
1350 Development Program as provided in chapter 311 and for funding
1351 seaport intermodal access projects of statewide significance as
1352 provided in s. 341.053. Such revenues shall be distributed to
1353 any port listed in s. 311.09(1), to be used for funding projects
1354 as follows:

1355 (a) For any seaport intermodal access projects that are
1356 identified in the 1997-1998 Tentative Work Program of the
1357 Department of Transportation, up to the amounts needed to offset
1358 the funding requirements of this section.

1359 (b) For seaport intermodal access projects as described in
1360 s. 341.053(5) which ~~that~~ are identified in the 5-year Florida
1361 Seaport Mission Plan as provided in s. 311.09(3). Funding for
1362 such projects shall be on a matching basis as mutually
1363 determined by the Florida Seaport Transportation and Economic

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1364 Development Council and the Department of Transportation if,
1365 ~~provided~~ a minimum of 25 percent of total project funds ~~shall~~
1366 come from any port funds, local funds, private funds, or
1367 specifically earmarked federal funds.

1368 (c) On a 50-50 matching basis for projects as described in
1369 s. 311.07(3)(b).

1370 (d) For seaport intermodal access projects that involve the
1371 dredging or deepening of channels, turning basins, or harbors;
1372 or the rehabilitation of wharves, docks, or similar structures.
1373 Funding for such projects requires ~~shall require~~ a 25 percent
1374 match of the funds received pursuant to this subsection.
1375 Matching funds must ~~shall~~ come from any port funds, federal
1376 funds, local funds, or private funds.

1377
1378 Such revenues may be assigned, pledged, or set aside as a trust
1379 for the payment of principal or interest on bonds, tax
1380 anticipation certificates, or ~~any~~ other form of indebtedness
1381 issued by an individual port or appropriate local government
1382 having jurisdiction thereof, or collectively by interlocal
1383 agreement among any of the ports, or used to purchase credit
1384 support to permit such borrowings. However, such debt is ~~shall~~
1385 not ~~constitute~~ a general obligation of the state. This state
1386 covenants ~~does hereby covenant~~ with holders of such revenue
1387 bonds or other instruments of indebtedness issued hereunder that
1388 it will not repeal or impair or amend this subsection in any
1389 manner that ~~which~~ will materially and adversely affect the
1390 rights of holders so long as bonds authorized by this subsection
1391 are outstanding. Any revenues that are not pledged to the
1392 repayment of bonds as authorized by this section may be used

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1393 utilized for purposes authorized under the Florida Seaport
1394 Transportation and Economic Development Program. This revenue
1395 source is in addition to any amounts provided for and
1396 appropriated in accordance with s. 311.07 and subsection (3).
1397 The Florida Seaport Transportation and Economic Development
1398 Council shall approve distribution of funds to ports for
1399 projects that have been approved pursuant to s. 311.09(5)-(8)
1400 ~~311.09(5)-(9)~~, or for seaport intermodal access projects
1401 identified in the 5-year Florida Seaport Mission Plan as
1402 provided in s. 311.09(3) and mutually agreed upon by the FSTED
1403 Council and the Department of Transportation. All contracts for
1404 actual construction of projects authorized by this subsection
1405 must include a provision encouraging employment of participants
1406 in the welfare transition program. The goal for such employment
1407 ~~of participants in the welfare transition program~~ is 25 percent
1408 of all new employees employed specifically for the project,
1409 unless the Department of Transportation and the Florida Seaport
1410 Transportation and Economic Development Council demonstrate that
1411 such a requirement would severely hamper the successful
1412 completion of the project. In such an instance, Workforce
1413 Florida, Inc., shall establish an appropriate percentage of
1414 employees who are ~~that must be~~ participants in the welfare
1415 transition program. The council and the Department of
1416 Transportation may ~~are authorized to~~ perform such acts as are
1417 required to facilitate and implement the provisions of this
1418 subsection. To better enable the ports to cooperate to their
1419 mutual advantage, the governing body of each port may exercise
1420 powers provided to municipalities or counties in s. 163.01(7)(d)
1421 subject to the provisions of chapter 311 and special acts, if

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1422 any, pertaining to a port. The use of funds provided pursuant to
1423 this subsection is limited to eligible projects listed in this
1424 subsection. ~~The provisions of s. 311.07(4) do not apply to any~~
1425 ~~funds received pursuant to this subsection.~~ The revenues
1426 available under this subsection may ~~shall~~ not be pledged to the
1427 payment of any bonds other than the Florida Ports Financing
1428 Commission Series 1996 and Series 1999 Bonds currently
1429 outstanding; ~~provided,~~ however, such revenues may be pledged to
1430 secure payment of refunding bonds to refinance the Florida Ports
1431 Financing Commission Series 1996 and Series 1999 Bonds. ~~No~~
1432 Refunding bonds secured by revenues available under this
1433 subsection may not be issued with a final maturity later than
1434 the final maturity of the Florida Ports Financing Commission
1435 Series 1996 and Series 1999 Bonds or which provide for higher
1436 debt service in any year than is currently payable on such
1437 bonds. Any revenue bonds or other indebtedness issued after July
1438 1, 2000, other than refunding bonds shall be issued by the
1439 Division of Bond Finance at the request of the Department of
1440 Transportation pursuant to the State Bond Act.

1441 Section 18. Subsection (6) is added to section 332.08,
1442 Florida Statutes, to read:

1443 332.08 Additional powers.—In addition to the general powers
1444 in ss. 332.01-332.12 conferred and without limitation thereof, a
1445 municipality which has established or may hereafter establish
1446 airports, restricted landing areas, or other air navigation
1447 facilities, or which has acquired or set apart or may hereafter
1448 acquire or set apart real property for such purposes, is hereby
1449 authorized:

1450 (6) Notwithstanding the provisions of this section, and if

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1451 participating in the Federal Aviation Administration's pilot
1452 program on the private ownership of airports pursuant to 49
1453 U.S.C. s. 47134, to lease or sell an airport or other air
1454 navigation facility or real property, together with improvements
1455 and equipment, acquired or set apart for airport purposes to a
1456 private party under the terms and conditions negotiated by the
1457 municipality. If state funds were provided to the municipality
1458 pursuant to s. 332.007, the municipality must obtain the
1459 Department of Transportation's approval of the agreement. The
1460 department may approve the agreement if it determines that the
1461 state's investment has been adequately considered and protected
1462 in accordance with the applicable conditions specified in 49
1463 U.S.C. s. 47134.

1464 Section 19. Subsections (10), (12), (25), and (38) of
1465 section 334.03, Florida Statutes, are reordered and amended to
1466 read:

1467 334.03 Definitions.—When used in the Florida Transportation
1468 Code, the term:

1469 ~~(10) "Florida Intrastate Highway System" means a system of~~
1470 ~~limited access and controlled access facilities on the State~~
1471 ~~Highway System which have the capacity to provide high-speed and~~
1472 ~~high-volume traffic movements in an efficient and safe manner.~~

1473 (10)(11) "Functional classification" means the assignment
1474 of roads into systems according to the character of service they
1475 provide in relation to the total road network using procedures
1476 developed by the Federal Highway Administration. Basic
1477 functional categories include arterial roads, collector roads,
1478 and local roads which may be subdivided into principal, major,
1479 or minor levels. Those levels may be additionally divided into

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1480 ~~rural and urban categories.~~

1481 ~~(11)-(12)~~ "Governmental entity" means a unit of government,
 1482 or an ~~any~~ officially designated public agency or authority of a
 1483 unit of government, which ~~that~~ has ~~the~~ responsibility for
 1484 planning, construction, operation, or maintenance or
 1485 jurisdiction over transportation facilities. ~~‡~~ The term includes
 1486 the Federal Government, the state government, a county, an
 1487 incorporated municipality, a metropolitan planning organization,
 1488 an expressway or transportation authority, a road and bridge
 1489 district, a special road and bridge district, and a regional
 1490 governmental unit.

1491 (25) "State Highway System" means ~~the following, which~~
 1492 ~~shall be facilities to which access is regulated:~~

1493 ~~(a)~~ the interstate system and all other roads within the
 1494 state which were under the jurisdiction of the state on June 10,
 1495 1995, and roads constructed by an agency of the state for the
 1496 State Highway System, plus roads transferred to the state's
 1497 jurisdiction after that date by mutual consent with another
 1498 governmental entity. Roads transferred from the state's
 1499 jurisdiction are not included. Access to State Highway System
 1500 facilities shall be regulated;

1501 ~~(b) All rural arterial routes and their extensions into and~~
 1502 ~~through urban areas;~~

1503 ~~(c) All urban principal arterial routes; and~~

1504 ~~(d) The urban minor arterial mileage on the existing State~~
 1505 ~~Highway System as of July 1, 1987, plus additional mileage to~~
 1506 ~~comply with the 2-percent requirement as described below.~~

1507
 1508 ~~However, not less than 2 percent of the public road mileage of~~

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1509 ~~each urbanized area on record as of June 30, 1986, shall be~~
1510 ~~included as minor arterials in the State Highway System.~~
1511 ~~Urbanized areas not meeting the foregoing minimum requirement~~
1512 ~~shall have transferred to the State Highway System additional~~
1513 ~~minor arterials of the highest significance in which case the~~
1514 ~~total minor arterials in the State Highway System from any~~
1515 ~~urbanized area shall not exceed 2.5 percent of that area's total~~
1516 ~~public urban road mileage.~~

1517 (12) ~~(38)~~ "Interactive voice response" means a software
1518 application that accepts a combination of voice telephone input
1519 and touch-tone keypad selection and provides appropriate
1520 responses in the form of voice, fax, callback, e-mail, and other
1521 media.

1522 Section 20. Subsections (11), (13), and (26) of section
1523 334.044, Florida Statutes, are amended, and subsection (33) is
1524 added to that section, to read:

1525 334.044 Department; powers and duties.—The department shall
1526 have the following general powers and duties:

1527 (11) To establish a numbering system for public roads and
1528 ~~to functionally classify such roads, and to assign~~
1529 ~~jurisdictional responsibility.~~

1530 (13) To ~~designate existing and to plan proposed~~
1531 ~~transportation facilities as part of the State Highway System,~~
1532 ~~and to construct, maintain, and operate such facilities.~~

1533 (26) To provide for the enhancement of environmental
1534 benefits, including air and water quality; to prevent roadside
1535 erosion; to conserve the natural roadside growth and scenery;
1536 and to provide for the implementation and maintenance of
1537 roadside conservation, enhancement, and stabilization programs.

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1538 No less than 1.5 percent of the amount contracted for
1539 construction projects that add capacity or provide significant
1540 enhancements to the existing system shall be allocated by the
1541 department for the purchase of plant materials. Department
1542 districts may not expend funds for landscaping in connection
1543 with any project that is limited to resurfacing existing lanes
1544 unless such expenditure has been approved by the department's
1545 secretary or designee. ~~with~~ To the greatest extent practical,
1546 a minimum of 50 percent of the these funds allocated under this
1547 subsection shall be allocated for large plant materials and the
1548 remaining funds for other plant materials. All ~~such~~ plant
1549 materials shall be purchased from Florida commercial nursery
1550 stock in this state on a uniform competitive bid basis. The
1551 department shall ~~will~~ develop grades and standards for
1552 landscaping materials purchased through this process. To
1553 accomplish these activities, the department may contract with
1554 nonprofit organizations having the primary purpose of developing
1555 youth employment opportunities.

1556 (33) To develop, in coordination with its partners and
1557 stakeholders, a Freight Mobility and Trade Plan to assist in
1558 making freight mobility investments that contribute to the
1559 economic growth of the state. Such plan should enhance the
1560 integration and connectivity of the transportation system across
1561 and between transportation modes throughout the state. The
1562 department shall deliver the Freight Mobility and Trade Plan to
1563 the Governor and Legislature by July 1, 2013. Freight issues and
1564 needs shall also be given emphasis in all appropriate
1565 transportation plans, including the Florida Transportation Plan
1566 and the Strategic Intermodal System Plan.

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1567 Section 21. Section 334.047, Florida Statutes, is amended
1568 to read:

1569 334.047 Prohibition.—Notwithstanding any other provision of
1570 law ~~to the contrary~~, the Department of Transportation may not
1571 establish a cap on the number of miles in the State Highway
1572 System ~~or a maximum number of miles of urban principal arterial~~
1573 ~~roads, as defined in s. 334.03, within a district or county.~~

1574 Section 22. Subsection (3) of section 335.02, Florida
1575 Statutes, is amended to read:

1576 335.02 Authority to designate transportation facilities and
1577 rights-of-way and establish lanes; procedure for redesignation
1578 and relocation; application of local regulations.—

1579 (3) The department may establish standards for lanes on the
1580 State Highway System, including the Strategic Intermodal System
1581 highway corridors ~~Florida Intrastate Highway System~~ established
1582 pursuant to s. 339.65 ~~338.001~~. In determining the number of
1583 lanes for any regional corridor or section of highway on the
1584 State Highway System to be funded by the department with state
1585 or federal funds, the department shall evaluate all alternatives
1586 and seek to achieve the highest degree of efficient mobility for
1587 corridor users. In conducting the analysis, the department must
1588 give consideration to the following factors consistent with
1589 sound engineering principles:

1590 (a) Overall economic importance of the corridor as a trade
1591 or tourism corridor.

1592 (b) Safety of corridor users, including the importance of
1593 the corridor for evacuation purposes.

1594 (c) Cost-effectiveness of alternative methods of increasing
1595 the mobility of corridor users.

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- 1596 (d) Current and projected traffic volumes on the corridor.
1597 (e) Multimodal alternatives.
1598 (f) Use of intelligent transportation technology in
1599 increasing the efficiency of the corridor.
1600 (g) Compliance with state and federal policies related to
1601 clean air, environmental impacts, growth management, livable
1602 communities, and energy conservation.
1603 (h) Addition of special use lanes, such as exclusive truck
1604 lanes, high-occupancy-vehicle toll lanes, and exclusive
1605 interregional traffic lanes.
1606 (i) Availability and cost of rights-of-way, including
1607 associated costs, and the most effective use of existing rights-
1608 of-way.
1609 (j) Regional economic and transportation objectives, if
1610 ~~where~~ articulated.
1611 (k) The future land use plan element of local government
1612 comprehensive plans, as appropriate, including designated urban
1613 infill and redevelopment areas.
1614 (l) The traffic circulation element, if applicable, of
1615 local government comprehensive plans, including designated
1616 transportation corridors and public transportation corridors.
1617 (m) The approved metropolitan planning organization's long-
1618 range transportation plan, as appropriate.

1619
1620 This subsection does not preclude more than ~~a number of lanes in~~
1621 ~~excess of~~ 10 lanes, but in such case ~~an additional factor that~~
1622 ~~must be considered before~~ the department must consider ~~may~~
1623 ~~determine that the number of lanes should be more than 10 is the~~
1624 future capacity to accommodate ~~in the future~~ alternative forms

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1625 of transportation within existing or potential rights-of-way.

1626 Section 23. Subsection (5) is added to section 335.074,
1627 Florida Statutes, to read:

1628 335.074 Safety inspection of bridges.-

1629 (5) Upon receipt of an inspection report that recommends
1630 limiting the weight, size, or speed limit on a bridge, the
1631 governmental entity having maintenance responsibility for the
1632 bridge must reduce the maximum limits in accordance with the
1633 inspection report and post the limits in accordance with s.
1634 316.555. Within 30 days after receipt of an inspection report
1635 recommending lower limits, the governmental entity must notify
1636 the department that the limitations have been implemented and
1637 posted accordingly. If the required actions are not taken within
1638 the 30 days, the department shall post the limits on the bridge
1639 in accordance with the recommendations in the report. All costs
1640 incurred by the department in connection with providing notice
1641 of the bridge's limitations or restrictions shall be assessed
1642 against and collected from the governmental entity having
1643 maintenance responsibility for the bridge. If an inspection
1644 report recommends closure of a bridge, the bridge must be
1645 immediately closed. If the governmental entity does not
1646 immediately close the bridge, the department shall close the
1647 bridge. All costs incurred by the department in connection with
1648 the bridge closure shall be assessed against and collected from
1649 the governmental entity having maintenance responsibility for
1650 the bridge. Nothing herein shall be construed as altering
1651 existing jurisdictional responsibilities for the operation and
1652 maintenance of bridges.

1653 Section 24. Subsections (1) and (2) of section 335.17,

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1654 Florida Statutes, are amended to read:

1655 335.17 State highway construction; means of noise
1656 abatement.—

1657 (1) The department shall make use of noise-control methods
1658 as part of highway construction projects that involve new
1659 location or capacity expansion ~~in the construction of all new~~
1660 ~~state highways~~, with particular emphasis on those highways
1661 located in or near urban-residential developments that ~~which~~
1662 abut the ~~such~~ highway rights-of-way.

1663 (2) All highway projects by the department, regardless of
1664 funding source, shall be developed in conformity with federal
1665 standards for noise abatement as contained in 23 C.F.R. 772 as
1666 such regulations existed on July 13, 2011 ~~March 1, 1989~~. ~~The~~
1667 ~~department shall~~, At a minimum, the department must comply with
1668 federal requirements in the following areas:

1669 (a) Analysis of traffic noise impacts and abatement
1670 measures;

1671 (b) Noise abatement;

1672 (c) Information for local officials;

1673 (d) Traffic noise prediction; and

1674 (e) Construction noise.

1675 Section 25. Subsection (5) of section 336.021, Florida
1676 Statutes, is amended to read:

1677 336.021 County transportation system; levy of ninth-cent
1678 fuel tax on motor fuel and diesel fuel.—

1679 (5) All impositions of the tax shall be levied before
1680 October July 1 of each year to be effective January 1 of the
1681 following year. However, levies of the tax which were in effect
1682 on July 1, 2002, and which expire on August 31 of any year may

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1683 be reimposed at the current authorized rate to be effective
1684 September 1 of the year of expiration. All impositions must
1685 ~~shall be required to~~ end on December 31 of a year. A decision to
1686 rescind the tax may ~~shall~~ not take effect on any date other than
1687 December 31 and requires ~~shall require~~ a minimum of 60 days'
1688 notice to the department of such decision.

1689 Section 26. Paragraphs (a) and (b) of subsection (1),
1690 paragraph (a) of subsection (5), and paragraphs (d) and (e) of
1691 subsection (7) of section 336.025, Florida Statutes, are amended
1692 to read:

1693 336.025 County transportation system; levy of local option
1694 fuel tax on motor fuel and diesel fuel.—

1695 (1) (a) In addition to other taxes allowed by law, and there
1696 ~~may be levied~~ as provided in ss. 206.41(1)(e) and 206.87(1)(c),
1697 a 1-cent, 2-cent, 3-cent, 4-cent, 5-cent, or 6-cent local option
1698 fuel tax may be levied upon every gallon of motor fuel and
1699 diesel fuel sold in a county and taxed under ~~the provisions of~~
1700 part I or part II of chapter 206.

1701 1. All impositions and rate changes of the tax must ~~shall~~
1702 be levied before October ~~July~~ 1 to be effective January 1 of the
1703 following year for up to ~~a period not to exceed~~ 30 years, and
1704 the applicable method of distribution shall be established
1705 pursuant to subsection (3) or subsection (4). However, levies of
1706 the tax which were in effect on July 1, 2002, and which expire
1707 on August 31 of any year may be reimposed at the current
1708 authorized rate effective September 1 of the year of expiration.
1709 Upon expiration, the tax may be releived if ~~provided that~~ a
1710 redetermination of the method of distribution is made as
1711 provided in this section.

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1712 2. County and municipal governments shall use ~~utilize~~
1713 moneys received pursuant to this paragraph only for
1714 transportation expenditures.

1715 3. Any tax levied pursuant to this paragraph may be
1716 extended upon ~~on~~ a majority vote of the governing body of the
1717 county. A redetermination of the method of distribution shall be
1718 established pursuant to subsection (3) or subsection (4), if,
1719 after July 1, 1986, the tax is extended or the tax rate changed,
1720 for the period of extension or for the additional tax.

1721 (b) In addition to other taxes allowed by law, and there
1722 ~~may be levied~~ as provided in s. 206.41(1)(e), a 1-cent, 2-cent,
1723 3-cent, 4-cent, or 5-cent local option fuel tax may be levied
1724 upon every gallon of motor fuel sold in a county and taxed under
1725 ~~the provisions of~~ part I of chapter 206. The tax shall be levied
1726 by an ordinance adopted by a majority plus one vote of the
1727 membership of the governing body of the county or by referendum.

1728 1. All impositions and rate changes of the tax must ~~shall~~
1729 be levied before October ~~July~~ 1, to be effective January 1 of
1730 the following year. However, levies of the tax which were in
1731 effect on July 1, 2002, and which expire on August 31 of any
1732 year may be reimposed at the current authorized rate effective
1733 September 1 of the year of expiration.

1734 2. Before ~~the county may, prior to~~ levy of the tax, the
1735 county may establish by interlocal agreement with one or more
1736 municipalities which represent ~~located therein, representing~~ a
1737 majority of the population of the incorporated area within the
1738 county, a distribution formula for dividing the entire proceeds
1739 of the tax among county government and all eligible
1740 municipalities within the county. If an ~~no~~ interlocal agreement

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1741 is not adopted before the effective date of the tax, tax
1742 revenues shall be distributed pursuant to ~~the provisions of~~
1743 subsection (4). If there is no interlocal agreement ~~exists~~, a
1744 new interlocal agreement may be established before ~~prior to~~ June
1745 1 of any year pursuant to this subparagraph. However, an ~~any~~
1746 interlocal agreement agreed to under this subparagraph after the
1747 initial levy of the tax or change in the tax rate authorized in
1748 this section may not ~~shall under no circumstances~~ materially or
1749 adversely affect the rights of holders of outstanding bonds that
1750 ~~which~~ are backed by taxes authorized by this paragraph, and the
1751 amounts distributed to the county government and each
1752 municipality may ~~shall~~ not be reduced below the amount necessary
1753 for the payment of principal and interest and reserves for
1754 principal and interest as required under the covenants of any
1755 bond resolution outstanding on the date of establishment of the
1756 new interlocal agreement.

1757 3. County and municipal governments shall use moneys
1758 received pursuant to this paragraph for transportation
1759 expenditures needed to meet the requirements of the capital
1760 improvements element of an adopted comprehensive plan or for
1761 expenditures needed to meet immediate local transportation
1762 problems and ~~for~~ other transportation-related expenditures that
1763 are critical for building comprehensive roadway networks by
1764 local governments. For purposes of this paragraph, expenditures
1765 for the construction of new roads, the reconstruction or
1766 resurfacing of existing paved roads, or the paving of existing
1767 graded roads shall be deemed to increase capacity and such
1768 projects shall be included in the capital improvements element
1769 of an adopted comprehensive plan. Expenditures for purposes of

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1770 this paragraph do ~~shall~~ not include routine maintenance of
1771 roads.

1772 (5) (a) By October ~~July~~ 1 of each year, the county shall
1773 notify the Department of Revenue of the rate of the taxes levied
1774 pursuant to paragraphs (1) (a) and (b), and of its decision to
1775 rescind or change the rate of a tax, if applicable, and shall
1776 provide the department with a certified copy of the interlocal
1777 agreement established under subparagraph (1) (b)2. or
1778 subparagraph (3) (a)1. with distribution proportions established
1779 by such agreement or pursuant to subsection (4), if applicable.
1780 A decision to rescind a tax may ~~shall~~ not take effect on any
1781 date other than December 31 and requires ~~shall require~~ a minimum
1782 of 60 days' notice to the Department of Revenue of such
1783 decision.

1784 (7) For the purposes of this section, "transportation
1785 expenditures" means expenditures by the local government from
1786 local or state shared revenue sources, excluding expenditures of
1787 bond proceeds, for the following programs:

1788 (d) Street lighting installation, operation, maintenance,
1789 and repair.

1790 (e) Traffic signs, traffic engineering, signalization, ~~and~~
1791 pavement markings, installation, operation, maintenance, and
1792 repair.

1793 Section 27. Subsection (4) of section 337.111, Florida
1794 Statutes, is amended to read:

1795 337.111 Contracting for monuments and memorials to military
1796 veterans at rest areas.—The Department of Transportation is
1797 authorized to enter into contract with any not-for-profit group
1798 or organization that has been operating for not less than 2

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1799 years for the installation of monuments and memorials honoring
1800 Florida's military veterans at highway rest areas around the
1801 state pursuant to the provisions of this section.

1802 (4) The group or organization making the proposal must
1803 ~~shall~~ provide an annual renewable bond, an irrevocable letter of
1804 credit, or other form of security as approved by the
1805 department's comptroller, for the purpose of a 10-year bond
1806 securing the cost of removing ~~removal of~~ the monument and any
1807 modifications made to the site as part of the placement of the
1808 monument if should the department determines that of
1809 ~~Transportation determine it is~~ necessary to remove or relocate
1810 the monument. Such removal or relocation must ~~shall~~ be approved
1811 by the committee described in subsection (1). ~~Prior to~~
1812 ~~expiration, the bond shall be renewed for another 10-year period~~
1813 ~~if the memorial is to remain in place.~~

1814 Section 28. Subsection (1) of section 337.125, Florida
1815 Statutes, is amended to read:

1816 337.125 Socially and economically disadvantaged business
1817 enterprises; notice requirements.-

1818 (1) After contract goals are established, in order to
1819 document that a subcontract is with a certified socially and
1820 economically disadvantaged business enterprise, the prime
1821 contractor must ~~either~~ submit a disadvantaged business
1822 enterprise utilization form that which has been signed by the
1823 socially and economically disadvantaged business enterprise and
1824 the prime contractor, or submit the written or oral quotation of
1825 the socially and economically disadvantaged business
1826 enterprise. ~~and~~ Information contained in the quotation must be
1827 confirmed as determined by the department by rule.

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1828 Section 29. Section 337.137, Florida Statutes, is repealed.

1829 Section 30. Section 337.139, Florida Statutes, is amended
1830 to read:

1831 337.139 Encouraging the award of ~~Efforts to encourage~~
1832 ~~awarding~~ contracts to disadvantaged business enterprises.—In
1833 implementing chapter 90-136, Laws of Florida, the Department of
1834 Transportation shall implement ~~institute~~ procedures to encourage
1835 the awarding of contracts for professional services and
1836 construction to disadvantaged business enterprises. For the
1837 purposes of this section, the term “disadvantaged business
1838 enterprise” means a small business concern certified by the
1839 Department of Transportation to be owned and controlled by
1840 socially and economically disadvantaged individuals as defined
1841 by the Safe, Accountable, Flexible, Efficient Transportation
1842 Equity Act: A Legacy for Users (SAFETEA-LU), ~~Surface~~
1843 ~~Transportation and Uniform Relocation Act of 1987.~~ The
1844 Department of Transportation shall develop and implement
1845 activities to encourage the participation of disadvantaged
1846 business enterprises in the contracting process. Such efforts
1847 may include:

1848 (1) Presolicitation or prebid meetings for the purpose of
1849 informing disadvantaged business enterprises of contracting
1850 opportunities.

1851 (2) Written notice to disadvantaged business enterprises of
1852 contract opportunities for commodities or contractual and
1853 construction services that ~~which~~ the disadvantaged business
1854 provides.

1855 (3) Provision of adequate information to disadvantaged
1856 business enterprises about the plans, specifications, and

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1857 requirements of contracts or the availability of jobs.

1858 (4) Breaking large contracts into several single-purpose
1859 contracts of a size which may be obtained by certified
1860 disadvantaged business enterprises.

1861 Section 31. Subsection (1) of section 337.14, Florida
1862 Statutes, is amended to read:

1863 337.14 Application for qualification; certificate of
1864 qualification; restrictions; request for hearing.—

1865 (1) Any person desiring to bid for the performance of any
1866 construction contract in excess of \$250,000 which the department
1867 proposes to let must first be certified by the department as
1868 qualified pursuant to this section and rules of the department.
1869 The rules must include ~~of the department shall address~~ the
1870 qualification of persons to bid on such ~~construction~~ contracts
1871 ~~in excess of \$250,000~~ and ~~shall include~~ requirements with
1872 respect to the equipment, past record, experience, financial
1873 resources, and organizational personnel of the applicant
1874 necessary to perform the specific class of work for which the
1875 person seeks certification. The department may ~~is authorized to~~
1876 limit the dollar amount of any contract upon which a person is
1877 qualified to bid or the aggregate total dollar volume of
1878 contracts such person is allowed to have under contract at any
1879 one time. Each applicant seeking qualification to bid must ~~on~~
1880 ~~construction contracts in excess of \$250,000~~ shall furnish the
1881 department a statement under oath, on such forms as the
1882 department may prescribe, setting forth detailed information as
1883 required on the application. Each application for certification
1884 must ~~shall~~ be accompanied by the latest annual financial
1885 statement of the applicant completed within the last 12 months.

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1886 If the application or the annual financial statement shows the
1887 financial condition of the applicant more than 4 months before
1888 ~~prior to~~ the date on which the application is received by the
1889 department, ~~then~~ an interim financial statement must be
1890 submitted and be accompanied by an updated application. The
1891 interim financial statement must cover the period from the end
1892 date of the annual statement and ~~must~~ show the financial
1893 condition of the applicant no more than 4 months before ~~prior to~~
1894 the date the interim financial statement is received by the
1895 department. However, upon the request of the applicant, an
1896 application and accompanying annual or interim financial
1897 statement received by the department within 15 days after either
1898 4-month period is considered timely. Each required annual or
1899 interim financial statement must be audited and accompanied by
1900 the opinion of a certified public accountant ~~or a public~~
1901 ~~accountant approved by the department.~~ The information required
1902 by this subsection is confidential and exempt from ~~the~~
1903 ~~provisions of~~ s. 119.07(1). The department shall act upon the
1904 application for qualification within 30 days after the
1905 department determines that the application is complete.

1906 (a) The department may waive the requirements of this
1907 subsection for projects having a contract price of \$500,000 or
1908 less if the department determines that the project is of a
1909 noncritical nature and the waiver will not endanger public
1910 health, safety, or property.

1911 (b) An applicant desiring to bid exclusively for the
1912 performance of construction contracts that have proposed budget
1913 estimates of less than \$1 million may submit reviewed annual or
1914 reviewed interim financial statements prepared by a certified

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1915 public accountant.

1916 Section 32. Section 337.403, Florida Statutes, is amended
1917 to read:

1918 337.403 Interference caused by relocation of utility;
1919 expenses.—

1920 (1) When a ~~Any~~ utility ~~heretofore or hereafter~~ placed upon,
1921 under, over, or along any public road or publicly owned rail
1922 corridor that is found by the authority to be unreasonably
1923 interfering in any way with the convenient, safe, or continuous
1924 use, or the maintenance, improvement, extension, or expansion,
1925 of such public road or publicly owned rail corridor, the utility
1926 owner shall, upon 30 days' written notice to the utility or its
1927 agent by the authority, initiate the work necessary to alleviate
1928 the interference ~~be removed or relocated by such utility~~ at its
1929 own expense except as provided in paragraphs (a)-(f). The work
1930 must be completed within such reasonable time as stated in the
1931 notice or such time as agreed to by the authority and the
1932 utility owner.

1933 (a) If the relocation of utility facilities, as referred to
1934 in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.
1935 627 of the 84th Congress, is necessitated by the construction of
1936 a project on the federal-aid interstate system, including
1937 extensions thereof within urban areas, and the cost of the
1938 project is eligible and approved for reimbursement by the
1939 Federal Government to the extent of 90 percent or more under the
1940 Federal Aid Highway Act, or any amendment thereof, then in that
1941 event the utility owning or operating such facilities shall
1942 perform any necessary work ~~relocate the facilities~~ upon notice
1943 from ~~order of~~ the department, and the state shall pay the entire

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1944 expense properly attributable to such work ~~relocation~~ after
1945 deducting therefrom any increase in the value of any ~~the~~ new
1946 facility and any salvage value derived from any ~~the~~ old
1947 facility.

1948 (b) When a joint agreement between the department and the
1949 utility is executed for utility ~~improvement, relocation, or~~
1950 ~~removal~~ work to be accomplished as part of a contract for
1951 construction of a transportation facility, the department may
1952 participate in those utility work ~~improvement, relocation, or~~
1953 ~~removal~~ costs that exceed the department's official estimate of
1954 the cost of the work by more than 10 percent. The amount of such
1955 participation shall be limited to the difference between the
1956 official estimate of all the work in the joint agreement plus 10
1957 percent and the amount awarded for this work in the construction
1958 contract for such work. The department may not participate in
1959 any utility work ~~improvement, relocation, or removal~~ costs that
1960 occur as a result of changes or additions during the course of
1961 the contract.

1962 (c) When an agreement between the department and utility is
1963 executed for utility ~~improvement, relocation, or removal~~ work to
1964 be accomplished in advance of a contract for construction of a
1965 transportation facility, the department may participate in the
1966 cost of clearing and grubbing necessary to perform such work.

1967 (d) If the utility facility ~~being removed or relocated~~ was
1968 initially installed to exclusively serve the authority or
1969 ~~department,~~ its tenants, or both, the authority ~~department~~ shall
1970 bear the costs of the ~~removing or relocating that~~ utility work
1971 ~~facility.~~ However, the authority ~~department~~ is not responsible
1972 for ~~bearing~~ the cost of utility work related to ~~removing or~~

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1973 ~~relocating~~ any subsequent additions to that facility for the
1974 purpose of serving others.

1975 (e) If, under an agreement between a utility and the
1976 authority entered into after July 1, 2009, the utility conveys,
1977 subordinates, or relinquishes a compensable property right to
1978 the authority for the purpose of accommodating the acquisition
1979 or use of the right-of-way by the authority, without the
1980 agreement expressly addressing future responsibility for the
1981 cost of necessary utility work ~~removing or relocating the~~
1982 ~~utility~~, the authority shall bear the cost of removal or
1983 relocation. This paragraph does not impair or restrict, and may
1984 not be used to interpret, the terms of any such agreement
1985 entered into before July 1, 2009.

1986 (f) If the utility is an electric facility being relocated
1987 underground in order to enhance vehicular, bicycle, and
1988 pedestrian safety and in which ownership of the electric
1989 facility to be placed underground has been transferred from a
1990 private to a public utility within the past 5 years, the
1991 department shall incur all costs of the necessary utility work
1992 ~~relocation~~.

1993 (g) If the authority acquires the property on which a
1994 utility was located before the removal or relocation of the
1995 utility facility, and such utility is not found to be located
1996 illegally, the authority shall bear the costs of removing or
1997 relocating that utility facility.

1998 (2) If such utility work ~~removal or relocation~~ is
1999 incidental to work to be done on such road or publicly owned
2000 rail corridor, the notice shall be given at the same time the
2001 contract for the work is advertised for bids, or no less than 30

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2002 days prior to the commencement of such work by the authority,
2003 whichever is greater.

2004 (3) Whenever the notice from an order of the authority
2005 requires such utility work ~~removal or change in the location of~~
2006 ~~any utility from the right-of-way of a public road or publicly~~
2007 ~~owned rail corridor,~~ and the owner thereof fails to perform the
2008 work ~~remove or change the same~~ at his or her own expense ~~to~~
2009 ~~conform to the order~~ within the time stated in the notice or
2010 such other time as agreed to by the authority and the utility
2011 owner, the authority shall proceed to cause the utility work to
2012 be performed ~~to be removed.~~ The expense thereby incurred shall
2013 be paid out of any money available therefor, and such expense
2014 shall, except as provided in subsection (1), be charged against
2015 the owner and levied and collected and paid into the fund from
2016 which the expense of such relocation was paid.

2017 Section 33. Subsection (1) of section 337.404, Florida
2018 Statutes, is amended to read:

2019 337.404 Removal or relocation of utility facilities; notice
2020 and order; court review.—

2021 (1) Whenever it becomes ~~shall become~~ necessary for the
2022 authority to perform utility work ~~remove or relocate any utility~~
2023 as provided in s. 337.403 ~~the preceding section,~~ the owner of
2024 the utility~~,~~ or the owner's chief agent~~,~~ shall be given notice
2025 that the authority will perform ~~of such work~~ removal or
2026 relocation and, after the work is complete, given an order
2027 requiring the payment of the cost thereof~~,~~ and a ~~shall be given~~
2028 reasonable time, which may ~~shall~~ not be less than 20 or ~~not~~ more
2029 than 30 days, in which to appear before the authority to contest
2030 the reasonableness of the order. Should the owner or the owner's

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2031 representative not appear, the determination of the cost to the
2032 owner shall be final. Authorities considered agencies for the
2033 purposes of chapter 120 shall adjudicate removal or relocation
2034 of utilities pursuant to chapter 120.

2035 Section 34. Section 337.408, Florida Statutes, is amended
2036 to read:

2037 337.408 Regulation of bus stops, benches, transit shelters,
2038 street light poles, waste disposal receptacles, and modular news
2039 racks within rights-of-way.-

2040 (1) Benches or transit shelters, including advertising
2041 displayed on benches or transit shelters, may be installed
2042 within the right-of-way limits of any municipal, county, or
2043 state road, except a limited access highway, if ~~provided that~~
2044 such benches or transit shelters are for the comfort or
2045 convenience of the general public or are at designated stops on
2046 official bus routes, and ~~provided that~~ written authorization has
2047 been given to a qualified private supplier of such service by
2048 the municipal government within whose incorporated limits such
2049 benches or transit shelters are installed or by the county
2050 government within whose unincorporated limits such benches or
2051 transit shelters are installed.

2052 (a) A municipality or county may authorize the
2053 installation, without public bid, of benches and transit
2054 shelters together with advertising displayed thereon within the
2055 right-of-way limits of such roads. Any contract for the
2056 installation of benches or transit shelters or advertising on
2057 benches or transit shelters which was entered into before April
2058 8, 1992, without public bidding is ratified and affirmed. ~~Such~~

2059 (b) Benches or transit shelters may not interfere with

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2060 right-of-way preservation and maintenance. Any bench or transit
2061 shelter located on a sidewalk within the right-of-way limits of
2062 any road on the State Highway System or the county road system
2063 must ~~shall~~ be located so as to leave at least 36 inches of
2064 clearance for pedestrians and persons in wheelchairs. Such
2065 clearance shall be measured in a direction perpendicular to the
2066 centerline of the road.

2067 (c) All installations must be in compliance with all
2068 applicable laws and rules including, without limitation, the
2069 Americans with Disabilities Act. Municipalities and counties
2070 shall indemnify, defend, and hold harmless the department from
2071 any suits, actions, proceedings, claims, losses, costs, charges,
2072 expenses, damages, liabilities, attorney fees, and court costs
2073 relating to the installation, removal, or relocation of such
2074 installations.

2075 (2) Waste disposal receptacles of less than 110 gallons in
2076 capacity, including advertising displayed on such waste disposal
2077 receptacles, may be installed within the right-of-way limits of
2078 any municipal, county, or state road, except a limited access
2079 highway if, ~~provided that~~ written authorization has been given
2080 to a qualified private supplier of such service by the
2081 appropriate municipal or county government. A municipality or
2082 county may authorize the installation, without public bid, of
2083 waste disposal receptacles together with advertising displayed
2084 thereon within the right-of-way limits of such roads. Such waste
2085 disposal receptacles may not interfere with right-of-way
2086 preservation and maintenance.

2087 (3) Modular news racks, including advertising thereon, may
2088 be located within the right-of-way limits of any municipal,

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2089 county, or state road, except a limited access highway if
2090 ~~provided~~ the municipal government within whose incorporated
2091 limits such racks are installed or the county government within
2092 whose unincorporated limits such racks are installed has passed
2093 an ordinance regulating the placement of modular news racks
2094 within the right-of-way and has authorized a qualified private
2095 supplier of modular news racks to provide such service. The
2096 modular news rack or advertising may ~~thereon shall~~ not exceed a
2097 height of 56 inches or a total advertising space of 56 square
2098 feet. Within ~~No later than~~ 45 days before the ~~prior to~~
2099 installation of modular news racks, the private supplier shall
2100 provide a map of proposed locations and typical installation
2101 plans to the department for approval. If the department does not
2102 respond within 45 days after receipt of the submitted plans,
2103 installation may proceed.

2104 (4) The department may ~~has the authority to~~ direct the
2105 immediate relocation or removal of any bus stop, bench, transit
2106 shelter, waste disposal receptacle, public pay telephone, or
2107 modular news rack that endangers life or property or that is
2108 otherwise not in compliance with applicable law and rule, except
2109 that transit bus benches that were placed in service before
2110 April 1, 1992, are not required to comply with bench size and
2111 advertising display size requirements established by the
2112 department before March 1, 1992. If a municipality or county
2113 fails to comply with the department's direction, the department
2114 shall remove the noncompliant installation and charge the cost
2115 of the removal to the municipality or county, and may deduct or
2116 offset such cost from any other funding available to the
2117 municipality or county from the department. ~~Any transit bus~~

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2118 ~~bench that was in service before April 1, 1992, may be replaced~~
2119 ~~with a bus bench of the same size or smaller, if the bench is~~
2120 ~~damaged or destroyed or otherwise becomes unusable.~~ The
2121 department may adopt rules relating to the regulation of bench
2122 size and advertising display size requirements. If a
2123 municipality or county within which a bench is to be located has
2124 adopted an ordinance or other applicable regulation that
2125 establishes bench size or advertising display sign requirements
2126 different from requirements specified in department rule, the
2127 local government requirement applies within the respective
2128 municipality or county. Placement of any bench or advertising
2129 display on the National Highway System under a local ordinance
2130 or regulation adopted under this subsection is subject to
2131 approval by ~~of~~ the Federal Highway Administration.

2132 (5) A bus stop, bench, transit shelter, waste disposal
2133 receptacle, public pay telephone, or modular news rack, or
2134 advertising thereon, may not be erected or placed on the right-
2135 of-way of any road in a manner that conflicts with the
2136 requirements of federal law, regulations, or safety standards,
2137 thereby causing the state or any political subdivision to lose
2138 ~~the loss of~~ federal funds. Competition among persons seeking to
2139 provide bus stop, bench, transit shelter, waste disposal
2140 receptacle, public pay telephone, or modular news rack services
2141 or advertising on ~~such~~ benches, shelters, receptacles, public
2142 pay telephone, or news racks may be regulated, restricted, or
2143 denied by the appropriate local government entity consistent
2144 with this section.

2145 (6) Street light poles, including attached public service
2146 messages and advertisements, may be located within the right-of-

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2147 way limits of municipal and county roads in the same manner as
2148 benches, transit shelters, waste disposal receptacles, and
2149 modular news racks as provided in this section and in accordance
2150 with municipal and county ordinances. Public service messages
2151 and advertisements may be installed on street light poles on
2152 roads on the State Highway System in accordance with height,
2153 size, setback, spacing distance, duration of display, safety,
2154 traffic control, and permitting requirements established by
2155 administrative rule of the Department of Transportation. Public
2156 service messages and advertisements are ~~shall be~~ subject to
2157 bilateral agreements, where applicable, to be negotiated with
2158 the owner of the street light poles, which ~~shall~~ consider, among
2159 other things, power source rates, design, safety, operational
2160 and maintenance concerns, and other matters of public
2161 importance. For the purposes of this section, the term "street
2162 light poles" does not include electric transmission or
2163 distribution poles. The department may ~~shall have authority to~~
2164 adopt rules pursuant to ss. 120.536(1) and 120.54 to administer
2165 ~~implement the provisions of~~ this section. ~~No~~ Advertising on
2166 light poles is not ~~shall be~~ permitted on the Interstate Highway
2167 System. ~~No~~ Permanent structures carrying advertisements attached
2168 to light poles are not ~~shall be~~ permitted on the National
2169 Highway System.

2170 (7) A public pay telephone, including advertising displayed
2171 thereon, may be installed within the right-of-way limits of any
2172 municipal, county, or state road, except on a limited access
2173 highway, if the pay telephone is installed by a provider ~~duly~~
2174 authorized and regulated by the Public Service Commission under
2175 s. 364.3375, ~~if~~ the pay telephone is operated in accordance with

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2176 all applicable state and federal telecommunications regulations,
2177 and ~~if~~ written authorization has been given to a public pay
2178 telephone provider by the appropriate municipal or county
2179 government. Each advertisement must be limited to a size no
2180 greater than 8 square feet, and a public pay telephone booth may
2181 not display more than three advertisements at any given time. An
2182 advertisement is not allowed on public pay telephones located in
2183 rest areas, welcome centers, or other such facilities located on
2184 an interstate highway.

2185 (8) ~~If~~ ~~Wherever~~ the provisions of this section are
2186 inconsistent with other provisions of this chapter or ~~with the~~
2187 ~~provisions of~~ chapter 125, chapter 335, chapter 336, or chapter
2188 479, the provisions of this section ~~shall~~ prevail.

2189 Section 35. The Division of Statutory Revision is requested
2190 to rename chapter 338, Florida Statutes, as "Limited Access and
2191 Toll Facilities."

2192 Section 36. Section 338.001, Florida Statutes, is repealed.

2193 Section 37. Present subsections (2) through (6) of section
2194 338.01, Florida Statutes, are renumbered as subsections (3)
2195 through (7), respectively, and a new subsection (2) is added to
2196 that section, to read:

2197 338.01 Authority to establish and regulate limited access
2198 facilities.—

2199 (2) The department may establish limited access facilities
2200 as provided in s. 335.02. The primary function of these limited
2201 access facilities is to allow high-speed and high-volume traffic
2202 movements within the state. Access to abutting land is
2203 subordinate to this function and must be prohibited or highly
2204 regulated.

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2205 Section 38. Section 338.151, Florida Statutes, is created
2206 to read:

2207 338.151 Authority of the department to establish tolls on
2208 the State Highway System.—The department may establish tolls on
2209 new limited access facilities on the State Highway System, lanes
2210 added to existing limited access facilities on the State Highway
2211 System, new major bridges on the State Highway System over
2212 waterways, and replacements for existing major bridges on the
2213 State Highway System over waterways in order to pay for, fully
2214 or partially, the cost of such projects. Except for high-
2215 occupancy vehicle lanes, express lanes, the turnpike system, and
2216 as otherwise authorized by law, the department may not establish
2217 tolls on lanes of limited access facilities that exist on July
2218 1, 2012, unless tolls were in effect before that date. The
2219 authority provided in this section is in addition to the
2220 authority provided under the Florida Turnpike Enterprise Law and
2221 s. 338.166.

2222 Section 39. Subsection (1) of section 338.155, Florida
2223 Statutes, is amended to read:

2224 338.155 Payment of toll on toll facilities required;
2225 exemptions.—

2226 (1) A person may not ~~No persons are permitted to use a any~~
2227 ~~toll facility without payment of tolls, except employees of the~~
2228 ~~agency operating the toll project~~ who are ~~when~~ using the toll
2229 facility on official state business, state military personnel
2230 while on official military business, handicapped persons as
2231 provided in this section, persons exempt from toll payment by
2232 the authorizing resolution for bonds issued to finance the
2233 facility, and persons exempt on a temporary basis if ~~where~~ use

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2234 of such toll facility is required as a detour route. A ~~Any~~ law
2235 enforcement officer operating a marked official vehicle is
2236 exempt from toll payment when on official law enforcement
2237 business. Any person operating a fire vehicle when on official
2238 business or a rescue vehicle when on official business is exempt
2239 from toll payment. Any person participating in the funeral
2240 procession of a law enforcement officer or firefighter killed in
2241 the line of duty is exempt from toll payment. The secretary, or
2242 the secretary's designee, may suspend the payment of tolls on a
2243 toll facility if ~~when~~ necessary to assist in emergency
2244 evacuation. The failure to pay a prescribed toll is ~~constitutes~~
2245 a noncriminal traffic infraction, punishable as a moving
2246 violation pursuant to s. 318.18. The department may ~~is~~
2247 ~~authorized to~~ adopt rules relating to the payment, collection,
2248 and enforcement of tolls, as authorized in chapters 316, 318,
2249 320, 322, and 338, including, but not limited to, rules for the
2250 implementation of video or other image billing and variable
2251 pricing. The department may, by rule, allow public transit
2252 vehicles or vehicles participating in a funeral procession for
2253 an active-duty military service member to use a toll facility
2254 managed by the department without payment if the toll revenues
2255 of the facility are not pledged to the repayment of bonds.

2256 Section 40. Section 338.161, Florida Statutes, is amended
2257 to read:

2258 ~~338.161 Authority of department or toll agencies to~~
2259 ~~advertise and promote electronic toll collection;~~ Expanded uses
2260 of electronic toll collection system; ~~studies authorized.-~~

2261 (1) The department may ~~is authorized to~~ incur expenses for
2262 paid advertising, marketing, and promotion of toll facilities

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2263 and electronic toll collection products and services. Promotions
2264 may include discounts and free products.

2265 (2) The department may ~~is authorized to~~ receive funds from
2266 advertising placed on electronic toll collection products and
2267 promotional materials to defray the costs of products and
2268 services.

2269 (3) ~~(a)~~ The department or any toll agency created by statute
2270 may incur expenses to advertise or promote its electronic toll
2271 collection system to consumers on or off the turnpike or toll
2272 system.

2273 (4) ~~(b)~~ If the department or ~~any~~ toll agency created by
2274 statute finds that it can increase nontoll revenues or add
2275 convenience or other value for its customers, the department or
2276 toll agency may enter into agreements with a ~~any~~ private or
2277 public entity allowing the use of its electronic toll collection
2278 system to pay parking fees for vehicles equipped with a
2279 transponder or similar device. The department or toll agency may
2280 initiate feasibility studies of other ~~additional~~ future uses of
2281 its electronic toll collection system and make recommendations
2282 to the Legislature to authorize such uses.

2283 (5) If the department finds that it can increase nontoll
2284 revenues or add convenience or other value for its customers,
2285 the department may enter into agreements with private or public
2286 entities to use the electronic toll collection and video billing
2287 systems of such entities to collect tolls, fares, administrative
2288 fees, and other charges resulting from connection with the
2289 transportation facilities of the entities which will become
2290 interoperable with the department's electronic toll collection
2291 system. The department may modify its rules regarding toll

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2292 collection procedures and the imposition of administrative
2293 charges for toll facilities that are not part of the turnpike
2294 system or otherwise owned by the department. This subsection
2295 does not limit the authority of the department under any other
2296 provision of law or under any agreement entered into before July
2297 1, 2012.

2298 Section 41. Subsections (1) and (3) of section 338.166,
2299 Florida Statutes, are amended to read:

2300 338.166 High-occupancy toll lanes or express lanes.—

2301 (1) Under s. 11, Art. VII of the State Constitution, the
2302 department may request the Division of Bond Finance to issue
2303 bonds secured by toll revenues collected on high-occupancy toll
2304 lanes or express lanes established on facilities owned by the
2305 department located on Interstate 95 in Miami-Dade and Broward
2306 Counties.

2307 (3) Any remaining toll revenue from the high-occupancy toll
2308 lanes or express lanes shall be used by the department for the
2309 construction, maintenance, or improvement of any road on the
2310 State Highway System within the county or counties where the
2311 toll revenues were collected or to support express bus service
2312 on the facility where the toll revenues were collected.

2313 Section 42. Paragraph (a) of subsection (8) of section
2314 338.221, Florida Statutes, is amended to read:

2315 338.221 Definitions of terms used in ss. 338.22-338.241.—As
2316 used in ss. 338.22-338.241, the following words and terms have
2317 the following meanings, unless the context indicates another or
2318 different meaning or intent:

2319 (8) "Economically feasible" means:

2320 (a) For a proposed turnpike project, that, as determined by

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2321 the department before the issuance of revenue bonds for the
2322 project, the estimated net revenues of the proposed turnpike
2323 project, excluding feeder roads and turnpike improvements, will
2324 be sufficient to pay at least 50 percent of the annual debt
2325 service on the bonds associated with the project by the end of
2326 the 12th year of operation and ~~to pay~~ at least 100 percent of
2327 the debt service on the bonds by the end of the 30th ~~22nd~~ year
2328 of operation. In implementing this paragraph, up to 50 percent
2329 of the adopted work program costs of the project may be funded
2330 from turnpike revenues.

2331
2332 This subsection does not prohibit the pledging of revenues from
2333 the entire turnpike system to bonds issued to finance or
2334 refinance a turnpike project or group of turnpike projects.

2335 Section 43. Paragraphs (a) and (b) of subsection (1) of
2336 section 338.223, Florida Statutes, are amended to read:

2337 338.223 Proposed turnpike projects.—

2338 (1) (a) Any proposed project to be constructed or acquired
2339 as part of the turnpike system and any turnpike improvement must
2340 ~~shall~~ be included in the tentative work program. A ~~No~~ proposed
2341 project or group of proposed projects may not ~~shall~~ be added to
2342 the turnpike system unless such project is ~~or projects are~~
2343 determined to be economically feasible and a statement of
2344 environmental feasibility has been completed for the ~~such~~
2345 project ~~or projects~~ and ~~such projects are~~ determined to be
2346 consistent, to the maximum extent feasible, with approved local
2347 government comprehensive plans of the local governments in which
2348 the project is ~~such projects are~~ located. The department may
2349 authorize engineering studies, traffic studies, environmental

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2350 studies, and other expert studies of the location, costs,
2351 economic feasibility, and practicality of proposed turnpike
2352 projects throughout the state and may proceed with the design
2353 phase of such projects. The department may ~~shall~~ not request
2354 legislative approval of a proposed turnpike project until the
2355 design phase of that project is at least 30 ~~60~~ percent complete.
2356 If a proposed project or group of proposed projects is found to
2357 be economically feasible and, ~~consistent, to the maximum extent~~
2358 ~~feasible,~~ with approved local government comprehensive plans of
2359 the local governments in which such projects are located to the
2360 maximum extent feasible, and a favorable statement of
2361 environmental feasibility has been completed, the department,
2362 with the approval of the Legislature, shall, after the receipt
2363 of all necessary permits, construct, maintain, and operate such
2364 turnpike projects.

2365 (b) Any proposed turnpike project or improvement shall be
2366 developed in accordance with the Florida Transportation Plan and
2367 the work program pursuant to s. 339.135. Turnpike projects that
2368 add capacity, alter access, affect feeder roads, or affect the
2369 operation of the local transportation system shall be included
2370 in the transportation improvement plan of the affected
2371 metropolitan planning organization. If such turnpike project
2372 does not fall within the jurisdiction of a metropolitan planning
2373 organization, the department shall notify the affected county
2374 and provide for public hearings in accordance with s.
2375 339.155(5)(c) ~~339.155(6)(e)~~.

2376 Section 44. Subsection (4) of section 338.227, Florida
2377 Statutes, is amended to read:

2378 338.227 Turnpike revenue bonds.—

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2379 (4) The Department of Transportation and the Department of
2380 Management Services shall create and implement an outreach
2381 program designed to enhance the participation of minority
2382 persons and minority business enterprises in all contracts
2383 entered into by the ~~their~~ respective departments for services
2384 related to the financing of department projects for the
2385 Strategic Intermodal System Plan developed pursuant to s. 339.64
2386 ~~Florida Intrastate Highway System Plan~~. These services shall
2387 include, but are not ~~be~~ limited to, bond counsel and bond
2388 underwriters.

2389 Section 45. Subsection (2) of section 338.2275, Florida
2390 Statutes, is amended to read:

2391 338.2275 Approved turnpike projects.—

2392 (2) The department may ~~is authorized to~~ use turnpike
2393 revenues, ~~the~~ State Transportation Trust Fund moneys allocated
2394 for turnpike projects pursuant to s. 339.65 ~~338.001~~, federal
2395 funds, and bond proceeds, and shall use the most cost-efficient
2396 combination of such funds, to develop ~~in developing~~ a financial
2397 plan for funding turnpike projects. The department must submit a
2398 report of the estimated cost for each ongoing turnpike project
2399 and for each planned project to the Legislature 14 days before
2400 the convening of the regular legislative session. Verification
2401 of economic feasibility and statements of environmental
2402 feasibility for individual turnpike projects must be based on
2403 the entire project as approved. Statements of environmental
2404 feasibility are not required for those projects listed in s. 12,
2405 chapter 90-136, Laws of Florida, for which the Project
2406 Development and Environmental Reports were completed by July 1,
2407 1990. All required environmental permits must be obtained before

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2408 the department may advertise for bids for contracts for the
2409 construction of any turnpike project.

2410 Section 46. Section 338.228, Florida Statutes, is amended
2411 to read:

2412 338.228 Bonds not debts or pledges of credit of state.—
2413 Turnpike revenue bonds issued under ~~the provisions of~~ ss.
2414 338.22-338.241 are not debts of the state or pledges of the
2415 faith and credit of the state. Such bonds are payable
2416 exclusively from revenues pledged for their payment. All such
2417 bonds must ~~shall~~ contain a statement on their face that the
2418 state is not obligated to pay the same or the interest thereon,
2419 except from ~~the~~ revenues pledged for their payment, and that the
2420 faith and credit of the state is not pledged to the payment of
2421 the principal or interest of such bonds. The issuance of
2422 turnpike revenue bonds under ~~the provisions of~~ ss. 338.22-
2423 338.241 does not directly, indirectly, or contingently obligate
2424 the state to levy or to pledge any form of taxation whatsoever,
2425 or to make any appropriation for their payment. Except as
2426 provided in ss. ~~338.001~~, 338.223, ~~and~~ 338.2275, and 339.65, ~~no~~
2427 state funds may not ~~shall~~ be used on any turnpike project or to
2428 pay the principal or interest of any bonds issued to finance or
2429 refinance any portion of the turnpike system, and all such bonds
2430 must ~~shall~~ contain a statement on their face to this effect.

2431 Section 47. Paragraph (c) is added to subsection (3) of
2432 section 338.231, Florida Statutes, to read:

2433 338.231 Turnpike tolls, fixing; pledge of tolls and other
2434 revenues.—The department shall at all times fix, adjust, charge,
2435 and collect such tolls and amounts for the use of the turnpike
2436 system as are required in order to provide a fund sufficient

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2437 with other revenues of the turnpike system to pay the cost of
2438 maintaining, improving, repairing, and operating such turnpike
2439 system; to pay the principal of and interest on all bonds issued
2440 to finance or refinance any portion of the turnpike system as
2441 the same become due and payable; and to create reserves for all
2442 such purposes.

2443 (3)

2444 (c) Notwithstanding any other law, the department shall
2445 also assess an administrative fee of 25 cents per month as an
2446 account maintenance charge to be applied against any prepaid
2447 toll account of any kind which remains inactive for at least 24
2448 months but not longer than 48 months. As long as a zero or
2449 negative balance has not been reached, the administrative fee
2450 shall be charged for each month of inactivity beginning with the
2451 25th month of inactivity and continuing through the 48th month.
2452 If the fee results in an account reaching a zero or negative
2453 balance, the department shall close the account. If a positive
2454 balance still remains after the 48th month, the balance shall be
2455 presumed unclaimed and its disposition handled by the Department
2456 of Financial Services in accordance with chapter 717 relating to
2457 the disposition of unclaimed property, and the prepaid toll
2458 account shall be closed by the department.

2459 Section 48. Subsection (2) of section 338.234, Florida
2460 Statutes, is amended to read:

2461 338.234 Granting concessions or selling along the turnpike
2462 system; immunity from taxation.—

2463 (2) The effectuation of the authorized purposes of the
2464 Strategic Intermodal System created pursuant to ss. 339.61-
2465 339.65 Florida Intrastate Highway System and Florida Turnpike

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2466 Enterprise, created under this chapter, is for the benefit of
2467 the people of the state, for the increase of their commerce and
2468 prosperity, and for the improvement of their health and living
2469 conditions; and, because the system and enterprise perform
2470 essential government functions in effectuating such purposes,
2471 neither the turnpike enterprise nor any nongovernment lessee or
2472 licensee renting, leasing, or licensing real property from the
2473 turnpike enterprise, pursuant to an agreement authorized by this
2474 section, are required to pay any commercial rental tax imposed
2475 under s. 212.031 on any capital improvements constructed,
2476 improved, acquired, installed, or used for such purposes.

2477 Section 49. Section 339.0805, Florida Statutes, is amended
2478 to read:

2479 339.0805 Funds to be expended with certified disadvantaged
2480 business enterprises; ~~specified percentage to be expended;~~
2481 construction management development program; bond guarantee
2482 program.—It is the policy of the state to meaningfully assist
2483 socially and economically disadvantaged business enterprises
2484 through a program that provides ~~will provide~~ for the development
2485 of skills through construction and business management training,
2486 as well as by providing contracting opportunities and financial
2487 assistance in the form of bond guarantees, to primarily remedy
2488 the effects of past economic disparity.

2489 (1) (a) ~~Except to the extent that the head of the department~~
2490 ~~determines otherwise,~~ The department shall expend ~~not less than~~
2491 ~~10 percent of~~ federal-aid highway funds as defined in 49 C.F.R.
2492 part 26 s. 23.63(a) and state matching funds with small business
2493 concerns owned and controlled by socially and economically
2494 disadvantaged individuals as those terms are defined by the

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2495 Safe, Accountable, Flexible, Efficient Transportation Equity
2496 Act: A Legacy for Users (SAFETEA-LU) ~~Surface Transportation and~~
2497 ~~Uniform Relocation Assistance Act of 1987.~~

2498 (b) Upon a determination by the department of past and
2499 continuing discrimination in nonfederally funded projects on the
2500 basis of race, color, creed, national origin, or sex, the
2501 department may implement a program tailored to address specific
2502 findings of disparity. The program may include the establishment
2503 of annual goals for expending a percentage of state-administered
2504 highway funds with small business concerns. The department may
2505 use ~~utilize~~ set-asides for small business concerns to assist in
2506 achieving goals established pursuant to this subsection. For the
2507 purpose of this subsection, "small business concern" means a
2508 business owned and controlled by socially and economically
2509 disadvantaged individuals as defined by the Safe, Accountable,
2510 Flexible, Efficient Transportation Equity Act: A Legacy for
2511 Users (SAFETEA-LU) ~~Surface Transportation and Uniform Relocation~~
2512 ~~Assistance Act of 1987.~~ The head of the department may elect to
2513 set goals only when significant disparity is documented. The
2514 findings of a disparity study must ~~shall~~ be considered in
2515 determining the program goals for each group qualified to
2516 participate. ~~Such a study shall be conducted or updated by the~~
2517 ~~department or its designee at a minimum of every 5 years. The~~
2518 ~~department shall adopt rules to implement this subsection on or~~
2519 ~~before October 1, 1993.~~

2520 (c) The department shall certify a socially and
2521 economically disadvantaged business enterprise, ~~which~~
2522 ~~certification shall be valid for 12 months, or~~ as prescribed by
2523 49 C.F.R. part 23. The department's initial application for

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2524 certification must ~~for a socially and economically disadvantaged~~
2525 ~~business enterprise shall~~ require sufficient information to
2526 determine eligibility as a small business concern owned and
2527 controlled by a socially and economically disadvantaged
2528 individual. For continuing eligibility ~~recertification of a~~
2529 ~~disadvantaged business enterprise~~, the department may accept an
2530 affidavit, which meets department criteria as to form and
2531 content, certifying that the business remains qualified for
2532 certification in accordance with program requirements. A firm
2533 that ~~which~~ does not fulfill all the department's criteria for
2534 certification may ~~shall~~ not be considered a disadvantaged
2535 business enterprise. An applicant who is denied certification
2536 may not reapply within 12 ~~6~~ months after issuance of the denial
2537 letter ~~or the final order, whichever is later~~. The application
2538 and financial information required by this section are
2539 confidential and exempt from s. 119.07(1).

2540 (2) The department shall remove ~~revoke~~ the certification of
2541 a disadvantaged business enterprise upon ~~receipt of~~ notification
2542 that ~~of any change in ownership which results in the~~
2543 disadvantaged individual or individuals who were used to qualify
2544 the business as a disadvantaged business enterprise, no longer
2545 own ~~owning~~ at least 51 percent of the business enterprise. Such
2546 notification must ~~shall~~ be made to the department by certified
2547 mail within 30 ~~10~~ days after the change in ownership, ~~and such~~
2548 ~~business shall be removed from the certified disadvantaged~~
2549 ~~business list until a new application is submitted and approved~~
2550 ~~by the department~~. Failure to notify the department of the
2551 change in the ownership that ~~which~~ qualifies the business as a
2552 disadvantaged business enterprise will also result in removal

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2553 ~~revocation~~ of certification and subject the business to ~~the~~
2554 ~~provisions of~~ s. 337.135. In addition, the department may, for
2555 good cause, deny or remove ~~suspend~~ the certification of a
2556 disadvantaged business enterprise. As used in this subsection,
2557 the term "good cause" includes, but is not limited to, a ~~the~~
2558 disadvantaged business enterprise that:

2559 (a) No longer meets ~~meeting~~ the certification standards set
2560 forth in department rules;

2561 (b) Makes ~~Making~~ a false, deceptive, or fraudulent
2562 statement in its application for certification or in any other
2563 information submitted to the department;

2564 (c) Fails ~~Failing~~ to maintain the records required by
2565 department rules;

2566 (d) Fails ~~Failing~~ to perform a commercially useful function
2567 on projects for which the enterprise was used to satisfy
2568 contract goals;

2569 (e) Fails ~~Failing~~ to fulfill its contractual obligations
2570 with contractors;

2571 (f) Fails ~~Failing~~ to respond with a statement of interest
2572 to requests for bid quotations from contractors for three
2573 consecutive lettings;

2574 ~~(g) Subcontracting to others more than 49 percent of the~~
2575 ~~amount of any single subcontract that was used by the prime~~
2576 ~~contractor to meet a contract goal;~~

2577 ~~(g)-(h)~~ Fails ~~Failing~~ to provide notarized certification of
2578 payments received on specific projects to the prime contractor
2579 if ~~when~~ required to do so by contract specifications;

2580 ~~(h)-(i)~~ Fails ~~Failing~~ to schedule an onsite review upon
2581 request of the department; or

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2582 (i)~~(j)~~ Becomes ~~Becoming~~ insolvent or the subject of a
2583 bankruptcy proceeding.

2584 (3) The head of the department may ~~is authorized to~~ expend
2585 up to 6 percent of the funds specified in subsection (1), which
2586 are designated to be expended on small business firms owned and
2587 controlled by socially and economically disadvantaged
2588 individuals, to conduct, by contract or otherwise, a
2589 construction management development program. Participation in
2590 the program is ~~will be~~ limited to those firms that ~~which~~ are
2591 certified under ~~the provisions of~~ subsection (1) by the
2592 department or the federal Small Business Administration, or to
2593 any firm that meets the definition of a small business in 49
2594 C.F.R. s. 26.65 ~~which has annual gross receipts not exceeding \$2~~
2595 ~~million averaged over a 3-year period.~~ The program will consist
2596 of classroom instruction and on-the-job instruction. To the
2597 extent feasible, the registration fee shall be set to cover the
2598 cost of instruction and overhead. A ~~No~~ salary may not ~~will~~ be
2599 paid to a ~~any~~ participant.

2600 (a) Classroom instruction must include ~~will consist of~~, but
2601 is not limited to, project planning methods for identifying
2602 personnel, equipment, and financial resource needs; bookkeeping;
2603 state bidding and bonding requirements; state and federal tax
2604 requirements; and strategies for obtaining loans, bonding, and
2605 joint venture agreements.

2606 (b) On-the-job instruction must include ~~will consist of~~,
2607 but is not limited to, setting up the job site; cash-flow
2608 methods; project scheduling; quantity takeoffs; estimating;
2609 reading plans and specifications; department procedures on
2610 billing and payments; quality assessment and control methods;

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2611 and bid preparation methods.

2612 (c) Contractors who have demonstrated satisfactory project
2613 performance, as defined by the department, may ~~can~~ be exempted
2614 from the provisions of paragraphs (a) and (b) and be validated
2615 as meeting the minimum curriculum standards of proficiency, in
2616 the same manner as participants who successfully complete the
2617 construction management development program only if they intend
2618 to apply for funds under ~~provided for in~~ subsection (4).

2619 (d) The department shall develop, under contract with the
2620 State University System, the community college system, a school
2621 district on ~~in~~ behalf of its career center, or a private
2622 consulting firm, a curriculum for instruction in the courses
2623 that will lead to a certification of proficiency in the
2624 construction management development program.

2625 (4) The head of the department may ~~is authorized to~~ expend
2626 up to 4 percent of the funds specified in subsection (1) on a
2627 bond guarantee program for participants who are certified under
2628 subsection (1) and who meet the minimum curriculum standards of
2629 proficiency. The state shall ~~will~~ guarantee up to 90 percent of
2630 a bond amount of \$250,000, or less, and 80 percent of a bond
2631 amount greater than \$250,000, which ~~bond~~ is provided by an
2632 approved surety. However, in addition to the requirements of
2633 paragraph (3)(c), the department shall retain 5 percent of the
2634 total contract amount designated for the disadvantaged business
2635 enterprise until final acceptance of the project, in order to
2636 receive a bond guarantee. The department may ~~shall~~ not commit
2637 funds for this program which are in excess of ~~those~~ funds
2638 appropriated specifically for this purpose.

2639 (5) ~~Annually,~~ The head of the department must annually ~~is~~

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2640 ~~required to~~ report on the progress of the ~~this~~ program to the
2641 President of the Senate, the Speaker of the House of
2642 Representatives, and the Governor. The report must ~~shall~~
2643 include, as a minimum, the number of users of the bond guarantee
2644 plan, along with the number of defaults and dollar loss to the
2645 state; the number of students participating in the construction
2646 management development program by urban location; the number
2647 certified and not certified; the cost of the program categorized
2648 by cost of administration, cost of ~~instruction~~ (on-the-job and
2649 classroom instruction), and cost of supplies; and a comparison
2650 figure of those firms certified by the department under
2651 subsection (1) over the year, and the same figure for socially
2652 and economically disadvantaged contractors prequalified to
2653 perform prime contracting work for the department.

2654 Section 50. Section 339.155, Florida Statutes, is amended
2655 to read:

2656 339.155 Transportation planning.—

2657 (1) THE FLORIDA TRANSPORTATION PLAN.—The department shall
2658 develop ~~and annually update~~ a statewide transportation plan, to
2659 be known as the Florida Transportation Plan. The plan shall be
2660 designed ~~so as~~ to be easily read and understood by the general
2661 public. The plan must ~~shall~~ consider the needs of the entire
2662 state transportation system and examine the use of all modes of
2663 transportation in order to effectively and efficiently meet such
2664 needs. The purpose of the ~~Florida Transportation~~ plan is to
2665 establish and define the state's long-range transportation goals
2666 and objectives to be accomplished over a period of at least 20
2667 years within the context of the State Comprehensive Plan, and
2668 any other statutory mandates and authorizations and based upon

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2669 the prevailing principles of:

2670 (a) Preserving the existing transportation infrastructure.

2671 (b) Enhancing the state's ~~Florida's~~ economic
2672 competitiveness.

2673 (c) Improving travel choices to ensure mobility.

2674 (d) Expanding the state's role as a hub for trade and
2675 investment.

2676 (2) SCOPE OF PLANNING PROCESS.—The department shall carry
2677 out a transportation planning process in conformance with s.
2678 334.046(1) and 23 U.S.C. s. 135 ~~which provides for consideration~~
2679 ~~of projects and strategies that will:~~

2680 ~~(a) Support the economic vitality of the United States,~~
2681 ~~Florida, and the metropolitan areas, especially by enabling~~
2682 ~~global competitiveness, productivity, and efficiency;~~

2683 ~~(b) Increase the safety and security of the transportation~~
2684 ~~system for motorized and nonmotorized users;~~

2685 ~~(c) Increase the accessibility and mobility options~~
2686 ~~available to people and for freight;~~

2687 ~~(d) Protect and enhance the environment, promote energy~~
2688 ~~conservation, and improve quality of life;~~

2689 ~~(e) Enhance the integration and connectivity of the~~
2690 ~~transportation system, across and between modes throughout~~
2691 ~~Florida, for people and freight;~~

2692 ~~(f) Promote efficient system management and operation; and~~

2693 ~~(g) Emphasize the preservation of the existing~~
2694 ~~transportation system.~~

2695 (3) FORMAT, SCHEDULE, AND REVIEW.—The Florida
2696 Transportation Plan must ~~shall~~ be a unified, concise planning
2697 document that clearly defines the state's long-range

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2698 transportation goals and objectives ~~and documents the~~
2699 ~~department's short-range objectives developed to further such~~
2700 ~~goals and objectives. The plan must: shall~~

2701 (a) Include a glossary that clearly and succinctly defines
2702 any and all phrases, words, or terms of art included in the
2703 plan, with which the general public may be unfamiliar. ~~and shall~~
2704 ~~consist of, at a minimum, the following components:~~

2705 (b)-(a) Document A long-range component documenting the
2706 goals and long-term objectives necessary to implement the
2707 results of the department's findings from its examination of the
2708 criteria specified listed in ~~subsection (2) and~~ s. 334.046(1)
2709 and 23 U.S.C. s. 135. ~~The long-range component must~~

2710 (c) Be developed in cooperation with the metropolitan
2711 planning organizations and reconciled, to the maximum extent
2712 feasible, with the long-range plans developed by metropolitan
2713 planning organizations pursuant to s. 339.175. ~~The plan must~~
2714 ~~also~~

2715 (d) Be developed in consultation with affected local
2716 officials in nonmetropolitan areas and with any affected Indian
2717 tribal governments. ~~The plan must~~

2718 (e) Provide an examination of transportation issues likely
2719 to arise during at least a 20-year period. ~~The long-range~~
2720 ~~component shall~~

2721 (f) Be updated at least once every 5 years, or more often
2722 as necessary, to reflect substantive changes to federal or state
2723 law.

2724 ~~(b) A short-range component documenting the short-term~~
2725 ~~objectives and strategies necessary to implement the goals and~~
2726 ~~long-term objectives contained in the long-range component. The~~

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2727 ~~short range component must define the relationship between the~~
2728 ~~long range goals and the short range objectives, specify those~~
2729 ~~objectives against which the department's achievement of such~~
2730 ~~goals will be measured, and identify transportation strategies~~
2731 ~~necessary to efficiently achieve the goals and objectives in the~~
2732 ~~plan. It must provide a policy framework within which the~~
2733 ~~department's legislative budget request, the strategic~~
2734 ~~information resource management plan, and the work program are~~
2735 ~~developed. The short range component shall serve as the~~
2736 ~~department's annual agency strategic plan pursuant to s.~~
2737 ~~186.021. The short range component shall be developed consistent~~
2738 ~~with available and forecasted state and federal funds. The~~
2739 ~~short range component shall also be submitted to the Florida~~
2740 ~~Transportation Commission.~~

2741 ~~(4) ANNUAL PERFORMANCE REPORT. The department shall develop~~
2742 ~~an annual performance report evaluating the operation of the~~
2743 ~~department for the preceding fiscal year. The report shall also~~
2744 ~~include a summary of the financial operations of the department~~
2745 ~~and shall annually evaluate how well the adopted work program~~
2746 ~~meets the short term objectives contained in the short range~~
2747 ~~component of the Florida Transportation Plan. This performance~~
2748 ~~report shall be submitted to the Florida Transportation~~
2749 ~~Commission and the legislative appropriations and transportation~~
2750 ~~committees.~~

2751 ~~(4)(5) ADDITIONAL TRANSPORTATION PLANS.-~~

2752 (a) Upon request by local governmental entities, the
2753 department may in its discretion develop and design
2754 transportation corridors, arterial and collector streets,
2755 vehicular parking areas, and other support facilities that which

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2756 are consistent with the department's plans ~~of the department~~ for
2757 major transportation facilities. The department may render to
2758 local governmental entities or their planning agencies ~~such~~
2759 technical assistance and services as ~~are~~ necessary so that local
2760 plans and facilities are coordinated with the plans and
2761 facilities of the department.

2762 (b) Each regional planning council, as provided ~~for~~ in s.
2763 186.504, or any successor agency ~~thereto~~, shall develop, as an
2764 element of its strategic regional policy plan, transportation
2765 goals and policies. The transportation goals and policies must
2766 be prioritized to comply with the prevailing principles provided
2767 in subsection (1) ~~(2)~~ and s. 334.046(1). The transportation
2768 goals and policies must ~~shall~~ be consistent, to the maximum
2769 extent feasible, with the goals and policies of the metropolitan
2770 planning organization and the Florida Transportation Plan. The
2771 transportation goals and policies of the regional planning
2772 council are ~~will be~~ advisory only and must ~~shall~~ be submitted to
2773 the department and any affected metropolitan planning
2774 organization for their consideration and comments. Metropolitan
2775 planning organization plans and other local transportation plans
2776 must ~~shall~~ be developed to be consistent, to the maximum extent
2777 feasible, with the regional transportation goals and policies.
2778 The regional planning council shall review urbanized area
2779 transportation plans and any other planning products stipulated
2780 in s. 339.175 and provide the department and respective
2781 metropolitan planning organizations with written recommendations
2782 that ~~which~~ the department and the metropolitan planning
2783 organizations shall take under advisement. ~~Further,~~ The regional
2784 planning councils shall also directly assist local governments

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2785 that ~~which~~ are not part of a metropolitan area transportation
2786 planning process in the development of the transportation
2787 element of their comprehensive plans as required by s. 163.3177.

2788 (c) Regional transportation plans may be developed in
2789 regional transportation areas in accordance with an interlocal
2790 agreement entered into pursuant to s. 163.01 by two or more
2791 contiguous metropolitan planning organizations; one or more
2792 metropolitan planning organizations and one or more contiguous
2793 counties, none of which is a member of a metropolitan planning
2794 organization; a multicounty regional transportation authority
2795 created by or pursuant to law; two or more contiguous counties
2796 that are not members of a metropolitan planning organization; or
2797 metropolitan planning organizations comprised of three or more
2798 counties.

2799 (d) The interlocal agreement must, at a minimum, identify
2800 the entity that will coordinate the development of the regional
2801 transportation plan; delineate the boundaries of the regional
2802 transportation area; provide the duration of the agreement and
2803 specify how the agreement may be terminated, modified, or
2804 rescinded; describe the process by which the regional
2805 transportation plan will be developed; and provide how members
2806 of the entity will resolve disagreements regarding
2807 interpretation of the interlocal agreement or disputes relating
2808 to the development or content of the regional transportation
2809 plan. Such interlocal agreement becomes ~~shall become~~ effective
2810 upon ~~its~~ recordation in the official public records of each
2811 county in the regional transportation area.

2812 (e) The regional transportation plan developed pursuant to
2813 this section must, at a minimum, identify regionally significant

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2814 transportation facilities located within a regional
2815 transportation area and contain a prioritized list of regionally
2816 significant projects. The projects shall be adopted into the
2817 capital improvements schedule of the local government
2818 comprehensive plan pursuant to s. 163.3177(3).

2819 (5)~~(6)~~ PROCEDURES FOR PUBLIC PARTICIPATION IN
2820 TRANSPORTATION PLANNING.—

2821 (a) During the development of the ~~long-range component of~~
2822 ~~the~~ Florida Transportation Plan, and before ~~prior to~~ substantive
2823 revisions, the department shall provide citizens, affected
2824 public agencies, representatives of transportation agency
2825 employees, other affected employee representatives, private
2826 providers of transportation, and other known interested parties
2827 with an opportunity to comment on the proposed plan or
2828 revisions. These opportunities ~~shall include~~, at a minimum,
2829 include publishing a notice in the Florida Administrative Weekly
2830 and within a newspaper of general circulation within the area of
2831 each department district office.

2832 (b) During development of major transportation
2833 improvements, such as those increasing the capacity of a
2834 facility through the addition of new lanes or providing new
2835 access to a limited or controlled access facility or
2836 construction of a facility in a new location, the department
2837 shall hold one or more hearings before selecting ~~prior to the~~
2838 ~~selection of~~ the facility to be provided, selecting; ~~prior to~~
2839 ~~the selection of~~ the site or corridor of the proposed facility,
2840 and selecting and committing; ~~and prior to the selection of and~~
2841 ~~commitment~~ to a specific design proposal for the proposed
2842 facility. Such public hearings must ~~shall~~ be conducted so as to

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2843 provide an opportunity for effective participation by interested
2844 persons in the process of transportation planning and site and
2845 route selection and in the specific location and design of
2846 transportation facilities. The various factors involved in the
2847 decision or decisions and any alternative proposals must ~~shall~~
2848 be clearly presented so that the persons attending the hearing
2849 may present their views relating to the decision or decisions to
2850 ~~which will~~ be made.

2851 (c) Opportunity for design hearings:

2852 1. The department, before ~~prior to~~ holding a design
2853 hearing, must ~~shall~~ ~~duly~~ notify all affected property owners of
2854 record, as recorded in the property appraiser's office, by mail
2855 at least 20 days before ~~prior to~~ the date set for the hearing.
2856 The affected property owners are ~~shall be~~:

2857 a. Those whose property lies in whole or in part within 300
2858 feet on either side of the centerline of the proposed facility.

2859 b. Those whom the department determines will be
2860 substantially affected environmentally, economically, socially,
2861 or safetywise.

2862 2. For each subsequent hearing, the department shall
2863 publish notice before ~~prior to~~ the hearing date in a newspaper
2864 of general circulation for the area affected. The ~~These~~ notices
2865 must be published twice, with the first notice appearing at
2866 least 15 days, but no later than 30 days, before the hearing.

2867 3. A copy of the notice of opportunity for the hearing must
2868 be furnished to the United States Department of Transportation
2869 and to the appropriate departments of the state government at
2870 the time of publication.

2871 4. The opportunity for another hearing must be provided

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2872 ~~shall be afforded~~ in any case where ~~when~~ proposed locations or
2873 designs are so changed from those presented in the notices
2874 specified in this paragraph above or at a hearing as to have a
2875 substantially different social, economic, or environmental
2876 effect.

2877 5. The opportunity for a hearing must be provided ~~shall be~~
2878 ~~afforded~~ in any ~~each~~ case in which the department is in doubt as
2879 to whether a hearing is required.

2880 Section 51. Paragraph (a) of subsection (2), paragraph (a)
2881 of subsection (4), and paragraph (b) of subsection (8) of
2882 section 339.175, Florida Statutes, are amended to read:

2883 339.175 Metropolitan planning organization.—

2884 (2) DESIGNATION.—

2885 (a)1. An M.P.O. shall be designated for each urbanized area
2886 of the state; however, ~~this does not require that~~ an individual
2887 M.P.O. does not have to be designated for each such area. Such
2888 designation shall be accomplished by agreement between the
2889 Governor and units of general-purpose local government
2890 representing at least 75 percent of the population of the
2891 urbanized area; however, the unit of general-purpose local
2892 government that represents the central municipality ~~city or~~
2893 ~~cities~~ within the M.P.O. jurisdiction, as defined by the United
2894 States Bureau of the Census, must be a party to such agreement.

2895 2. To the extent possible, only one M.P.O. shall be
2896 designated for each urbanized area or group of contiguous
2897 urbanized areas. More than one M.P.O. may be designated within
2898 an existing urbanized ~~metropolitan planning~~ area only if the
2899 Governor and the existing M.P.O. determine that the size and
2900 complexity of the existing urbanized ~~metropolitan planning~~ area

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2901 makes the designation of more than one M.P.O. for the area
2902 appropriate.

2903

2904 Each M.P.O. required under this section must be fully operative
2905 no later than 6 months following its designation.

2906 (4) APPORTIONMENT.—

2907 (a) The Governor ~~shall~~, with the agreement of the affected
2908 units of general-purpose local government as required by federal
2909 rules and regulations, shall apportion the membership on the
2910 applicable M.P.O. among the various governmental entities within
2911 the area. At the request of a majority of the affected units of
2912 general-purpose local government comprising an M.P.O., the
2913 Governor and a majority of units of general-purpose local
2914 government serving on an M.P.O. shall cooperatively agree upon
2915 and prescribe who may serve as an alternate member and a method
2916 for appointing alternate members who may vote at any M.P.O.
2917 meeting that an alternate member attends in place of a regular
2918 member. The method must ~~shall~~ be set forth as a part of the
2919 interlocal agreement describing the M.P.O.'s membership or in
2920 the M.P.O.'s operating procedures and bylaws. The governmental
2921 entity so designated shall appoint the appropriate number of
2922 members to the M.P.O. from eligible officials. Representatives
2923 of the department shall serve as nonvoting advisors ~~members~~ of
2924 the M.P.O. governing board. Additional nonvoting advisers may be
2925 appointed by the M.P.O. as deemed necessary; however, to the
2926 maximum extent feasible, each M.P.O. shall seek to appoint
2927 nonvoting representatives of various multimodal forms of
2928 transportation not otherwise represented by voting members of
2929 the M.P.O. An M.P.O. shall appoint nonvoting advisers

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2930 representing major military installations located within the
2931 jurisdictional boundaries of the M.P.O. upon the request of the
2932 ~~aforsaid~~ major military installations and subject to the
2933 agreement of the M.P.O. All nonvoting advisers may attend and
2934 participate fully in governing board meetings but may ~~shall~~ not
2935 ~~have a~~ vote and may ~~shall~~ not be members of the governing board.
2936 The Governor shall review the composition of the M.P.O.
2937 membership in conjunction with the decennial census as prepared
2938 by the United States Department of Commerce, Bureau of the
2939 Census, and reapportion it as necessary to comply with
2940 subsection (3).

2941 (8) TRANSPORTATION IMPROVEMENT PROGRAM.—Each M.P.O. shall,
2942 in cooperation with the state and affected public transportation
2943 operators, develop a transportation improvement program for the
2944 area within the jurisdiction of the M.P.O. In the development of
2945 the transportation improvement program, each M.P.O. must provide
2946 the public, affected public agencies, representatives of
2947 transportation agency employees, freight shippers, providers of
2948 freight transportation services, private providers of
2949 transportation, representatives of users of public transit, and
2950 other interested parties with a reasonable opportunity to
2951 comment on the proposed transportation improvement program.

2952 (b) Each M.P.O. annually shall prepare a list of project
2953 priorities and ~~shall~~ submit the list to the appropriate district
2954 of the department by October 1 of each year; however, the
2955 department and a metropolitan planning organization may, in
2956 writing, agree to vary this submittal date. If more than one
2957 M.P.O. exists within an urbanized area, the M.P.O.s must
2958 coordinate in the development of regionally significant project

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2959 priorities. The list of project priorities must be formally
 2960 reviewed by the technical and citizens' advisory committees, and
 2961 approved by the M.P.O., before it is transmitted to the
 2962 district. The approved list of project priorities must be used
 2963 by the district in developing the district work program and ~~must~~
 2964 ~~be used~~ by the M.P.O. in developing its transportation
 2965 improvement program. The annual list of project priorities must
 2966 be based upon project selection criteria that, at a minimum,
 2967 consider ~~the following~~:

- 2968 1. The approved M.P.O. long-range transportation plan;
- 2969 2. The Strategic Intermodal System Plan developed under s.
 2970 339.64.
- 2971 3. The priorities developed pursuant to s. 339.2819(4).
- 2972 4. The results of the transportation management systems;
- 2973 and
- 2974 5. The M.P.O.'s public-involvement procedures.

2975 Section 52. Subsections (1), (2), (3), and (4) of section
 2976 339.2819, Florida Statutes, are amended to read:

2977 339.2819 Transportation Regional Incentive Program.—

2978 (1) ~~The There is created within the Department of~~
 2979 ~~Transportation~~ a Transportation Regional Incentive Program is
 2980 created within the Department of Transportation for the purpose
 2981 of providing funds to improve regionally significant
 2982 transportation facilities in regional transportation areas
 2983 created pursuant to s. 339.155(4) ~~339.155(5)~~.

2984 (2) The ~~percentage of matching funds provided from the~~
 2985 Transportation Regional Incentive Program shall provide matching
 2986 funds of up to ~~be~~ 50 percent of project costs.

2987 (3) The department shall allocate funding available for the

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2988 Transportation Regional Incentive Program to the districts based
2989 on a factor derived from equal parts of population and motor
2990 fuel collections for eligible counties in regional
2991 transportation areas created pursuant to s. 339.155(4)
2992 ~~339.155(5)~~.

2993 (4) (a) Projects to be funded with Transportation Regional
2994 Incentive Program funds ~~shall~~, at a minimum, must:

2995 1. ~~Support those transportation facilities that~~ Serve
2996 national, statewide, or regional functions and function as part
2997 of an integrated regional transportation system.

2998 2. Be identified in the capital improvements element of a
2999 comprehensive plan that has been determined to be in compliance
3000 with part II of chapter 163, after July 1, 2005. ~~Further~~, The
3001 project must also shall be in compliance with local government
3002 comprehensive plan policies relative to corridor management.

3003 3. Be consistent with the Strategic Intermodal System Plan
3004 developed under s. 339.64.

3005 4. Have a commitment for local, regional, or private
3006 financial matching funds as a percentage of the overall project
3007 cost.

3008 (b) Projects funded under this section must be included in
3009 the department's work program developed pursuant to s. 339.135.

3010 In identifying projects to be funded with allocating
3011 Transportation Regional Incentive Program funds, the department
3012 must ensure that such projects meet the requirements of this
3013 section and give priority shall be given to projects that:

3014 1. Provide connectivity to the Strategic Intermodal System
3015 developed under s. 339.64.

3016 2. Support economic development and the movement of goods

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3017 in rural areas of critical economic concern designated under s.
3018 288.0656(7).

3019 3. Are subject to a local ordinance that establishes
3020 corridor management techniques, including access management
3021 strategies, right-of-way acquisition and protection measures,
3022 appropriate land use strategies, zoning, and setback
3023 requirements for adjacent land uses.

3024 4. Improve connectivity between military installations and
3025 the Strategic Highway Network or the Strategic Rail Corridor
3026 Network.

3027
3028 The department shall also consider the extent to which local
3029 matching funds are available to be committed to the project.

3030 Section 53. Subsection (6) of section 339.285, Florida
3031 Statutes, is amended to read:

3032 339.285 Enhanced Bridge Program for Sustainable
3033 Transportation.—

3034 (6) Preference shall be given to bridge projects located on
3035 corridors that connect to the Strategic Intermodal System~~7~~
3036 created under s. 339.64, and that have been identified as
3037 regionally significant in accordance with s. 339.155(4)(c)-(e)
3038 ~~339.155(5)(c), (d), and (e)~~.

3039 Section 54. Subsections (1) and (6) of section 339.62,
3040 Florida Statutes, are amended to read:

3041 339.62 System components.—The Strategic Intermodal System
3042 shall consist of appropriate components of:

3043 (1) Highway corridors ~~The Florida Intrastate Highway System~~
3044 established under s. 339.65 ~~338.001~~.

3045 (6) Other existing or planned corridors that serve a

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3046 statewide or interregional purpose.

3047 Section 55. Subsections (2) and (4) of section 339.63,
3048 Florida Statutes, are amended, and subsections (5) and (6) are
3049 added to that section, to read:

3050 339.63 System facilities designated; additions and
3051 deletions.—

3052 (2) The Strategic Intermodal System and the Emerging
3053 Strategic Intermodal System include the following five ~~four~~
3054 different types of facilities which ~~that~~ each form one component
3055 of an interconnected transportation system ~~which types include:~~

3056 (a) Existing or planned hubs that are ports and terminals
3057 including airports, seaports, spaceports, passenger terminals,
3058 and rail terminals that ~~servicing to~~ move goods or people between
3059 ~~Florida~~ regions of the state or between this state ~~Florida~~ and
3060 other markets in the United States and the rest of the world.

3061 (b) Existing or planned corridors that are highways, rail
3062 lines, waterways, and other exclusive-use facilities connecting
3063 major markets within the state ~~Florida~~ or between this state
3064 ~~Florida~~ and other states or nations.

3065 (c) Existing or planned intermodal connectors that are
3066 highways, rail lines, waterways or local public transit systems
3067 that serve ~~servicing~~ as connectors between the components listed
3068 in paragraphs (a) and (b).

3069 (d) Existing or planned military access facilities that are
3070 highways or rail lines linking Strategic Intermodal System
3071 corridors to the state's strategic military installations.

3072 (e) ~~(d)~~ Existing or planned facilities that significantly
3073 improve the state's competitive position to compete for the
3074 movement of additional goods into and through this state.

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3075 (4) Except as provided in subsections (5) and (6), after
3076 the initial designation of the Strategic Intermodal System under
3077 subsection (1), the department shall, in coordination with the
3078 metropolitan planning organizations, local governments, regional
3079 planning councils, transportation providers, and affected public
3080 agencies, add facilities to or delete facilities from the
3081 Strategic Intermodal System described in paragraph (2)(a) based
3082 upon criteria adopted by the department.

3083 (5) ~~However,~~ An airport that is designated as a reliever
3084 airport to a Strategic Intermodal System airport which has at
3085 least 75,000 itinerant operations per year, has a runway length
3086 of at least 5,500 linear feet, is capable of handling aircraft
3087 weighing at least 60,000 pounds with a dual wheel configuration
3088 which is served by at least one precision instrument approach,
3089 and serves a cluster of aviation-dependent industries, shall be
3090 designated as part of the Strategic Intermodal System by the
3091 Secretary of Transportation upon the request of a reliever
3092 airport meeting this criteria.

3093 (6) (a) Upon the request of a facility that is described in
3094 subsection (2), that meets the definition of an intermodal
3095 logistics center as defined in s. 311.101(1), and that has been
3096 designated in the local comprehensive plan as an intermodal
3097 logistics center or an equivalent planning term, the Secretary
3098 of Transportation shall designate such planned facility as part
3099 of the Strategic Intermodal System.

3100 (b) If a facility is designated as part of the Strategic
3101 Intermodal System pursuant to paragraph (a) and is within the
3102 jurisdiction of a local government that maintains a
3103 transportation concurrency system, such facility shall receive a

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3104 waiver of transportation concurrency requirements applicable to
3105 Strategic Intermodal System facilities in order to accommodate
3106 any development at the facility which occurs pursuant to a
3107 building permit issued on or before December 31, 2017, but only
3108 if such facility is located:

3109 1. Within an area designated as a rural area of critical
3110 economic concern pursuant to s. 288.0656(7);

3111 2. Within a rural enterprise zone as defined in s.
3112 290.004(5); or

3113 3. Within 15 miles of the boundary of a rural area of
3114 critical economic concern or a rural enterprise zone.

3115 Section 56. Section 339.64, Florida Statutes, is amended to
3116 read:

3117 339.64 Strategic Intermodal System Plan.—

3118 (1) The department shall develop, in cooperation with
3119 metropolitan planning organizations, regional planning councils,
3120 local governments, ~~the Statewide Intermodal Transportation~~
3121 ~~Advisory Council~~ and other transportation providers, a Strategic
3122 Intermodal System Plan. The plan must ~~shall~~ be consistent with
3123 the Florida Transportation Plan developed pursuant to s. 339.155
3124 and ~~shall~~ be updated at least once every 5 years, subsequent to
3125 updates of the Florida Transportation Plan.

3126 (2) In association with the continued development of the
3127 Strategic Intermodal System Plan, the Florida Transportation
3128 Commission, as part of its work program review process, shall
3129 conduct an annual assessment of the progress that the department
3130 and its transportation partners have made in realizing the goals
3131 of economic development, improved mobility, and increased
3132 intermodal connectivity of the Strategic Intermodal System. The

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3133 Florida Transportation Commission shall coordinate with the
3134 department, ~~the Statewide Intermodal Transportation Advisory~~
3135 ~~Council,~~ and other appropriate entities when developing this
3136 assessment. The Florida Transportation Commission shall deliver
3137 a report to the Governor and Legislature within ~~no later than~~ 14
3138 days after the regular session begins, with recommendations as
3139 necessary to fully implement the Strategic Intermodal System.

3140 (3) (a) During the development of updates to the Strategic
3141 Intermodal System Plan, the department shall provide
3142 metropolitan planning organizations, regional planning councils,
3143 local governments, transportation providers, affected public
3144 agencies, and citizens with an opportunity to participate in and
3145 comment on the development of the update.

3146 (b) The department also shall coordinate ~~with federal,~~
3147 ~~regional, and local partners~~ the planning for the Strategic
3148 Highway Network and the Strategic Rail Corridor Network
3149 transportation facilities that ~~either~~ are included in the
3150 Strategic Intermodal System, or that provide a direct connection
3151 between military installations and the Strategic Intermodal
3152 System, with federal, regional, and local partners. ~~In addition,~~
3153 The department shall also coordinate with regional and local
3154 partners to determine whether the road and other transportation
3155 infrastructure that connect military installations to the
3156 Strategic Intermodal System, the Strategic Highway Network, or
3157 the Strategic Rail Corridor is regionally significant and should
3158 be included in the Strategic Intermodal System Plan.

3159 (4) The Strategic Intermodal System Plan must ~~shall~~ include
3160 ~~the following:~~

3161 (a) A needs assessment.

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3162 (b) A project prioritization process.

3163 (c) A map of facilities designated as Strategic Intermodal
3164 System facilities; facilities that are emerging in importance
3165 and that are likely to become part of the system in the future;
3166 and planned facilities that will meet the established criteria.

3167 (d) A finance plan based on reasonable projections of
3168 anticipated revenues, including both 10-year and at least 20-
3169 year cost-feasible components.

3170 (e) An assessment of the impacts of proposed improvements
3171 to Strategic Intermodal System corridors on military
3172 installations that are ~~either~~ located directly on the Strategic
3173 Intermodal System or located on the Strategic Highway Network or
3174 Strategic Rail Corridor Network.

3175 ~~(5) STATEWIDE INTERMODAL TRANSPORTATION ADVISORY COUNCIL.~~

3176 ~~(a) The Statewide Intermodal Transportation Advisory
3177 Council is created to advise and make recommendations to the
3178 Legislature and the department on policies, planning, and
3179 funding of intermodal transportation projects. The council's
3180 responsibilities shall include:~~

3181 ~~1. Advising the department on the policies, planning, and
3182 implementation of strategies related to intermodal
3183 transportation.~~

3184 ~~2. Providing advice and recommendations to the Legislature
3185 on funding for projects to move goods and people in the most
3186 efficient and effective manner for the State of Florida.~~

3187 ~~(b) MEMBERSHIP. Members of the Statewide Intermodal
3188 Transportation Advisory Council shall consist of the following:~~

3189 ~~1. Six intermodal industry representatives selected by the
3190 Governor as follows:~~

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- 3191 ~~a. One representative from an airport involved in the~~
3192 ~~movement of freight and people from their airport facility to~~
3193 ~~another transportation mode.~~
- 3194 ~~b. One individual representing a fixed route, local-~~
3195 ~~government transit system.~~
- 3196 ~~e. One representative from an intercity bus company~~
3197 ~~providing regularly scheduled bus travel as determined by~~
3198 ~~federal regulations.~~
- 3199 ~~d. One representative from a spaceport.~~
- 3200 ~~e. One representative from intermodal trucking companies.~~
- 3201 ~~f. One representative having command responsibilities of a~~
3202 ~~major military installation.~~
- 3203 ~~2. Three intermodal industry representatives selected by~~
3204 ~~the President of the Senate as follows:~~
- 3205 ~~a. One representative from major-line railroads.~~
- 3206 ~~b. One representative from seaports listed in s. 311.09(1)~~
3207 ~~from the Atlantic Coast.~~
- 3208 ~~e. One representative from an airport involved in the~~
3209 ~~movement of freight and people from their airport facility to~~
3210 ~~another transportation mode.~~
- 3211 ~~3. Three intermodal industry representatives selected by~~
3212 ~~the Speaker of the House of Representatives as follows:~~
- 3213 ~~a. One representative from short-line railroads.~~
- 3214 ~~b. One representative from seaports listed in s. 311.09(1)~~
3215 ~~from the Gulf Coast.~~
- 3216 ~~e. One representative from intermodal trucking companies.~~
3217 ~~In no event may this representative be employed by the same~~
3218 ~~company that employs the intermodal trucking company~~
3219 ~~representative selected by the Governor.~~

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3220 ~~(c) Initial appointments to the council must be made no~~
3221 ~~later than 30 days after the effective date of this section.~~

3222 ~~1. The initial appointments made by the President of the~~
3223 ~~Senate and the Speaker of the House of Representatives shall~~
3224 ~~serve terms concurrent with those of the respective appointing~~
3225 ~~officer. Beginning January 15, 2005, and for all subsequent~~
3226 ~~appointments, council members appointed by the President of the~~
3227 ~~Senate and the Speaker of the House of Representatives shall~~
3228 ~~serve 2-year terms, concurrent with the term of the respective~~
3229 ~~appointing officer.~~

3230 ~~2. The initial appointees, and all subsequent appointees,~~
3231 ~~made by the Governor shall serve 2-year terms.~~

3232 ~~3. Vacancies on the council shall be filled in the same~~
3233 ~~manner as the initial appointments.~~

3234 ~~(d) Each member of the council shall be allowed one vote.~~
3235 ~~The council shall select a chair from among its membership.~~
3236 ~~Meetings shall be held at the call of the chair, but not less~~
3237 ~~frequently than quarterly. The members of the council shall be~~
3238 ~~reimbursed for per diem and travel expenses as provided in s.~~
3239 ~~112.061.~~

3240 ~~(e) The department shall provide administrative staff~~
3241 ~~support and shall ensure that council meetings are~~
3242 ~~electronically recorded. Such recordings and all documents~~
3243 ~~received, prepared for, or used by the council in conducting its~~
3244 ~~business shall be preserved pursuant to chapters 119 and 257.~~

3245 Section 57. Section 339.65, Florida Statutes, is created to
3246 read:

3247 339.65 Strategic Intermodal System highway corridors.—

3248 (1) The department shall plan and develop Strategic

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3249 Intermodal System highway corridors, including limited and
3250 controlled access facilities, allowing for high-speed and high-
3251 volume traffic movements within the state. The primary function
3252 of the corridors is to provide for traffic movement. Access to
3253 abutting land is subordinate to this function and must be
3254 prohibited or highly regulated.

3255 (2) Strategic Intermodal System highway corridors must
3256 include facilities from the following components of the State
3257 Highway System which meet the criteria adopted by the department
3258 pursuant to s. 339.63:

3259 (a) Interstate highways.

3260 (b) The Florida Turnpike System.

3261 (c) Interregional and intercity limited access facilities.

3262 (d) Existing interregional and intercity arterial highways
3263 previously upgraded or upgraded in the future to limited access
3264 or controlled access facility standards.

3265 (e) New limited access facilities necessary to complete a
3266 balanced statewide system.

3267 (3) The department shall adhere to the following policy
3268 guidelines in the development of Strategic Intermodal System
3269 highway corridors:

3270 (a) Making capacity improvements to existing facilities, if
3271 feasible, in order to minimize costs and environmental impacts.

3272 (b) Identifying appropriate arterial highways in major
3273 transportation corridors for inclusion in a program to bring
3274 these facilities up to limited access or controlled access
3275 facility standards.

3276 (c) Coordinating proposed projects with appropriate limited
3277 access projects undertaken by expressway authorities and local

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3278 governmental entities.

3279 (d) Maximizing the use of limited access facility standards
3280 when constructing new arterial highways.

3281 (e) Identifying appropriate new limited access highways for
3282 inclusion in the Florida Turnpike System.

3283 (f) To the maximum extent feasible, ensuring that proposed
3284 projects are consistent with approved local government
3285 comprehensive plans of the local jurisdictions in which such
3286 facilities are to be located and with the transportation
3287 improvement program of any metropolitan planning organization
3288 where such facilities are to be located.

3289 (4) The department shall develop and maintain a plan of
3290 Strategic Intermodal System highway corridor projects that are
3291 anticipated to be let to contract for construction within a time
3292 period of at least 20 years. The plan must also identify when
3293 segments of the corridor will meet the standards and criteria
3294 developed pursuant to subsection (5).

3295 (5) The department shall establish the standards and
3296 criteria for the functional characteristics and design of
3297 facilities proposed as part of Strategic Intermodal System
3298 highway corridors.

3299 (6) For the purposes of developing the proposed Strategic
3300 Intermodal System highway corridors, beginning in the 2012-2013
3301 fiscal year and for each fiscal year thereafter, the minimum
3302 amount allocated shall be based on the 2003-2004 fiscal year
3303 allocation of \$450 million adjusted annually by the change in
3304 the Consumer Price Index for the prior fiscal year compared to
3305 the Consumer Price Index for the 2003-2004 fiscal year.

3306 (7) Any project to be constructed as part of a Strategic

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3307 Intermodal System highway corridor must be included in the
3308 department's adopted work program. Corridor projects that are
3309 added to or deleted from the previous adopted work program, or
3310 modifications to corridor projects contained in the previous
3311 adopted work program, must be specifically identified and
3312 submitted as a separate part of the tentative work program.

3313 Section 58. Subsection (2) of section 341.053, Florida
3314 Statutes, is amended to read:

3315 341.053 Intermodal Development Program; administration;
3316 eligible projects; limitations.-

3317 (2) In recognition of the department's role in the economic
3318 development of this state, the department shall develop a
3319 proposed intermodal development plan to connect Florida's
3320 airports, deepwater seaports, rail systems serving both
3321 passenger and freight, and major intermodal connectors to the
3322 Strategic Intermodal System highway corridors ~~Florida Intrastate~~
3323 ~~Highway System facilities~~ as the primary system for the movement
3324 of people and freight in this state in order to make the
3325 intermodal development plan a fully integrated and
3326 interconnected system. The intermodal development plan must:

3327 (a) Define and assess the state's freight intermodal
3328 network, including airports, seaports, rail lines and terminals,
3329 intercity bus lines and terminals, and connecting highways.

3330 (b) Prioritize statewide infrastructure investments,
3331 including the acceleration of current projects, which are found
3332 by the Freight Stakeholders Task Force to be priority projects
3333 for the efficient movement of people and freight.

3334 (c) Be developed in a manner that will assure maximum use
3335 of existing facilities and optimum integration and coordination

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3336 of the various modes of transportation, including both
3337 government-owned and privately owned resources, in the most
3338 cost-effective manner possible.

3339 Section 59. Section 341.840, Florida Statutes, is amended
3340 to read:

3341 341.840 Tax exemption.—

3342 (1) The exercise of the powers granted under ss. 341.8201-
3343 341.842 ~~by this act~~ will be in all respects for the benefit of
3344 the people of this state, for the increase of their commerce,
3345 welfare, and prosperity, and for the improvement of their health
3346 and living conditions. The design, construction, operation,
3347 maintenance, and financing of a high-speed rail system by the
3348 enterprise authority, its agent, or the owner or lessee thereof,
3349 as herein authorized, constitutes the performance of an
3350 essential public function.

3351 (2) (a) For the purposes of this section, the term
3352 "enterprise authority" does not include agents of the enterprise
3353 authority other than contractors who qualify as such pursuant to
3354 subsection (7).

3355 (b) For the purposes of this section, any item or property
3356 that is within the definition of the term "associated
3357 development" in s. 341.8203(1) may ~~shall~~ not be considered ~~to be~~
3358 part of the high-speed rail system as defined in s.
3359 341.8203(3) ~~(6)~~.

3360 (3) (a) Purchases or leases of tangible personal property or
3361 real property by the enterprise authority, excluding agents of
3362 the enterprise authority, are exempt from taxes imposed by
3363 chapter 212 as provided in s. 212.08(6). Purchases or leases of
3364 tangible personal property that is incorporated into the high-

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3365 speed rail system as a component part thereof, as determined by
3366 the enterprise authority, by agents of the enterprise authority
3367 or the owner of the high-speed rail system are exempt from sales
3368 or use taxes imposed by chapter 212. Leases, rentals, or
3369 licenses to use real property granted to agents of the
3370 enterprise authority or the owner of the high-speed rail system
3371 are exempt from taxes imposed by s. 212.031 if the real property
3372 becomes part of such system. The exemptions granted in this
3373 subsection do not apply to sales, leases, or licenses by the
3374 enterprise authority, agents of the authority, or the owner of
3375 the high-speed rail system.

3376 (b) The exemption granted in paragraph (a) to purchases or
3377 leases of tangible personal property by agents of the enterprise
3378 authority or by the owner of the high-speed rail system applies
3379 only to property that becomes a component part of such system.
3380 It does not apply to items, including, but not limited to,
3381 cranes, bulldozers, forklifts, other machinery and equipment,
3382 tools and supplies, or other items of tangible personal property
3383 used in the construction, operation, or maintenance of the high-
3384 speed rail system when such items are not incorporated into the
3385 high-speed rail system as a component part thereof.

3386 (4) Any bonds or other security, and all notes, mortgages,
3387 security agreements, letters of credit, or other instruments
3388 that arise out of or are given to secure the repayment of bonds
3389 or other security, issued by the enterprise authority, or on
3390 behalf of the enterprise authority, their transfer, and the
3391 income therefrom, including any profit made on the sale thereof,
3392 shall at all times be free from taxation of every kind by the
3393 state, the counties, and the municipalities and other political

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3394 subdivisions in the state. This subsection, however, does not
3395 exempt from taxation or assessment the leasehold interest of a
3396 lessee in any project or any other property or interest owned by
3397 the lessee. The exemption granted by this subsection is not
3398 applicable to any tax imposed by chapter 220 on interest income
3399 or profits on the sale of debt obligations owned by
3400 corporations.

3401 (5) When property of the enterprise authority is leased to
3402 another person or entity, the property shall be exempt from ad
3403 valorem taxation only if the use by the lessee qualifies the
3404 property for exemption under s. 196.199.

3405 (6) A leasehold interest held by the enterprise authority
3406 is not subject to intangible tax. However, if a leasehold
3407 interest held by the enterprise authority is subleased to a
3408 nongovernmental lessee, such subleasehold interest shall be
3409 deemed to be an interest described in s. 199.023(1)(d), Florida
3410 Statutes 2005, and is subject to the intangible tax.

3411 (7) (a) In order to be considered an agent of the enterprise
3412 authority for purposes of the exemption from sales and use tax
3413 granted by subsection (3) for tangible personal property
3414 incorporated into the high-speed rail system, a contractor of
3415 the enterprise authority that purchases or fabricates such
3416 tangible personal property must be certified by the enterprise
3417 authority as provided in this subsection.

3418 (b)1. A contractor must apply for a renewal of the
3419 exemption not later than December 1 of each calendar year.

3420 2. A contractor must apply to the enterprise authority on
3421 the application form adopted by the enterprise authority, which
3422 shall develop the form in consultation with the Department of

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3423 Revenue.

3424 3. The enterprise authority shall review each submitted
3425 application and determine whether it is complete. The enterprise
3426 authority shall notify the applicant of any deficiencies in the
3427 application within 30 days. Upon receipt of a completed
3428 application, the enterprise authority shall evaluate the
3429 application for exemption under this subsection and issue a
3430 certification that the contractor is qualified to act as an
3431 agent of the enterprise authority for purposes of this section
3432 or a denial of such certification within 30 days. The enterprise
3433 authority shall provide the Department of Revenue with a copy of
3434 each certification issued upon approval of an application. Upon
3435 receipt of a certification from the enterprise authority, the
3436 Department of Revenue shall issue an exemption permit to the
3437 contractor.

3438 (c)1. The contractor may extend a copy of its exemption
3439 permit to its vendors in lieu of paying sales tax on purchases
3440 of tangible personal property qualifying for exemption under
3441 this section. Possession of a copy of the exemption permit
3442 relieves the seller of the responsibility of collecting tax on
3443 the sale, and the Department of Revenue shall look solely to the
3444 contractor for recovery of tax upon a determination that the
3445 contractor was not entitled to the exemption.

3446 2. The contractor may extend a copy of its exemption permit
3447 to real property subcontractors supplying and installing
3448 tangible personal property that is exempt under subsection (3).
3449 Any such subcontractor may ~~is authorized to~~ extend a copy of the
3450 permit to the subcontractor's vendors in order to purchase
3451 qualifying tangible personal property tax-exempt. If the

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3452 subcontractor uses the exemption permit to purchase tangible
3453 personal property that is determined not to qualify for
3454 exemption under subsection (3), the Department of Revenue may
3455 assess and collect any tax, penalties, and interest that are due
3456 from either the contractor holding the exemption permit or the
3457 subcontractor that extended the exemption permit to the seller.

3458 (d) Any contractor authorized to act as an agent of the
3459 enterprise authority under this section shall maintain the
3460 necessary books and records to document the exempt status of
3461 purchases and fabrication costs made or incurred under the
3462 permit. In addition, an authorized contractor extending its
3463 exemption permit to its subcontractors shall maintain a copy of
3464 the subcontractor's books, records, and invoices indicating all
3465 purchases made by the subcontractor under the authorized
3466 contractor's permit. If, in an audit conducted by the Department
3467 of Revenue, it is determined that tangible personal property
3468 purchased or fabricated claiming exemption under this section
3469 does not meet the criteria for exemption, the amount of taxes
3470 not paid at the time of purchase or fabrication shall be
3471 immediately due and payable to the Department of Revenue,
3472 together with the appropriate interest and penalty, computed
3473 from the date of purchase, in the manner prescribed by chapter
3474 212.

3475 (e) If a contractor fails to apply for a high-speed rail
3476 system exemption permit, or if a contractor initially determined
3477 by the enterprise authority to not qualify for exemption is
3478 subsequently determined to be eligible, the contractor shall
3479 receive the benefit of the exemption in this subsection through
3480 a refund of previously paid taxes for transactions that

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3481 otherwise would have been exempt. A refund may not be made for
3482 such taxes without the issuance of a certification by the
3483 enterprise authority that the contractor was authorized to make
3484 purchases tax-exempt and a determination by the Department of
3485 Revenue that the purchases qualified for the exemption.

3486 (f) The enterprise authority may adopt rules governing the
3487 application process for exemption of a contractor as an
3488 authorized agent of the enterprise authority.

3489 (g) The Department of Revenue may adopt rules governing the
3490 issuance and form of high-speed rail system exemption permits,
3491 the audit of contractors and subcontractors using such permits,
3492 the recapture of taxes on nonqualified purchases, and the manner
3493 and form of refund applications.

3494 Section 60. Subsection (3) of section 343.52, Florida
3495 Statutes, is amended to read:

3496 343.52 Definitions.—As used in this part, the term:

3497 (3) "Area served" means Miami-Dade, Broward, and Palm Beach
3498 Counties. However, this area may be expanded by mutual consent
3499 of the authority and the board of county commissioners of
3500 Martin, St. Lucie, or Monroe Counties ~~representing the proposed~~
3501 ~~expansion area.~~ The department shall approve expansion into any
3502 additional counties.

3503 Section 61. Section 343.53, Florida Statutes, is amended to
3504 read:

3505 343.53 South Florida Regional Transportation Authority.—

3506 (1) There is created and established a body politic and
3507 corporate, an agency of the state, to be known as the "South
3508 Florida Regional Transportation Authority," hereinafter referred
3509 to as the "authority."

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3510 (2) The governing board of the authority shall consist of
3511 11 ~~nine~~ voting members and one ex officio nonvoting member, as
3512 follows:

3513 (a) The county commissions of Miami-Dade, Broward, and Palm
3514 Beach Counties shall each elect a commissioner as that
3515 commission's representative on the board. The commissioner must
3516 be a member of the county commission when elected and for the
3517 full extent of his or her term.

3518 (b) The county commissions of Miami-Dade, Broward, and Palm
3519 Beach Counties shall each appoint a citizen member to the board
3520 who is not a member of the county commission but who is a
3521 resident of the county from which he or she is appointed and a
3522 qualified elector of that county. Insofar as practicable, the
3523 citizen member shall represent the business and civic interests
3524 of the community.

3525 (c) The secretary of the Department of Transportation shall
3526 appoint one of the district secretaries, or his or her designee,
3527 for the districts within which the area served by the South
3528 Florida Regional Transportation Authority is located, who shall
3529 serve ex officio as a nonvoting member.

3530 (d) If the authority's service area is expanded pursuant to
3531 s. 343.54(5), the county containing the new service area shall
3532 ~~have three members appointed to the board as follows:~~

3533 ~~1. The county commission of the county shall elect a~~
3534 ~~commissioner as that commission's representative on the board.~~
3535 ~~The commissioner must be a member of the county commission when~~
3536 ~~elected and for the full extent of his or her term.~~

3537 ~~2. The county commission of the county shall appoint a~~
3538 ~~citizen member to the board who is not a member of the county~~

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3539 ~~commission but who is a resident and a qualified elector of that~~
3540 ~~county. Insofar as is practicable, the citizen member shall~~
3541 ~~represent the business and civic interests of the community.~~

3542 ~~3.~~ The Governor shall appoint a citizen member to the board
3543 who is not a member of the county commission but who is a
3544 resident and a qualified elector of that county.

3545 ~~(d)(e)~~ The Governor shall appoint five ~~two~~ members to the
3546 board who are residents and qualified electors in the area
3547 served by the authority but who are not residents of the same
3548 county and also not residents of the county in which the
3549 district secretary who was appointed pursuant to paragraph (c)
3550 is a resident.

3551 ~~(3)(a)~~ Members of the governing board of the authority
3552 shall be appointed to serve 4-year staggered terms, except that
3553 the terms of the appointees of the Governor shall be concurrent.

3554 ~~(b) The terms of the board members currently serving on the~~
3555 ~~authority that is being succeeded by this act shall expire July~~
3556 ~~30, 2003, at which time the terms of the members appointed~~
3557 ~~pursuant to subsection (2) shall commence. The Governor shall~~
3558 ~~make his or her appointments to the board within 30 days after~~
3559 ~~July 30, 2003.~~

3560 (4) A vacancy during a term shall be filled by the
3561 respective appointing authority in the same manner as the
3562 original appointment and only for the balance of the unexpired
3563 term.

3564 (5) The members of the authority shall serve without
3565 compensation, but are entitled to reimbursement for travel
3566 expenses actually incurred in their duties as provided by law.

3567 Section 62. Subsection (5) of section 343.54, Florida

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3568 Statutes, is amended to read:

3569 343.54 Powers and duties.—

3570 (5) The authority, by a resolution of its governing board,
3571 may expand its service area into Martin, St. Lucie, or Monroe
3572 Counties ~~and enter into a partnership with any county that is~~
3573 ~~contiguous to the service area of the authority.~~ The board shall
3574 determine the conditions and terms of the partnership, except as
3575 provided herein. However, the authority may not expand its
3576 service area without the consent of the board of county
3577 commissioners representing the proposed expansion area, and a
3578 county may not be added to the service area except in the year
3579 that federal reauthorization legislation for transportation
3580 funds is enacted. The department shall approve the expansion
3581 into any additional counties.

3582 Section 63. Transfer to the Florida Turnpike Enterprise.—
3583 The governance and control of the Mid-Bay Bridge Authority
3584 system, created pursuant to chapter 2000-411, Laws of Florida,
3585 is transferred to the Florida Turnpike Enterprise.

3586 (1) The assets, facilities, tangible and intangible
3587 property, any rights in such property, and any other legal
3588 rights of the authority, including the bridge system operated by
3589 the authority, are transferred to the turnpike enterprise. All
3590 powers of the authority shall succeed to the turnpike
3591 enterprise, and the operations and maintenance of the bridge
3592 system shall be under the control of the turnpike enterprise,
3593 pursuant to this section. Revenues collected on the bridge
3594 system may be considered turnpike revenues and the Mid-Bay
3595 Bridge may be considered part of the turnpike system if bonds of
3596 the authority are not outstanding. The turnpike enterprise also

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3597 assumes all liability for bonds of the bridge authority pursuant
3598 to subsection (2). The turnpike enterprise may review other
3599 contracts, financial obligations, and contractual obligations
3600 and liabilities of the authority and may assume legal liability
3601 for such obligations that are determined to be necessary for the
3602 continued operation of the bridge system.

3603 (2) The transfer pursuant to this section is subject to the
3604 terms and covenants provided for the protection of the holders
3605 of the Mid-Bay Bridge Authority bonds in the lease-purchase
3606 agreement and the resolutions adopted in connection with the
3607 issuance of the bonds. Further, the transfer does not impair the
3608 terms of the contract between the authority and the bondholders,
3609 does not act to the detriment of the bondholders, and does not
3610 diminish the security for the bonds. After the transfer, the
3611 turnpike enterprise shall operate and maintain the bridge system
3612 and any other facilities of the authority in accordance with the
3613 terms, conditions, and covenants contained in the bond
3614 resolutions and lease-purchase agreement securing the bonds of
3615 the authority. The turnpike enterprise shall collect toll
3616 revenues and apply them to the payment of debt service as
3617 provided in the bond resolution securing the bonds and shall
3618 expressly assume all obligations relating to the bonds to ensure
3619 that the transfer will have no adverse impact on the security
3620 for the bonds of the authority. The transfer does not make the
3621 obligation to pay the principal and interest on the bonds a
3622 general liability of the turnpike or pledge the turnpike system
3623 revenues to payment of the bonds. Revenues that are generated by
3624 the bridge system and other facilities of the authority and that
3625 were pledged by the authority to the payment of the bonds remain

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3626 subject to the pledge for the benefit of the bondholders. The
3627 transfer does not modify or eliminate any prior obligation of
3628 the Department of Transportation to pay certain costs of the
3629 bridge system from sources other than revenues of the bridge
3630 system. With regard to the authority's current long-term debt of
3631 \$16.1 million due to the department as of June 30, 2011, and to
3632 the extent permitted by the bond resolutions and lease-purchase
3633 agreement securing the bonds, the turnpike enterprise shall make
3634 payment annually to the State Transportation Trust Fund for the
3635 purpose of repaying the authority's long-term debt due to the
3636 department from any bridge system revenues obtained under this
3637 section which remain after the payment of the costs of
3638 operations, maintenance, renewal, and replacement of the bridge
3639 system, the payment of current debt service, and other payments
3640 required in relation to the bonds. The turnpike enterprise shall
3641 make such annual payments, not to exceed \$1 million per year, to
3642 the State Transportation Trust Fund until all remaining
3643 authority long-term debt due to the department has been repaid.

3644 (3) Any remaining toll revenue from the facilities of the
3645 Mid-Bay Bridge Authority collected by the Florida Turnpike
3646 Enterprise after meeting the requirements of subsections (1) and
3647 (2) shall be used for the construction, maintenance, or
3648 improvement of any toll facility of the Florida Turnpike
3649 Enterprise within the county or counties in which the revenue
3650 was collected.

3651 Section 64. Paragraph (c) of subsection (4) of section
3652 348.0003, Florida Statutes, is amended to read:

3653 348.0003 Expressway authority; formation; membership.—

3654 (4)

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3655 (c) Members of each expressway authority, transportation
3656 authority, bridge authority, or toll authority, created pursuant
3657 to this chapter or, chapter 343, ~~or chapter 349~~ or any other
3658 general legislative enactment, must ~~shall~~ comply with the
3659 applicable financial disclosure requirements of s. 8, Art. II of
3660 the State Constitution. This paragraph does not subject any
3661 statutorily created authority, other than an expressway
3662 authority created under this part, to any other requirement of
3663 this part except the requirement of this paragraph.

3664 Section 65. Paragraph (j) of subsection (2) of section
3665 348.0004, Florida Statutes, is amended to read:

3666 348.0004 Purposes and powers.—

3667 (2) Each authority may exercise all powers necessary,
3668 appurtenant, convenient, or incidental to the carrying out of
3669 its purposes, including, but not limited to, the following
3670 rights and powers:

3671 (j) To pledge, hypothecate, or otherwise encumber all or
3672 any part of the revenues, tolls, rates, fees, rentals, or other
3673 charges or receipts of the authority, including all or any
3674 portion of county gasoline tax funds received by the authority
3675 ~~pursuant to the terms of any lease-purchase agreement between~~
3676 ~~the authority and the department~~, as security for all or any of
3677 the obligations of the authority.

3678 Section 66. Subsection (1) of section 348.0005, Florida
3679 Statutes, is amended, and subsection (3) is added to that
3680 section, to read:

3681 348.0005 Bonds.—

3682 (1) Bonds may be issued on behalf of an authority as
3683 provided by the State Bond Act. Bonds may not be issued under

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3684 this section unless the resolution authorizing the bonds and
3685 pledging the revenues of a facility requires that the revenues
3686 of the facility be deposited into appropriate accounts in such
3687 sums as are sufficient to pay the costs of operation and
3688 maintenance of any facility for the current fiscal year as set
3689 forth in the annual budget of the authority before any revenues
3690 of the facility are applied to the payment of interest or
3691 principal owing or that may become owing on such bonds.

3692 (3) The provisions of subsection (2) do not apply to any
3693 authority formed on or after July 1, 2012.

3694 Section 67. Section 348.0013, Florida Statutes, is created
3695 to read:

3696 348.0013 Department to construct, operate, and maintain
3697 facilities.-

3698 (1) Notwithstanding any other provision of law, this
3699 section applies to an authority formed on or after July 1, 2012.

3700 (2) The department is the agent of each authority for the
3701 purpose of performing all phases of a project, including, but
3702 not limited to, constructing improvements and extensions to an
3703 expressway system and for the completion of the construction.
3704 The division and the authority shall provide to the department
3705 complete copies of the documents, agreements, resolutions,
3706 contracts, and instruments relating to the construction and
3707 shall request that the department perform the construction work,
3708 including the planning, surveying, design, and actual
3709 construction of the completion, extensions, and improvements to
3710 the expressway system. After the issuance of bonds to finance
3711 the construction of an expressway system or improvements to an
3712 expressway system, the division shall transfer to the credit of

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3713 an account of the department in the State Treasury the necessary
3714 funds for construction. The department shall proceed with
3715 construction and use the funds for the purpose authorized and as
3716 otherwise provided by law for the construction of roads and
3717 bridges. The authority may alternatively, with the consent and
3718 approval of the department, elect to appoint a local agency
3719 certified by the department to administer federal aid projects
3720 in accordance with federal law as its agent for the purpose of
3721 performing all phases of a project.

3722 (3) An authority that desires to construct an expressway
3723 shall identify the expressway project in a work plan and submit
3724 the work plan along with its budget. The work plan must include
3725 a finance plan that demonstrates the financial feasibility of
3726 the expressway project, including the authority's ability to
3727 reimburse the department for all costs of operation and
3728 maintenance of the project from the revenues of the authority's
3729 expressway system. The department shall operate and maintain the
3730 expressway system, and the costs incurred by the department for
3731 operation and maintenance must be reimbursed from revenues of
3732 the expressway system. Each expressway system constructed under
3733 the provisions of this section is a part of the State Highway
3734 System as defined in s. 334.03.

3735 (4) An authority subject to this section may fix, alter,
3736 charge, establish, and collect tolls, rates, fees, rentals, and
3737 other charges for the authority's facilities, as otherwise
3738 provided in this part.

3739 Section 68. Subsection (4) of section 348.52, Florida
3740 Statutes, is amended to read:

3741 348.52 Tampa-Hillsborough County Expressway Authority.—

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3742 (4) The authority may employ an executive a secretary, an
3743 ~~and~~ executive director, its own counsel and legal staff, ~~and~~
3744 ~~such legal, financial, and other professional consultants,~~
3745 technical experts, engineers, and employees, permanent or
3746 temporary, as it may require and may determine the
3747 qualifications and fix the compensation of such persons, firms,
3748 or corporations. The authority may contract with the Division of
3749 Bond Finance of the State Board of Administration for any
3750 financial services authorized herein.

3751 Section 69. Subsection (5) of section 348.54, Florida
3752 Statutes, is amended to read:

3753 348.54 Powers of the authority.—Except as otherwise limited
3754 herein, the authority shall have the power:

3755 (5) To enter into and make lease-purchase agreements as
3756 provided in s. 348.60 for terms not exceeding 40 years, or until
3757 all bonds secured by a pledge thereunder, and all refundings
3758 thereof, are fully paid as to both principal and interest,
3759 whichever is longer. The authority is a party to a lease-
3760 purchase agreement between the department and the authority
3761 dated November 18, 1997, as supplemented by a supplemental
3762 lease-purchase agreement dated February 7, 2002, and a second
3763 supplemental lease-purchase agreement dated June 23, 2005. The
3764 authority may not enter into other lease-purchase agreements
3765 with the department and may not amend the existing agreement in
3766 a manner that expands or increases the department's obligations,
3767 unless the department determines that the agreement or amendment
3768 is necessary to permit the refunding of bonds issued before July
3769 1, 2012. The department's obligations under the lease-purchase
3770 agreement, as supplemented, terminate upon the earlier of:

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3771 (a) The defeasance, redemption, or payment in full of the
3772 authority's bonds issued and outstanding as of July 1, 2012;

3773 (b) The date to which the purchasers of the authority bonds
3774 have consented; or

3775 (c) The date on which termination of the department's
3776 obligations will occur under the terms of the memorandum of
3777 agreement dated October 26, 2010, between the department and the
3778 authority.

3779 Section 70. Section 348.545, Florida Statutes, is amended
3780 to read:

3781 348.545 Facility improvement; bond financing authority.—
3782 Pursuant to s. 11(f), Art. VII of the State Constitution, the
3783 Legislature hereby approves for bond financing by the Tampa-
3784 Hillsborough County Expressway Authority improvements to toll
3785 collection facilities, interchanges to the legislatively
3786 approved expressway system, and any other facility appurtenant,
3787 necessary, or incidental to the approved system. Subject to
3788 terms and conditions of applicable revenue bond resolutions and
3789 covenants, such costs may be financed in whole or in part by
3790 revenue bonds issued pursuant to s. 348.56 ~~348.56(1)(a) or (b)~~,
3791 whether currently issued or issued in the future, ~~or by a~~
3792 ~~combination of such bonds.~~

3793 Section 71. Subsections (9), (10), (11), and (12) are added
3794 to section 348.56, Florida Statutes, to read:

3795 348.56 Bonds of the authority.—

3796 (9) Notwithstanding any other provision of law to the
3797 contrary, on and after July 1, 2012, the authority may not,
3798 without the department's consent, request the issuance of any
3799 bonds secured by a pledge of any revenues of the authority which

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3800 is senior to, or on a parity with, the authority's obligation to
3801 fully reimburse the department for the costs of operation,
3802 maintenance, repair, and rehabilitation of the expressway system
3803 paid by the department, except that the authority may request
3804 the issuance of bonds secured by a senior pledge for the purpose
3805 of refunding any authority bonds issued and outstanding as of
3806 July 1, 2012. Refunding bonds authorized by this subsection may
3807 not be issued if such bonds have a final maturity later than the
3808 final maturity of the bonds refunded or if the refunding bonds
3809 provide for higher debt service in any year than the debt
3810 service that is currently paid on such bonds.

3811 (10) Notwithstanding any other provision of law, on and
3812 after July 1, 2012, the authority may not request the issuance
3813 of any bonds, except bonds issued to refund bonds issued before
3814 July 1, 2012, which provide any rights against the department
3815 which may be enforced by the holders of such bonds or debt.
3816 Refunding bonds authorized by this subsection may not be issued
3817 if the bonds have a final maturity later than the final maturity
3818 of the bonds refunded or if the refunding bonds provide for
3819 higher debt service in any year than the debt service that is
3820 currently paid on such bonds. The obligations of the department
3821 under any lease-purchase agreement with the authority, including
3822 any obligation to pay any cost of operation, maintenance,
3823 repair, or rehabilitation of the expressway system, terminate
3824 upon the earlier of:

3825 (a) The defeasance or payment of all authority bonds issued
3826 before July 1, 2012, and authority bonds issued to refund such
3827 bonds;

3828 (b) The earlier date to which the purchasers of the

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3829 authority bonds have consented; or

3830 (c) The date on which termination of the department's
3831 obligations will occur under the terms of the memorandum of
3832 agreement dated October 26, 2010, between the department and the
3833 authority.

3834 (11) Beginning July 1, 2012, except for bonds issued to
3835 refund bonds issued before that date, bonds may not be issued
3836 under this section unless the resolution authorizing the bonds
3837 and pledging the revenues of the expressway system requires that
3838 the revenues of the expressway system be deposited into
3839 appropriate accounts in such sums as are sufficient to pay the
3840 costs of operation and maintenance of the expressway system for
3841 the current fiscal year as set forth in the annual budget of the
3842 authority before any revenues of the expressway system are
3843 applied to the payment of interest or principal owing or that
3844 may become owing on such bonds.

3845 (12) The provisions of paragraph (1) (b) do not apply in any
3846 fiscal year in which the department's obligations under the
3847 lease-purchase agreement between the department and authority
3848 have not been terminated as provided in s. 348.60 or in which
3849 the authority has not fully reimbursed the department for the
3850 amounts expended, advanced, or paid to the authority in prior
3851 fiscal years for the costs of operation, maintenance, repair,
3852 and rehabilitation of the expressway system. During any such
3853 fiscal year, bonds may be issued only on behalf of the authority
3854 pursuant to the State Bond Act.

3855 Section 72. Section 348.565, Florida Statutes, is amended
3856 to read:

3857 348.565 Revenue bonds for specified projects.—The existing

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3858 facilities that constitute the Tampa-Hillsborough County
3859 Expressway System may ~~are hereby approved to~~ be refinanced by
3860 revenue bonds issued by the Division of Bond Finance of the
3861 State Board of Administration pursuant to s. 11(d) ~~11(f)~~, Art.
3862 VII of the State Constitution and s. 348.56 ~~the State Bond Act~~
3863 ~~or by revenue bonds issued by the authority pursuant to s.~~
3864 ~~348.56(1)(b)~~. In addition, the following projects of the Tampa-
3865 Hillsborough County Expressway Authority may ~~are approved to~~ be
3866 financed or refinanced by the issuance of revenue bonds in
3867 accordance with this part and s. 11(f), Art. VII of the State
3868 Constitution:

3869 (1) Brandon area feeder roads.

3870 (2) Capital improvements to the expressway system,
3871 including safety and operational improvements and toll
3872 collection equipment.

3873 (3) Lee Roy Selmon Crosstown Expressway System widening.

3874 ~~(4) The connector highway linking the Lee Roy Selmon~~
3875 ~~Crosstown Expressway to Interstate 4.~~

3876 Section 73. Subsection (1) of section 348.57, Florida
3877 Statutes, is amended to read:

3878 348.57 Refunding bonds.—

3879 (1) Subject to public notice as provided in s. 348.54, the
3880 authority may request or ~~is authorized to~~ provide by resolution
3881 for the issuance from time to time of bonds pursuant to s.
3882 ~~348.56(1)(b)~~ for the purpose of refunding any bonds then
3883 outstanding ~~regardless of whether the bonds being refunded were~~
3884 ~~issued by the authority pursuant to this chapter or on behalf of~~
3885 ~~the authority pursuant to the State Bond Act.~~ The authority may
3886 further request or ~~is further authorized to~~ provide by

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3887 resolution for the issuance of bonds pursuant to s. 348.56 for
3888 the combined purpose of:

3889 (a) Paying the cost of constructing, reconstructing,
3890 improving, extending, repairing, maintaining, and operating the
3891 expressway system.

3892 (b) Refunding bonds then outstanding. The authorization,
3893 sale, and issuance of such obligations, the maturities and other
3894 details of the refunding bonds ~~thereof~~, the rights and remedies
3895 of the holders of the refunding bonds ~~thereof~~, and the rights,
3896 powers, privileges, duties, and obligations of the authority
3897 with respect to the refunding bonds ~~same are~~ shall be governed
3898 by the foregoing provisions of this part insofar as the same may
3899 be applicable.

3900 Section 74. Subsections (7) and (8) are added to section
3901 348.60, Florida Statutes, to read:

3902 348.60 Lease-purchase agreements.—

3903 (7) The authority is a party to a lease-purchase agreement
3904 between the department and the authority dated November 18,
3905 1997, as supplemented by a supplemental lease-purchase agreement
3906 dated February 7, 2002, and a second supplemental lease-purchase
3907 agreement dated June 23, 2005. The authority may not enter into
3908 any other lease-purchase agreement, or amend the lease-purchase
3909 agreement, unless the department determines that such an
3910 agreement or amendment is necessary to permit the refunding of
3911 bonds issued before July 1, 2012.

3912 (8) Upon the earlier of the defeasance or payment of the
3913 authority bonds issued before July 1, 2012, and any bonds issued
3914 to refund the bonds, or the earlier date to which the purchasers
3915 of the authority bonds have consented:

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3916 (a) The obligations of the department under the lease-
3917 purchase agreement with the authority, including any obligation
3918 to pay any cost of operation, maintenance, repair, or
3919 rehabilitation of the expressway system, terminates;

3920 (b) The lease-purchase agreement terminates;

3921 (c) The expressway system remains the property of the
3922 authority and may not be transferred to the department;

3923 (d) The authority remains obligated to reimburse the
3924 department for the amounts paid by the department from a source
3925 other than revenues of the expressway system for any cost of
3926 operation, maintenance, repair, or rehabilitation of the
3927 expressway system; and

3928 (e) The department collects tolls for the use of the system
3929 as the agent of the authority as provided in this part.

3930 Section 75. Section 348.615, Florida Statutes, is created
3931 to read:

3932 348.615 Department to collect tolls.-

3933 (1) The department is the agent of the authority for the
3934 purpose of collecting tolls for the use of the authority's
3935 expressway system. The department must be reimbursed for the
3936 costs of collecting such charges from the revenues of the
3937 expressway system. The department may modify its rules regarding
3938 toll collection procedures and the imposition of administrative
3939 charges applicable to the authority's toll facilities. This
3940 section does not limit the authority of the department under any
3941 other provision of law or under any agreement entered into
3942 before July 1, 2012.

3943 (2) The authority may fix, alter, charge, and establish,
3944 tolls, rates, fees, rentals, and other charges for the

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3945 authority's facilities, as otherwise provided in this part.

3946 Section 76. Paragraph (a) of subsection (4) of section
3947 348.753, Florida Statutes, is amended to read:

3948 348.753 Orlando-Orange County Expressway Authority.—

3949 (4) (a) The authority may employ an executive secretary, an
3950 executive director, its own counsel and legal staff, technical
3951 experts, ~~such~~ engineers, and ~~such~~ employees, permanent or
3952 temporary, as it may require and may determine the
3953 qualifications and fix the compensation of such persons, firms,
3954 or corporations ~~and may employ a fiscal agent or agents,~~
3955 ~~provided, however, that the authority shall solicit sealed~~
3956 ~~proposals from at least three persons, firms, or corporations~~
3957 ~~for the performance of any services as fiscal agents. The~~
3958 authority may contract with the Division of Bond Finance of the
3959 State Board of Administration for any financial services
3960 authorized in this section. The authority may delegate to one or
3961 more of its agents or employees such of its power as it deems
3962 ~~shall deem~~ necessary to carry out the purposes of this part,
3963 subject always to the supervision and control of the authority.
3964 Members of the authority may be removed from their office by the
3965 Governor for misconduct, malfeasance, misfeasance, or
3966 nonfeasance in office.

3967 Section 77. Paragraph (e) of subsection (2) of section
3968 348.754, Florida Statutes, is amended to read:

3969 348.754 Purposes and powers.—

3970 (2) The authority is hereby granted, and shall have and may
3971 exercise all powers necessary, appurtenant, convenient or
3972 incidental to the carrying out of the aforesaid purposes,
3973 including, but without being limited to, the following rights

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3974 and powers:

3975 (e) To enter into and make lease-purchase agreements with
3976 the department for terms not exceeding 40 years, or until any
3977 bonds secured by a pledge of rentals thereunder, and any
3978 refundings thereof, are fully paid as to both principal and
3979 interest, whichever is longer. The authority is a party to a
3980 lease-purchase agreement between the department and the
3981 authority dated December 23, 1985, as supplemented by a first
3982 supplement to the lease-purchase agreement dated November 25,
3983 1986, and a second supplement to the lease-purchase agreement
3984 dated October 27, 1988. The authority may not enter into other
3985 lease-purchase agreements with the department and may not amend
3986 the existing agreement in a manner that expands or increases the
3987 department's obligations, unless the department determines that
3988 the agreement or amendment is necessary to permit the refunding
3989 of bonds issued before July 1, 2012.

3990 Section 78. Section 348.7543, Florida Statutes, is amended
3991 to read:

3992 348.7543 Improvements, bond financing authority for.—
3993 Pursuant to s. 11(f), Art. VII of the State Constitution, the
3994 Legislature hereby approves for bond financing by the Orlando-
3995 Orange County Expressway Authority improvements to toll
3996 collection facilities, interchanges to the legislatively
3997 approved expressway system, and any other facility appurtenant,
3998 necessary, or incidental to the approved system. Subject to
3999 terms and conditions of applicable revenue bond resolutions and
4000 covenants, such costs may be financed in whole or in part by
4001 revenue bonds issued pursuant to s. 348.755 ~~348.755(1)(a) or (b)~~
4002 whether currently issued or issued in the future, ~~or by a~~

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4003 ~~combination of such bonds.~~

4004 Section 79. Section 348.7545, Florida Statutes, is amended
4005 to read:

4006 348.7545 Western Beltway Part C, construction authorized;
4007 financing.—Notwithstanding s. 338.2275, the Orlando-Orange
4008 County Expressway Authority is authorized to exercise its
4009 condemnation powers, construct, finance, operate, own, and
4010 maintain that portion of the Western Beltway known as the
4011 Western Beltway Part C, extending from Florida's Turnpike near
4012 Ocoee in Orange County southerly through Orange and Osceola
4013 Counties to an interchange with I-4 near the Osceola-Polk County
4014 line, as part of the authority's 20-year capital projects plan.
4015 This project may be financed with any funds available to the
4016 authority for such purpose or revenue bonds issued by the
4017 Division of Bond Finance of the State Board of Administration on
4018 behalf of the authority pursuant to s. 11, Art. VII of the State
4019 Constitution and the State Bond Act, ss. 215.57-215.83. This
4020 project may be refinanced with bonds issued by the authority
4021 pursuant to s. 348.755(1)(d).

4022 Section 80. Section 348.7547, Florida Statutes, is amended
4023 to read:

4024 348.7547 Maitland Boulevard Extension and Northwest Beltway
4025 Part A Realignment construction authorized; financing.—
4026 Notwithstanding s. 338.2275, the Orlando-Orange County
4027 Expressway Authority is hereby authorized to exercise its
4028 condemnation powers, construct, finance, operate, own, and
4029 maintain the portion of State Road 414 known as the Maitland
4030 Boulevard Extension and the realigned portion of the Northwest
4031 Beltway Part A as part of the authority's long-range capital

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4032 improvement plan. The Maitland Boulevard Extension will extend
4033 from the current terminus of State Road 414 at U.S. 441 west to
4034 State Road 429 in west Orange County. The realigned portion of
4035 the Northwest Beltway Part A will run from the point at or near
4036 where the Maitland Boulevard Extension will connect with State
4037 Road 429 and will proceed to the west and then north resulting
4038 in the northern terminus of State Road 429 moving farther west
4039 before reconnecting with U.S. 441. However, under no
4040 circumstances shall the realignment of the Northwest Beltway
4041 Part A conflict or contradict with the alignment of the Wekiva
4042 Parkway as defined in s. 348.7546. This project may be financed
4043 with any funds available to the authority for such purpose or
4044 revenue bonds issued by or on behalf of the authority under s.
4045 11, Art. VII of the State Constitution and s. 348.755~~(1)(b)~~.

4046 Section 81. Subsections (6), (7), (8), and (9) are added to
4047 section 348.755, Florida Statutes, to read:

4048 348.755 Bonds of the authority.—

4049 (6) Notwithstanding any other provision of law to the
4050 contrary, on and after July 1, 2012, the authority may not
4051 request the issuance of any bonds, except bonds issued to refund
4052 bonds issued before July 1, 2012, which provide any rights
4053 against the department which may be enforced by the holders of
4054 such bonds or debt. Refunding bonds may not be issued if the
4055 bonds have a final maturity later than the final maturity of the
4056 bonds refunded or if the refunding bonds provide for higher debt
4057 service in any year than the debt service that is currently paid
4058 on such bonds. Upon the earlier of the defeasance or payment of
4059 all authority bonds issued before July 1, 2012, or the
4060 defeasance or payment of the authority bonds issued to refund

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4061 such bonds, or such earlier date to which the purchasers of the
4062 authority bonds have consented, the obligations of the
4063 department under any lease-purchase agreement with the
4064 authority, including any obligation to pay any cost of
4065 operation, maintenance, repair, or rehabilitation of the
4066 Orlando-Orange County Expressway System, terminate.

4067 (7) Notwithstanding any other provision of law to the
4068 contrary, on and after July 1, 2012, the authority may not,
4069 without the department's consent, request the issuance of any
4070 bonds secured by a pledge of any revenues of the authority which
4071 is senior to, or on a parity with, the authority's obligation to
4072 fully reimburse the department for the costs of operation,
4073 maintenance, repair, and rehabilitation of the Orlando-Orange
4074 County Expressway System paid by the department, except that the
4075 authority may request the issuance of bonds secured by a senior
4076 pledge for the purpose of refunding authority bonds issued and
4077 outstanding as of July 1, 2012. Refunding bonds authorized by
4078 this subsection may not be issued if the bonds have a final
4079 maturity later than the final maturity of the bonds refunded or
4080 if the refunding bonds provide for higher debt service in any
4081 year than the debt service that is currently paid on the bonds.

4082 (8) Beginning July 1, 2012, the authority may not issue
4083 bonds, except bonds issued to refund bonds issued before such
4084 date, unless the resolution authorizing the bonds and pledging
4085 the revenues of the Orlando-Orange County Expressway System
4086 requires that the revenues of the expressway system be deposited
4087 into appropriate accounts in such sums as are sufficient to pay
4088 the costs of operation and maintenance of the Orlando-Orange
4089 County Expressway System for the current fiscal year as set

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4090 forth in the annual budget of the authority before any revenues
4091 of the Orlando-Orange County Expressway System are applied to
4092 the payment of interest or principal owing or that may become
4093 owing on such bonds.

4094 (9) The provisions of paragraphs (1) (b) and (d) do not
4095 apply in any fiscal year in which the department's obligations
4096 under the lease-purchase agreement between the department and
4097 authority have not been terminated as provided in s. 348.757 or
4098 in which the authority has not fully reimbursed the department
4099 for all amounts expended, advanced, or paid to the authority in
4100 prior fiscal years for the costs of operation, maintenance,
4101 repair, and rehabilitation of the expressway system. During any
4102 such fiscal year, bonds may only be issued on behalf of the
4103 authority pursuant to the State Bond Act.

4104 Section 82. Subsections (8) and (9) are added to section
4105 348.757, Florida Statutes, to read:

4106 348.757 Lease-purchase agreement.—

4107 (8) The only lease-purchase agreement authorized by this
4108 section is the lease-purchase agreement between the department
4109 and the authority dated December 23, 1985, as supplemented by a
4110 first supplement to the lease-purchase agreement dated November
4111 25, 1986, and a second supplement to the lease-purchase
4112 agreement dated October 27, 1988. The authority may not enter
4113 into any other lease-purchase agreements with the department and
4114 may not amend the existing agreement in a manner that expands
4115 the scope of the department's obligations, unless the department
4116 determines the agreement or amendment is necessary to permit the
4117 refunding of bonds issued before July 1, 2012.

4118 (9) The department's obligations under the lease-purchase

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4119 agreement between the department and the authority dated
4120 December 23, 1985, as supplemented by a first supplement to the
4121 lease-purchase agreement dated November 25, 1986, and a second
4122 supplement to the lease-purchase agreement dated October 27,
4123 1988, terminate upon the earlier of the defeasance, redemption,
4124 or payment in full of the authority's bonds issued and
4125 outstanding as of July 1, 2012, or bonds to refund such bonds,
4126 or such earlier date to which the purchasers of the authority
4127 bonds have consented.

4128 Section 83. Section 348.7585, Florida Statutes, is created
4129 to read:

4130 348.7585 Department to collect tolls.-

4131 (1) The department is the agent of the authority for the
4132 purpose of collecting tolls for the use of the authority's
4133 expressway system. The department shall be reimbursed from the
4134 revenues of the expressway system for the costs of collecting
4135 the tolls. The department may modify its rules regarding toll
4136 collection procedures and the imposition of administrative
4137 charges to be applicable to the authority's toll facilities.
4138 This section does not limit the authority of the department
4139 under any other provision of law or under any agreement entered
4140 into prior to July 1, 2012.

4141 (2) The authority may fix, alter, charge, and establish
4142 tolls, rates, fees, rentals, and other charges for the
4143 authority's facilities, as otherwise provided in this section.

4144 Section 84. Paragraph (a) of subsection (4) of section
4145 348.9952, Florida Statutes, is amended to read:

4146 348.9952 Osceola County Expressway Authority.-

4147 (4) (a) The authority may employ an executive secretary, an

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4148 executive director, its own counsel and legal staff, technical
4149 experts, engineers, and other employees, permanent or temporary,
4150 as it may require, and may determine the qualifications and fix
4151 the compensation of such persons, firms, or corporations.
4152 ~~Additionally, the authority may employ a fiscal agent or agents.~~
4153 ~~However, the authority shall solicit sealed proposals from at~~
4154 ~~least three persons, firms, or corporations for the performance~~
4155 ~~of any services as fiscal agents.~~ The authority may delegate to
4156 one or more of its agents or employees such of its power as it
4157 deems necessary to carry out the purposes of this part, subject
4158 always to the supervision and control of the authority.

4159 Section 85. Section 348.9956, Florida Statutes, is
4160 repealed.

4161 Section 86. Section 348.99565, Florida Statutes, is created
4162 to read:

4163 348.99565 Department to construct, operate, and maintain
4164 facilities.-

4165 (1) The department is the agent of the authority for the
4166 purpose of performing all phases of a project, including, but
4167 not limited to, constructing improvements and extensions to the
4168 expressway system. The division and the authority shall provide
4169 to the department complete copies of all documents, agreements,
4170 resolutions, contracts, and instruments relating to the project
4171 and shall request that the department perform the construction
4172 work, including the planning, surveying, design, and actual
4173 construction of the completion, extensions, and improvements to
4174 the expressway system. After the issuance of bonds to finance
4175 construction of any improvements or additions to the expressway
4176 system, the division shall transfer to the credit of an account

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4177 of the department in the State Treasury the necessary funds for
4178 construction. The department shall proceed with construction and
4179 use the funds for the purpose authorized and as provided by law
4180 for the construction of roads and bridges. The authority may
4181 alternatively, with the consent and approval of the department,
4182 elect to appoint a local agency certified by the department to
4183 administer federal aid projects in accordance with federal law
4184 as its agent for the purpose of performing all phases of a
4185 project.

4186 (2) If the authority desires to construct improvements or
4187 extensions to the expressway system, it shall identify the
4188 expressway improvement project in a work plan and submit the
4189 work plan with its budget. The work plan must include a finance
4190 plan that demonstrates the financial feasibility of the
4191 expressway project, including the authority's ability to
4192 reimburse the department for all costs of operation and
4193 maintenance of the improvements or extensions from the revenues
4194 of the expressway system. The department shall operate and
4195 maintain the expressway system, and the costs incurred by the
4196 department for operation and maintenance shall be reimbursed
4197 from revenues of the expressway system. The expressway system
4198 shall be part of the State Highway System as defined in s.
4199 334.03.

4200 (3) The authority may fix, alter, charge, establish, and
4201 collect tolls, rates, fees, rentals, and other charges for the
4202 authority's facilities, as otherwise provided in this part.

4203 Section 87. The Florida Transportation Commission shall
4204 conduct a study of the potential for cost savings that might be
4205 realized through increased efficiencies through sharing of

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4206 resources for the accomplishment of design, construction, and
4207 maintenance activities by or on behalf of expressway authorities
4208 in the state. The commission may retain such experts as are
4209 reasonably necessary to complete the study, and the department
4210 shall pay the expenses of such experts. The commission shall
4211 complete the study and provide a written report of its findings
4212 and conclusions to the Governor, the President of the Senate,
4213 the Speaker of the House of Representatives, and the chairs of
4214 each of the appropriations committees by December 31, 2012.

4215 Section 88. Subsection (3) of section 349.03, Florida
4216 Statutes, is amended to read:

4217 349.03 Jacksonville Transportation Authority.—

4218 (3) The terms of appointed members shall be for 4 years and
4219 deemed to have commenced on June 1 of the year in which they are
4220 appointed. Each member shall hold office until a successor has
4221 been appointed and has qualified. A vacancy during a term shall
4222 be filled by the respective appointing authority only for the
4223 balance of the unexpired term. Any member appointed to the
4224 authority for two consecutive full terms may ~~shall~~ not be
4225 appointed eligible for appointment to the next succeeding term.
4226 One of the members so appointed shall be designated annually by
4227 the members as chair of the authority, one member shall be
4228 designated annually as the vice chair of the authority, one
4229 member shall be designated annually as the secretary of the
4230 authority, and one member shall be designated annually as the
4231 treasurer of the authority. The members of the authority are
4232 ~~shall~~ not be entitled to compensation, but shall be reimbursed
4233 for travel expenses or other expenses actually incurred in their
4234 duties as provided by law. Four voting members of the authority

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4235 ~~shall~~ constitute a quorum, and no resolution adopted by the
4236 authority is ~~shall become~~ effective without ~~unless with~~ the
4237 affirmative vote of at least four members. Members of the
4238 authority shall file a statement of financial interest with the
4239 Commission on Ethics as provided in s. 112.3145(2) (b) as their
4240 mandatory financial disclosure.

4241 (a) The authority shall employ an executive director, and
4242 the executive director may hire such staff, permanent or
4243 temporary, as he or she may determine and may organize the staff
4244 of the authority into such departments and units as he or she
4245 may determine. The executive director may appoint department
4246 directors, deputy directors, division chiefs, and staff
4247 assistants to the executive director, as he or she may
4248 determine. In so appointing the executive director, the
4249 authority may fix the compensation of such appointee, who shall
4250 serve at the pleasure of the authority. ~~All employees of the~~
4251 ~~authority shall be exempt from the provisions of part II of~~
4252 ~~chapter 110.~~

4253 (b) The authority may employ such financial advisers and
4254 consultants, technical experts, engineers, and agents and
4255 employees, permanent or temporary, as it may require and may fix
4256 the compensation and qualifications of such persons, firms, or
4257 corporations. The authority may delegate to one or more of its
4258 agents or employees such of its powers as it deems ~~shall deem~~
4259 necessary to carry out the purposes of this chapter, subject
4260 always to the supervision and control of the governing body of
4261 the authority.

4262 (c) All employees of the authority are exempt from part II
4263 of chapter 110.

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4264 Section 89. Present subsections (5), (6), and (7) of
4265 section 349.04, Florida Statutes, are redesignated as
4266 subsections (6), (7), and (8), respectively, and a new
4267 subsection (5) is added to that section, to read:

4268 349.04 Purposes and powers.—

4269 (5) The authority may conduct public meetings and workshops
4270 by means of communications media technology as provided under s.
4271 120.54(5). However, a resolution, rule, or formal action is not
4272 binding unless a quorum is physically present at the noticed
4273 meeting location, and only members physically present may vote
4274 on any item.

4275 Section 90. Subsection (6) is added to section 373.413,
4276 Florida Statutes, to read:

4277 373.413 Permits for construction or alteration.—

4278 (6) It is the intent of the Legislature that the governing
4279 board or the department exercise flexibility when permitting the
4280 construction or alteration of stormwater management systems
4281 servicing state transportation projects and facilities. Because of
4282 the unique limitations of linear facilities, the governing board
4283 or department shall balance the expenditure of public funds for
4284 stormwater treatment for state transportation projects and
4285 facilities with the public benefit of providing the most cost-
4286 efficient and effective method of achieving treatment
4287 objectives. The governing board or department shall therefore
4288 allow alternatives to on-site treatment, including, but not
4289 limited to, regional stormwater treatment systems. The
4290 Department of Transportation is responsible for treating
4291 stormwater generated from state transportation projects, but is
4292 not responsible for the abatement of pollutants and flows

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4293 entering its stormwater management systems from offsite sources.
4294 However, this subsection does not prohibit the Department of
4295 Transportation from receiving and managing such pollutants and
4296 flows if cost-effective and prudent. The Department of
4297 Transportation is also responsible for providing stormwater
4298 treatment and attenuation for a right-of-way acquired for a
4299 state transportation project, but is not responsible for
4300 modifying permits for adjacent lands affected by right-of-way
4301 acquisition if it is not the permittee. The governing board or
4302 department may establish specific criteria by rule to implement
4303 these management and treatment alternatives and activities.

4304 Section 91. Subsections (1) and (2), paragraph (c) of
4305 subsection (3), subsections (4) and (5) of section 373.4137,
4306 Florida Statutes, are amended to read:

4307 373.4137 Mitigation requirements for specified
4308 transportation projects.—

4309 (1) The Legislature finds that environmental mitigation for
4310 the impact of transportation projects proposed by the Department
4311 of Transportation or a transportation authority established
4312 pursuant to chapter 348 or chapter 349 can be more effectively
4313 achieved by regional, long-range mitigation planning ~~rather~~ than
4314 on a project-by-project basis. It is therefore the intent of the
4315 Legislature that mitigation, including the use of mitigation
4316 banks and other mitigation options that satisfy state and
4317 federal requirements, to offset the adverse effects of ~~these~~
4318 transportation projects be funded by the Department of
4319 Transportation and be carried out by the water management
4320 districts, ~~including the use of mitigation banks established~~
4321 ~~pursuant to this part.~~

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4322 (2) Environmental impact inventories for transportation
4323 projects proposed by the Department of Transportation or a
4324 transportation authority established pursuant to chapter 348 or
4325 chapter 349 shall be developed as follows:

4326 (a) By July 1 of each year, the Department of
4327 Transportation, or a transportation authority established
4328 pursuant to chapter 348 or chapter 349 which chooses to
4329 participate in the program, shall submit to the water management
4330 districts a list ~~copy~~ of its projects for the adopted work
4331 program and an environmental impact inventory of habitats
4332 addressed in the rules adopted pursuant to this part and s. 404
4333 of the Clean Water Act, 33 U.S.C. s. 1344, which may be impacted
4334 by its plan of construction for transportation projects in the
4335 next 3 years of the tentative work program. The Department of
4336 Transportation or the ~~a transportation authority established~~
4337 ~~pursuant to chapter 348 or chapter 349~~ may also include in its
4338 environmental impact inventory the habitat impacts of any future
4339 transportation project. The Department of Transportation and the
4340 ~~each~~ transportation authority ~~established pursuant to chapter~~
4341 ~~348 or chapter 349~~ may fund any mitigation activities for future
4342 projects using current year funds.

4343 (b) The environmental impact inventory must ~~shall~~ include a
4344 description of these habitat impacts, including their location,
4345 acreage, and type; state water quality classification of
4346 impacted wetlands and other surface waters; any other state or
4347 regional designations for these habitats; and a list ~~survey~~ of
4348 threatened species, endangered species, and species of special
4349 concern affected by the proposed project.

4350 (3)

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4351 (c) Except for current mitigation projects in the
4352 monitoring and maintenance phase and except as allowed by
4353 paragraph (d), the water management districts may request a
4354 transfer of funds from an escrow account no sooner than 30 days
4355 before ~~prior to~~ the date the funds are needed to pay for
4356 activities associated with development or implementation of the
4357 approved mitigation plan described in subsection (4) for the
4358 current fiscal year, including, but not limited to, design,
4359 engineering, production, and staff support. Actual conceptual
4360 plan preparation costs incurred before plan approval may be
4361 submitted to the Department of Transportation or the appropriate
4362 transportation authority each year with the plan. The conceptual
4363 plan preparation costs of each water management district shall
4364 ~~will~~ be paid from mitigation funds associated with the
4365 environmental impact inventory for the current year. The amount
4366 transferred to the escrow accounts each year by the Department
4367 of Transportation and participating transportation authorities
4368 established pursuant to chapter 348 or chapter 349 must ~~shall~~
4369 correspond to a cost per acre of \$75,000 multiplied by the
4370 projected acres of impact identified in the environmental impact
4371 inventory described in subsection (2). However, the \$75,000 cost
4372 per acre does not constitute an admission against interest by
4373 the state or its subdivisions nor is the cost admissible as
4374 evidence of full compensation for any property acquired by
4375 eminent domain or through inverse condemnation. Each July 1, the
4376 cost per acre shall be adjusted by the percentage change in the
4377 average of the Consumer Price Index issued by the United States
4378 Department of Labor for the most recent 12-month period ending
4379 September 30, compared to the base year average, which is the

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4380 average for the 12-month period ending September 30, 1996. Each
4381 quarter, the projected acreage of impact shall be reconciled
4382 with the acreage of impact of projects as permitted, including
4383 permit modifications, pursuant to this part and s. 404 of the
4384 Clean Water Act, 33 U.S.C. s. 1344. The subject year's transfer
4385 of funds shall be adjusted accordingly to reflect the acreage of
4386 impacts as permitted. The Department of Transportation and
4387 participating transportation authorities established pursuant to
4388 chapter 348 or chapter 349 ~~may are authorized to~~ transfer such
4389 funds from the escrow accounts to the water management districts
4390 to carry out the mitigation programs. Environmental mitigation
4391 funds that are identified for or maintained in an escrow account
4392 for the benefit of a water management district may be released
4393 if the associated transportation project is excluded, in whole
4394 or in part, from the mitigation plan. For a mitigation project
4395 that is in the maintenance and monitoring phase, the water
4396 management district may request and receive a one-time payment
4397 based on the project's expected future maintenance and
4398 monitoring costs. Upon disbursement of the final maintenance and
4399 monitoring payment, the obligation of the Department of
4400 Transportation or the participating transportation authority is
4401 satisfied, the escrow account for the project established by the
4402 Department of Transportation or the participating transportation
4403 authority may be closed, and the water management district
4404 assumes continuing responsibility for the mitigation project.
4405 Any interest earned on these disbursed funds remains shall
4406 ~~remain~~ with the water management district and must be used as
4407 authorized under this section.

4408 (4) Before ~~Prior to~~ March 1 of each year, each water

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4409 management district, in consultation with the Department of
4410 Environmental Protection, the United States Army Corps of
4411 Engineers, the Department of Transportation, participating
4412 transportation authorities established under ~~pursuant to~~ chapter
4413 348 or chapter 349, ~~and~~ other appropriate federal, state, and
4414 local governments, and other interested parties, including
4415 entities operating mitigation banks, shall develop a plan for
4416 the primary purpose of complying with the mitigation
4417 requirements adopted pursuant to this part and 33 U.S.C. s.
4418 1344. In developing such plans, the districts shall use ~~utilize~~
4419 sound ecosystem management practices to address significant
4420 water resource needs and ~~shall~~ focus on activities of the
4421 Department of Environmental Protection and the water management
4422 districts, such as surface water improvement and management
4423 (SWIM) projects and lands identified for potential acquisition
4424 for preservation, restoration or enhancement, and the control of
4425 invasive and exotic plants in wetlands and other surface waters,
4426 to the extent that such activities comply with the mitigation
4427 requirements adopted under this part and 33 U.S.C. s. 1344. In
4428 determining the activities to be included in such plans, the
4429 districts shall also consider the purchase of credits from
4430 public or private mitigation banks permitted under s. 373.4136
4431 and associated federal authorization and ~~shall~~ include such
4432 purchase as a part of the mitigation plan if ~~when~~ such purchase
4433 offsets ~~would offset~~ the impact of the transportation project,
4434 provide equal benefits to the water resources than other
4435 mitigation options being considered, and provide the most cost-
4436 effective mitigation option. The mitigation plan shall be
4437 submitted to the water management district governing board, or

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4438 its designee, for review and approval. At least 14 days before
4439 ~~prior to~~ approval, the water management district shall provide a
4440 copy of the draft mitigation plan to any person who requests ~~has~~
4441 ~~requested~~ a copy.

4442 (a) For each transportation project with a funding request
4443 for the next fiscal year, the mitigation plan must include a
4444 brief explanation of why a mitigation bank was or was not chosen
4445 as a mitigation option, including an estimation of identifiable
4446 costs of the mitigation bank and nonbank options to the extent
4447 practicable.

4448 (b) Specific projects may be excluded from the mitigation
4449 plan, in whole or in part, and are ~~shall~~ not ~~be~~ subject to this
4450 section upon the election ~~agreement~~ of the Department of
4451 Transportation, ~~or~~ a transportation authority if applicable, or
4452 ~~and~~ the appropriate water management district ~~that the inclusion~~
4453 ~~of such projects would hamper the efficiency or timeliness of~~
4454 ~~the mitigation planning and permitting process. The water~~
4455 ~~management district may choose to exclude a project in whole or~~
4456 ~~in part if the district is unable to identify mitigation that~~
4457 ~~would offset impacts of the project.~~

4458 (5) The water management district must ensure ~~shall be~~
4459 ~~responsible for ensuring~~ that mitigation requirements under
4460 ~~pursuant to~~ 33 U.S.C. s. 1344 are met for the impacts identified
4461 in the environmental impact inventory described in subsection
4462 (2), by implementation of the approved plan described in
4463 subsection (4) to the extent funding is provided by the
4464 Department of Transportation, or a transportation authority
4465 established pursuant to chapter 348 or chapter 349, if
4466 applicable. During the federal permitting process, the water

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4467 management district may deviate from the approved mitigation
4468 plan in order to comply with federal permitting requirements.

4469 Section 92. Paragraph (a) of subsection (2) of section
4470 403.7211, Florida Statutes, is amended to read:

4471 403.7211 Hazardous waste facilities managing hazardous
4472 wastes generated offsite; federal facilities managing hazardous
4473 waste.—

4474 (2) The department shall not issue any permit under s.
4475 403.722 for the construction, initial operation, or substantial
4476 modification of a facility for the disposal, storage, or
4477 treatment of hazardous waste generated offsite which is proposed
4478 to be located in any of the following locations:

4479 (a) Any area where life-threatening concentrations of
4480 hazardous substances could accumulate at a ~~any~~ residence or
4481 residential subdivision as the result of a catastrophic event at
4482 the proposed facility, unless ~~each~~ such residence or residential
4483 subdivision is served by at least one arterial road or urban
4484 minor arterial road, as defined in s. 334.03, using procedures
4485 developed by the Federal Highway Administration, which provides
4486 safe and direct egress by land to an area where such life-
4487 threatening concentrations of hazardous substances could not
4488 accumulate in a catastrophic event. Egress by any road leading
4489 from any residence or residential subdivision to any point
4490 located within 1,000 yards of the proposed facility is unsafe
4491 for the purposes of this paragraph. In determining whether
4492 egress proposed by the applicant is safe and direct, the
4493 department shall also consider, at a minimum, the following
4494 factors:

4495 1. Natural barriers such as water bodies, and whether a ~~any~~

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4496 road in the proposed evacuation route is impaired by a natural
4497 barrier such as a water body;

4498 2. Potential exposure during egress and potential increases
4499 in the duration of exposure;

4500 3. Whether any road in a proposed evacuation route passes
4501 in close proximity to the facility; and

4502 4. Whether any portion of the evacuation route is
4503 inherently directed toward the facility.

4504

4505 For the purposes of this subsection, all distances shall be
4506 measured from the outer limit of the active hazardous waste
4507 management area. "Substantial modification" includes: any
4508 physical change in, change in the operations of, or addition to
4509 a facility which could increase the potential offsite impact, or
4510 risk of impact, from a release at that facility; and any change
4511 in permit conditions which is reasonably expected to lead to
4512 greater potential impacts or risks of impacts, from a release at
4513 that facility. "Substantial modification" does not include a
4514 change in operations, structures, or permit conditions which
4515 does not substantially increase either the potential impact
4516 from, or the risk of, a release. Physical or operational changes
4517 to a facility related solely to the management of nonhazardous
4518 waste at the facility shall not be considered a substantial
4519 modification. The department shall, by rule, adopt criteria to
4520 determine whether a facility has been substantially modified.
4521 "Initial operation" means the initial commencement of operations
4522 at the facility.

4523 Section 93. Section 479.28, Florida Statutes, is repealed.

4524 Section 94. Road marking materials.—

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4525 (1) A county, municipality, local governing authority, or
4526 other political subdivision of this state may not cause or allow
4527 markings to be placed on a street, roadway, or highway under its
4528 jurisdiction which are made with paint that has been mixed, in
4529 whole or in part, with reflective glass beads that contain 75
4530 parts per million or more of inorganic arsenic as determined
4531 using EPA Method 6010B in conjunction with EPA Method 3052 for
4532 sample preparation.

4533 (2) A person may not manufacture, sell, offer for sale, or
4534 offer for promotional purposes in this state reflective glass
4535 beads that are used to reflect light when applied to markings on
4536 a street, roadway, or highway in this state if the glass beads
4537 contain 75 parts per million or more of inorganic arsenic as
4538 determined by using EPA Method 6010B in conjunction with EPA
4539 Method 3052 for sample preparation.

4540 (3) A person who violates this section is subject to a
4541 civil penalty of at least \$500 but not more than \$1,000 for each
4542 violation. If the violation is of a continuing nature, each day
4543 of continuing violation is a separate offense.

4544 Section 95. The Department of Transportation may seek
4545 Federal Highway Administration approval of a tourist-oriented
4546 commerce sign pilot program for small businesses, as defined in
4547 s. 288.703, Florida Statutes, in a rural area of critical
4548 economic concern as defined by s. 288.0656(2) (d) and (e),
4549 Florida Statutes. Upon federal approval, the department shall
4550 submit the pilot program for legislative approval in the next
4551 regular legislative session.

4552 Section 96. It is the intent of the Legislature to
4553 encourage and facilitate a review by the Pinellas Suncoast

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4554 Transit Authority (PSTA) and the Hillsborough Area Regional
4555 Transit Authority (HART) in order to achieve improvements in
4556 regional transit connectivity and implementation of operational
4557 efficiencies and service enhancements that are consistent with
4558 the regional approach to transit identified in the Tampa Bay
4559 Area Regional Transportation Authority's (TBARTA's) Regional
4560 Transportation Master Plan. The Legislature finds that such
4561 improvements and efficiencies can best be achieved through a
4562 joint review, evaluation, and recommendations by PSTA and HART.

4563 (1) The governing bodies or a designated subcommittee of
4564 both the PSTA and HART shall hold a joint meeting within 30 days
4565 after July 1, 2012, and as often as deemed necessary thereafter,
4566 in order to consider and identify opportunities for greater
4567 efficiency and service improvements, including specific methods
4568 for increasing service connectivity between the jurisdictions of
4569 each agency. The elements to be reviewed must also include:

4570 (a) Governance structure, including governing board
4571 membership, terms, responsibilities, officers, powers, duties,
4572 and responsibilities;

4573 (b) Funding options and implementation;

4574 (c) Facilities ownership and management;

4575 (d) Current financial obligations and resources; and

4576 (e) Actions to be taken that are consistent with TBARTA's
4577 master plan.

4578 (2) PSTA and HART shall jointly submit a report to the
4579 Speaker of the House of Representatives and the President of the
4580 Senate on the elements described in this section by February 1,
4581 2013. The report must include proposed legislation to implement
4582 each recommendation and specific recommendations concerning the

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4583 reorganization of each agency, the organizational merger of both
4584 agencies, or the consolidation of functions within and between
4585 each agency.

4586 (3) TBARTA shall assist and facilitate PSTA and HART in
4587 carrying out the purposes of this section. TBARTA shall provide
4588 technical assistance and information regarding its master plan,
4589 make recommendations for achieving consistency and improved
4590 regional connectivity, and provide support to PSTA and HART in
4591 the preparation of their joint report and recommendations to the
4592 Legislature. For this purpose, PSTA and HART shall reimburse
4593 TBARTA for necessary and reasonable expense in a total amount
4594 not to exceed \$100,000.

4595 Section 97. Any governmental unit that is authorized to
4596 regulate the operation of public vehicles for hire and other
4597 for-hire transportation within its geographic boundaries may
4598 request and receive criminal history record information for the
4599 purpose of screening applicants for licenses and for-hire
4600 vehicle driver licenses and pay a fee for any such record. Such
4601 record information may include a national criminal history
4602 records check with the Federal Bureau of Investigation. The
4603 fingerprints may be submitted by the governmental unit to the
4604 Department of Law Enforcement for state processing, and the
4605 department shall forward such fingerprints to the Federal Bureau
4606 of Investigation for a national criminal history records check.
4607 All costs associated with transmittal and processing shall be
4608 borne by the governmental unit, the employer, or the person who
4609 is the subject of the background check. The department shall
4610 submit an invoice to the governmental unit for the fingerprints
4611 submitted each month. The governmental unit shall screen

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4612 background results to determine if an applicant meets its
4613 licensure requirements.

4614 Section 98. Subsection (7) of section 215.616, Florida
4615 Statutes, is amended to read:

4616 215.616 State bonds for federal aid highway construction.-

4617 ~~(7) Up to \$325 million in bonds may be issued for the~~
4618 ~~Mobility 2000 Initiative with emphasis on the Florida Intrastate~~
4619 ~~Highway System to advance projects in the most cost-effective~~
4620 ~~manner and to support emergency evacuation, improved access to~~
4621 ~~urban areas, or the enhancement of trade and economic growth~~
4622 ~~corridors of statewide and regional significance which promote~~
4623 ~~Florida's economic growth.~~

4624 Section 99. Subsection (3) of section 288.063, Florida
4625 Statutes, is amended to read:

4626 288.063 Contracts for transportation projects.-

4627 (3) With respect to any contract executed pursuant to this
4628 section, the term "transportation project" means a
4629 transportation facility as defined in s. 334.03(30) ~~s.~~
4630 ~~334.03(31)~~ which is necessary in the judgment of the department
4631 to facilitate the economic development and growth of the state.
4632 Such transportation projects shall be approved only as a
4633 consideration to attract new employment opportunities to the
4634 state or expand or retain employment in existing companies
4635 operating within the state, or to allow for the construction or
4636 expansion of a state or federal correctional facility in a
4637 county having ~~with~~ a population of 75,000 or less that creates
4638 new employment opportunities or expands or retains employment in
4639 the county. The department shall institute procedures to ensure
4640 that small and minority businesses have equal access to funding

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4641 provided under this section. Funding for approved transportation
4642 projects may include any expenses, other than administrative
4643 costs and equipment purchases specified in the contract,
4644 necessary for new, or improvement to existing, transportation
4645 facilities. Funds made available pursuant to this section may
4646 not be expended in connection with the relocation of a business
4647 from one community to another community in this state unless the
4648 department determines that without such relocation the business
4649 will move outside this state or determines that the business has
4650 a compelling economic rationale for the relocation which creates
4651 additional jobs. Subject to appropriation for projects under
4652 this section, any appropriation greater than \$10 million shall
4653 be allocated to each of the districts of the Department of
4654 Transportation to ensure equitable geographical distribution.
4655 Such allocated funds that remain uncommitted by the third
4656 quarter of the fiscal year shall be reallocated among the
4657 districts based on pending project requests.

4658 Section 100. Subsection (2) of section 338.222, Florida
4659 Statutes, is amended to read:

4660 338.222 Department of Transportation sole governmental
4661 entity to acquire, construct, or operate turnpike projects;
4662 exception.—

4663 (2) The department may contract with any local governmental
4664 entity as defined in s. 334.03(13) ~~s. 334.03(14)~~ for the design,
4665 right-of-way acquisition, or construction of any turnpike
4666 project which the Legislature has approved. Local governmental
4667 entities may negotiate with the department for the design,
4668 right-of-way acquisition, and construction of any section of the
4669 turnpike project within areas of their respective jurisdictions

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4670 or within counties with which they have interlocal agreements.

4671 Section 101. Subsection (2) of section 341.8225, Florida
4672 Statutes, is amended to read:

4673 341.8225 Department of Transportation sole governmental
4674 entity to acquire, construct, or operate high-speed rail
4675 projects; exception.—

4676 (2) Local governmental entities, as defined in s.
4677 334.03(13) ~~s. 334.03(14)~~, may negotiate with the department for
4678 the design, right-of-way acquisition, and construction of any
4679 component of the high-speed rail system within areas of their
4680 respective jurisdictions or within counties with which they have
4681 interlocal agreements.

4682 Section 102. Subsection (27) of section 479.01, Florida
4683 Statutes, is amended to read:

4684 479.01 Definitions.—As used in this chapter, the term:

4685 (27) "Urban area" has the same meaning as defined in s.
4686 334.03(31) ~~s. 334.03(32)~~.

4687 Section 103. Subsection (1) of section 479.07, Florida
4688 Statutes, is amended to read:

4689 479.07 Sign permits.—

4690 (1) Except as provided in ss. 479.105(1)(e) and 479.16, a
4691 person may not erect, operate, use, or maintain, or cause to be
4692 erected, operated, used, or maintained, any sign on the State
4693 Highway System outside an urban area, as defined in s.
4694 334.03(31) ~~s. 334.03(32)~~, or on any portion of the interstate or
4695 federal-aid primary highway system without first obtaining a
4696 permit for the sign from the department and paying the annual
4697 fee as provided in this section. As used in this section, the
4698 term "on any portion of the State Highway System, interstate, or

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4699 federal-aid primary system" means a sign located within the
4700 controlled area which is visible from any portion of the main-
4701 traveled way of such system.

4702 Section 104. Subsection (5) of section 479.261, Florida
4703 Statutes, is amended to read:

4704 479.261 Logo sign program.—

4705 (5) At a minimum, permit fees for businesses that
4706 participate in the program must be established in an amount
4707 sufficient to offset the total cost to the department for the
4708 program, including contract costs. The department shall provide
4709 the services in the most efficient and cost-effective manner
4710 through department staff or by contracting for some or all of
4711 the services. The department shall adopt rules that set
4712 reasonable rates based upon factors such as population, traffic
4713 volume, market demand, and costs for annual permit fees.
4714 However, annual permit fees for sign locations inside an urban
4715 area, as defined in s. 334.03(31) ~~s. 334.03(32)~~, may not exceed
4716 \$3,500, and annual permit fees for sign locations outside an
4717 urban area, as defined in s. 334.03(31) ~~s. 334.03(32)~~, may not
4718 exceed \$2,000. After recovering program costs, the proceeds from
4719 the annual permit fees shall be deposited into the State
4720 Transportation Trust Fund and used for transportation purposes.

4721 Section 105. Short title.—Sections 105 through 116 of this
4722 act may be cited as the "Seminole County Expressway Authority
4723 Law."

4724 Section 106. Definitions.—As used in the Seminole County
4725 Expressway Authority Law, the term:

4726 (1) "Agency of the state" means the state and any agency,
4727 instrumentality, or corporation created, designated, or

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4728 established by, the state.

4729 (2) "Authority" means the Seminole County Expressway
4730 Authority.

4731 (3) "Bond" means a note, bond, refunding bond, or other
4732 evidence of indebtedness or obligation, in temporary or
4733 definitive form, which the authority issues pursuant to the
4734 Seminole County Expressway Authority Law.

4735 (4) "County" means Seminole County.

4736 (5) "Department" means the Department of Transportation.

4737 (6) "Expressway" means a street or highway especially
4738 designed for through traffic, and over, from, or to which owners
4739 or occupants of abutting land or other persons have no right or
4740 easement or only a limited right or easement of access, light,
4741 air, or view. Such highways or streets may be facilities from
4742 which trucks, buses, and other commercial vehicles are excluded,
4743 or facilities open to use by all customary forms of street and
4744 highway traffic.

4745 (7) "Gasoline tax funds" means the 80 percent surplus
4746 gasoline tax funds accruing each year to the department for use
4747 within Seminole county under the s. 9, Article XII of the State
4748 Constitution, after deducting any gasoline tax funds pledged by
4749 the department or the county for outstanding obligations.

4750 (8) "Seminole County Expressway System" or "system" means
4751 any expressway and appurtenant facilities thereto in Seminole
4752 County, including, but not limited to, all approaches, roads,
4753 bridges, and avenues of access for the expressway.

4754 Section 107. Seminole County Expressway Authority.—

4755 (1) There is created a body politic and corporate, an
4756 agency of the state, to be known as the "Seminole County

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4757 Expressway Authority.”

4758 (2) The authority has exclusive right to exercise all the
4759 powers under the Seminole County Expressway Authority Law, and
4760 no other entity, body, or authority within or without the county
4761 may directly or indirectly exercise jurisdiction, control,
4762 authority, or power in any manner relating to an expressway
4763 system within the county without the express consent of the
4764 authority or as otherwise provided in this law. This subsection
4765 does not limit the authority of the department under any other
4766 provision of law.

4767 (3) The governing body of the authority shall consist of
4768 seven members.

4769 (a) Five members must be members of the Board of County
4770 Commissioners of Seminole County, and the term of each member is
4771 concomitant with his or her term as a county commissioner.

4772 (b) Two members shall be appointed by the board of county
4773 commissioners from among the duly elected municipal officers
4774 within the county and shall be appointed to serve 2-year terms
4775 unless reappointed.

4776 1. Each 2-year term runs from the date of appointment and
4777 automatically terminates if the member ceases to be a duly
4778 elected municipal officer. Each appointed member of the
4779 authority shall enter upon his or her duties upon the effective
4780 date of his or her appointment, or as soon thereafter as
4781 practicable.

4782 2. The board of county commissioners shall fill a municipal
4783 membership vacancy within 45 days after the occurrence of the
4784 vacancy, and the board must appoint an individual who is jointly
4785 recommended to the board of county commissioners by two-thirds

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4786 of the municipalities in the county within 30 days after the
4787 vacancy.

4788 (4) The authority shall elect one of its members as chair.
4789 The authority shall elect a secretary and a treasurer, who need
4790 not be members of the authority. The chair, secretary, and
4791 treasurer hold the office at the will of the authority.

4792 (5) Four members of the authority constitute a quorum, and
4793 the affirmative vote of three members is necessary for any
4794 action taken by the authority. A vacancy in the authority does
4795 not impair the right of the quorum to exercise the rights and
4796 perform the duties of the authority.

4797 (6) The authority shall reimburse its members for travel
4798 and other necessary expenses incurred in connection with the
4799 business of the authority as provided in s. 112.061, Florida
4800 Statutes, but the members may not draw salaries or other
4801 compensation.

4802 (7) The authority may employ an executive secretary, an
4803 executive director, its own counsel and legal staff, technical
4804 experts, engineers, and other employees, permanent or temporary,
4805 as it may require, and determine the qualifications and fix the
4806 compensation of employees and contractors. The total
4807 compensation package for any authority employee may not exceed
4808 the total compensation package of the Secretary of
4809 Transportation.

4810 (8) The authority may contract with the Division of Bond
4811 Finance of the State Board of Administration for any financial
4812 services authorized herein. The authority may delegate to one or
4813 more of its agents or employees any of its powers as it deems
4814 necessary to carry out the purposes of the Seminole County

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4815 Expressway Authority Law, subject to the supervision and control
4816 of the authority.

4817 Section 108. Powers and duties.—The authority may acquire,
4818 hold, construct, improve, maintain, operate, and own the
4819 Seminole County Expressway System.

4820 (1) The authority may construct any extension, addition, or
4821 improvement to the system or appurtenant facilities, including
4822 all necessary approaches, roads, bridges, and avenues of access,
4823 with any change, modification, or revision of the project as
4824 deemed necessary.

4825 (2) The authority may exercise all powers necessary,
4826 appurtenant, convenient, or incidental to the implementation of
4827 the Seminole County Expressway Authority Law, including, but not
4828 limited to:

4829 (a) To sue and be sued, implead and be impleaded, and
4830 complain and defend in all courts.

4831 (b) To adopt, use, and alter a corporate seal at will.

4832 (c) To acquire, purchase, hold, lease as lessee, and use
4833 any franchise or property, real, personal, or mixed, tangible or
4834 intangible, or any interest necessary to implement the purposes
4835 of the Seminole County Expressway Authority Law, and to sell,
4836 lease as lessor, transfer, and dispose of, at any time, any
4837 property or interest acquired by the authority.

4838 (d) To enter into and make leases for terms not exceeding
4839 40 years, as lessee or lessor, and to implement the right to
4840 lease as provided in the Seminole County Expressway Authority
4841 Law.

4842 (e) To fix, alter, charge, establish, and collect tolls,
4843 rates, fees, rentals, and other charges for the services and

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4844 facilities of the system, which are sufficient to comply with
4845 any covenant made with the holders of any bonds issues pursuant
4846 to the Seminole County Expressway Authority Law.

4847 (f) To fix, alter, charge, establish, and collect rates,
4848 fees, rentals, and other charges for the services and facilities
4849 of the system, which rates, fees, rentals, and other charges are
4850 sufficient to comply with any covenant made with the holders of
4851 any bonds issued pursuant to the Seminole County Expressway
4852 Authority Law; however, the authority may assign or delegate to
4853 the department any of its rights and powers.

4854 (g) To borrow money as provided by the State Bond Act.

4855 (h) To reimburse the county for any sums expended from
4856 gasoline tax funds and any other revenues provided to the
4857 authority by the county and used for the payment of the
4858 obligations. If the authority deems it practicable, the
4859 authority may repay disbursed revenues from county or gasoline
4860 tax funds, together with interest at the highest rate
4861 applicable, to any obligations of the authority for which funds
4862 or revenues were used to pay debt service.

4863 (i) To hire and retain independent certified public
4864 accountants and auditors to audit the books and records of the
4865 authority and the department with respect to the system or any
4866 part thereof, so long as any bonds of the authority are
4867 outstanding.

4868 (j) To make contracts and to execute all instruments
4869 necessary to conduct its business.

4870 (k) To borrow money and accept grants from, and to enter
4871 into contracts, leases, or other transactions with, any federal
4872 agency, the state, any agency of the state, Seminole County, or

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4873 any other public body of the state.

4874 (1) To have the power of eminent domain, including the
4875 procedural powers granted under chapters 73 and 74, Florida
4876 Statutes.

4877 (m) To pledge, hypothecate, or otherwise encumber all parts
4878 of the revenues, rates, fees, rentals, or other charges or
4879 receipts of the authority, including all or any portion of
4880 gasoline tax funds or other revenues received by the authority
4881 pursuant to the terms of any agreement between the authority and
4882 Seminole County, as security for the obligations of the
4883 authority.

4884 (n) To do all acts necessary for the conduct of its
4885 business and the general welfare of the authority in order to
4886 implement the powers granted to it by the Seminole County
4887 Expressway Authority Law or other law.

4888 (o) To assume and resume all duties and responsibilities of
4889 the prior Seminole County Expressway Authority for any contract
4890 or agreement that existed on June 30, 2011, and to which the
4891 prior Seminole County Expressway Authority was a party.

4892 (3) The authority may not pledge the credit or taxing power
4893 of the state or any political subdivision or agency of the
4894 state, including Seminole County. The obligations of the
4895 authority are not deemed obligations of the state, or any
4896 political subdivision or agency of the state. The state, or any
4897 political subdivision or agency of the state, except the
4898 authority, is not liable for the payment of the principal or
4899 interest on the obligations. The use or pledge of all or any
4900 portion of gasoline tax funds may not be made without the prior
4901 express written consent of the Seminole County Board of County

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4902 Commissioners.

4903 (4) The consent of a municipality is not necessary for any
4904 project of the authority, notwithstanding any other provision of
4905 the Seminole County Expressway Authority Law or any other law or
4906 whether the project lies, in whole or in part, within the
4907 boundaries of a municipality. However, an official or a resident
4908 of a municipality in which a project of the authority is
4909 located, in whole or in part, must have reasonable opportunity
4910 to discuss the project and advise the authority of his or her
4911 position at a duly advertised public hearing. Notice of the
4912 public hearing must be advertised in a newspaper published in
4913 the county and circulated in the affected municipalities. The
4914 notice must be published once at least 2 weeks before the public
4915 hearing and provide the time and place of the public hearing and
4916 a short description of the subject to be discussed. The public
4917 hearing may be adjourned and set for a time and place certain
4918 without further advertisement. In routing and locating an
4919 expressway or its interchange in or through a municipality, the
4920 authority must consider the effect of such location on the
4921 municipality as a whole and may not unreasonably split or divide
4922 an area of the municipality or separate one area of the
4923 municipality from another.

4924 Section 109. Bonds.—

4925 (1) Bonds may be issued on behalf of the authority as
4926 provided by the State Bond Act. However, bonds may not be issued
4927 unless the resolution authorizing the bonds and pledging the
4928 revenues of the expressway require that the revenues of the
4929 Seminole County Expressway System be deposited into appropriate
4930 accounts in sums sufficient to pay the costs of operation and

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4931 maintenance of the system for the current fiscal year before any
4932 revenues of the system are applied to the payment of interest or
4933 principal owing or that may become owing on such bonds.

4934 (2) The State Board of Administration shall act as fiscal
4935 agent for the authority in the issuance of bonds pursuant to
4936 this section. Upon request of the authority, the state board may
4937 take over the management, control, administration, custody, and
4938 payment of any debt service, fund, or asset available for bonds
4939 issued under this section.

4940 (3) The authority may enter into a deed of trust, an
4941 indenture, a resolution, or another agreement with its fiscal
4942 agent, a financial institution, an insurance company, or a bank
4943 or trust company within or without the state, as security for
4944 the bonds, and may, under the agreement, sign and pledge any of
4945 the revenues, rates, fees, rentals, or other charges or receipts
4946 of the authority, including any portion of gasoline tax funds or
4947 other revenues received by the authority pursuant to the terms
4948 of an agreement between the authority and the county. The deed
4949 of trust, indenture, resolution, or other agreement may contain
4950 provisions that are customary in such instruments, or, if the
4951 authority authorizes, may include, without limitation,
4952 provisions as to:

4953 (a) The completion, improvement, operation, extension,
4954 maintenance, and repair of the system.

4955 (b) The availability and application of funds and the
4956 safeguarding of funds on hand or on deposit.

4957 (c) The rights and remedies of the trustee and the holders
4958 of the bonds and any institution providing liquidity or credit
4959 support for the bonds.

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4960 (d) The terms and provisions of the bonds or the
4961 resolutions authorizing the issuance of the bonds.

4962 (e) The terms and conditions pursuant to which the
4963 authority or any trustee for the bonds is entitled to receive
4964 any revenues from the county to pay the principal of or interest
4965 on the bonds.

4966 Section 110. Department to construct, operate, and maintain
4967 facilities.-

4968 (1) The department is the agent of the authority for the
4969 purpose of performing all phases of a project, including, but
4970 not limited to, constructing improvements and extensions to the
4971 Seminole County Expressway System. The Division of Bond Finance
4972 and the authority shall provide the department with complete
4973 copies of all documents, agreements, resolutions, contracts, and
4974 instruments relating thereto, and shall request the department
4975 to do such construction work, including the planning, surveying,
4976 design, and actual construction of the completion, extensions,
4977 and improvements to the expressway system. Upon the issuance of
4978 bonds to finance the construction of an expressway system or
4979 improvements to the expressway system, the division shall
4980 transfer to the credit of an account of the department in the
4981 State Treasury the necessary funds for construction. The
4982 department shall then proceed with construction and use the
4983 funds for such purpose in the same manner as it is now
4984 authorized to use the funds otherwise provided by law for its
4985 use in the construction of roads and bridges. The authority,
4986 with the consent and approval of the department, may
4987 alternatively elect to appoint a local agency certified by the
4988 department to administer federal aid projects in accordance with

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4989 federal law as its agent for the purpose of performing all
4990 phases of a project. This subsection does not prohibit the
4991 authority's acceptance of improvements to an expressway which
4992 may be constructed by a private party and donated to the
4993 authority.

4994 (2) The department is the agent of the authority for the
4995 purpose of operating and maintaining the Seminole County
4996 Expressway System. The department shall operate and maintain the
4997 system and the costs incurred by the department for operation
4998 and maintenance shall be reimbursed from revenues of the
4999 expressway system.

5000 (3) The authority retains the right to fix, alter, charge,
5001 establish, and collect tolls, rates, fees, rentals, and other
5002 charges for the authority's facilities, as otherwise provided in
5003 the Seminole County Expressway Authority Law.

5004 (4) The Seminole County Expressway System shall be a part
5005 of the State Highway System as defined in s. 334.03, Florida
5006 Statutes.

5007 Section 111. Acquisition of lands and property.—

5008 (1) The authority may acquire private or public property
5009 and property rights, including rights of access, air, view, and
5010 light, by gift, devise, purchase, or condemnation by an eminent
5011 domain proceeding, as the authority deems necessary to implement
5012 the Seminole County Expressway Authority Law. The property that
5013 the authority may acquire includes, but is not limited to, any
5014 land:

5015 (a) Reasonably necessary for securing applicable permits,
5016 areas necessary for management of access, borrow pits, drainage
5017 ditches, water retention areas, rest areas, replacement access

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5018 for landowners whose access is impaired due to the construction
5019 of a facility, and replacement rights-of-way for relocated rail
5020 and utility facilities.

5021 (b) For existing, proposed, or anticipated transportation
5022 facilities on the Seminole County Expressway System or in a
5023 transportation corridor designated by the authority.

5024 (c) For the purposes of screening, relocation, removal, or
5025 disposal of junkyards and scrap metal processing facilities.

5026
5027 The authority may condemn any material and property necessary
5028 for these purposes.

5029 (2) The authority may exercise the right of eminent domain
5030 in the manner provided by law.

5031 (3) If the authority acquires property for a transportation
5032 facility or in a transportation corridor, the authority is not
5033 subject to any liability imposed by chapter 376 or chapter 403,
5034 Florida Statutes, for preexisting soil or groundwater
5035 contamination due solely to its ownership. This section does not
5036 affect the rights or liabilities of any past or future owners of
5037 the acquired property, nor does it affect the liability of any
5038 governmental entity for the results of its actions that create
5039 or exacerbate a pollution source. The authority and the
5040 Department of Environmental Protection may enter into an
5041 interagency agreement for the performance, funding, and
5042 reimbursement of the investigative and remedial acts necessary
5043 for property acquired by the authority.

5044 Section 112. Cooperation with other units, boards,
5045 agencies, and individuals.—Any county, municipality, drainage
5046 district, road or bridge district, school district, or any other

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5047 political subdivision, board, commission, or individual in or of
5048 the state may make and enter into a contract, lease, conveyance,
5049 or other agreement with the authority consistent with the
5050 Seminole County Expressway Authority Law. The authority may make
5051 and enter into a contract, lease, conveyance, or other agreement
5052 with any political subdivision, agency, or instrumentality of
5053 the state, any federal agency, any corporation, or any
5054 individual to implement the Seminole County Expressway Authority
5055 Law.

5056 Section 113. Covenant of the state.—The state pledges to,
5057 and agrees with, any person, firm, corporation, or federal or
5058 state agency subscribing to or acquiring the bonds issued by the
5059 authority pursuant to the Seminole County Expressway Authority
5060 Law that the state will not limit or alter the rights vested in
5061 the authority and the department until all bonds at any time
5062 issued, together with the interest on the bonds, are fully paid
5063 and discharged. The state pledges to, and agrees with, the
5064 United States that, when any federal agency constructs or
5065 contributes any funds for the completion, extension, or
5066 improvement of the Seminole County Expressway System or any part
5067 or portion thereof, the state will not alter or limit the rights
5068 and powers of the authority and the department in any manner
5069 that would be inconsistent with the continued maintenance and
5070 operation of the system or the completion, extension, or
5071 improvement of the system, or that is inconsistent with the due
5072 performance of the agreement between the authority and the
5073 federal agency. The authority and the department have and may
5074 exercise all powers granted in the Seminole County Expressway
5075 Authority Law necessary to implement the purposes of such law

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5076 and the purposes of the United States in the completion,
5077 extension, or improvement of the system or any part or portion
5078 of the system.

5079 Section 114. Exemption from taxation.—The authority created
5080 pursuant to the Seminole County Expressway Authority Law is for
5081 the benefit of the people of the state, for the increase of
5082 their commerce and prosperity, and for the improvement of their
5083 health and living conditions. Because the authority is
5084 performing essential governmental functions in carrying out the
5085 purposes of the Seminole County Expressway Authority Law, the
5086 authority is exempt from taxes or assessments upon any property
5087 acquired or used by it for such purposes, or upon any revenues,
5088 rates, fees, rentals, receipts, income, or charges received by
5089 it. The bonds issued by the authority, their transfer, and the
5090 income from the bonds, including any profits made on the sale of
5091 the bonds, are at all times free from taxation of any kind by
5092 the state or any political subdivision, taxing agency, or
5093 instrumentality of the state. However, the exemption granted by
5094 this section is not applicable to any tax imposed under chapter
5095 220, Florida Statutes, on interest, income, or profits on debt
5096 obligations owned by corporations. If a property of the
5097 authority is leased, it is exempt from ad valorem taxes if the
5098 use by the lessee qualifies the property for exemption under s.
5099 196.199, Florida Statutes.

5100 Section 115. Eligibility for investments and security.—Any
5101 bonds or other obligations issued pursuant to the Seminole
5102 County Expressway Authority Law are legal investments for banks,
5103 savings banks, trustees, executors, administrators, and all
5104 other fiduciaries, and for all state, municipal, and other

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5105 public funds, and are securities eligible for deposit as
5106 security for all state, municipal, or other public funds,
5107 notwithstanding any other provisions of law.

5108 Section 116. Complete and additional authority.-

5109 (1) The powers conferred by the Seminole County Expressway
5110 Authority Law are in addition to the existing powers of the
5111 authority and the department, and do not repeal any other law,
5112 general, special, or local. The extension and improvement of the
5113 Seminole County Expressway System, and the issuance of bonds
5114 pursuant to the Seminole County Expressway Authority Law to
5115 finance all or part of the cost of the system, may be
5116 accomplished upon compliance with such law without regard to or
5117 necessity for compliance with the provisions, limitations, or
5118 restrictions contained in any other general, special, or local
5119 law. Approval by qualified electors or qualified electors who
5120 are freeholders in the state, in 0Seminole County, or in any
5121 other political subdivision of the state is not required for the
5122 issuance of bonds pursuant to the Seminole County Expressway
5123 Authority Law.

5124 (2) The provisions of the Seminole County Expressway
5125 Authority Law do not repeal, rescind, or modify any other law
5126 relating to the State Board of Administration, the Department of
5127 Transportation, or the Division of Bond Finance of the State
5128 Board of Administration, but supersede any law that is
5129 inconsistent with this law.

5130 Section 117. Subsection (5) of section 369.317, Florida
5131 Statutes, is amended to read:

5132 369.317 Wekiva Parkway.-

5133 (5) In Seminole County, ~~the Seminole County Expressway~~

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5134 ~~Authority,~~ the Department of Transportation, ~~and the Florida~~
5135 ~~Turnpike Enterprise~~ shall locate the precise corridor and
5136 interchanges for the Wekiva Parkway consistent with the
5137 legislative intent expressed in this part ~~act~~ and other
5138 provisions of this part ~~act~~.

5139 Section 118. This act shall take effect July 1, 2012.