



LEGISLATIVE ACTION

Senate	.	House
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05/03/2013 03:35 PM	.	
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Senator Brandes moved the following:

1           **Senate Substitute for Amendment (740626) (with title**  
2 **amendment)**

3  
4           Delete everything after the enacting clause  
5 and insert:

6           Section 1. Paragraph (m) of subsection (3) of section  
7 11.45, Florida Statutes, is repealed.

8           Section 2. Paragraph (b) of subsection (2) and subsection  
9 (3) of section 20.23, Florida Statutes, are amended, and present  
10 subsections (4) through (7) of that subsection are renumbered as  
11 subsections (3) through (6), to read:

12           20.23 Department of Transportation.—There is created a  
13 Department of Transportation which shall be a decentralized



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14 agency.  
15 (2)  
16 (b) The commission shall ~~have the primary functions to:~~  
17 1. Recommend major transportation policies for the  
18 Governor's approval, and assure that approved policies and any  
19 revisions ~~thereto~~ are properly executed.  
20 2. Periodically review the status of the state  
21 transportation system including highway, transit, rail, seaport,  
22 intermodal development, and aviation components of the system  
23 and recommend improvements therein to the Governor and the  
24 Legislature.  
25 3. Perform an in-depth evaluation of the annual department  
26 budget request, the Florida Transportation Plan, and the  
27 tentative work program for compliance with all applicable laws  
28 and established departmental policies. Except as specifically  
29 provided in s. 339.135(4)(c)2., (d), and (f), the commission may  
30 not consider individual construction projects, but shall  
31 consider methods of accomplishing the goals of the department in  
32 the most effective, efficient, and businesslike manner.  
33 4. Monitor the financial status of the department on a  
34 regular basis to assure that the department is managing revenue  
35 and bond proceeds responsibly and in accordance with law and  
36 established policy.  
37 5. Monitor on at least a quarterly basis, the efficiency,  
38 productivity, and management of the department, using  
39 performance and production standards developed by the commission  
40 pursuant to s. 334.045.  
41 6. Perform an in-depth evaluation of the factors causing  
42 disruption of project schedules in the adopted work program and



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43 recommend to the Legislature and the Governor methods to  
44 eliminate or reduce the disruptive effects of these factors.

45 7. Recommend to the Governor and the Legislature  
46 improvements to the department's organization in order to  
47 streamline and optimize the efficiency of the department. In  
48 reviewing the department's organization, the commission shall  
49 determine if the current district organizational structure is  
50 responsive to Florida's changing economic and demographic  
51 development patterns. The initial report by the commission must  
52 be delivered to the Governor and Legislature by December 15,  
53 2000, and each year thereafter, as appropriate. The commission  
54 may retain ~~such~~ experts that ~~as~~ are reasonably necessary to  
55 effectuate this subparagraph, and the department shall pay the  
56 expenses of the ~~such~~ experts.

57 8. Monitor the efficiency, productivity, and management of  
58 the authorities created under chapters 348 and 349, including  
59 any authority formed using the provisions of part I of chapter  
60 348, and any authority formed under chapter 343 ~~which is not~~  
61 ~~monitored under subsection (3)~~. The commission shall also  
62 conduct periodic reviews of each authority's operations and  
63 budget, acquisition of property, management of revenue and bond  
64 proceeds, and compliance with applicable laws and generally  
65 accepted accounting principles.

66 ~~(3) There is created the Florida Statewide Passenger Rail~~  
67 ~~Commission.~~

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

70 ~~a. Three members shall be appointed by the Governor, one of~~  
71 ~~whom must have a background in the area of environmental~~



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72 ~~concerns, one of whom must have a legislative background, and~~  
73 ~~one of whom must have a general business background.~~

74 ~~b. Three members shall be appointed by the President of the~~  
75 ~~Senate, one of whom must have a background in civil engineering,~~  
76 ~~one of whom must have a background in transportation~~  
77 ~~construction, and one of whom must have a general business~~  
78 ~~background.~~

79 ~~e. Three members shall be appointed by the Speaker of the~~  
80 ~~House of Representatives, one of whom must have a legal~~  
81 ~~background, one of whom must have a background in financial~~  
82 ~~matters, and one of whom must have a general business~~  
83 ~~background.~~

84 ~~2. The initial term of each member appointed by the~~  
85 ~~Governor shall be for 4 years. The initial term of each member~~  
86 ~~appointed by the President of the Senate shall be for 3 years.~~  
87 ~~The initial term of each member appointed by the Speaker of the~~  
88 ~~House of Representatives shall be for 2 years. Succeeding terms~~  
89 ~~for all members shall be for 4 years.~~

90 ~~3. A vacancy occurring during a term shall be filled by the~~  
91 ~~respective appointing authority in the same manner as the~~  
92 ~~original appointment and only for the balance of the unexpired~~  
93 ~~term. An appointment to fill a vacancy shall be made within 60~~  
94 ~~days after the occurrence of the vacancy.~~

95 ~~4. The commission shall elect one of its members as chair~~  
96 ~~of the commission. The chair shall hold office at the will of~~  
97 ~~the commission. Five members of the commission shall constitute~~  
98 ~~a quorum, and the vote of five members shall be necessary for~~  
99 ~~any action taken by the commission. The commission may meet upon~~  
100 ~~the constitution of a quorum. A vacancy in the commission does~~



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101 ~~not impair the right of a quorum to exercise all rights and~~  
102 ~~perform all duties of the commission.~~

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

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

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

124 ~~2. Advising the department on policies and strategies used~~  
125 ~~in planning, designing, building, operating, financing, and~~  
126 ~~maintaining a coordinated statewide system of passenger rail~~  
127 ~~services.~~

128 ~~3. Evaluating passenger rail policies and providing advice~~  
129 ~~and recommendations to the Legislature on passenger rail~~



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130 ~~operations in the state.~~

131 ~~(c) The commission or a member of the commission may not~~  
132 ~~enter into the day-to-day operation of the department or a~~  
133 ~~monitored authority and is specifically prohibited from taking~~  
134 ~~part in:~~

135 ~~1. The awarding of contracts.~~

136 ~~2. The selection of a consultant or contractor or the~~  
137 ~~prequalification of any individual consultant or contractor.~~  
138 ~~However, the commission may recommend to the secretary standards~~  
139 ~~and policies governing the procedure for selection and~~  
140 ~~prequalification of consultants and contractors.~~

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

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

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

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

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

148 ~~(d) The commission is assigned to the Office of the~~  
149 ~~Secretary of the Department of Transportation for administrative~~  
150 ~~and fiscal accountability purposes, but it shall otherwise~~  
151 ~~function independently of the control and direction of the~~  
152 ~~department except that reasonable expenses of the commission~~  
153 ~~shall be subject to approval by the Secretary of Transportation.~~  
154 ~~The department shall provide administrative support and service~~  
155 ~~to the commission.~~

156 Section 3. Paragraphs (j) and (m) of subsection (2) of  
157 section 110.205, Florida Statutes, are amended to read:

158 110.205 Career service; exemptions.—



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

161 (j) The appointed secretaries and the State Surgeon  
162 General, assistant secretaries, deputy secretaries, and deputy  
163 assistant secretaries of all departments; the executive  
164 directors, assistant executive directors, deputy executive  
165 directors, and deputy assistant executive directors of all  
166 departments; the directors of all divisions and those positions  
167 determined by the department to have managerial responsibilities  
168 comparable to such positions, which positions include, but are  
169 not limited to, program directors, assistant program directors,  
170 district administrators, deputy district administrators, the  
171 Director of Central Operations Services of the Department of  
172 Children and Family Services, the State Transportation  
173 Development Administrator, State Freight and Logistics ~~Public~~  
174 ~~Transportation and Modal~~ Administrator, district secretaries,  
175 district directors of transportation development, transportation  
176 operations, transportation support, and the managers of the  
177 offices specified in s. 20.23(3)(b) ~~20.23(4)(b)~~, of the  
178 Department of Transportation. Unless otherwise fixed by law, the  
179 department shall set the salary and benefits of these positions  
180 in accordance with the rules of the Senior Management Service;  
181 and the county health department directors and county health  
182 department administrators of the Department of Health.

183 (m) All assistant division director, deputy division  
184 director, and bureau chief positions in any department, and  
185 those positions determined by the department to have managerial  
186 responsibilities comparable to such positions, which include,  
187 but are not limited to:



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188           1. Positions in the Department of Health and the Department  
189 of Children and Family Services that are assigned primary duties  
190 of serving as the superintendent or assistant superintendent of  
191 an institution.

192           2. Positions in the Department of Corrections that are  
193 assigned primary duties of serving as the warden, assistant  
194 warden, colonel, or major of an institution or that are assigned  
195 primary duties of serving as the circuit administrator or deputy  
196 circuit administrator.

197           3. Positions in the Department of Transportation that are  
198 assigned primary duties of serving as regional toll managers and  
199 managers of offices, as defined in s. 20.23(3)(b) and (4)(c)  
200 ~~20.23(4)(b) and (5)(e)~~.

201           4. Positions in the Department of Environmental Protection  
202 that are assigned the duty of an Environmental Administrator or  
203 program administrator.

204           5. Positions in the Department of Health that are assigned  
205 the duties of Environmental Administrator, Assistant County  
206 Health Department Director, and County Health Department  
207 Financial Administrator.

208  
209 Unless otherwise fixed by law, the department shall set the  
210 salary and benefits of the positions listed in this paragraph in  
211 accordance with the rules established for the Selected Exempt  
212 Service.

213           Section 4. Subsection (5) of section 125.42, Florida  
214 Statutes, is amended to read:

215           125.42 Water, sewage, gas, power, telephone, other utility,  
216 and television lines along county roads and highways.-





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217 (5) In the event of widening, repair, or reconstruction of  
218 any such road, the licensee shall move or remove such water,  
219 sewage, gas, power, telephone, and other utility lines and  
220 television lines at no cost to the county should they be found  
221 by the county to be unreasonably interfering, except as provided  
222 in s. 337.403(1)(d)-(i) ~~337.403(1)(e)~~.

223 Section 5. Paragraph (b) of subsection (1) of section  
224 125.35, Florida Statutes, is amended to read:

225 125.35 County authorized to sell real and personal property  
226 and to lease real property.-

227 (1)

228 (b) Notwithstanding ~~the provisions of~~ paragraph (a), under  
229 terms and conditions negotiated by the board, the board of  
230 county commissioners may ~~is expressly authorized to~~:

231 1. Negotiate the lease of an airport or seaport facility;

232 2. Modify or extend an existing lease of real property for  
233 an additional term not to exceed 25 years, where the improved  
234 value of the lease has an appraised value in excess of \$20  
235 million; or

236 3. Lease a professional sports franchise facility financed  
237 by revenues received pursuant to s. 125.0104 or s. 212.20 which  
238 may include a commercial development that is ancillary to the  
239 sports facility if the ancillary development property is part of  
240 or contiguous to the professional sports franchise facility. The  
241 board's authority to lease the above described ancillary  
242 commercial development in conjunction with a professional sports  
243 franchise facility lease applies only if at the time the board  
244 leases the ancillary commercial development, the professional  
245 sports franchise facility lease has been in effect for at least



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246 10 years and such lease has at least an additional 10 years  
247 remaining in the lease term;

248  
249 ~~under such terms and conditions as negotiated by the board.~~

250 Section 6. Paragraph (a) of subsection (3) of section  
251 316.515, Florida Statutes, is amended to read:

252 316.515 Maximum width, height, length.—

253 (3) LENGTH LIMITATION.—Except as otherwise provided in this  
254 section, length limitations apply solely to a semitrailer or  
255 trailer, and not to a truck tractor or to the overall length of  
256 a combination of vehicles. No combination of commercial motor  
257 vehicles coupled together and operating on the public roads may  
258 consist of more than one truck tractor and two trailing units.  
259 Unless otherwise specifically provided for in this section, a  
260 combination of vehicles not qualifying as commercial motor  
261 vehicles may consist of no more than two units coupled together;  
262 such nonqualifying combination of vehicles may not exceed a  
263 total length of 65 feet, inclusive of the load carried thereon,  
264 but exclusive of safety and energy conservation devices approved  
265 by the department for use on vehicles using public roads.  
266 Notwithstanding any other provision of this section, a truck  
267 tractor-semitrailer combination engaged in the transportation of  
268 automobiles or boats may transport motor vehicles or boats on  
269 part of the power unit; and, except as may otherwise be mandated  
270 under federal law, an automobile or boat transporter semitrailer  
271 may not exceed 50 feet in length, exclusive of the load;  
272 however, the load may extend up to an additional 6 feet beyond  
273 the rear of the trailer. The 50-foot length limitation does not  
274 apply to non-stinger-steered automobile or boat transporters



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275 that are 65 feet or less in overall length, exclusive of the  
276 load carried thereon, or to stinger-steered automobile or boat  
277 transporters that are 75 feet or less in overall length,  
278 exclusive of the load carried thereon. For purposes of this  
279 subsection, a "stinger-steered automobile or boat transporter"  
280 is an automobile or boat transporter configured as a semitrailer  
281 combination wherein the fifth wheel is located on a drop frame  
282 located behind and below the rearmost axle of the power unit.  
283 Notwithstanding paragraphs (a) and (b), any straight truck or  
284 truck tractor-semitrailer combination engaged in the  
285 transportation of horticultural trees may allow the load to  
286 extend up to an additional 10 feet beyond the rear of the  
287 vehicle, provided said trees are resting against a retaining bar  
288 mounted above the truck bed so that the root balls of the trees  
289 rest on the floor and to the front of the truck bed and the tops  
290 of the trees extend up over and to the rear of the truck bed,  
291 and provided the overhanging portion of the load is covered with  
292 protective fabric.

293 (a) *Straight trucks.*—A straight truck may not exceed a  
294 length of 40 feet in extreme overall dimension, exclusive of  
295 safety and energy conservation devices approved by the  
296 department for use on vehicles using public roads. A straight  
297 truck may attach a forklift to the rear of the cargo bed,  
298 provided the overall combined length of the vehicle and the  
299 forklift does not exceed 50 feet. A straight truck may tow no  
300 more than one trailer, and the overall length of the truck-  
301 trailer combination may not exceed 68 feet, including the load  
302 thereon. Notwithstanding any other provisions of this section, a  
303 truck-trailer combination engaged in the transportation of



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304 boats, or boat trailers whose design dictates a front-to-rear  
305 stacking method may not exceed the length limitations of this  
306 paragraph exclusive of the load; however, the load may extend up  
307 to an additional 6 feet beyond the rear of the trailer.

308 Section 7. Subsection (3) of section 316.530, Florida  
309 Statutes, is repealed.

310 Section 8. Subsection (3) of section 316.545, Florida  
311 Statutes, is amended to read:

312 316.545 Weight and load unlawful; special fuel and motor  
313 fuel tax enforcement; inspection; penalty; review.—

314 (3) Any person who violates the overloading provisions of  
315 this chapter shall be conclusively presumed to have damaged the  
316 highways of this state by reason of such overloading, which  
317 damage is hereby fixed as follows:

318 (a) If ~~When~~ the excess weight is 200 pounds or less than  
319 the maximum ~~herein~~ provided by this chapter, the penalty is  
320 ~~shall be~~ \$10;

321 (b) Five cents per pound for each pound of weight in excess  
322 of the maximum ~~herein~~ provided in this chapter if ~~when~~ the  
323 excess weight exceeds 200 pounds. However, if ~~whenever~~ the gross  
324 weight of the vehicle or combination of vehicles does not exceed  
325 the maximum allowable gross weight, the maximum fine for the  
326 first 600 pounds of unlawful axle weight is ~~shall be~~ \$10;

327 (c) For a vehicle equipped with fully functional idle-  
328 reduction technology, any penalty shall be calculated by  
329 reducing the actual gross vehicle weight or the internal bridge  
330 weight by the certified weight of the idle-reduction technology  
331 or by 550 ~~400~~ pounds, whichever is less. The vehicle operator  
332 must present written certification of the weight of the idle-



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333 reduction technology and must demonstrate or certify that the  
334 idle-reduction technology is fully functional at all times. This  
335 calculation is not allowed for vehicles described in s.  
336 316.535(6);

337 (d) An apportioned motor vehicle, as defined in s. 320.01,  
338 operating on the highways of this state without being properly  
339 licensed and registered shall be subject to the penalties as  
340 ~~herein~~ provided in this section; and

341 (e) Vehicles operating on the highways of this state from  
342 nonmember International Registration Plan jurisdictions which  
343 are not in compliance with the provisions of s. 316.605 shall be  
344 subject to the penalties as ~~herein~~ provided in this section.

345 Section 9. Section 331.360, Florida Statutes, is reordered  
346 and amended to read:

347 331.360 ~~Joint participation agreement or assistance;~~  
348 Spaceport system ~~master~~ plan.—

349 ~~(2)(1) It shall be the duty, function, and responsibility~~  
350 ~~of~~ The department shall ~~of Transportation to~~ promote the further  
351 development and improvement of aerospace transportation  
352 facilities; to address intermodal requirements and impacts of  
353 the launch ranges, spaceports, and other space transportation  
354 facilities; to assist in the development of joint-use facilities  
355 and technology that support aviation and aerospace operations;  
356 to coordinate and cooperate in the development of spaceport  
357 infrastructure and related transportation facilities contained  
358 in the Strategic Intermodal System Plan; to encourage, where  
359 appropriate, the cooperation and integration of airports and  
360 spaceports in order to meet transportation-related needs; and to  
361 facilitate and promote cooperative efforts between federal and



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362 state government entities to improve space transportation  
363 capacity and efficiency. In carrying out this duty and  
364 responsibility, the department may assist and advise, cooperate  
365 with, and coordinate with federal, state, local, or private  
366 organizations and individuals. The department may  
367 administratively house its space transportation responsibilities  
368 within an existing division or office.

369 ~~(3)~~ ~~(2)~~ Notwithstanding any other provision of law, the  
370 department ~~of Transportation~~ may enter into an a joint  
371 ~~participation~~ agreement with, or otherwise assist, Space Florida  
372 as necessary to effectuate the provisions of this chapter and  
373 may allocate funds for such purposes in its 5-year work program.  
374 However, the department may not fund the administrative or  
375 operational costs of Space Florida.

376 ~~(1)~~ ~~(3)~~ Space Florida shall develop a spaceport system  
377 ~~master~~ plan that identifies statewide spaceport goals and the  
378 need for expansion and modernization of space transportation  
379 facilities within spaceport territories as defined in s.  
380 331.303. The plan must ~~shall~~ contain recommended projects that  
381 ~~to~~ meet current and future commercial, national, and state space  
382 transportation requirements. Space Florida shall submit the plan  
383 to each ~~any~~ appropriate metropolitan planning organization for  
384 review of intermodal impacts. Space Florida shall submit the  
385 spaceport system ~~master~~ plan to the department ~~of~~  
386 ~~Transportation~~, which may include those portions of the system  
387 plan which are relevant to the Department of Transportation's  
388 mission ~~and such plan may be included~~ within the department's 5-  
389 year work program of qualifying projects ~~aerospace discretionary~~  
390 ~~capacity improvement under subsection (4)~~. The plan must ~~shall~~



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391 identify appropriate funding levels for each project and include  
392 ~~recommendations on appropriate sources of revenue that may be~~  
393 ~~developed to contribute to the State Transportation Trust Fund.~~

394 (4) (a) Beginning in fiscal year 2013-2014, a minimum of \$15  
395 million annually is authorized to be made available from the  
396 State Transportation Trust Fund to fund space transportation  
397 projects. The funds for this initiative shall be from the funds  
398 dedicated to public transportation projects pursuant to s.  
399 206.46(3).

400 (b) Before executing an agreement, Space Florida must  
401 provide project-specific information to the department in order  
402 to demonstrate that the project includes transportation and  
403 aerospace benefits. The project-specific information must  
404 include, but need not be limited to:

405 1. The description, characteristics, and scope of the  
406 project.

407 2. The funding sources for and costs of the project.

408 3. The financing considerations that emphasize federal,  
409 local, and private participation.

410 4. A financial feasibility and risk analysis, including a  
411 description of the efforts to protect the state's investment and  
412 to ensure that project goals are realized.

413 5. A demonstration that the project will encourage,  
414 enhance, or create economic benefits for the state.

415 (c) The department may fund up to 50 percent of eligible  
416 project costs. If the project meets the following criteria, the  
417 department may fund up to 100 percent of eligible project costs.  
418 The project must:

419 1. Provide important access and on-spaceport capacity



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420 improvements;

421 2. Provide capital improvements to strategically position  
422 the state to maximize opportunities in the aerospace industry or  
423 foster growth and development of a sustainable and world-leading  
424 aerospace industry in the state;

425 3. Meet state goals of an integrated intermodal  
426 transportation system; and

427 4. Demonstrate the feasibility and availability of matching  
428 funds through federal, local, or private partners ~~Subject to the~~  
429 ~~availability of appropriated funds, the department may~~  
430 ~~participate in the capital cost of eligible spaceport~~  
431 ~~discretionary capacity improvement projects. The annual~~  
432 ~~legislative budget request shall be based on the proposed~~  
433 ~~funding requested for approved spaceport discretionary capacity~~  
434 ~~improvement projects.~~

435 Section 10. Subsection (11) is added to section 332.007,  
436 Florida Statutes, to read:

437 332.007 Administration and financing of aviation and  
438 airport programs and projects; state plan.-

439 (11) The department may fund strategic airport investment  
440 projects at up to 100 percent of the project's cost if all the  
441 following criteria are met:

442 (a) Important access and on-airport capacity improvements  
443 are provided.

444 (b) Capital improvements that strategically position the  
445 state to maximize opportunities in international trade,  
446 logistics, and the aviation industry are provided.

447 (c) Goals of an integrated intermodal transportation system  
448 for the state are achieved.





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

451           Section 11. Subsections (16), (26), and (33) of section  
452 334.044, Florida Statutes, are amended to read:

453           334.044 Department; powers and duties.—The department shall  
454 have the following general powers and duties:

455           (16) To plan, acquire, lease, construct, maintain, and  
456 operate toll facilities; to authorize the issuance and refunding  
457 of bonds; and to fix and collect tolls or other charges for  
458 travel on any such facilities. Effective July 1, 2013, and  
459 notwithstanding any other law to the contrary, the department  
460 may not enter into a lease-purchase agreement with an expressway  
461 authority, regional transportation authority, or other entity.  
462 This provision does not invalidate a lease-purchase agreement  
463 authorized under chapter 348 or chapter 2000-411, Laws of  
464 Florida, and existing as of July 1, 2013, and does not limit the  
465 department's authority under s. 334.30.

466           (26) To provide for the enhancement of environmental  
467 benefits, including air and water quality; to prevent roadside  
468 erosion; to conserve the natural roadside growth and scenery;  
469 and to provide for the implementation and maintenance of  
470 roadside conservation, enhancement, and stabilization programs.  
471 No less than 1.5 percent of the amount contracted for  
472 construction projects shall be allocated by the department on a  
473 statewide basis for the purchase of plant materials. Department  
474 districts may not expend funds for landscaping in connection  
475 with any project that is limited to resurfacing existing lanes  
476 unless the expenditure has been approved by the department's  
477 secretary or the secretary's designee. To the greatest extent



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478 practical, a minimum of 50 percent of the funds allocated under  
479 this subsection shall be allocated for large plant materials and  
480 the remaining funds for other plant materials. Except as  
481 prohibited by applicable federal law or regulation, all plant  
482 materials shall be purchased from Florida commercial nursery  
483 stock in this state on a uniform competitive bid basis. The  
484 department shall develop grades and standards for landscaping  
485 materials purchased through this process. To accomplish these  
486 activities, the department may contract with nonprofit  
487 organizations having the primary purpose of developing youth  
488 employment opportunities.

489 (33) To develop, in coordination with its partners and  
490 stakeholders, a Freight Mobility and Trade Plan to assist in  
491 making freight mobility investments that contribute to the  
492 economic growth of the state. Such plan should enhance the  
493 integration and connectivity of the transportation system across  
494 and between transportation modes throughout the state. The  
495 department shall deliver the Freight Mobility and Trade Plan to  
496 the Governor, the President of the Senate, and the Speaker of  
497 the House of Representatives by December ~~July~~ 1, 2013.

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

501 1. Increasing the flow of domestic and international trade  
502 through the state's seaports and airports, including specific  
503 policies and investments that will recapture cargo currently  
504 shipped through seaports and airports located outside the state.

505 2. Increasing the development of intermodal logistic  
506 centers in the state, including specific strategies, policies,



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507 and investments that capitalize on the empty backhaul trucking  
508 and rail market in the state.

509 3. Increasing the development of manufacturing industries  
510 in the state, including specific policies and investments in  
511 transportation facilities that will promote the successful  
512 development and expansion of manufacturing facilities.

513 4. Increasing the implementation of compressed natural gas  
514 (CNG), liquefied natural gas (LNG), and propane energy policies  
515 that reduce transportation costs for businesses and residents  
516 located in the state.

517 5. The development of strategic plans or policies which  
518 encourage the grouping of activities and infrastructure  
519 associated with freight transportation and related services  
520 within designated areas or zones around or contiguous to an  
521 intermodal logistic center.

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

525 Section 12. Section 335.06, Florida Statutes, is amended to  
526 read:

527 335.06 Access roads to the state park system.—A Any road  
528 that which provides access to property within the state park  
529 system ~~shall~~ must be maintained by the department if the road is  
530 a part of the State Highway System and may be improved and  
531 maintained by the department if the road is part of a county  
532 road system or city street system. If the department does not  
533 maintain a county or city road that is a part of the county road  
534 system or the city street system and that provides access to the  
535 state park system, the road must ~~or shall~~ be maintained by the



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536 appropriate county or municipality ~~if the road is a part of the~~  
537 ~~county road system or the city street system.~~

538 Section 13. Subsection (13) of section 337.11, Florida  
539 Statutes, is amended to read:

540 337.11 Contracting authority of department; bids; emergency  
541 repairs, supplemental agreements, and change orders; combined  
542 design and construction contracts; progress payments; records;  
543 requirements of vehicle registration.-

544 (13) Each contract let by the department for the  
545 performance of road or bridge construction or maintenance work  
546 shall require ~~contain a provision requiring the contractor to~~  
547 ~~provide proof to the department, in the form of a notarized~~  
548 ~~affidavit from the contractor, that all motor vehicles that the~~  
549 ~~contractor~~ he or she operates or causes to be operated in this  
550 state to be ~~are~~ registered in compliance with chapter 320.

551 Section 14. Subsection (1) of section 337.14, Florida  
552 Statutes, is amended to read:

553 337.14 Application for qualification; certificate of  
554 qualification; restrictions; request for hearing.-

555 (1) A ~~Any~~ person who desires ~~desiring~~ to bid for the  
556 performance of any construction contract with a proposed budget  
557 estimate in excess of \$250,000 which the department proposes to  
558 let must first be certified by the department as qualified  
559 pursuant to this section and rules of the department. The rules  
560 of the department must ~~shall~~ address the qualification of a  
561 person ~~persons~~ to bid on construction contracts with a proposed  
562 budget estimate that is in excess of \$250,000 and must ~~shall~~  
563 include requirements with respect to the equipment, past record,  
564 experience, financial resources, and organizational personnel of



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565 the applicant necessary to perform the specific class of work  
566 for which the person seeks certification. The department may  
567 limit the dollar amount of any contract upon which a person is  
568 qualified to bid or the aggregate total dollar volume of  
569 contracts such person may ~~is allowed to~~ have under contract at  
570 any one time. Each applicant who seeks ~~seeking~~ qualification to  
571 bid on construction contracts with a proposed budget estimate in  
572 excess of \$250,000 must ~~shall~~ furnish the department a statement  
573 under oath, on such forms as the department may prescribe,  
574 setting forth detailed information as required on the  
575 application. Each application for certification must ~~shall~~ be  
576 accompanied by the latest annual financial statement of the  
577 applicant completed within the last 12 months. If the  
578 application or the annual financial statement shows the  
579 financial condition of the applicant more than 4 months before  
580 ~~prior to~~ the date on which the application is received by the  
581 department, ~~then~~ an interim financial statement must be  
582 submitted and be accompanied by an updated application. The  
583 interim financial statement must cover the period from the end  
584 date of the annual statement and must show the financial  
585 condition of the applicant no more than 4 months before ~~prior to~~  
586 the date the interim financial statement is received by the  
587 department. However, upon request by the applicant, an  
588 application and accompanying annual or interim financial  
589 statement received by the department within 15 days after either  
590 4-month period provided pursuant to ~~under~~ this subsection must  
591 ~~shall~~ be considered timely. Each required annual or interim  
592 financial statement must be audited and accompanied by the  
593 opinion of a certified public accountant. An applicant desiring



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594 to bid exclusively for the performance of construction contracts  
595 with proposed budget estimates of less than \$1 million may  
596 submit reviewed annual or reviewed interim financial statements  
597 prepared by a certified public accountant. The information  
598 required by this subsection is confidential and exempt from the  
599 provisions of s. 119.07(1). The department shall act upon the  
600 application for qualification within 30 days after the  
601 department determines that the application is complete. The  
602 department may waive the requirements of this subsection for  
603 projects having a contract price of \$500,000 or less if the  
604 department determines that the project is of a noncritical  
605 nature and the waiver will not endanger public health, safety,  
606 or property.

607 Section 15. Subsection (2) of section 337.168, Florida  
608 Statutes, is amended to read:

609 337.168 Confidentiality of official estimates, identities  
610 of potential bidders, and bid analysis and monitoring system.-

611 (2) A document that reveals ~~revealing~~ the identity of a  
612 person who has ~~persons who have~~ requested or obtained a bid  
613 package, plan ~~packages, plans,~~ or specifications pertaining to  
614 any project to be let by the department is confidential and  
615 exempt from the provisions of s. 119.07(1) for the period that  
616 ~~which~~ begins 2 working days before ~~prior to~~ the deadline for  
617 obtaining bid packages, plans, or specifications and ends with  
618 the letting of the bid. A document that reveals the identity of  
619 a person who has requested or obtained a bid package, plan, or  
620 specifications pertaining to any project to be let by the  
621 department before the 2 working days before the deadline for  
622 obtaining bid packages, plans, or specifications remains a



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623 public record subject to the provisions of s. 119.07(1).

624 Section 16. Section 337.25, Florida Statutes, is amended to  
625 read:

626 337.25 Acquisition, lease, and disposal of real and  
627 personal property.—

628 (1) (a) The department may purchase, lease, exchange, or  
629 otherwise acquire any land, property interests, or buildings or  
630 other improvements, including personal property within such  
631 buildings or on such lands, necessary to secure or utilize  
632 transportation rights-of-way for existing, proposed, or  
633 anticipated transportation facilities on the State Highway  
634 System, on the State Park Road System, in a rail corridor, or in  
635 a transportation corridor designated by the department. Such  
636 property shall be held in the name of the state.

637 (b) The department may accept donations of any land or  
638 buildings or other improvements, including personal property  
639 within such buildings or on such lands with or without such  
640 conditions, reservations, or reverter provisions as are  
641 acceptable to the department. Such donations may be used as  
642 transportation rights-of-way or to secure or utilize  
643 transportation rights-of-way for existing, proposed, or  
644 anticipated transportation facilities on the State Highway  
645 System, on the State Park Road System, or in a transportation  
646 corridor designated by the department.

647 (c) When lands, buildings, or other improvements are needed  
648 for transportation purposes, but are held by a federal, state,  
649 or local governmental entity and utilized for public purposes  
650 other than transportation, the department may compensate the  
651 entity for such properties by providing functionally equivalent



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652 replacement facilities. The providing of replacement facilities  
653 under this subsection may only be undertaken with the agreement  
654 of the governmental entity affected.

655 (d) The department may contract pursuant to s. 287.055 for  
656 auction services used in the conveyance of real or personal  
657 property or the conveyance of leasehold interests under the  
658 provisions of subsections (4) and (5). The contract may allow  
659 for the contractor to retain a portion of the proceeds as  
660 compensation for the contractor's services.

661 (2) A complete inventory shall be made of all real or  
662 personal property immediately upon possession or acquisition.  
663 Such inventory shall include a statement of the location or site  
664 of each piece of realty, structure, or severable item ~~an~~  
665 ~~itemized listing of all appliances, fixtures, and other~~  
666 ~~severable items; a statement of the location or site of each~~  
667 ~~piece of realty, structure, or severable item; and the serial~~  
668 ~~number assigned to each.~~ Copies of each inventory shall be filed  
669 in the district office in which the property is located. Such  
670 inventory shall be carried forward to show the final disposition  
671 of each item of property, both real and personal.

672 (3) The inventory of real property which was acquired by  
673 the state after December 31, 1988, which has been owned by the  
674 state for 10 or more years, and which is not within a  
675 transportation corridor or within the right-of-way of a  
676 transportation facility shall be evaluated to determine the  
677 necessity for retaining the property. If the property is not  
678 needed for the construction, operation, and maintenance of a  
679 transportation facility, or is not located within a  
680 transportation corridor, the department may dispose of the





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681 property pursuant to subsection (4).

682 (4) The department may convey ~~sell~~, in the name of the  
683 state, any land, building, or other property, real or personal,  
684 which was acquired under the provisions of subsection (1) and  
685 which the department has determined is not needed for the  
686 construction, operation, and maintenance of a transportation  
687 facility. ~~With the exception of any parcel governed by paragraph~~  
688 ~~(c), paragraph (d), paragraph (f), paragraph (g), or paragraph~~  
689 ~~(i), the department shall afford first right of refusal to the~~  
690 ~~local government in the jurisdiction of which the parcel is~~  
691 ~~situated.~~ When such a determination has been made, property may  
692 be disposed of through negotiations, sealed competitive bids,  
693 auctions, or any other means the department deems to be in its  
694 best interest, with due advertisement for property valued by the  
695 department at greater than \$10,000. A sale may not occur at a  
696 price less than the department's current estimate of value,  
697 except as provided in paragraphs (a)-(d). The department may  
698 afford a right of first refusal to the local government or other  
699 political subdivision in the jurisdiction in which the parcel is  
700 situated, except in conveyances transacted under paragraph (a),  
701 paragraph (c), or paragraph (e). ~~in the following manner:~~

702 (a) If the value of the property has been donated to the  
703 state for transportation purposes and a facility has not been  
704 constructed for a period of at least 5 years, plans have not  
705 been prepared for the construction of such facility, and the  
706 property is not located in a transportation corridor, the  
707 governmental entity may authorize reconveyance of the donated  
708 property for no consideration to the original donor or the  
709 donor's heirs, successors, assigns, or representatives ~~is~~



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710 ~~\$10,000 or less as determined by department estimate, the~~  
711 ~~department may negotiate the sale.~~

712 (b) If the value of the property is to be used for a public  
713 purpose, the property may be conveyed without consideration to a  
714 governmental entity exceeds \$10,000 as determined by department  
715 estimate, such property may be sold to the highest bidder  
716 through receipt of sealed competitive bids, after due  
717 advertisement, or by public auction held at the site of the  
718 improvement which is being sold.

719 (c) If the property was originally acquired specifically to  
720 provide replacement housing for persons displaced by  
721 transportation projects, the department may negotiate for the  
722 sale of such property as replacement housing. As compensation,  
723 the state shall receive no less than its investment in such  
724 property or the department's current estimate of value,  
725 whichever is lower. It is expressly intended that this benefit  
726 be extended only to persons actually displaced by the project.  
727 Dispositions to any other person must be for no less than the  
728 department's current estimate of value, in the discretion of the  
729 department, public sale would be inequitable, properties may be  
730 sold by negotiation to the owner holding title to the property  
731 abutting the property to be sold, provided such sale is at a  
732 negotiated price not less than fair market value as determined  
733 by an independent appraisal, the cost of which shall be paid by  
734 the owner of the abutting land. If negotiations do not result in  
735 the sale of the property to the owner of the abutting land and  
736 the property is sold to someone else, the cost of the  
737 independent appraisal shall be borne by the purchaser; and the  
738 owner of the abutting land shall have the cost of the appraisal



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739 ~~refunded to him or her. If, however, no purchase takes place,~~  
740 ~~the owner of the abutting land shall forfeit the sum paid by him~~  
741 ~~or her for the independent appraisal. If, due to action of the~~  
742 ~~department, the property is removed from eligibility for sale,~~  
743 ~~the cost of any appraisal prepared shall be refunded to the~~  
744 ~~owner of the abutting land.~~

745 (d) If the department determines that the property will  
746 require significant costs to be incurred or that continued  
747 ownership of the property exposes the department to significant  
748 liability risks, the department may use the projected  
749 maintenance costs over the next 10 years to offset the  
750 property's value in establishing a value for disposal of the  
751 property, even if that value is zero ~~property acquired for use~~  
752 ~~as a borrow pit is no longer needed, the department may sell~~  
753 ~~such property to the owner of the parcel of abutting land from~~  
754 ~~which the borrow pit was originally acquired, provided the sale~~  
755 ~~is at a negotiated price not less than fair market value as~~  
756 ~~determined by an independent appraisal, the cost of which shall~~  
757 ~~be paid by the owner of such abutting land.~~

758 (e) If, in the discretion of the department, a sale to  
759 anyone other than an abutting property owner would be  
760 inequitable, the property may be sold to the abutting owner for  
761 the department's current estimate of value. ~~the department~~  
762 ~~begins the process for disposing of the property on its own~~  
763 ~~initiative, either by negotiation under the provisions of~~  
764 ~~paragraph (a), paragraph (c), paragraph (d), or paragraph (i),~~  
765 ~~or by receipt of sealed competitive bids or public auction under~~  
766 ~~the provisions of paragraph (b) or paragraph (i), a department~~  
767 ~~staff appraiser may determine the fair market value of the~~



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768 ~~property by an appraisal.~~

769 ~~(f) Any property which was acquired by a county or by the~~  
770 ~~department using constitutional gas tax funds for the purpose of~~  
771 ~~a right-of-way or borrow pit for a road on the State Highway~~  
772 ~~System, State Park Road System, or county road system and which~~  
773 ~~is no longer used or needed by the department may be conveyed~~  
774 ~~without consideration to that county. The county may then sell~~  
775 ~~such surplus property upon receipt of competitive bids in the~~  
776 ~~same manner prescribed in this section.~~

777 ~~(g) If a property has been donated to the state for~~  
778 ~~transportation purposes and the facility has not been~~  
779 ~~constructed for a period of at least 5 years and no plans have~~  
780 ~~been prepared for the construction of such facility and the~~  
781 ~~property is not located in a transportation corridor, the~~  
782 ~~governmental entity may authorize reconveyance of the donated~~  
783 ~~property for no consideration to the original donor or the~~  
784 ~~donor's heirs, successors, assigns, or representatives.~~

785 ~~(h) If property is to be used for a public purpose, the~~  
786 ~~property may be conveyed without consideration to a governmental~~  
787 ~~entity.~~

788 ~~(i) If property was originally acquired specifically to~~  
789 ~~provide replacement housing for persons displaced by~~  
790 ~~transportation projects, the department may negotiate for the~~  
791 ~~sale of such property as replacement housing. As compensation,~~  
792 ~~the state shall receive no less than its investment in such~~  
793 ~~properties or fair market value, whichever is lower. It is~~  
794 ~~expressly intended that this benefit be extended only to those~~  
795 ~~persons actually displaced by such project. Dispositions to any~~  
796 ~~other persons must be for fair market value.~~



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797 ~~(j) If the department determines that the property will~~  
798 ~~require significant costs to be incurred or that continued~~  
799 ~~ownership of the property exposes the department to significant~~  
800 ~~liability risks, the department may use the projected~~  
801 ~~maintenance costs over the next 5 years to offset the market~~  
802 ~~value in establishing a value for disposal of the property, even~~  
803 ~~if that value is zero.~~

804 (5) The department may convey a leasehold interest for  
805 commercial or other purposes, in the name of the state, to any  
806 land, building, or other property, real or personal, which was  
807 acquired under the provisions of subsection (1). However, a  
808 lease may not be entered into at a price less than the  
809 department's current estimate of value.

810 (a) A lease may be through negotiations, sealed competitive  
811 bids, auctions, or any other means the department deems to be in  
812 its best interest ~~The department may negotiate such a lease at~~  
813 ~~the prevailing market value with the owner from whom the~~  
814 ~~property was acquired; with the holders of leasehold estates~~  
815 ~~existing at the time of the department's acquisition; or, if~~  
816 ~~public bidding would be inequitable, with the owner holding~~  
817 ~~title to privately owned abutting property, if reasonable notice~~  
818 ~~is provided to all other owners of abutting property. The~~  
819 department may allow an outdoor advertising sign to remain on  
820 the property acquired, or be relocated on department property,  
821 and such sign shall not be considered a nonconforming sign  
822 pursuant to chapter 479.

823 (b) If, in the discretion of the department, a lease to a  
824 person other than an abutting property owner or tenant with a  
825 leasehold interest in the abutting property would be



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826 inequitable, the property may be leased to the abutting owner or  
827 tenant for no less than the department's current estimate of  
828 value ~~All other leases shall be by competitive bid.~~

829 (c) No lease signed pursuant to paragraph (a) ~~or paragraph~~  
830 ~~(b)~~ shall be for a period of more than 5 years; however, the  
831 department may renegotiate or extend such a lease for an  
832 additional term of 5 years as the department deems appropriate  
833 ~~without rebidding.~~

834 (d) Each lease shall provide that, unless otherwise  
835 directed by the lessor, any improvements made to the property  
836 during the term of the lease shall be removed at the lessee's  
837 expense.

838 (e) If property is to be used for a public purpose,  
839 ~~including a fair, art show, or other educational, cultural, or~~  
840 ~~fundraising activity,~~ the property may be leased without  
841 consideration to a governmental entity ~~or school board.~~ A lease  
842 for a public purpose is exempt from the term limits in paragraph  
843 (c).

844 (f) Paragraphs (c) and (e) ~~(d)~~ do not apply to leases  
845 entered into pursuant to s. 260.0161(3), except as provided in  
846 such a lease.

847 (g) No lease executed under this subsection may be utilized  
848 by the lessee to establish the ~~4 years~~ standing required by s.  
849 73.071(3) (b) if the business had not been established for the  
850 specified number of 4 years on the date title passed to the  
851 department.

852 (h) The department may enter into a long-term lease without  
853 compensation with a public port listed in s. 403.021(9) (b) for  
854 rail corridors used for the operation of a short-line railroad



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855 to the port.

856 (6) Nothing in this chapter prevents the joint use of  
857 right-of-way for alternative modes of transportation; provided  
858 that the joint use does not impair the integrity and safety of  
859 the transportation facility.

860 (7) The department's estimate of value, required by  
861 subsections (4) and (5), shall be prepared in accordance with  
862 department procedures, guidelines, and rules for valuation of  
863 real property. If the value of the property exceeds \$50,000, as  
864 determined by the department estimate, the sale or lease must be  
865 at a negotiated price not less than the estimate of value as  
866 determined by an appraisal prepared in accordance with  
867 department procedures, guidelines, and rules for valuation of  
868 real property, the cost of which shall be paid by the party  
869 seeking the purchase or lease of the property appraisal required  
870 by paragraphs (4) (c) and (d) shall be prepared in accordance  
871 with department guidelines and rules by an independent appraiser  
872 who has been certified by the department. If federal funds were  
873 used in the acquisition of the property, the appraisal shall  
874 also be subject to the approval of the Federal Highway  
875 Administration.

876 (8) A "due advertisement" under this section is an  
877 advertisement in a newspaper of general circulation in the area  
878 of the improvements of not less than 14 calendar days prior to  
879 the date of the receipt of bids or the date on which a public  
880 auction is to be held.

881 (9) The department, with the approval of the Chief  
882 Financial Officer, is authorized to disburse state funds for  
883 real estate closings in a manner consistent with good business



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884 practices and in a manner minimizing costs and risks to the  
885 state.

886 (10) The department is authorized to purchase title  
887 insurance in those instances where it is determined that such  
888 insurance is necessary to protect the public's investment in  
889 property being acquired for transportation purposes. The  
890 department shall adopt procedures to be followed in making the  
891 determination to purchase title insurance for a particular  
892 parcel or group of parcels which, at a minimum, shall set forth  
893 criteria which the parcels must meet.

894 (11) This section does not modify the requirements of s.  
895 73.013.

896 Section 17. Subsection (2) of section 337.251, Florida  
897 Statutes, is amended to read:

898 337.251 Lease of property for joint public-private  
899 development and areas above or below department property.-

900 (2) The department may request proposals for the lease of  
901 such property or, if the department receives a proposal for to  
902 negotiate a lease of a particular department property that the  
903 department desires to consider, the department must ~~it shall~~  
904 publish a notice in a newspaper of general circulation at least  
905 once a week for 2 weeks, stating that it has received the  
906 proposal and will accept, for 120 ~~60~~ days after the date of  
907 publication, other proposals for lease of the particular  
908 property use of the space. A copy of the notice must be mailed  
909 to each local government in the affected area. The department  
910 shall, by rule, establish an application fee for the submission  
911 of proposals pursuant to this section. The fee must be  
912 sufficient to pay the anticipated costs of evaluating the





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913 proposals. The department may engage the services of private  
914 consultants to assist in the evaluation. Before approval, the  
915 department must determine that the proposed lease:

- 916 (a) Is in the public's best interest;  
917 (b) Does not require state funds to be used; and  
918 (c) Has adequate safeguards in place to ensure that no  
919 additional costs are borne and no service disruptions are  
920 experienced by the traveling public and residents of the state  
921 in the event of default by the private lessee or upon  
922 termination or expiration of the lease.

923 Section 18. Paragraphs (h) and (i) are added to subsection  
924 (1), and subsection (1) of section 337.403, Florida Statutes, is  
925 further amended to read:

926 337.403 Interference caused by ~~relocation of~~ utility;  
927 expenses.—

928 (1) If a utility that is placed upon, under, over, or along  
929 any public road or publicly owned rail corridor is found by the  
930 authority to be unreasonably interfering in any way with the  
931 convenient, safe, or continuous use, or the maintenance,  
932 improvement, extension, or expansion, of such public road or  
933 publicly owned rail corridor, the utility owner shall, upon 30  
934 days' written notice to the utility or its agent by the  
935 authority, initiate the work necessary to alleviate the  
936 interference at its own expense except as provided in paragraphs  
937 (a) - ~~(i) - (g)~~. The work must be completed within such reasonable  
938 time as stated in the notice or such time as agreed to by the  
939 authority and the utility owner.

940 (a) If the relocation of utility facilities, as referred to  
941 in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.



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942 627 of the 84th Congress, is necessitated by the construction of  
943 a project on the federal-aid interstate system, including  
944 extensions thereof within urban areas, and the cost of the  
945 project is eligible and approved for reimbursement by the  
946 Federal Government to the extent of 90 percent or more under the  
947 Federal Aid Highway Act, or any amendment thereof, then in that  
948 event the utility owning or operating such facilities shall  
949 perform any necessary work upon notice from the department, and  
950 the state shall pay the entire expense properly attributable to  
951 such work after deducting therefrom any increase in the value of  
952 a new facility and any salvage value derived from an old  
953 facility.

954 (b) When a joint agreement between the department and the  
955 utility is executed for utility work to be accomplished as part  
956 of a contract for construction of a transportation facility, the  
957 department may participate in those utility work costs that  
958 exceed the department's official estimate of the cost of the  
959 work by more than 10 percent. The amount of such participation  
960 shall be limited to the difference between the official estimate  
961 of all the work in the joint agreement plus 10 percent and the  
962 amount awarded for this work in the construction contract for  
963 such work. The department may not participate in any utility  
964 work costs that occur as a result of changes or additions during  
965 the course of the contract.

966 (c) When an agreement between the department and utility is  
967 executed for utility work to be accomplished in advance of a  
968 contract for construction of a transportation facility, the  
969 department may participate in the cost of clearing and grubbing  
970 necessary to perform such work.



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971 (d) If the utility facility was initially installed to  
972 exclusively serve the authority or its tenants, or both, the  
973 authority shall bear the costs of the utility work. However, the  
974 authority is not responsible for the cost of utility work  
975 related to any subsequent additions to that facility for the  
976 purpose of serving others. For a county or municipality, if such  
977 utility facility was installed in the right-of-way as a means to  
978 serve a county or municipal facility on a parcel of property  
979 adjacent to the right-of-way, and the intended use of the county  
980 or municipal facility is for other than transportation purposes,  
981 the obligation of the county or municipality to bear the costs  
982 of the utility work shall extend only to utility work on the  
983 parcel of property on which the facility of the county or  
984 municipality originally served by the utility facility is  
985 located.

986 (e) If, under an agreement between a utility and the  
987 authority entered into after July 1, 2009, the utility conveys,  
988 subordinates, or relinquishes a compensable property right to  
989 the authority for the purpose of accommodating the acquisition  
990 or use of the right-of-way by the authority, without the  
991 agreement expressly addressing future responsibility for the  
992 cost of necessary utility work, the authority shall bear the  
993 cost of removal or relocation. This paragraph does not impair or  
994 restrict, and may not be used to interpret, the terms of any  
995 such agreement entered into before July 1, 2009.

996 (f) If the utility is an electric facility being relocated  
997 underground in order to enhance vehicular, bicycle, and  
998 pedestrian safety and in which ownership of the electric  
999 facility to be placed underground has been transferred from a



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1000 private to a public utility within the past 5 years, the  
1001 department shall incur all costs of the necessary utility work.

1002 (g) An authority may bear the costs of utility work  
1003 required to eliminate an unreasonable interference when the  
1004 utility is not able to establish that it has a compensable  
1005 property right in the particular property where the utility is  
1006 located if:

1007 1. The utility was physically located on the particular  
1008 property before the authority acquired rights in the property;

1009 2. The utility demonstrates that it has a compensable  
1010 property right in ~~all~~ adjacent properties along the alignment of  
1011 the utility or, after due diligence, certifies that the utility  
1012 does not have evidence to prove or disprove that it has a  
1013 compensable property right in the particular property where the  
1014 utility is located; and

1015 3. The information available to the authority does not  
1016 establish the relative priorities of the authority's and the  
1017 utility's interests in the particular property.

1018 (h) If the relocation of utility facilities is necessitated  
1019 by the construction of a commuter rail service project or an  
1020 inter-city passenger rail service project and the cost of the  
1021 project is eligible and approved for reimbursement by the  
1022 Federal Government, then in that event the utility owning or  
1023 operating such facilities located by permit on a department-  
1024 owned rail corridor shall perform any necessary utility  
1025 relocation work upon notice from the department, and the  
1026 department shall pay the expense properly attributable to such  
1027 utility relocation work in the same proportion as Federal funds  
1028 are expended on the commuter rail service project or an inter-



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1029 city passenger rail service project after deducting therefrom  
1030 any increase in the value of a new facility and any salvage  
1031 value derived from an old facility. In no event shall the state  
1032 be required to use state dollars for such utility relocation  
1033 work. This subsection shall not apply to any phase of the  
1034 Central Florida Rail Corridor project known as SunRail.

1035 (i) If a city or county owned utility is located in a rural  
1036 area of critical economic concern, designated pursuant to s.  
1037 288.0656, and the department's comptroller determines that the  
1038 utility is not able, and will not within the following 10 years  
1039 be able, to pay for the cost of utility work necessitated by a  
1040 department project on the State Highway System, the department  
1041 may pay the cost of such utility work performed by the  
1042 department or the department's contractor, in whole or in part.

1043 Section 19. Subsection (5) of section 338.161, Florida  
1044 Statutes, is amended to read:

1045 338.161 Authority of department or toll agencies to  
1046 advertise and promote electronic toll collection; expanded uses  
1047 of electronic toll collection system; authority of department to  
1048 collect tolls, fares, and fees for private and public entities.-

1049 (5) If the department finds that it can increase nontoll  
1050 revenues or add convenience or other value for its customers,  
1051 and if a public or private transportation facility owner agrees  
1052 that its facility will become interoperable with the  
1053 department's electronic toll collection and video billing  
1054 systems, the department may ~~is authorized to~~ enter into an  
1055 agreement with the owner of such facility under which the  
1056 department uses ~~private or public entities for the department's~~  
1057 ~~use of~~ its electronic toll collection and video billing systems



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1058 to collect and enforce for the owner tolls, fares,  
1059 administrative fees, and other applicable charges due imposed in  
1060 connection with use of the owner's facility transportation  
1061 ~~facilities of the private or public entities that become~~  
1062 ~~interoperable with the department's electronic toll collection~~  
1063 ~~system~~. The department may modify its rules regarding toll  
1064 collection procedures and the imposition of administrative  
1065 charges to be applicable to toll facilities that are not part of  
1066 the turnpike system or otherwise owned by the department. This  
1067 subsection may not be construed to limit the authority of the  
1068 department under any other provision of law or under any  
1069 agreement entered into before ~~prior to~~ July 1, 2012.

1070 Section 20. Subsection (4) of section 338.165, Florida  
1071 Statutes, is amended to read:

1072 338.165 Continuation of tolls.—

1073 (4) Notwithstanding any other law to the contrary, pursuant  
1074 to s. 11, Art. VII of the State Constitution, and subject to the  
1075 requirements of subsection (2), the Department of Transportation  
1076 may request the Division of Bond Finance to issue bonds secured  
1077 by toll revenues collected on the Alligator Alley, the Sunshine  
1078 Skyway Bridge, ~~the Beeline-East Expressway, the Navarre Bridge,~~  
1079 and the Pinellas Bayway to fund transportation projects located  
1080 within the county or counties in which the revenue-producing  
1081 project is located and contained in the adopted work program of  
1082 the department.

1083 Section 21. Subsections (3) and (4) of section 338.26,  
1084 Florida Statutes, are amended to read:

1085 338.26 Alligator Alley toll road.—

1086 (3) Fees generated from tolls shall be deposited in the



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1087 State Transportation Trust Fund, and any amount of funds  
1088 generated annually in excess of that required to reimburse  
1089 outstanding contractual obligations, to operate and maintain the  
1090 highway and toll facilities, including reconstruction and  
1091 restoration, to pay for those projects that are funded with  
1092 Alligator Alley toll revenues and that are contained in the  
1093 1993-1994 adopted work program or the 1994-1995 tentative work  
1094 program submitted to the Legislature on February 22, 1994, and  
1095 to design and construct ~~develop and operate~~ a fire station at  
1096 mile marker 63 on Alligator Alley, which may be used by Collier  
1097 County or other appropriate local governmental entity to provide  
1098 fire, rescue, and emergency management services ~~to the adjacent~~  
1099 ~~counties~~ along Alligator Alley, may be transferred to the  
1100 Everglades Fund of the South Florida Water Management District  
1101 in accordance with the memorandum of understanding of June 30,  
1102 1997, between the district and the department. The South Florida  
1103 Water Management District shall deposit funds for projects  
1104 undertaken pursuant to s. 373.4592 in the Everglades Trust Fund  
1105 pursuant to s. 373.45926(4) (a). Any funds remaining in the  
1106 Everglades Fund may be used for environmental projects to  
1107 restore the natural values of the Everglades, subject to  
1108 compliance with any applicable federal laws and regulations.  
1109 Projects must ~~shall~~ be limited to:

1110 (a) Highway redesign to allow for improved sheet flow of  
1111 water across the southern Everglades.

1112 (b) Water conveyance projects to enable more water  
1113 resources to reach Florida Bay to replenish marine estuary  
1114 functions.

1115 (c) Engineering design plans for wastewater treatment



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1116 facilities as recommended in the Water Quality Protection  
1117 Program Document for the Florida Keys National Marine Sanctuary.

1118 (d) Acquisition of lands to move STA 3/4 out of the Toe of  
1119 the Boot, provided such lands are located within 1 mile of the  
1120 northern border of STA 3/4.

1121 (e) Other Everglades Construction Projects as described in  
1122 the February 15, 1994, conceptual design document.

1123 ~~(4) The district may issue revenue bonds or notes under s.~~  
1124 ~~373.584 and pledge the revenue from the transfers from the~~  
1125 ~~Alligator Alley toll revenues as security for such bonds or~~  
1126 ~~notes. The proceeds from such revenue bonds or notes shall be~~  
1127 ~~used for environmental projects; at least 50 percent of said~~  
1128 ~~proceeds must be used for projects that benefit Florida Bay, as~~  
1129 ~~described in this section subject to resolutions approving such~~  
1130 ~~activity by the Board of Trustees of the Internal Improvement~~  
1131 ~~Trust Fund and the governing board of the South Florida Water~~  
1132 ~~Management District and the remaining proceeds must be used for~~  
1133 ~~restoration activities in the Everglades Protection Area.~~

1134 Section 22. Subsections (2) through (4) of section 339.175,  
1135 Florida Statutes, are amended to read:

1136 339.175 Metropolitan planning organization.—

1137 (2) DESIGNATION.—

1138 (a)1. An M.P.O. shall be designated for each urbanized area  
1139 of the state; however, this does not require that an individual  
1140 M.P.O. be designated for each such area. The M.P.O. Such  
1141 designation shall be accomplished by agreement between the  
1142 Governor and units of general-purpose local government that  
1143 together represent representing at least 75 percent of the  
1144 population, including the largest incorporated municipality,





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1145 ~~based on population, of the urbanized area; however, the unit of~~  
1146 ~~general-purpose local government that represents the central~~  
1147 ~~city or cities within the M.P.O. jurisdiction, as named defined~~  
1148 ~~by the United States Bureau of the Census, must be a party to~~  
1149 ~~such agreement.~~

1150         2. To the extent possible, only one M.P.O. shall be  
1151 designated for each urbanized area or group of contiguous  
1152 urbanized areas. More than one M.P.O. may be designated within  
1153 an existing urbanized area only if the Governor and the existing  
1154 M.P.O. determine that the size and complexity of the existing  
1155 urbanized area makes the designation of more than one M.P.O. for  
1156 the area appropriate.

1157         (b) Each M.P.O. designated in a manner prescribed by Title  
1158 23 of the United States Code shall be created and operated under  
1159 the provisions of this section pursuant to an interlocal  
1160 agreement entered into pursuant to s. 163.01. The signatories to  
1161 the interlocal agreement shall be the department and the  
1162 governmental entities designated by the Governor for membership  
1163 on the M.P.O. Each M.P.O. shall be considered separate from the  
1164 state or the governing body of a local government that is  
1165 represented on the governing board of the M.P.O. or that is a  
1166 signatory to the interlocal agreement creating the M.P.O. and  
1167 shall have such powers and privileges that are provided under s.  
1168 163.01. If there is a conflict between this section and s.  
1169 163.01, this section prevails.

1170         (c) The jurisdictional boundaries of an M.P.O. shall be  
1171 determined by agreement between the Governor and the applicable  
1172 M.P.O. The boundaries must include at least the metropolitan  
1173 planning area, which is the existing urbanized area and the



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1174 contiguous area expected to become urbanized within a 20-year  
1175 forecast period, and may encompass the entire metropolitan  
1176 statistical area or the consolidated metropolitan statistical  
1177 area.

1178 (d) In the case of an urbanized area designated as a  
1179 nonattainment area for ozone or carbon monoxide under the Clean  
1180 Air Act, 42 U.S.C. ss. 7401 et seq., the boundaries of the  
1181 metropolitan planning area in existence as of the date of  
1182 enactment of this paragraph shall be retained, except that the  
1183 boundaries may be adjusted by agreement of the Governor and  
1184 affected metropolitan planning organizations in the manner  
1185 described in this section. If more than one M.P.O. has authority  
1186 within a metropolitan area or an area that is designated as a  
1187 nonattainment area, each M.P.O. shall consult with other  
1188 M.P.O.'s designated for such area and with the state in the  
1189 coordination of plans and programs required by this section.

1190 (e) The governing body of the M.P.O. shall designate, at a  
1191 minimum, a chair, vice chair, and agency clerk. The chair and  
1192 vice chair shall be selected from among the member delegates  
1193 comprising the governing board. The agency clerk shall be  
1194 charged with the responsibility of preparing meeting minutes and  
1195 maintaining agency records. The clerk shall be a member of the  
1196 M.P.O. governing board, an employee of the M.P.O., or other  
1197 natural person.

1198  
1199 Each M.P.O. required under this section must be fully operative  
1200 no later than 6 months following its designation.

1201 (3) VOTING MEMBERSHIP.—

1202 (a) The voting membership of an M.P.O. shall consist of not



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1203 fewer than 5 or more than 19 apportioned members, the exact  
1204 number to be determined on an equitable geographic-population  
1205 ratio ~~basis by the Governor~~, based on an agreement among the  
1206 affected units of general-purpose local government and the  
1207 Governor as required by federal ~~rules and~~ regulations. The  
1208 voting membership of an M.P.O. that is redesignated after the  
1209 effective date of this act as a result of the expansion of the  
1210 M.P.O. to include a new urbanized area or the consolidation of  
1211 two or more M.P.O.'s may consist of no more than 25 members. The  
1212 Governor, in accordance with 23 U.S.C. s. 134, may also provide  
1213 for M.P.O. members who represent municipalities to alternate  
1214 with representatives from other municipalities within the  
1215 metropolitan planning area that do not have members on the  
1216 M.P.O. County commission members shall compose not less than  
1217 one-third of the M.P.O. membership, except for an M.P.O. with  
1218 more than 15 members located in a county with a 5-member county  
1219 commission or an M.P.O. with 19 members located in a county with  
1220 no more than 6 county commissioners, in which case county  
1221 commission members may compose less than one-third percent of  
1222 the M.P.O. membership, but all county commissioners must be  
1223 members. All voting members shall be elected officials of  
1224 general-purpose local governments, except that an M.P.O. may  
1225 include, as part of its apportioned voting members, a member of  
1226 a statutorily authorized planning board, an official of an  
1227 agency that operates or administers a major mode of  
1228 transportation, or an official of Space Florida. As used in this  
1229 section, the term "elected officials of a general-purpose local  
1230 government" excludes ~~shall exclude~~ constitutional officers,  
1231 including sheriffs, tax collectors, supervisors of elections,



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1232 property appraisers, clerks of the court, and similar types of  
1233 officials. County commissioners shall compose not less than 20  
1234 percent of the M.P.O. membership if an official of an agency  
1235 that operates or administers a major mode of transportation has  
1236 been appointed to an M.P.O.

1237 (b) In metropolitan areas in which authorities or other  
1238 agencies have been or may be created by law to perform  
1239 transportation functions and are performing transportation  
1240 functions that are not under the jurisdiction of a general-  
1241 purpose local government represented on the M.P.O., they may  
1242 ~~shall~~ be provided voting membership on the M.P.O. In all other  
1243 M.P.O.'s where transportation authorities or agencies are to be  
1244 represented by elected officials from general-purpose local  
1245 governments, the M.P.O. shall establish a process by which the  
1246 collective interests of such authorities or other agencies are  
1247 expressed and conveyed.

1248 (c) Any other provision of this section to the contrary  
1249 notwithstanding, a chartered county with a population of more  
1250 than ~~over~~ 1 million ~~population~~ may elect to reapportion the  
1251 membership of an M.P.O. whose jurisdiction is wholly within the  
1252 county. The charter county may exercise the provisions of this  
1253 paragraph if:

1254 1. The M.P.O. approves the reapportionment plan by a three-  
1255 fourths vote of its membership;

1256 2. The M.P.O. and the charter county determine that the  
1257 reapportionment plan is needed to fulfill specific goals and  
1258 policies applicable to that metropolitan planning area; and

1259 3. The charter county determines the reapportionment plan  
1260 otherwise complies with all federal requirements pertaining to



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1261 M.P.O. membership.

1262

1263 A ~~Any~~ charter county that elects to exercise the provisions of  
1264 this paragraph shall notify the Governor in writing.

1265 (d) Any other provision of this section to the contrary  
1266 notwithstanding, a ~~any~~ county chartered under s. 6(e), Art. VIII  
1267 of the State Constitution may elect to have its county  
1268 commission serve as the M.P.O., if the M.P.O. jurisdiction is  
1269 wholly contained within the county. A ~~Any~~ charter county that  
1270 elects to exercise the provisions of this paragraph shall so  
1271 notify the Governor in writing. Upon receipt of the ~~such~~  
1272 notification, the Governor must designate the county commission  
1273 as the M.P.O. The Governor must appoint four additional voting  
1274 members to the M.P.O., one of whom must be an elected official  
1275 representing a municipality within the county, one of whom must  
1276 be an expressway authority member, one of whom must be a person  
1277 who does not hold elected public office and who resides in the  
1278 unincorporated portion of the county, and one of whom must be a  
1279 school board member.

1280 (4) APPORTIONMENT.—

1281 (a) Each M.P.O. in the state shall review the composition  
1282 of its membership in conjunction with the decennial census, as  
1283 prepared by the United States Department of Commerce, Bureau of  
1284 the Census, and, with the agreement of the affected units of  
1285 general-purpose local government and the Governor, reapportion  
1286 the membership as necessary to comply with subsection (3) ~~The~~  
1287 ~~Governor shall, with the agreement of the affected units of~~  
1288 ~~general-purpose local government as required by federal rules~~  
1289 ~~and regulations, apportion the membership on the applicable~~



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1290 ~~M.P.O. among the various governmental entities within the area.~~  
1291       **(b)** At the request of a majority of the affected units of  
1292 general-purpose local government comprising an M.P.O., the  
1293 Governor and a majority of units of general-purpose local  
1294 government serving on an M.P.O. shall cooperatively agree upon  
1295 and prescribe who may serve as an alternate member and a method  
1296 for appointing alternate members who may vote at any M.P.O.  
1297 meeting that an alternate member attends in place of a regular  
1298 member. The method must ~~shall~~ be set forth as a part of the  
1299 interlocal agreement describing the M.P.O.'s membership or in  
1300 the M.P.O.'s operating procedures and bylaws. The governmental  
1301 entity so designated shall appoint the appropriate number of  
1302 members to the M.P.O. from eligible officials. Representatives  
1303 of the department shall serve as nonvoting advisers to the  
1304 M.P.O. governing board. Additional nonvoting advisers may be  
1305 appointed by the M.P.O. as deemed necessary; however, to the  
1306 maximum extent feasible, each M.P.O. shall seek to appoint  
1307 nonvoting representatives of various multimodal forms of  
1308 transportation not otherwise represented by voting members of  
1309 the M.P.O. An M.P.O. shall appoint nonvoting advisers  
1310 representing major military installations located within the  
1311 jurisdictional boundaries of the M.P.O. upon the request of the  
1312 aforesaid major military installations and subject to the  
1313 agreement of the M.P.O. All nonvoting advisers may attend and  
1314 participate fully in governing board meetings but may not vote  
1315 or be members of the governing board. ~~The Governor shall review~~  
1316 ~~the composition of the M.P.O. membership in conjunction with the~~  
1317 ~~decennial census as prepared by the United States Department of~~  
1318 ~~Commerce, Bureau of the Census, and reapportion it as necessary~~



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1319 ~~to comply with subsection (3).~~

1320       (c) ~~(b)~~ Except for members who represent municipalities on  
1321 the basis of alternating with representatives from other  
1322 municipalities that do not have members on the M.P.O. as  
1323 provided in paragraph (3) (a), the members of an M.P.O. shall  
1324 serve 4-year terms. Members who represent municipalities on the  
1325 basis of alternating with representatives from other  
1326 municipalities that do not have members on the M.P.O. as  
1327 provided in paragraph (3) (a) may serve terms of up to 4 years as  
1328 further provided in the interlocal agreement described in  
1329 paragraph (2) (b). The membership of a member who is a public  
1330 official automatically terminates upon the member's leaving his  
1331 or her elective or appointive office for any reason, or may be  
1332 terminated by a majority vote of the total membership of the  
1333 entity's governing board represented by the member. A vacancy  
1334 shall be filled by the original appointing entity. A member may  
1335 be reappointed for one or more additional 4-year terms.

1336       (d) ~~(e)~~ If a governmental entity fails to fill an assigned  
1337 appointment to an M.P.O. within 60 days after notification by  
1338 the Governor of its duty to appoint, that appointment must ~~shall~~  
1339 be made by the Governor from the eligible representatives of  
1340 that governmental entity.

1341       Section 23. Paragraph (a) of subsection (1) and subsections  
1342 (4) and (5) of section 339.2821, Florida Statutes, are amended  
1343 to read:

1344       339.2821 Economic development transportation projects.—

1345       (1) (a) The department, in consultation with the Department  
1346 of Economic Opportunity and Enterprise Florida, Inc., may make  
1347 and approve expenditures and contract with the appropriate



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1348 governmental body for the direct costs of transportation  
1349 projects. The Department of Economic Opportunity and the  
1350 Department of Environmental Protection may formally review and  
1351 comment on recommended transportation projects, although the  
1352 department has final approval authority for any project  
1353 authorized under this section.

1354 (4) A contract between the department and a governmental  
1355 body for a transportation project must:

1356 (a) Specify that the transportation project is for the  
1357 construction of a new or expanding business and specify the  
1358 number of full-time permanent jobs that will result from the  
1359 project.

1360 (b) Identify the governmental body and require that the  
1361 governmental body award the construction of the particular  
1362 transportation project to the lowest and best bidder in  
1363 accordance with applicable state and federal statutes or rules  
1364 unless the transportation project can be constructed using  
1365 existing local governmental employees within the contract period  
1366 specified by the department.

1367 (c) Require that the governmental body provide the  
1368 department with ~~quarterly~~ progress reports. Each ~~quarterly~~  
1369 progress report must contain:

1370 1. A narrative description of the work completed and  
1371 whether the work is proceeding according to the transportation  
1372 project schedule;

1373 2. A description of each change order executed by the  
1374 governmental body;

1375 3. A budget summary detailing planned expenditures compared  
1376 to actual expenditures; and





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1377 4. The identity of each small or minority business used as  
1378 a contractor or subcontractor.

1379 (d) Require that the governmental body make and maintain  
1380 records in accordance with accepted governmental accounting  
1381 principles and practices for each progress payment made for work  
1382 performed in connection with the transportation project, each  
1383 change order executed by the governmental body, and each payment  
1384 made pursuant to a change order. The records are subject to  
1385 financial audit as required by law.

1386 (e) Require that the governmental body, upon completion and  
1387 acceptance of the transportation project, certify to the  
1388 department that the transportation project has been completed in  
1389 compliance with the terms and conditions of the contract between  
1390 the department and the governmental body and meets the minimum  
1391 construction standards established in accordance with s.  
1392 336.045.

1393 (f) Specify that ~~the department transfer funds will not be~~  
1394 transferred to the governmental body unless construction has  
1395 begun on the facility of the not more often than quarterly, upon  
1396 receipt of a request for funds from the governmental body and  
1397 consistent with the needs of the transportation project. The  
1398 governmental body shall expend funds received from the  
1399 department in a timely manner. The department may not transfer  
1400 funds unless construction has begun on the facility of a  
1401 business on whose behalf the award was made. If construction of  
1402 the transportation project does not begin within 4 years after  
1403 the date of the initial grant award, the grant award is  
1404 terminated ~~A contract totaling less than \$200,000 is exempt from~~  
1405 ~~the transfer requirement.~~



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1406 (g) Require that funds be used only on a transportation  
1407 project that has been properly reviewed and approved in  
1408 accordance with the criteria set forth in this section.

1409 (h) Require that the governing board of the governmental  
1410 body adopt a resolution accepting future maintenance and other  
1411 attendant costs occurring after completion of the transportation  
1412 project if the transportation project is constructed on a county  
1413 or municipal system.

1414 (5) For purposes of this section, Space Florida may serve  
1415 as the governmental body or as the contracting agency for a  
1416 ~~transportation~~ project within a spaceport territory as defined  
1417 by s. 331.304.

1418 Section 24. Section 339.401, Florida Statutes, is repealed.

1419 Section 25. Section 339.402, Florida Statutes, is repealed.

1420 Section 26. Section 339.403, Florida Statutes, is repealed.

1421 Section 27. Section 339.404, Florida Statutes, is repealed.

1422 Section 28. Section 339.405, Florida Statutes, is repealed.

1423 Section 29. Section 339.406, Florida Statutes, is repealed.

1424 Section 30. Section 339.407, Florida Statutes, is repealed.

1425 Section 31. Section 339.408, Florida Statutes, is repealed.

1426 Section 32. Section 339.409, Florida Statutes, is repealed.

1427 Section 33. Section 339.410, Florida Statutes, is repealed.

1428 Section 34. Section 339.411, Florida Statutes, is repealed.

1429 Section 35. Section 339.412, Florida Statutes, is repealed.

1430 Section 36. Section 339.414, Florida Statutes, is repealed.

1431 Section 37. Section 339.415, Florida Statutes, is repealed.

1432 Section 38. Section 339.416, Florida Statutes, is repealed.

1433 Section 39. Section 339.417, Florida Statutes, is repealed.

1434 Section 40. Section 339.418, Florida Statutes, is repealed.



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1435 Section 41. Section 339.419, Florida Statutes, is repealed.

1436 Section 42. Section 339.420, Florida Statutes, is repealed.

1437 Section 43. Section 339.421, Florida Statutes, is repealed.

1438 Section 44. Paragraphs (a) and (c) of subsection (2) and  
1439 paragraph (i) of subsection (7) of section 339.55, Florida  
1440 Statutes, are amended to read:

1441 339.55 State-funded infrastructure bank.—

1442 (2) The bank may lend capital costs or provide credit  
1443 enhancements for:

1444 (a) A transportation facility project that is on the State  
1445 Highway System or that provides for increased mobility on the  
1446 state's transportation system or provides intermodal  
1447 connectivity with airports, seaports, spaceports, rail  
1448 facilities, and other transportation terminals, pursuant to s.  
1449 341.053, for the movement of people and goods.

1450 (c)1. Emergency loans for damages incurred to public-use  
1451 commercial deepwater seaports, public-use airports, public-use  
1452 spaceports, and other public-use transit and intermodal  
1453 facilities that are within an area that is part of an official  
1454 state declaration of emergency pursuant to chapter 252 and all  
1455 other applicable laws. Such loans:

1456 a. May not exceed 24 months in duration except in extreme  
1457 circumstances, for which the Secretary of Transportation may  
1458 grant up to 36 months upon making written findings specifying  
1459 the conditions requiring a 36-month term.

1460 b. Require application from the recipient to the department  
1461 that includes documentation of damage claims filed with the  
1462 Federal Emergency Management Agency or an applicable insurance  
1463 carrier and documentation of the recipient's overall financial



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1464 condition.

1465 c. Are subject to approval by the Secretary of  
1466 Transportation and the Legislative Budget Commission.

1467 2. Loans provided under this paragraph must be repaid upon  
1468 receipt by the recipient of eligible program funding for damages  
1469 in accordance with the claims filed with the Federal Emergency  
1470 Management Agency or an applicable insurance carrier, but no  
1471 later than the duration of the loan.

1472 (7) The department may consider, but is not limited to, the  
1473 following criteria for evaluation of projects for assistance  
1474 from the bank:

1475 (i) The extent to which the project will provide for  
1476 connectivity between the State Highway System and airports,  
1477 seaports, spaceports, rail facilities, and other transportation  
1478 terminals and intermodal options pursuant to s. 341.053 for the  
1479 increased accessibility and movement of people and goods.

1480 Section 45. Subsection (11) of section 341.031, Florida  
1481 Statutes, is amended to read:

1482 341.031 Definitions relating to Florida Public Transit  
1483 Act.—As used in ss. 341.011-341.061, the term:

1484 (11) "Intercity bus service" means regularly scheduled bus  
1485 service for the general public which operates with limited stops  
1486 over fixed routes connecting two or more urban areas not in  
1487 close proximity; has the capacity for transporting baggage  
1488 carried by passengers; and makes meaningful connections with  
1489 scheduled intercity bus service to more distant points, if such  
1490 service is available; ~~maintains scheduled information in the~~  
1491 ~~National Official Bus Guide; and provides package express~~  
1492 ~~service incidental to passenger transportation.~~



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1493 Section 46. Subsection (3) of section 341.052, Florida  
1494 Statutes, is amended to read:

1495 341.052 Public transit block grant program; administration;  
1496 eligible projects; limitation.—

1497 (3) The following limitations shall apply to the use of  
1498 public transit block grant program funds:

1499 (a) State participation in eligible capital projects shall  
1500 be limited to 50 percent of the nonfederal share of such project  
1501 costs.

1502 (b) State participation in eligible public transit  
1503 operating costs may not exceed 50 percent of such costs or an  
1504 amount equal to the total revenue, excluding farebox, charter,  
1505 and advertising revenue and federal funds, received by the  
1506 provider for operating costs, whichever amount is less.

1507 (c) No eligible public transit provider shall use public  
1508 transit block grant funds to supplant local tax revenues made  
1509 available to such provider for operations in the previous year;  
1510 however, the Secretary of Transportation may waive this  
1511 provision for public transit providers located in a county  
1512 recovering from a state of emergency declared pursuant to part I  
1513 of chapter 252.

1514 (d) Notwithstanding any law to the contrary, no eligible  
1515 public transit provider or a person acting on behalf of a public  
1516 transit provider shall use public transit block grant funds for  
1517 a political advertisement or electioneering communication  
1518 concerning an issue, referendum, or amendment, including any  
1519 state question, that is subject to a vote of the electors. To  
1520 the extent that a public transit provider uses other public  
1521 funds in this manner, the amount of the provider's grant must be



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1522 reduced by the same amount. As used in this paragraph, the term  
1523 "public funds" means all moneys under the jurisdiction or  
1524 control of a federal agency, the state, a county, or a  
1525 municipality, including any district, authority, commission,  
1526 board, or agency thereof, for any public purpose. This paragraph  
1527 does not apply to any communication from a public transit  
1528 provider or a person acting on behalf of a public transit  
1529 provider which is not advocating a position and is limited to  
1530 factual information.

1531 (e) The state may not give any county more than 39 percent  
1532 of the funds available for distribution under this section or  
1533 more than the amount that local revenue sources provide to that  
1534 transit system.

1535 Section 47. Section 341.053, Florida Statutes, is amended  
1536 to read:

1537 341.053 Intermodal Development Program; administration;  
1538 eligible projects; limitations.-

1539 (1) There is created within the Department of  
1540 Transportation an Intermodal Development Program to provide for  
1541 major capital investments in fixed-guideway transportation  
1542 systems, access to seaports, airports, spaceports, and other  
1543 transportation terminals, providing for the construction of  
1544 intermodal or multimodal terminals; and to plan or fund  
1545 construction of airport, spaceport, seaport, transit, and rail  
1546 projects that ~~otherwise~~ facilitate the intermodal or multimodal  
1547 movement of people and goods.

1548 (2) The Intermodal Development Program shall be used for  
1549 projects that support statewide goals as outlined in the Florida  
1550 Transportation Plan, the Strategic Intermodal System Plan, the



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1551 Freight Mobility and Trade Plan, or the appropriate department  
1552 modal plan ~~In recognition of the department's role in the~~  
1553 ~~economic development of this state, the department shall develop~~  
1554 ~~a proposed intermodal development plan to connect Florida's~~  
1555 ~~airports, deepwater seaports, rail systems serving both~~  
1556 ~~passenger and freight, and major intermodal connectors to the~~  
1557 ~~Strategic Intermodal System highway corridors as the primary~~  
1558 ~~system for the movement of people and freight in this state in~~  
1559 ~~order to make the intermodal development plan a fully integrated~~  
1560 ~~and interconnected system. The intermodal development plan must:~~

1561       ~~(a) Define and assess the state's freight intermodal~~  
1562 ~~network, including airports, seaports, rail lines and terminals,~~  
1563 ~~intercity bus lines and terminals, and connecting highways.~~

1564       ~~(b) Prioritize statewide infrastructure investments,~~  
1565 ~~including the acceleration of current projects, which are found~~  
1566 ~~by the Freight Stakeholders Task Force to be priority projects~~  
1567 ~~for the efficient movement of people and freight.~~

1568       ~~(c) Be developed in a manner that will assure maximum use~~  
1569 ~~of existing facilities and optimum integration and coordination~~  
1570 ~~of the various modes of transportation, including both~~  
1571 ~~government-owned and privately owned resources, in the most~~  
1572 ~~cost-effective manner possible.~~

1573       (3) The Intermodal Development Program shall be  
1574 administered by the department.

1575       (4) The department shall review funding requests from a  
1576 rail authority created pursuant to chapter 343. The department  
1577 may include projects of the authorities, including planning and  
1578 design, in the tentative work program.

1579       (5) ~~No single transportation authority operating a fixed-~~



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1580 ~~guideway transportation system, or single fixed guideway~~  
1581 ~~transportation system not administered by a transportation~~  
1582 ~~authority, receiving funds under the Intermodal Development~~  
1583 ~~Program shall receive more than 33 1/3 percent of the total~~  
1584 ~~intermodal development funds appropriated between July 1, 1990,~~  
1585 ~~and June 30, 2015. In determining the distribution of funds~~  
1586 ~~under the Intermodal Development Program in any fiscal year, the~~  
1587 ~~department shall assume that future appropriation levels will be~~  
1588 ~~equal to the current appropriation level.~~

1589       (6) The department may ~~is authorized to~~ fund projects  
1590 within the Intermodal Development Program, which are consistent,  
1591 to the maximum extent feasible, with approved local government  
1592 comprehensive plans of the units of local government in which  
1593 the project is located. Projects that are eligible for funding  
1594 under this program include planning studies, major capital  
1595 investments in public rail and fixed-guideway transportation or  
1596 freight facilities and systems which provide intermodal access;  
1597 road, rail, intercity bus service, or fixed-guideway access to,  
1598 from, or between seaports, airports, spaceports, intermodal  
1599 logistics centers, and other transportation terminals;  
1600 construction of intermodal or multimodal terminals, including  
1601 projects on airports, spaceports, intermodal logistics centers,  
1602 or seaports which assist in the movement or transfer of people  
1603 or goods; development and construction of dedicated bus lanes;  
1604 and projects which otherwise facilitate the intermodal or  
1605 multimodal movement of people and goods.

1606       Section 48. Section 341.8203, Florida Statutes, is amended  
1607 to read:

1608       341.8203 Definitions.—As used in ss. 341.8201-341.842,





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1609 unless the context clearly indicates otherwise, the term:

1610 (1) "Associated development" means property, equipment,  
1611 buildings, or other related facilities which are built,  
1612 installed, used, or established to provide financing, funding,  
1613 or revenues for the planning, building, managing, and operation  
1614 of a high-speed rail system and which are associated with or  
1615 part of the rail stations. The term includes air and subsurface  
1616 rights, services that provide local area network devices for  
1617 transmitting data over wireless networks, parking facilities,  
1618 retail establishments, restaurants, hotels, offices,  
1619 advertising, or other commercial, civic, residential, or support  
1620 facilities.

1621 (2) "Communication facilities" means the communication  
1622 systems related to high-speed passenger rail operations,  
1623 including those which are built, installed, used, or established  
1624 for the planning, building, managing, and operating of a high-  
1625 speed rail system. The term includes the land; structures;  
1626 improvements; rights-of-way; easements; positive train control  
1627 systems; wireless communication towers and facilities that are  
1628 designed to provide voice and data services for the safe and  
1629 efficient operation of the high-speed rail system; voice, data,  
1630 and wireless communication amenities made available to crew and  
1631 passengers as part of a high-speed rail service; and any other  
1632 facilities or equipment used for operation of, or the  
1633 facilitation of communications for, a high-speed rail system.  
1634 Owners of communication facilities may not offer voice or data  
1635 service to any entity other than passengers, crew, or other  
1636 persons involved in the operation of a high-speed rail system.

1637 (3)-(2) "Enterprise" means the Florida Rail Enterprise.



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1638            (4)~~(3)~~ "High-speed rail system" means any high-speed fixed  
1639            guideway system for transporting people or goods, which system  
1640            is, by definition of the United States Department of  
1641            Transportation, reasonably expected to reach speeds of at least  
1642            110 miles per hour, including, but not limited to, a monorail  
1643            system, dual track rail system, suspended rail system, magnetic  
1644            levitation system, pneumatic repulsion system, or other system  
1645            approved by the enterprise. The term includes a corridor,  
1646            associated intermodal connectors, and structures essential to  
1647            the operation of the line, including the land, structures,  
1648            improvements, rights-of-way, easements, rail lines, rail beds,  
1649            guideway structures, switches, yards, parking facilities, power  
1650            relays, switching houses, and rail stations and also includes  
1651            facilities or equipment used exclusively for the purposes of  
1652            design, construction, operation, maintenance, or the financing  
1653            of the high-speed rail system.

1654            (5)~~(4)~~ "Joint development" means the planning, managing,  
1655            financing, or constructing of projects adjacent to, functionally  
1656            related to, or otherwise related to a high-speed rail system  
1657            pursuant to agreements between any person, firm, corporation,  
1658            association, organization, agency, or other entity, public or  
1659            private.

1660            (6)~~(5)~~ "Rail station," "station," or "high-speed rail  
1661            station" means any structure or transportation facility that is  
1662            part of a high-speed rail system designed to accommodate the  
1663            movement of passengers from one mode of transportation to  
1664            another at which passengers board or disembark from  
1665            transportation conveyances and transfer from one mode of  
1666            transportation to another.



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1667           (7) "Railroad company" means a person developing, or  
1668 providing service on, a high-speed rail system.

1669           (8) ~~(6)~~ "Selected person or entity" means the person or  
1670 entity to whom the enterprise awards a contract to establish a  
1671 high-speed rail system pursuant to ss. 341.8201-341.842.

1672           Section 49. Paragraph (c) is added to subsection (2) of  
1673 section 341.822, Florida Statutes, to read:

1674           341.822 Powers and duties.—

1675           (2)

1676           (c) The enterprise shall establish a process to issue  
1677 permits to railroad companies for the construction of  
1678 communication facilities within a new or existing public or  
1679 private high-speed rail system. The enterprise may adopt rules  
1680 to administer such permits, including rules regarding the form,  
1681 content, and necessary supporting documentation for permit  
1682 applications; the process for submitting applications; and the  
1683 application fee for a permit under s. 341.825. The enterprise  
1684 shall provide a copy of a completed permit application to  
1685 municipalities and counties where the high-speed rail system  
1686 will be located. The enterprise shall allow each such  
1687 municipality and county 30 days to provide comments to the  
1688 enterprise regarding the application, including any  
1689 recommendations regarding conditions that may be placed on the  
1690 permit.

1691           Section 50. Section 341.825, Florida Statutes, is created  
1692 to read:

1693           341.825 Communication facilities.—

1694           (1) LEGISLATIVE INTENT.—The Legislature intends to:

1695           (a) Establish a streamlined process to authorize the



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1696 location, construction, operation, and maintenance of  
1697 communication facilities within new and existing high-speed rail  
1698 systems.

1699 (b) Expedite the expansion of the high-speed rail system's  
1700 wireless voice and data coverage and capacity for the safe and  
1701 efficient operation of the high-speed rail system and the  
1702 safety, use, and efficiency of its crew and passengers as a  
1703 critical communication facilities component.

1704 (2) APPLICATION SUBMISSION.—A railroad company may submit  
1705 to the enterprise an application to obtain a permit to construct  
1706 communication facilities within a new or existing high-speed  
1707 rail system. The application shall include an application fee  
1708 limited to the amount needed to pay the anticipated cost of  
1709 reviewing the application, not to exceed \$10,000, which shall be  
1710 deposited into the State Transportation Trust Fund. The  
1711 application must include the following information:

- 1712 (a) The location of the proposed communication facilities.  
1713 (b) A description of the proposed communication facilities.  
1714 (c) Any other information reasonably required by the  
1715 enterprise.

1716 (3) APPLICATION REVIEW.—The enterprise shall review each  
1717 application for completeness within 30 days after receipt of the  
1718 application.

1719 (a) If the enterprise determines that an application is not  
1720 complete, the enterprise shall, within 30 days after the receipt  
1721 of the initial application, notify the applicant in writing of  
1722 any errors or omissions. An applicant shall have 30 days within  
1723 which to correct the errors or omissions in the initial  
1724 application.



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1725           (b) If the enterprise determines that an application is  
1726 complete, the enterprise shall act upon the permit application  
1727 within 60 days of the receipt of the completed application by  
1728 approving in whole, approving with conditions as the enterprise  
1729 deems appropriate, or denying the application, and stating the  
1730 reason for issuance or denial. In determining whether an  
1731 application should be approved, approved with modifications or  
1732 conditions, or denied, the enterprise shall consider any  
1733 comments or recommendations received from a municipality or  
1734 county and the extent to which the proposed communication  
1735 facilities:

1736           1. Are located in a manner that is appropriate for the  
1737 communication technology specified by the applicant.

1738           2. Serve an existing or projected future need for  
1739 communication facilities.

1740           3. Provide sufficient wireless voice and data coverage and  
1741 capacity for the safe and efficient operation of the high-speed  
1742 rail system and the safety, use, and efficiency of its crew and  
1743 passengers.

1744           (c) The failure to adopt any recommendation or comment may  
1745 not be a basis for challenging the issuance of a permit.

1746           (4) EFFECT OF PERMIT.—

1747           (a) A permit authorizes the permittee to locate, construct,  
1748 operate, and maintain the communication facilities within a new  
1749 or existing high-speed rail system, subject to the conditions  
1750 set forth in the permit. Such activities are not subject to  
1751 local government land use or zoning regulations.

1752           (b) A permit may include conditions that constitute  
1753 variances and exemptions from rules of the enterprise or any



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1754 other agency, which would otherwise be applicable to the  
1755 communication facilities within the new or existing high-speed  
1756 rail system.

1757 (c) Notwithstanding any other provisions of law, the permit  
1758 shall be in lieu of any license, permit, certificate, or similar  
1759 document required by any local agency.

1760 (d) Nothing in this section is intended to impose  
1761 procedures or restrictions on railroad companies that are  
1762 subject to the exclusive jurisdiction of the federal Surface  
1763 Transportation Board pursuant to the Interstate Commerce  
1764 Commission Termination Act of 1995, 49 U.S.C. ss. 10101, et seq.

1765 (5) MODIFICATION OF PERMIT.—A permit may be modified by the  
1766 applicant after issuance upon the filing of a petition with the  
1767 enterprise.

1768 (a) A petition for modification must set forth the proposed  
1769 modification and the factual reasons asserted for the  
1770 modification.

1771 (b) The enterprise shall act upon the petition within 30  
1772 days by approving or denying the application, and stating the  
1773 reason for issuance or denial.

1774 Section 51. Paragraph (b) of subsection (2) of section  
1775 341.840, is amended to read:

1776 341.840 Tax exemption.—

1777 (2)

1778 (b) For the purposes of this section, any item or property  
1779 that is within the definition of the term "associated  
1780 development" in s. 341.8203(1) may not be considered part of the  
1781 high-speed rail system as defined in s. 341.8203(4) ~~s.~~  
1782 ~~341.8203(3)~~.



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1783           Section 52. Subsection (4) of section 343.922, Florida  
1784 Statutes, is amended to read:

1785           343.922 Powers and duties.—

1786           (4) The authority may undertake projects or other  
1787 improvements in the master plan in phases as particular projects  
1788 or segments become feasible, as determined by the authority. The  
1789 authority shall coordinate project planning, development, and  
1790 implementation with the applicable local governments. The  
1791 authority's projects that are transportation oriented shall be  
1792 consistent to the maximum extent feasible with the adopted local  
1793 government comprehensive plans at the time they are funded for  
1794 construction. Authority projects that are not transportation  
1795 oriented and meet the definition of development pursuant to s.  
1796 380.04 shall be consistent with the local comprehensive plans.  
1797 In carrying out its purposes and powers, the authority may  
1798 request funding and technical assistance from the department and  
1799 appropriate federal and local agencies, including, but not  
1800 limited to, state infrastructure bank loans, ~~advances from the~~  
1801 ~~Toll Facilities Revolving Trust Fund,~~ and funding and technical  
1802 assistance from any other source.

1803           Section 53. Section 348.53, Florida Statutes, is amended to  
1804 read:

1805           348.53 Purposes of the authority.—The authority is created  
1806 for the purposes and shall have power to construct, reconstruct,  
1807 improve, extend, repair, maintain, and operate the expressway  
1808 system. It is hereby found and declared that such purposes are,  
1809 in all respects, for the benefit of the people of the State of  
1810 Florida, City of Tampa, and the County of Hillsborough, for the  
1811 increase of their pleasure, convenience, and welfare, for the



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1812 improvement of their health, to facilitate transportation,  
1813 including managed lanes and other transit supporting facilities,  
1814 excluding rail or other rail related facilities, for their  
1815 recreation and commerce, and for the common defense. The  
1816 authority shall be performing a public purpose and a  
1817 governmental function in carrying out its corporate purpose and  
1818 in exercising the powers granted herein.

1819 Section 54. Subsections (3) and (4) of section 348.565,  
1820 Florida Statutes, are amended to read:

1821 348.565 Revenue bonds for specified projects.—The existing  
1822 facilities that constitute the Tampa-Hillsborough County  
1823 Expressway System are hereby approved to be refinanced by  
1824 revenue bonds issued by the Division of Bond Finance of the  
1825 State Board of Administration pursuant to s. 11(f), Art. VII of  
1826 the State Constitution and the State Bond Act or by revenue  
1827 bonds issued by the authority pursuant to s. 348.56(1)(b). In  
1828 addition, the following projects of the Tampa-Hillsborough  
1829 County Expressway Authority are approved to be financed or  
1830 refinanced by the issuance of revenue bonds in accordance with  
1831 this part and s. 11(f), Art. VII of the State Constitution:

1832 (3) Lee Roy Selmon ~~Crosstown~~ Expressway System widening.

1833 (4) The connector highway linking the Lee Roy Selmon  
1834 ~~Crosstown~~ Expressway to Interstate 4.

1835 Section 55. Paragraph (d) of subsection (2) of section  
1836 348.754, Florida Statutes, is amended to read:

1837 348.754 Purposes and powers.—

1838 (2) The authority is hereby granted, and shall have and may  
1839 exercise all powers necessary, appurtenant, convenient or  
1840 incidental to the carrying out of the aforesaid purposes,





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1841 including, but without being limited to, the following rights  
1842 and powers:

1843 (d) To enter into and make leases for terms not exceeding  
1844 99 ~~40~~ years, as ~~either~~ lessee or lessor, in order to carry out  
1845 the right to lease as specified ~~set forth~~ in this part.

1846 Section 56. Section 373.4137, Florida Statutes, is amended  
1847 to read:

1848 373.4137 Mitigation requirements for specified  
1849 transportation projects.—

1850 (1) The Legislature finds that environmental mitigation for  
1851 the impact of transportation projects proposed by the Department  
1852 of Transportation or a transportation authority established  
1853 pursuant to chapter 348 or chapter 349 can be more effectively  
1854 achieved by regional, long-range mitigation planning rather than  
1855 on a project-by-project basis. It is the intent of the  
1856 Legislature that mitigation to offset the adverse effects of  
1857 these transportation projects be funded by the Department of  
1858 Transportation and be carried out by the use of mitigation banks  
1859 and any other mitigation options that satisfy state and federal  
1860 requirements in a manner that promotes efficiency, timeliness in  
1861 project delivery, and cost-effectiveness.

1862 (2) Environmental impact inventories for transportation  
1863 projects proposed by the Department of Transportation or a  
1864 transportation authority established pursuant to chapter 348 or  
1865 chapter 349 shall be developed as follows:

1866 (a) By July 1 of each year, the Department of  
1867 Transportation, or a transportation authority established  
1868 pursuant to chapter 348 or chapter 349 which chooses to  
1869 participate in the program, shall submit to the water management



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1870 districts a list of its projects in the adopted work program and  
1871 an environmental impact inventory of habitat impacts and the  
1872 anticipated amount of mitigation needed to offset impacts as  
1873 described in paragraph (b). The environmental impact inventory  
1874 must be based on ~~habitats addressed in~~ the rules adopted  
1875 pursuant to this part, ~~and~~ s. 404 of the Clean Water Act, 33  
1876 U.S.C. s. 1344, and which may be impacted by the Department of  
1877 Transportation's ~~its~~ plan of construction for transportation  
1878 projects in the next 3 years of the tentative work program. The  
1879 Department of Transportation or a transportation authority  
1880 established pursuant to chapter 348 or chapter 349 may also  
1881 include in its environmental impact inventory the habitat  
1882 impacts and the anticipated amount of mitigation needed for ~~of~~  
1883 any future transportation project. The Department of  
1884 Transportation and each transportation authority established  
1885 pursuant to chapter 348 or chapter 349 may fund any mitigation  
1886 activities for future projects using current year funds.

1887 (b) The environmental impact inventory must ~~shall~~ include a  
1888 description of ~~these~~ habitat impacts, including ~~their~~ location,  
1889 acreage, and type; the anticipated amount of mitigation needed  
1890 based on the functional loss as determined through the Uniform  
1891 Mitigation Assessment Method (UMAM) adopted in Chapter 62-345,  
1892 F.A.C.; identification of the proposed mitigation option; state  
1893 water quality classification of impacted wetlands and other  
1894 surface waters; any other state or regional designations for  
1895 these habitats; and a list of threatened species, endangered  
1896 species, and species of special concern affected by the proposed  
1897 project.

1898 (c) Before projects are identified for inclusion in a water



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1899 management district mitigation plan as described in subsection  
1900 (4), the Department of Transportation must consider using  
1901 credits from a permitted mitigation bank. The Department of  
1902 Transportation must consider availability of suitable and  
1903 sufficient mitigation bank credits within the transportation  
1904 project's area, ability to satisfy commitments to regulatory and  
1905 resource agencies, availability of suitable and sufficient  
1906 mitigation purchased or developed through this section, ability  
1907 to complete existing water management district or Department of  
1908 Environmental Protection suitable mitigation sites initiated  
1909 with Department of Transportation mitigation funds, and ability  
1910 to satisfy state and federal requirements including long-term  
1911 maintenance and liability.

1912       (3) (a) To implement the mitigation option fund development  
1913 and implementation of the mitigation plan for the projected  
1914 impacts identified in the environmental impact inventory  
1915 described in subsection (2), the Department of Transportation  
1916 may purchase credits for current and future use directly from a  
1917 mitigation bank; purchase mitigation services through the water  
1918 management districts or the Department of Environmental  
1919 Protection; conduct its own mitigation; or use other mitigation  
1920 options that meet state and federal requirements. shall identify  
1921 funds quarterly in an escrow account within the State  
1922 Transportation Trust Fund for the environmental mitigation phase  
1923 of projects budgeted by Funding for the identified mitigation  
1924 option as described in the environmental impact inventory must  
1925 be included in the Department of Transportation's work program  
1926 developed pursuant to s. 339.135 for the current fiscal year.  
1927 The escrow account shall be maintained by the Department of



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1928 ~~Transportation for the benefit of the water management~~  
1929 ~~districts. Any interest earnings from the escrow account shall~~  
1930 ~~remain with the Department of Transportation. The amount~~  
1931 ~~programmed each year by the Department of Transportation and~~  
1932 ~~participating transportation authorities established pursuant to~~  
1933 ~~chapter 348 or chapter 349 must correspond to an estimated cost~~  
1934 ~~per credit of \$150,000 multiplied by the projected number of~~  
1935 ~~credits identified in the environmental impact inventory~~  
1936 ~~described in subsection (2). This estimated cost per credit will~~  
1937 ~~be adjusted every 2 years by the Department of Transportation~~  
1938 ~~based on the average cost per UMAM credit paid through this~~  
1939 ~~section.~~

1940 (b) Each transportation authority established pursuant to  
1941 chapter 348 or chapter 349 that chooses to participate in this  
1942 program shall create an escrow account within its financial  
1943 structure and deposit funds in the account to pay for the  
1944 environmental mitigation phase of projects budgeted for the  
1945 current fiscal year. The escrow account shall be maintained by  
1946 the authority for the benefit of the water management districts.  
1947 Any interest earnings from the escrow account shall remain with  
1948 the authority.

1949 (c) For mitigation implemented by the water management  
1950 district or the Department of Environmental Protection, as  
1951 appropriate, the amount paid each year must be based on  
1952 mitigation services provided by the water management districts  
1953 or Department of Environmental Protection pursuant to an  
1954 approved water management district plan, as described in  
1955 subsection (4). ~~Except for current mitigation projects in the~~  
1956 ~~monitoring and maintenance phase and except as allowed by~~



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1957 ~~paragraph (d),~~ The water management districts or the Department  
1958 of Environmental Protection, as appropriate, may request payment  
1959 ~~a transfer of funds from an escrow account~~ no sooner than 30  
1960 days before the date the funds are needed to pay for activities  
1961 associated with development or implementation of the permitted  
1962 mitigation meeting the requirements pursuant to this part, 33  
1963 U.S.C. s. 1344, and 33 C.F.R. s. 332, in the approved mitigation  
1964 plan described in subsection (4) for the current fiscal year,  
1965 ~~including, but not limited to, design, engineering, production,~~  
1966 ~~and staff support. Actual conceptual plan preparation costs~~  
1967 ~~incurred before plan approval may be submitted to the Department~~  
1968 ~~of Transportation or the appropriate transportation authority~~  
1969 ~~each year with the plan. The conceptual plan preparation costs~~  
1970 ~~of each water management district will be paid from mitigation~~  
1971 ~~funds associated with the environmental impact inventory for the~~  
1972 ~~current year. The amount transferred to the escrow accounts each~~  
1973 ~~year by the Department of Transportation and participating~~  
1974 ~~transportation authorities established pursuant to chapter 348~~  
1975 ~~or chapter 349 shall correspond to a cost per acre of \$75,000~~  
1976 ~~multiplied by the projected acres of impact identified in the~~  
1977 ~~environmental impact inventory described in subsection (2).~~  
1978 ~~However, the \$75,000 cost per acre does not constitute an~~  
1979 ~~admission against interest by the state or its subdivisions and~~  
1980 ~~is not admissible as evidence of full compensation for any~~  
1981 ~~property acquired by eminent domain or through inverse~~  
1982 ~~condemnation. Each July 1, the cost per acre shall be adjusted~~  
1983 ~~by the percentage change in the average of the Consumer Price~~  
1984 ~~Index issued by the United States Department of Labor for the~~  
1985 ~~most recent 12-month period ending September 30, compared to the~~



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1986 ~~base year average, which is the average for the 12-month period~~  
1987 ~~ending September 30, 1996. Each quarter, the projected amount of~~  
1988 ~~mitigation must acreage of impact shall be reconciled with the~~  
1989 ~~actual amount of mitigation needed for acreage of impact of~~  
1990 ~~projects as permitted, including permit modifications, pursuant~~  
1991 ~~to this part and s. 404 of the Clean Water Act, 33 U.S.C. s.~~  
1992 ~~1344. The subject year's programming transfer of funds shall be~~  
1993 ~~adjusted accordingly to reflect the mitigation acreage of~~  
1994 ~~impacts as permitted. The Department of Transportation and~~  
1995 ~~participating transportation authorities established pursuant to~~  
1996 ~~chapter 348 or chapter 349 are authorized to transfer such funds~~  
1997 ~~from the escrow accounts to the water management districts to~~  
1998 ~~carry out the mitigation programs. Environmental mitigation~~  
1999 ~~funds that are identified for or maintained in an escrow account~~  
2000 ~~for the benefit of a water management district may be released~~  
2001 ~~if the associated transportation project is excluded in whole or~~  
2002 ~~part from the mitigation plan. For a mitigation project that is~~  
2003 ~~in the maintenance and monitoring phase, the water management~~  
2004 ~~district may request and receive a one-time payment based on the~~  
2005 ~~project's expected future maintenance and monitoring costs. If~~  
2006 ~~the water management district excludes a project from an~~  
2007 ~~approved water management district mitigation plan, cannot~~  
2008 ~~timely permit a mitigation site to offset the impacts of a~~  
2009 ~~Department of Transportation project identified in the~~  
2010 ~~environmental impact inventory, or if the proposed mitigation~~  
2011 ~~does not meet state and federal requirements, the Department of~~  
2012 ~~Transportation may use the associated funds for the purchase of~~  
2013 ~~mitigation bank credits or any other mitigation option that~~  
2014 ~~satisfies state and federal requirements. Upon final~~



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2015 ~~disbursement of the final maintenance and monitoring payment for~~  
2016 ~~mitigation of a transportation project as permitted, the~~  
2017 ~~obligation of the Department of Transportation or the~~  
2018 ~~participating transportation authority is satisfied and the~~  
2019 ~~water management district or the Department of Environmental~~  
2020 ~~Protection, as appropriate, will have continuing responsibility~~  
2021 ~~for the mitigation project, the escrow account for the project~~  
2022 ~~established by the Department of Transportation or the~~  
2023 ~~participating transportation authority may be closed. Any~~  
2024 ~~interest earned on these disbursed funds shall remain with the~~  
2025 ~~water management district and must be used as authorized under~~  
2026 ~~this section.~~

2027       (d) Beginning with the March 2014 water management district  
2028 mitigation plans, in the 2005-2006 fiscal year, each water  
2029 management district or the Department of Environmental  
2030 Protection, as appropriate, shall invoice the Department of  
2031 Transportation for mitigation services to offset only the  
2032 impacts of a Department of Transportation project identified in  
2033 the environmental impact inventory, including planning, design,  
2034 construction, maintenance and monitoring, and other costs  
2035 necessary to meet requirements pursuant to this section, 33  
2036 U.S.C. s. 1344, and 33 C.F.R. s. 332 be paid a lump-sum amount  
2037 of \$75,000 per acre, adjusted as provided under paragraph (c),  
2038 for federally funded transportation projects that are included  
2039 on the environmental impact inventory and that have an approved  
2040 mitigation plan. Beginning in the 2009-2010 fiscal year, each  
2041 water management district shall be paid a lump-sum amount of  
2042 \$75,000 per acre, adjusted as provided under paragraph (c), for  
2043 federally funded and nonfederally funded transportation projects



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2044 ~~that have an approved mitigation plan. All mitigation costs,~~  
2045 ~~including, but not limited to, the costs of preparing conceptual~~  
2046 ~~plans and the costs of design, construction, staff support,~~  
2047 ~~future maintenance, and monitoring the mitigated acres shall be~~  
2048 ~~funded through these lump-sum amounts. If the water management~~  
2049 ~~district identifies the use of mitigation bank credits to offset~~  
2050 ~~a Department of Transportation impact, the water management~~  
2051 ~~district shall exclude that purchase from the mitigation plan,~~  
2052 ~~and the Department of Transportation must purchase the bank~~  
2053 ~~credits.~~

2054 (e) For mitigation activities occurring on existing water  
2055 management district or Department of Environmental Protection  
2056 mitigation sites initiated with Department of Transportation  
2057 mitigation funds before July 1, 2013, the water management  
2058 district or Department of Environmental Protection shall invoice  
2059 the Department of Transportation or a participating  
2060 transportation authority at a cost per acre of \$75,000  
2061 multiplied by the projected acres of impact as identified in the  
2062 environmental impact inventory. The cost per acre must be  
2063 adjusted by the percentage change in the average of the Consumer  
2064 Price Index issued by the United States Department of Labor for  
2065 the most recent 12-month period ending September 30, compared to  
2066 the base year average, which is the average for the 12-month  
2067 period ending September 30, 1996. When implementing the  
2068 mitigation activities necessary to offset the permitted impacts  
2069 as provided in the approved mitigation plan, the water  
2070 management district shall maintain records of the costs incurred  
2071 in implementing the mitigation. The records must include, but  
2072 are not limited to, costs for planning, land acquisition,





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2073 design, construction, staff support, long-term maintenance and  
2074 monitoring of the mitigation site, and other costs necessary to  
2075 meet the requirements of 33 U.S.C. s. 1344 and 33 C.F.R. s. 332.

2076 (f) For purposes of preparing and implementing the  
2077 mitigation plans to be adopted by the water management districts  
2078 on or before March 1, 2013, for impacts based on the July 1,  
2079 2012, environmental impact inventory, the funds identified in  
2080 the Department of Transportation's work program or participating  
2081 transportation authorities' escrow accounts must correspond to a  
2082 cost per acre of \$75,000 multiplied by the project acres of  
2083 impact as identified in the environmental impact inventory. The  
2084 cost per acre shall be adjusted by the percentage change in the  
2085 average of the Consumer Price Index issued by the United States  
2086 Department of Labor for the most recent 12-month period ending  
2087 September 30, compared to the base year average, which is the  
2088 average for the 12-month period ending September 30, 1996.  
2089 Payment as provided under this paragraph is limited to those  
2090 mitigation activities that are identified in the first year of  
2091 the 2013 mitigation plan and for which the transportation  
2092 project is permitted and is in the Department of  
2093 Transportation's adopted work program, or equivalent for a  
2094 transportation authority. When implementing the mitigation  
2095 activities necessary to offset the permitted impacts as provided  
2096 in the approved mitigation plan, the water management district  
2097 shall maintain records of the costs incurred in implementing the  
2098 mitigation. The records must include, but are not limited to,  
2099 costs for planning, land acquisition, design, construction,  
2100 staff support, long-term maintenance and monitoring of the  
2101 mitigation site, and other costs necessary to meet the



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2102 requirements of 33 U.S.C. s. 1344 and 33 C.F.R. s. 332. To the  
2103 extent moneys paid to a water management district by the  
2104 Department of Transportation or a participating transportation  
2105 authority exceed the amount expended by the water management  
2106 districts in implementing the mitigation to offset the permitted  
2107 impacts, these funds must be refunded to the Department of  
2108 Transportation or participating transportation authority. This  
2109 paragraph expires June 30, 2014.

2110 (4) Before March 1 of each year, each water management  
2111 district shall develop a mitigation plan to offset only the  
2112 impacts of transportation projects in the environmental impact  
2113 inventory for which a water management district is implementing  
2114 mitigation that meets the requirements of this section, 33  
2115 U.S.C. s. 1344, and 33 C.F.R. s. 332. The water management-  
2116 district mitigation plan must be developed, in consultation with  
2117 the Department of Environmental Protection, the United States  
2118 Army Corps of Engineers, the Department of Transportation,  
2119 participating transportation authorities established pursuant to  
2120 chapter 348 or chapter 349, and other appropriate federal,  
2121 state, and local governments, and other interested parties,  
2122 including entities operating mitigation banks, ~~shall develop a~~  
2123 ~~plan for the primary purpose of complying with the mitigation~~  
2124 ~~requirements adopted pursuant to this part and 33 U.S.C. s.~~  
2125 ~~1344.~~ In developing such plans, the water management districts  
2126 shall use sound ecosystem management practices to address  
2127 significant water resource needs and consider ~~shall focus on~~  
2128 activities of the Department of Environmental Protection and the  
2129 water management districts, such as surface water improvement  
2130 and management (SWIM) projects and lands identified for



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2131 potential acquisition for preservation, restoration, or  
2132 enhancement, and the control of invasive and exotic plants in  
2133 wetlands and other surface waters, to the extent that the  
2134 activities comply with the mitigation requirements adopted under  
2135 this part, ~~and~~ 33 U.S.C. s. 1344, and 33 C.F.R. s. 332. The  
2136 water management district mitigation plan must identify each  
2137 site where the water management district will mitigate for a  
2138 transportation project. For each mitigation site, the water  
2139 management district shall provide the scope of the mitigation  
2140 services, provide the functional gain as determined through the  
2141 UMAM per Chapter 62-345, F.A.C., describe how the mitigation  
2142 offsets the impacts of each transportation project as permitted,  
2143 and provide a schedule for the mitigation services. The water  
2144 management districts shall maintain records of costs incurred  
2145 and payments received for providing these services. Records must  
2146 include, but are not limited to, planning, land acquisition,  
2147 design, construction, staff support, long-term maintenance and  
2148 monitoring of the mitigation site, and other costs necessary to  
2149 meet the requirements of 33 U.S.C. s. 1344 and 33 C.F.R. s. 332.  
2150 To the extent monies paid to a water management district by the  
2151 Department of Transportation or a participating transportation  
2152 authority exceed the amount expended by the water management  
2153 districts in providing the mitigation services to offset the  
2154 permitted transportation project impacts, these monies must be  
2155 refunded to the Department of Transportation or participating  
2156 transportation authority ~~In determining the activities to be~~  
2157 ~~included in the plans, the districts shall consider the purchase~~  
2158 ~~of credits from public or private mitigation banks permitted~~  
2159 ~~under s. 373.4136 and associated federal authorization and shall~~



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2160 ~~include the purchase as a part of the mitigation plan when the~~  
2161 ~~purchase would offset the impact of the transportation project,~~  
2162 ~~provide equal benefits to the water resources than other~~  
2163 ~~mitigation options being considered, and provide the most cost-~~  
2164 ~~effective mitigation option.~~ The mitigation plan shall be  
2165 submitted to the water management district governing board, or  
2166 its designee, for review and approval. At least 14 days before  
2167 approval by the governing board, the water management district  
2168 shall provide a copy of the draft mitigation plan to the  
2169 Department of Environmental Protection and any person who has  
2170 requested a copy. Subsequent to governing board approval, the  
2171 mitigation plan must be submitted to the Department of  
2172 Environmental Protection for approval. The plan may not be  
2173 implemented until it is submitted to and approved, in part or in  
2174 its entirety, by the Department of Environmental Protection.

2175 ~~(a) For each transportation project with a funding request~~  
2176 ~~for the next fiscal year, the mitigation plan must include a~~  
2177 ~~brief explanation of why a mitigation bank was or was not chosen~~  
2178 ~~as a mitigation option, including an estimation of identifiable~~  
2179 ~~costs of the mitigation bank and nonbank options and other~~  
2180 ~~factors such as time saved, liability for success of the~~  
2181 ~~mitigation, and long term maintenance.~~

2182 ~~(a)(b)~~ Specific projects may be excluded from the  
2183 mitigation plan, in whole or in part, and are not subject to  
2184 this section upon the election of the Department of  
2185 Transportation, a transportation authority if applicable, or the  
2186 appropriate water management district. The Department of  
2187 Transportation or a participating transportation authority may  
2188 not exclude a transportation project from the mitigation plan



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2189 when mitigation is scheduled for implementation by the water  
2190 management district in the current fiscal year, except when the  
2191 transportation project is removed from the Department of  
2192 Transportation's work program or transportation authority  
2193 funding plan, the mitigation cannot be timely permitted to  
2194 offset the impacts of a Department of Transportation project  
2195 identified in the environmental impact inventory, or the  
2196 proposed mitigation does not meet state and federal  
2197 requirements. If a project is removed from the work program or  
2198 the mitigation plan, costs expended by the water management  
2199 district prior to removal are eligible for reimbursement by the  
2200 Department of Transportation or participating transportation  
2201 authority.

2202 (b) ~~(e)~~ When determining which projects to include in or  
2203 exclude from the mitigation plan, the Department of  
2204 Transportation shall investigate using credits from a permitted  
2205 mitigation bank before those projects are submitted for  
2206 inclusion in a water management district mitigation ~~the~~ plan.  
2207 ~~The investigation shall consider the cost-effectiveness of~~  
2208 ~~mitigation bank credits, including, but not limited to, factors~~  
2209 ~~such as time saved, transfer of liability for success of the~~  
2210 ~~mitigation, and long-term maintenance. The Department of~~  
2211 Transportation shall exclude a project from the mitigation plan  
2212 if the investigation undertaken pursuant to this paragraph  
2213 results in the conclusion that the use of credits from a  
2214 permitted mitigation bank promotes efficiency, timeliness in  
2215 project delivery, cost-effectiveness, and transfer of liability  
2216 for success and long-term maintenance.

2217 (5) The water management district shall ensure that



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2218 mitigation requirements pursuant to 33 U.S.C. s. 1344 and 33  
2219 C.F.R. s. 332 are met for the impacts identified in the  
2220 environmental impact inventory for which the water management  
2221 district will implement mitigation described in subsection (2),  
2222 by implementation of the approved mitigation plan described in  
2223 subsection (4) to the extent funding is provided by the  
2224 Department of Transportation, or a transportation authority  
2225 established pursuant to chapter 348 or chapter 349, if  
2226 applicable. In developing and implementing the mitigation plan,  
2227 the water management district shall comply with federal  
2228 permitting requirements pursuant to 33 U.S.C. s. 1344 and 33  
2229 C.F.R. s. 332. During the federal permitting process, the water  
2230 management district may deviate from the approved mitigation  
2231 plan in order to comply with federal permitting requirements  
2232 upon notice and coordination with the Department of  
2233 Transportation or participating transportation authority.

2234 (6) The water management district mitigation plans shall be  
2235 updated annually to reflect the most current Department of  
2236 Transportation work program and project list of a transportation  
2237 authority established pursuant to chapter 348 or chapter 349, if  
2238 applicable, and may be amended throughout the year to anticipate  
2239 schedule changes or additional projects which may arise. Before  
2240 amending the mitigation plan to include new projects, the  
2241 Department of Transportation shall consider mitigation banks and  
2242 other available mitigation options that meet state and federal  
2243 requirements. Each update and amendment of the mitigation plan  
2244 shall be submitted to the governing board of the water  
2245 management district or its designee for approval. However, such  
2246 approval shall not be applicable to a deviation as described in



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2247 subsection (5).

2248 (7) Upon approval by the governing board of the water  
2249 management district and the Department of Environmental  
2250 Protection ~~or its designee~~, the mitigation plan shall be deemed  
2251 to satisfy the mitigation requirements under this part for  
2252 impacts specifically identified in the environmental impact  
2253 inventory described in subsection (2) and any other mitigation  
2254 requirements imposed by local, regional, and state agencies for  
2255 these same impacts. The approval of the governing board of the  
2256 water management district ~~or its designee~~ and the Department of  
2257 Environmental Protection shall authorize the activities proposed  
2258 in the mitigation plan, and no other state, regional, or local  
2259 permit or approval shall be necessary.

2260 (8) This section shall not be construed to eliminate the  
2261 need for the Department of Transportation or a transportation  
2262 authority established pursuant to chapter 348 or chapter 349 to  
2263 comply with the requirement to implement practicable design  
2264 modifications, including realignment of transportation projects,  
2265 to reduce or eliminate the impacts of its transportation  
2266 projects on wetlands and other surface waters as required by  
2267 rules adopted pursuant to this part, or to diminish the  
2268 authority under this part to regulate other impacts, including  
2269 water quantity or water quality impacts, or impacts regulated  
2270 under this part that are not identified in the environmental  
2271 impact inventory described in subsection (2).

2272 ~~(9) The process for environmental mitigation for the impact~~  
2273 ~~of transportation projects under this section shall be available~~  
2274 ~~to an expressway, bridge, or transportation authority~~  
2275 ~~established under chapter 348 or chapter 349. Use of this~~



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2276 ~~process may be initiated by an authority depositing the~~  
2277 ~~requisite funds into an escrow account set up by the authority~~  
2278 ~~and filing an environmental impact inventory with the~~  
2279 ~~appropriate water management district. An authority that~~  
2280 ~~initiates the environmental mitigation process established by~~  
2281 ~~this section shall comply with subsection (6) by timely~~  
2282 ~~providing the appropriate water management district with the~~  
2283 ~~requisite work program information. A water management district~~  
2284 ~~may draw down funds from the escrow account as provided in this~~  
2285 ~~section.~~

2286 Section 57. Section 373.618, Florida Statutes, is amended  
2287 to read:

2288 373.618 Public service warnings, alerts, and  
2289 announcements.—The Legislature believes it is in the public  
2290 interest that each ~~all~~ water management district ~~districts~~  
2291 created pursuant to s. 373.069 own, acquire, develop, construct,  
2292 operate, and manage public information systems. Public  
2293 information systems may be located on property owned by the  
2294 water management district, upon terms and conditions approved by  
2295 the water management district, and must display messages to the  
2296 general public concerning water management services, activities,  
2297 events, and sponsors, as well as other public service  
2298 announcements, including watering restrictions, severe weather  
2299 reports, amber alerts, and other essential information needed by  
2300 the public. ~~Local government review or approval is not required~~  
2301 ~~for a public information system owned or hereafter acquired,~~  
2302 ~~developed, or constructed by the water management district on~~  
2303 ~~its own property.~~ A public information system is subject to  
2304 ~~exempt from~~ the requirements of chapter 479; however, a public





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2305 information system that is subject to the Highway Beautification  
2306 Act of 1965 must be approved by the Department of Transportation  
2307 and the Federal Highway Administration if required by federal  
2308 law and federal regulation under the agreement between the state  
2309 and the United States Department of Transportation, and federal  
2310 regulations enforced by the Department of Transportation under  
2311 s. 479.02(1). Water management district funds may not be used to  
2312 pay the cost to acquire, develop, construct, operate, or manage  
2313 a public information system. Any necessary funds for a public  
2314 information system shall be paid for and collected from private  
2315 sponsors who may display commercial messages.

2316 Section 58. Section 479.16, Florida Statutes, is amended to  
2317 read:

2318 479.16 Signs for which permits are not required.—The  
2319 following signs are exempt from the requirement that a permit  
2320 for a sign be obtained under the provisions of this chapter but  
2321 are required to comply with the provisions of s. 479.11(4)-(8),  
2322 and the provisions of subsections (15)-(20) may not be  
2323 implemented or continued if the Federal Government notifies the  
2324 department that implementation or continuation will adversely  
2325 affect the allocation of federal funds to the department:

2326 (1) Signs erected on the premises of an establishment,  
2327 which signs consist primarily of the name of the establishment  
2328 or which identify the principal or accessory merchandise,  
2329 services, activities, or entertainment sold, produced,  
2330 manufactured, or furnished on the premises of the establishment  
2331 and which comply with the lighting restrictions ~~under department~~  
2332 ~~rule adopted~~ pursuant to s. 479.11(5), or signs owned by a  
2333 municipality or a county located on the premises of such



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2334 municipality or such county which display information regarding  
2335 government services, activities, events, or entertainment. For  
2336 purposes of this section, the following types of messages shall  
2337 not be considered information regarding government services,  
2338 activities, events, or entertainment:

2339 (a) Messages which specifically reference any commercial  
2340 enterprise.

2341 (b) Messages which reference a commercial sponsor of any  
2342 event.

2343 (c) Personal messages.

2344 (d) Political campaign messages.

2345

2346 If a sign located on the premises of an establishment consists  
2347 principally of brand name or trade name advertising and the  
2348 merchandise or service is only incidental to the principal  
2349 activity, or if the owner of the establishment receives rental  
2350 income from the sign, then the sign is not exempt under this  
2351 subsection.

2352 (2) Signs erected, used, or maintained on a farm by the  
2353 owner or lessee of such farm and relating solely to farm  
2354 produce, merchandise, service, or entertainment sold, produced,  
2355 manufactured, or furnished on such farm.

2356 (3) Signs posted or displayed on real property by the owner  
2357 or by the authority of the owner, stating that the real property  
2358 is for sale or rent. However, if the sign contains any message  
2359 not pertaining to the sale or rental of that real property, then  
2360 it is not exempt under this section.

2361 (4) Official notices or advertisements posted or displayed  
2362 on private property by or under the direction of any public or



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2363 court officer in the performance of her or his official or  
2364 directed duties, or by trustees under deeds of trust or deeds of  
2365 assignment or other similar instruments.

2366 (5) Danger or precautionary signs relating to the premises  
2367 on which they are located; forest fire warning signs erected  
2368 under the authority of the Florida Forest Service of the  
2369 Department of Agriculture and Consumer Services; and signs,  
2370 notices, or symbols erected by the United States Government  
2371 under the direction of the United States Forestry Service.

2372 (6) Notices of any railroad, bridge, ferry, or other  
2373 transportation or transmission company necessary for the  
2374 direction or safety of the public.

2375 (7) Signs, notices, or symbols for the information of  
2376 aviators as to location, directions, and landings and conditions  
2377 affecting safety in aviation erected or authorized by the  
2378 department.

2379 (8) Signs or notices erected or maintained upon property  
2380 stating only the name of the owner, lessee, or occupant of the  
2381 premises and not exceeding 16 & square feet in area.

2382 (9) Historical markers erected by duly constituted and  
2383 authorized public authorities.

2384 (10) Official traffic control signs and markers erected,  
2385 caused to be erected, or approved by the department.

2386 (11) Signs erected upon property warning the public against  
2387 hunting and fishing or trespassing thereon.

2388 (12) Signs not in excess of 16 & square feet that are owned  
2389 by and relate to the facilities and activities of churches,  
2390 civic organizations, fraternal organizations, charitable  
2391 organizations, or units or agencies of government.



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2392           (13) ~~Except that~~ Signs placed on benches, transit shelters,  
2393 modular news racks, street light poles, public pay telephones,  
2394 and waste receptacles, within the right-of-way, as provided for  
2395 in s. 337.408 are exempt from the all provisions of this  
2396 chapter.

2397           (14) Signs relating exclusively to political campaigns.

2398           (15) Signs not in excess of 16 square feet placed at a road  
2399 junction with the State Highway System denoting only the  
2400 distance or direction of a residence or farm operation, or,  
2401 outside an incorporated in a rural area where a hardship is  
2402 created because a small business is not visible from the road  
2403 junction with the State Highway System, one sign not in excess  
2404 of 16 square feet, denoting only the name of the business and  
2405 the distance and direction to the business. ~~The small-business-~~  
2406 ~~sign provision of this subsection does not apply to charter~~  
2407 ~~counties and may not be implemented if the Federal Government~~  
2408 ~~notifies the department that implementation will adversely~~  
2409 ~~affect the allocation of federal funds to the department.~~

2410           (16) Signs placed by a local tourist-oriented business  
2411 located within a rural area of critical economic concern, as  
2412 defined by s. 288.0656(2) (d) and (e), and are:

2413           (a) Not more than 8 square feet in size or more than 4 feet  
2414 in height;

2415           (b) Located only in rural areas, along non-limited access  
2416 highways;

2417           (c) Located within 2 miles of the business location and are  
2418 not less than 500 feet apart;

2419           (d) Located only in two directions leading to the business;  
2420 and



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2421 (e) Not located within the road right-of-way.

2422  
2423 A business placing such signs must be at least 4 miles from any  
2424 other business using this exemption and may not participate in  
2425 any other department directional signage program.

2426 (17) Signs not in excess of 32 square feet placed  
2427 temporarily during harvest season of a farm operation for a  
2428 period of no more than 4 months at a road junction with the  
2429 State Highway System denoting only the distance or direction of  
2430 the farm operation.

2431 (18) Acknowledgement signs erected upon publicly funded  
2432 school premises relating to a specific public school club, team,  
2433 or event placed no closer than 1,000 feet from another  
2434 acknowledgement sign on the same side of the roadway. The  
2435 sponsor information on an acknowledgement sign may constitute no  
2436 more than 100 square feet of the sign. As used in this  
2437 subsection, the term "acknowledgement signs" means signs that  
2438 are intended to inform the traveling public that a public school  
2439 club, team, or event has been sponsored by a person, firm, or  
2440 other entity.

2441 (19) Displays erected upon a sports facility the content of  
2442 which is directly related to the facility's activities or where  
2443 a presence of the products or services offered on the property  
2444 exists. Displays must be mounted flush to the surface of the  
2445 sports facility and must rely upon the building facade for  
2446 structural support. For purposes of this subsection, the term  
2447 "sports facility" means an athletic complex, athletic arena, or  
2448 athletic stadium, including physically connected parking  
2449 facilities, which is open to the public and has a permanent



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2450 installed seating capacity of 15,000 or more.

2451 (20) The Legislature believes it is in the public interest  
2452 that all welcome centers created pursuant to s. 288.12265 have  
2453 the option to own, acquire, develop, construct, operate, and  
2454 manage public information systems. Public information systems  
2455 may only display messages to the general public concerning  
2456 public service announcements, including severe weather reports,  
2457 Amber Alerts, Silver Alerts, and other essential information  
2458 needed by the public. Local government review or approval is not  
2459 required for a public information system owned or hereafter  
2460 acquired, developed, or constructed at the welcome center. A  
2461 public information system is exempt from the requirements of  
2462 chapter 479; provided, however, that any public information  
2463 system that is subject to the Highway Beautification Act of 1965  
2464 or the Manual of Uniform Transportation Control Devices must be  
2465 approved by the Department of Transportation and the Federal  
2466 Highway Administration if required by federal law and federal  
2467 regulations.

2468  
2469 If the exemptions in subsections (15) through (20) are not  
2470 implemented or continued due to Federal Government notification  
2471 to the department that the allocation of federal funds to the  
2472 department will be adversely impacted, the department shall  
2473 provide notice to the sign owner that the sign must be removed  
2474 within 30 days after receiving notice. If the sign is not  
2475 removed within 30 days, the department may remove the sign, and  
2476 the costs incurred in connection with the sign removal shall be  
2477 assessed against and collected from the sign owner.

2478 Section 59. The Florida Transportation Commission shall



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2479 conduct a study of the potential for the state to obtain revenue  
2480 from any parking meters or other parking time-limit devices that  
2481 regulate designated parking spaces located within or along the  
2482 right-of-way limits of a state road. The commission may retain  
2483 such experts as are reasonably necessary to complete the study,  
2484 and the department shall pay the expenses of such experts. On or  
2485 before August 31, 2013, each municipality and county that  
2486 receives revenue from any parking meters or other parking time-  
2487 limit devices that regulate designated parking spaces located  
2488 within or along the right-of-way limits of a state road shall  
2489 provide the commission a written inventory of the location of  
2490 each such meter or device and the total revenue collected from  
2491 such locations during the last 3 fiscal years. Each municipality  
2492 and county shall at the same time inform the commission of any  
2493 pledge or commitment by the municipality or county of such  
2494 revenues to the payment of debt service on any bonds or other  
2495 debt issued by the municipality or county. The commission shall  
2496 consider the information provided by the municipalities and  
2497 counties, together with such other matters as it deems  
2498 appropriate, including, but not limited to, the use of variable  
2499 rate parking, and shall develop policy recommendations regarding  
2500 the manner and extent that revenues generated by regulating  
2501 parking within the right-of-way limits of a state road may be  
2502 allocated between the department and municipalities and  
2503 counties. The commission shall develop specific recommendations  
2504 concerning the allocation of revenues generated by meters or  
2505 devices regulating such parking that were installed before July  
2506 1, 2013, and the allocation of revenues that may be generated by  
2507 meters or devices installed after that date. The commission



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2508 shall complete the study and provide a written report of its  
2509 findings and conclusions to the Governor, the President of the  
2510 Senate, the Speaker of the House of Representatives, and the  
2511 chairs of each of the appropriations committees of the  
2512 Legislature by October 31, 2013.

2513 (2) If, by August 31, 2013, a municipality or county does  
2514 not provide the information requested by the commission, the  
2515 department is authorized to remove the parking meters or parking  
2516 time-limit devices that regulate designated parking spaces  
2517 located within or along the right-of-way limits of a state road,  
2518 and all costs incurred in connection with the removal shall be  
2519 assessed against and collected from the municipality or county.

2520 (3) The Legislature finds that preservation of the status  
2521 quo pending the commission's study and the Legislature's review  
2522 of the commission's report is appropriate and desirable. From  
2523 July 1, 2013, through July 1, 2014, a county or municipality may  
2524 not install any parking meters or other parking time-limit  
2525 devices that regulate designated parking spaces located within  
2526 or along the right-of-way limits of a state road. This  
2527 subsection does not prohibit the replacement of meters or  
2528 similar devices installed before July 1, 2013, with new devices  
2529 that regulate the same designated parking spaces.

2530 Section 60. Ralph Sanchez Way designated; Department of  
2531 Transportation to erect suitable markers.-

2532 (1) That portion of U.S. 1 in Miami-Dade County between  
2533 South East 2nd Street and North East 3rd Street is designated as  
2534 "Ralph Sanchez Way."

2535 (2) The Department of Transportation is directed to erect  
2536 suitable markers designating Ralph Sanchez Way as described in





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2537 subsection (1).

2538 Section 61. Paragraph (d) of subsection (6) of section  
2539 212.20, Florida Statutes, is amended to read:

2540 212.20 Funds collected, disposition; additional powers of  
2541 department; operational expense; refund of taxes adjudicated  
2542 unconstitutionally collected.—

2543 (6) Distribution of all proceeds under this chapter and s.  
2544 202.18(1)(b) and (2)(b) shall be as follows:

2545 (d) The proceeds of all other taxes and fees imposed  
2546 pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)  
2547 and (2)(b) must ~~shall~~ be distributed as follows:

2548 1. In any fiscal year, the greater of \$500 million, minus  
2549 an amount equal to 4.6 percent of the proceeds of the taxes  
2550 collected pursuant to chapter 201, or 5.2 percent of all other  
2551 taxes and fees imposed pursuant to this chapter or remitted  
2552 pursuant to s. 202.18(1)(b) and (2)(b) must ~~shall~~ be deposited  
2553 in monthly installments into the General Revenue Fund.

2554 2. After the distribution under subparagraph 1., 8.814  
2555 percent of the amount remitted by a sales tax dealer located  
2556 within a participating county pursuant to s. 218.61 must ~~shall~~  
2557 be transferred into the Local Government Half-cent Sales Tax  
2558 Clearing Trust Fund. Beginning July 1, 2003, the amount to be  
2559 transferred must ~~shall~~ be reduced by 0.1 percent, and the  
2560 department shall distribute this amount to the Public Employees  
2561 Relations Commission Trust Fund less \$5,000 each month, which  
2562 must ~~shall~~ be added to the amount calculated in subparagraph 3.  
2563 and distributed accordingly.

2564 3. After the distribution under subparagraphs 1. and 2.,  
2565 0.095 percent must ~~shall~~ be transferred to the Local Government



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2566 Half-cent Sales Tax Clearing Trust Fund and distributed pursuant  
2567 to s. 218.65.

2568 4. After the distributions under subparagraphs 1., 2., and  
2569 3., 2.0440 percent of the available proceeds must ~~shall~~ be  
2570 transferred monthly to the Revenue Sharing Trust Fund for  
2571 Counties pursuant to s. 218.215.

2572 5. After the distributions under subparagraphs 1., 2., and  
2573 3., 1.3409 percent of the available proceeds must ~~shall~~ be  
2574 transferred monthly to the Revenue Sharing Trust Fund for  
2575 Municipalities pursuant to s. 218.215. If the total revenue to  
2576 be distributed pursuant to this subparagraph is at least as  
2577 great as the amount due from the Revenue Sharing Trust Fund for  
2578 Municipalities and the former Municipal Financial Assistance  
2579 Trust Fund in state fiscal year 1999-2000, a ~~no~~ municipality may  
2580 not ~~shall~~ receive less than the amount due from the Revenue  
2581 Sharing Trust Fund for Municipalities and the former Municipal  
2582 Financial Assistance Trust Fund in state fiscal year 1999-2000.  
2583 If the total proceeds to be distributed are less than the amount  
2584 received in combination from the Revenue Sharing Trust Fund for  
2585 Municipalities and the former Municipal Financial Assistance  
2586 Trust Fund in state fiscal year 1999-2000, each municipality  
2587 shall receive an amount proportionate to the amount it was due  
2588 in state fiscal year 1999-2000.

2589 6. Of the remaining proceeds:

2590 a. In each fiscal year, the sum of \$29,915,500 must ~~shall~~  
2591 be divided into as many equal parts as there are counties in the  
2592 state, and one part must ~~shall~~ be distributed to each county.  
2593 The distribution among the several counties must begin each  
2594 fiscal year on or before January 5th and continue monthly for a



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2595 total of 4 months. If a local or special law required that any  
2596 moneys accruing to a county in fiscal year 1999-2000 under the  
2597 then-existing provisions of s. 550.135 be paid directly to the  
2598 district school board, special district, or a municipal  
2599 government, such payment must continue until the local or  
2600 special law is amended or repealed. The state covenants with  
2601 holders of bonds or other instruments of indebtedness issued by  
2602 local governments, special districts, or district school boards  
2603 before July 1, 2000, that it is not the intent of this  
2604 subparagraph to adversely affect the rights of those holders or  
2605 relieve local governments, special districts, or district school  
2606 boards of the duty to meet their obligations as a result of  
2607 previous pledges or assignments or trusts entered into which  
2608 obligated funds received from the distribution to county  
2609 governments under then-existing s. 550.135. This distribution  
2610 specifically is in lieu of funds distributed under s. 550.135  
2611 before July 1, 2000.

2612       b. The department shall, pursuant to s. 288.1162,  
2613 distribute \$166,667 monthly ~~pursuant to s. 288.1162~~ to each  
2614 applicant certified as a facility for a new or retained  
2615 professional sports franchise ~~pursuant to s. 288.1162~~. Up to  
2616 \$41,667 must ~~shall~~ be distributed monthly by the department to  
2617 each certified applicant as defined in s. 288.11621 for a  
2618 facility for a spring training franchise. However, not more than  
2619 \$416,670 may be distributed monthly in the aggregate to all  
2620 certified applicants for facilities for spring training  
2621 franchises. Distributions begin 60 days after such certification  
2622 and continue for not more than 30 years, except as otherwise  
2623 provided in s. 288.11621. A certified applicant identified in



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2624 this sub-subparagraph may not receive more in distributions than  
2625 expended by the applicant for the public purposes provided for  
2626 in s. 288.1162 ~~288.1162(5)~~ or s. 288.11621(3).

2627 c. Beginning 30 days after notice by the Department of  
2628 Economic Opportunity to the Department of Revenue that an  
2629 applicant has been certified as the professional golf hall of  
2630 fame pursuant to s. 288.1168 and is open to the public, \$166,667  
2631 must ~~shall~~ be distributed monthly, for up to 300 months, to the  
2632 applicant.

2633 d. Beginning 30 days after notice by the Department of  
2634 Economic Opportunity to the Department of Revenue that the  
2635 applicant has been certified as the International Game Fish  
2636 Association World Center facility pursuant to s. 288.1169, and  
2637 the facility is open to the public, \$83,333 must ~~shall~~ be  
2638 distributed monthly, for up to 168 months, to the applicant.  
2639 This distribution is subject to reduction pursuant to s.  
2640 288.1169. A lump sum payment of \$999,996 must ~~shall~~ be made,  
2641 after certification and before July 1, 2000.

2642 e. Beginning 45 days after notice by the Department of  
2643 Economic Opportunity to the Department of Revenue that an  
2644 applicant has been approved by the Legislature and certified by  
2645 the Department of Economic Opportunity under s. 288.11625, the  
2646 department shall distribute each month an amount equal to one-  
2647 twelfth the annual distribution amount certified by the  
2648 Department of Economic Opportunity for the applicant. The  
2649 department may not distribute more than \$13 million annually to  
2650 all applicants approved by the Legislature and certified by the  
2651 Department of Economic Opportunity pursuant to s. 288.11625.

2652 7. All other proceeds must remain in the General Revenue



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2653 Fund.

2654 Section 62. Section 288.11625, Florida Statutes, is created  
2655 to read:

2656 288.11625 Sports development.-

2657 (1) ADMINISTRATION.-The department shall serve as the state  
2658 agency responsible for screening applicants for state funding  
2659 under s. 212.20(6)(d)6.e.

2660 (2) DEFINITIONS.-As used in this section, the term:

2661 (a) "Agreement" means a signed agreement between a unit of  
2662 local government and a beneficiary.

2663 (b) "Applicant" means a unit of local government, as  
2664 defined in s. 218.369, which is responsible for the  
2665 construction, management, or operation of a facility; or an  
2666 entity that is responsible for the construction, management, or  
2667 operation of a facility if a unit of local government holds  
2668 title to the underlying property on which the facility is  
2669 located.

2670 (c) "Beneficiary" means a professional sports franchise of  
2671 the National Football League, the National Hockey League, the  
2672 National Basketball Association, the National League or American  
2673 League of Major League Baseball, Major League Soccer, or the  
2674 National Association for Stock Car Auto Racing, or a nationally  
2675 recognized professional sports association that occupies or uses  
2676 a facility as the facility's primary tenant. A beneficiary may  
2677 also be an applicant under this section.

2678 (d) "Facility" means a facility primarily used to host  
2679 games or events held by a beneficiary and does not include any  
2680 portion used to provide transient lodging.

2681 (e) "Project" means a proposed construction,



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2682 reconstruction, renovation, or improvement of a facility, or the  
2683 proposed acquisition of land to construct a new facility.

2684 (f) "Signature event" means a professional sports event  
2685 with significant export factor potential. For purposes of this  
2686 paragraph, the term "export factor" means the attraction of  
2687 economic activity or growth into the state which otherwise would  
2688 not have occurred. Examples of signature events may include, but  
2689 are not limited to:

- 2690 1. National Football League Super Bowls.  
2691 2. Professional sports All-Star games.  
2692 3. International sporting events and tournaments.  
2693 4. Professional automobile race championships or Formula 1  
2694 Grand Prix.  
2695 5. The establishment of a new professional sports franchise  
2696 in this state.

2697 (g) "State sales taxes generated by sales at the facility"  
2698 means state sales taxes imposed under chapter 212 generated by  
2699 admissions to the facility or by sales made by vendors at the  
2700 facility who are accessible to persons attending events  
2701 occurring at the facility.

2702 (3) PURPOSE.—The purpose of this section is to provide  
2703 applicants state funding under s. 212.20(6)(d)6.e. for the  
2704 public purpose of constructing, reconstructing, renovating, or  
2705 improving a facility.

2706 (4) APPLICATION AND APPROVAL PROCESS.—

2707 (a) The department shall establish the procedures and  
2708 application forms deemed necessary pursuant to the requirements  
2709 of this section. The department may notify an applicant of any  
2710 additional required or incomplete information necessary to



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2711 evaluate an application.

2712 (b) The annual application period is from June 1 through  
2713 November 1.

2714 (c) Within 60 days after receipt of a completed  
2715 application, the department shall complete its evaluation of the  
2716 application as provided under subsection (5) and notify the  
2717 applicant in writing of the department's decision to recommend  
2718 approval of the applicant by the Legislature or to deny the  
2719 application.

2720 (d) Annually by February 1, the department shall rank the  
2721 applicants and shall provide to the Legislature the list of the  
2722 recommended applicants in ranked order of projects most likely  
2723 to positively impact the state based on required criteria  
2724 established in this section. The list must include the  
2725 department's evaluation of the applicant.

2726 (e) A recommended applicant's request for funding must be  
2727 approved by the Legislature by general law.

2728 1. An application by a unit of local government which is  
2729 approved by the Legislature and subsequently certified by the  
2730 department remains certified for the duration of the  
2731 beneficiary's agreement with the applicant or for 30 years,  
2732 whichever is less, provided the certified applicant has an  
2733 agreement with a beneficiary at the time of initial  
2734 certification by the department.

2735 2. An application by a beneficiary which is approved by the  
2736 Legislature and subsequently certified by the department remains  
2737 certified for the duration of the beneficiary's agreement with  
2738 the unit of local government that owns the underlying property  
2739 or for 30 years, whichever is less, provided the certified



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2740 applicant has an agreement with the unit of local government at  
2741 the time of initial certification by the department.

2742 3. An applicant that is previously certified pursuant to  
2743 this section does not need legislative approval each year to  
2744 receive state funding.

2745 (f) An applicant that is recommended by the department but  
2746 is not approved by the Legislature may reapply and update any  
2747 information in the original application as required by the  
2748 department.

2749 (g) The department may recommend no more than one  
2750 distribution under this section for any applicant, facility, or  
2751 beneficiary at a time.

2752 (5) EVALUATION PROCESS.—

2753 (a) Before recommending an applicant to receive a state  
2754 distribution under s. 212.20(6)(d)6.e., the department must  
2755 verify that:

2756 1. The applicant or beneficiary is responsible for the  
2757 construction, reconstruction, renovation, or improvement of a  
2758 facility.

2759 2. If the applicant is also the beneficiary, a unit of  
2760 local government holds title to the property on which the  
2761 facility and project are located.

2762 3. If the applicant is a unit of local government in whose  
2763 jurisdiction the facility will be located, the unit of local  
2764 government has an exclusive intent agreement to negotiate in  
2765 this state with the beneficiary.

2766 4. The unit of local government in whose jurisdiction the  
2767 facility will be located supports the application for state  
2768 funds. Such support must be verified by the adoption of a





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2769 resolution after a public hearing that the project serves a  
2770 public purpose.

2771 5. The applicant or beneficiary has not previously  
2772 defaulted or failed to meet any statutory requirements of a  
2773 previous state-administered sports-related program under s.  
2774 288.1162, s. 288.11621, or s. 288.1168.

2775 6. The applicant or beneficiary has sufficiently  
2776 demonstrated a commitment to employ residents of this state,  
2777 contract with Florida-based firms, and purchase locally  
2778 available building materials to the greatest extent possible.

2779 7. If the applicant is a unit of local government, the  
2780 applicant has a certified copy of a signed agreement with a  
2781 beneficiary for the use of the facility. If the applicant is a  
2782 beneficiary, the beneficiary must enter into an agreement with  
2783 the department. The applicant's or beneficiary's agreement must  
2784 also require the following:

2785 a. The beneficiary must reimburse the state for state funds  
2786 that have been distributed and will be distributed if the  
2787 beneficiary relocates before the agreement expires.

2788 b. The beneficiary must pay for signage or advertising  
2789 within the facility. The signage or advertising must be placed  
2790 in a prominent location as close to the field of play or  
2791 competition as is practical, displayed consistent with signage  
2792 or advertising in the same location and like value, and must  
2793 feature Florida advertising approved by the Florida Tourism  
2794 Industry Marketing Corporation.

2795 8. The project will commence within 12 months after  
2796 receiving state funds.

2797 9. The project for which the applicant is seeking state



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2798 funding did not commence construction before July 1, 2013, or  
2799 before the annual application period for which the applicant is  
2800 applying.

2801 (b) The department shall competitively evaluate and rank  
2802 applicants that submit applications for state funding which are  
2803 received during the application period using the following  
2804 criteria to evaluate the applicant's ability to positively  
2805 impact the state:

2806 1. The proposed use of state funds.

2807 2. The length of time that a beneficiary has agreed to use  
2808 the facility.

2809 3. The percentage of total project funds provided by the  
2810 applicant and the percentage of total project funds provided by  
2811 the beneficiary.

2812 4. The number and type of signature events the facility is  
2813 likely to attract during the duration of the agreement with the  
2814 beneficiary.

2815 5. The anticipated increase in average annual ticket sales  
2816 and attendance at the facility due to the project.

2817 6. The potential to attract out-of-state visitors to the  
2818 facility.

2819 7. The length of time a beneficiary has been in the state  
2820 or partnered with the unit of local government. In order to  
2821 encourage new franchises to locate in this state, an application  
2822 for a new franchise shall be considered to have a significant  
2823 positive impact on the state and shall be given priority in the  
2824 evaluation and ranking by the department.

2825 8. The multiuse capabilities of the facility.

2826 9. The facility's projected employment of residents of this



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2827 state, contracts with Florida-based firms, and purchases of  
2828 locally available building materials.

2829 10. The amount of private and local financial or in-kind  
2830 contributions to the project.

2831 11. The amount of positive advertising or media coverage  
2832 the facility generates.

2833 (6) DISTRIBUTION.-

2834 (a) The department shall determine the annual distribution  
2835 amount an applicant may receive based on the total cost of the  
2836 project.

2837 1. If the total project cost is \$200 million or greater,  
2838 the applicant is eligible to receive annual distributions equal  
2839 to the new incremental state sales taxes generated by sales at  
2840 the facility during 12 months as provided under subparagraph  
2841 (b)2., up to \$3 million.

2842 2. If the total project cost is at least \$100 million but  
2843 less than \$200 million, the applicant is eligible to receive  
2844 annual distributions equal to the new incremental state sales  
2845 taxes generated by sales at the facility during 12 months as  
2846 provided under subparagraph (b)2., up to \$2 million.

2847 3. If the total project cost is less than \$100 million, the  
2848 applicant is eligible to receive annual distributions equal to  
2849 the new incremental state sales taxes generated by sales at the  
2850 facility during 12 months as provided under subparagraph (b)2.,  
2851 up to \$1 million.

2852 (b) At the time of initial evaluation and review by the  
2853 department pursuant to subsection (5), the applicant must  
2854 provide an analysis by an independent certified public  
2855 accountant which demonstrates:



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2856           1. The amount of state sales taxes generated by sales at  
2857 the facility during the 12-month period immediately prior to the  
2858 beginning of the application period. This amount is the  
2859 baseline.

2860           2. The expected amount of new incremental state sales taxes  
2861 generated by sales at the facility above the baseline which will  
2862 be generated as a result of the project.

2863           (c) The independent analysis provided in paragraph (b) must  
2864 be verified by the department.

2865           (d) The Department of Revenue shall begin distributions  
2866 within 45 days after notification of initial certification from  
2867 the department.

2868           (e) The department must consult with the Department of  
2869 Revenue and the Office of Economic and Demographic Research to  
2870 develop a standard calculation for estimating new incremental  
2871 state sales taxes generated by sales at the facility and  
2872 adjustments to distributions.

2873           (f) In any 12-month period when total distributions for all  
2874 certified applicants equal \$13 million, the department may not  
2875 certify new distributions for any additional applicants.

2876           (7) CONTRACT.—An applicant approved by the Legislature and  
2877 certified by the department must enter into a contract with the  
2878 department which:

2879           (a) Specifies the terms of the state's investment.

2880           (b) States the criteria that the certified applicant must  
2881 meet in order to remain certified.

2882           (c) Requires the applicant to submit the independent  
2883 analysis required under subsection (6) and an annual independent  
2884 analysis.



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2885           1. The applicant must agree to submit to the department,  
2886 beginning 12 months after completion of a project or 12 months  
2887 after the first four annual distributions, whichever is earlier,  
2888 an annual analysis by an independent certified public accountant  
2889 demonstrating the actual amount of new incremental state sales  
2890 taxes generated by sales at the facility during the previous 12-  
2891 month period. The applicant shall certify to the department a  
2892 comparison of the actual amount of state sales taxes generated  
2893 by sales at the facility during the previous 12-month period to  
2894 the baseline under subparagraph (6) (b)1.

2895           2. The applicant must submit the certification within 60  
2896 days after the end of the previous 12-month period. The  
2897 department shall verify the analysis.

2898           (d) Specifies information that the certified applicant must  
2899 report to the department.

2900           (e) Requires the applicant to reimburse the state for the  
2901 amount each year that the actual new incremental state sales  
2902 taxes generated by sales at the facility during the most recent  
2903 12-month period was less than the annual distribution under  
2904 paragraph (6) (a). This requirement applies 12 months after  
2905 completion of a project or 12 months after the first four annual  
2906 distributions, whichever is earlier.

2907           1. If the applicant is unable or unwilling to reimburse the  
2908 state in any year for the amount equal to the difference between  
2909 the actual new incremental state sales taxes generated by sales  
2910 at the facility and the annual distribution under paragraph  
2911 (6) (a), the department may place a lien on the applicant's  
2912 facility.

2913           2. If the applicant is a municipality or county, it may



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2914 reimburse the state from its half-cent sales tax allocation, as  
2915 provided in s. 218.64(3).

2916 3. Reimbursements must be sent to the Department of Revenue  
2917 for deposit into the General Revenue Fund.

2918 (f) Includes any provisions deemed prudent by the  
2919 department.

2920 (8) USE OF FUNDS.—An applicant certified under this section  
2921 may use state funds only for the following purposes:

2922 (a) Constructing, reconstructing, renovating, or improving  
2923 a facility, or reimbursing such costs.

2924 (b) Paying or pledging for the payment of debt service on,  
2925 or to fund debt service reserve funds, arbitrage rebate  
2926 obligations, or other amounts payable with respect thereto,  
2927 bonds issued for the construction or renovation of such  
2928 facility; or for the reimbursement of such costs or the  
2929 refinancing of bonds issued for such purposes.

2930 (9) REPORTS.—

2931 (a) On or before November 1 of each year, an applicant  
2932 certified under this section and approved to receive state funds  
2933 must submit to the department any information required by the  
2934 department. The department shall summarize this information for  
2935 inclusion in the report to the Legislature due February 1 under  
2936 paragraph (4) (d).

2937 (b) Every 5 years following the first month that an  
2938 applicant receives a monthly distribution, the department must  
2939 verify that the applicant is meeting the program requirements.  
2940 If the applicant is not meeting program requirements, the  
2941 department must notify the Governor and Legislature of the  
2942 requirements not being met and must recommend future action as



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2943 part of the report to the Legislature due February 1 pursuant to  
2944 paragraph (4) (d). The department shall consider exceptions that  
2945 may have prevented the applicant from meeting the program  
2946 requirements. Such exceptions include:

- 2947 1. Force majeure events.  
2948 2. Significant economic downturn.  
2949 3. Other extenuating circumstances.

2950 (10) AUDITS.—The Auditor General may conduct audits  
2951 pursuant to s. 11.45 to verify the independent analysis required  
2952 under paragraphs (6) (b) and (7) (c) and to verify that the  
2953 distributions are expended as required. The Auditor General  
2954 shall report the findings to the department. If the Auditor  
2955 General determines that the distribution payments are not  
2956 expended as required, the Auditor General must notify the  
2957 Department of Revenue, which may pursue recovery of  
2958 distributions under the laws and rules that govern the  
2959 assessment of taxes.

2960 (11) REPAYMENT OF DISTRIBUTIONS.—An applicant that is  
2961 certified under this section may be subject to repayment of  
2962 distributions upon the occurrence of any of the following:

2963 (a) An applicant's beneficiary has broken the terms of its  
2964 agreement with the applicant and relocated from the facility.  
2965 The beneficiary must reimburse the state for state funds that  
2966 have been distributed and will be distributed if the beneficiary  
2967 relocates before the agreement expires.

2968 (b) The department has determined that an applicant has  
2969 submitted any information or made a representation that is  
2970 determined to be false, misleading, deceptive, or otherwise  
2971 untrue. The applicant must reimburse the state for state funds



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2972 that have been distributed and will be distributed if such  
2973 determination is made.

2974 (12) HALTING OF PAYMENTS.—The applicant may request to halt  
2975 future distributions by providing the department with written  
2976 notice at least 20 days prior to the next monthly distribution  
2977 payment. The department must immediately notify the Department  
2978 of Revenue to halt future payments.

2979 (13) RULEMAKING.—The department may adopt rules to  
2980 implement this section.

2981 Section 63. Contingent upon enactment of the Economic  
2982 Development Program Evaluation as set forth in SB 406 or similar  
2983 legislation, section 288.116255, Florida Statutes, is created to  
2984 read:

2985 288.116255 Sports Development Program Evaluation.—Beginning  
2986 in 2015, the Sports Development Program must be evaluated as  
2987 part of the Economic Development Program Evaluation, and every 3  
2988 years thereafter.

2989 Section 64. Subsections (2) and (3) of section 218.64,  
2990 Florida Statutes, are amended to read:

2991 218.64 Local government half-cent sales tax; uses;  
2992 limitations.—

2993 (2) Municipalities shall expend their portions of the local  
2994 government half-cent sales tax only for municipality-wide  
2995 programs, for reimbursing the state as required by a contract  
2996 pursuant to s. 288.11625(7), or for municipality-wide property  
2997 tax or municipal utility tax relief. All utility tax rate  
2998 reductions afforded by participation in the local government  
2999 half-cent sales tax shall be applied uniformly across all types  
3000 of taxed utility services.





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3001 (3) Subject to ordinances enacted by the majority of the  
3002 members of the county governing authority and by the majority of  
3003 the members of the governing authorities of municipalities  
3004 representing at least 50 percent of the municipal population of  
3005 such county, counties may use up to \$3 ~~\$2~~ million annually of  
3006 the local government half-cent sales tax allocated to that  
3007 county for ~~funding for~~ any of the following purposes ~~applicants~~:

3008 (a) Funding a certified applicant as a facility for a new  
3009 or retained professional sports franchise under s. 288.1162 or a  
3010 certified applicant as defined in s. 288.11621 for a facility  
3011 for a spring training franchise. It is the Legislature's intent  
3012 that the provisions of s. 288.1162, including, but not limited  
3013 to, the evaluation process by the Department of Economic  
3014 Opportunity except for the limitation on the number of certified  
3015 applicants or facilities as provided in that section and the  
3016 restrictions set forth in s. 288.1162(8), shall apply to an  
3017 applicant's facility to be funded by local government as  
3018 provided in this subsection.

3019 (b) Funding a certified applicant as a "motorsport  
3020 entertainment complex," as provided for in s. 288.1171. Funding  
3021 for each franchise or motorsport complex shall begin 60 days  
3022 after certification and shall continue for not more than 30  
3023 years.

3024 (c) Reimbursing the state as required by a contract  
3025 pursuant to s. 288.11625(7).

3026 Section 65. (1) The executive director of the Department of  
3027 Economic Opportunity may, and all conditions are deemed met,  
3028 adopt emergency rules pursuant to ss. 120.536(1) and 120.54(4),  
3029 Florida Statutes, for the purpose of implementing this act.



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3030           (2) Notwithstanding any provision of law, such emergency  
3031 rules remain in effect for 6 months after the date adopted and  
3032 may be renewed during the pendency of procedures to adopt  
3033 permanent rules addressing the subject of the emergency rules.

3034           Section 66. Effective upon becoming a law, the Legislature  
3035 hereby enacts a moratorium on the assessment or enforcement of  
3036 the communications services tax on the sale of prepaid wireless  
3037 communications services sold without a written contract by  
3038 dealers registered with the Department of Revenue. However, any  
3039 seller of prepaid wireless communications services must collect  
3040 and remit taxes pursuant to chapter 202 or chapter 212, Florida  
3041 Statutes. During the period that the moratorium is in effect,  
3042 the provisions of s. 95.091, Florida Statutes, are tolled with  
3043 respect to the issues covered by the moratorium. This section is  
3044 repealed June 30, 2014.

3045           Section 67. Blue square critical motorist medical  
3046 information program; blue square decal, folder, and information  
3047 form.—

3048           (1) The governing body of a county may create a blue square  
3049 critical motorist medical information program to assist  
3050 emergency medical responders and drivers and passengers who  
3051 participate in the program by making critical medical  
3052 information readily available to a responder in the event of a  
3053 motor vehicle accident or a medical emergency involving a  
3054 participant's vehicle.

3055           (2) (a) The governing body of a county may solicit  
3056 sponsorships from interested business entities and not-for-  
3057 profit organizations to cover costs of the program, including  
3058 the cost of the blue square decals and folders that shall be



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3059 provided free of charge to participants. Two or more counties  
3060 may enter into an interlocal agreement to solicit such  
3061 sponsorships.

3062 (b) The Department of Transportation may provide education  
3063 and training to encourage emergency medical responders to  
3064 participate in the program and may take reasonable measures to  
3065 publicize the program.

3066 (3) (a) Any owner or lessee of a motor vehicle may  
3067 participate in the program upon submission of an application and  
3068 documentation, in the form and manner prescribed by the  
3069 governing body of the county.

3070 (b) The application form shall include a statement that the  
3071 information submitted will be disclosed only to authorized  
3072 personnel of law enforcement and public safety agencies,  
3073 emergency medical services agencies, and hospitals for the  
3074 purposes authorized in subsection (5).

3075 (c) The application form shall describe the confidential  
3076 nature of the medical information voluntarily provided by the  
3077 participant and shall state that, by providing the medical  
3078 information, the participant has authorized the use and  
3079 disclosure of the medical information to authorized personnel  
3080 solely for the purposes listed in subsection (5). The  
3081 application form shall also require the participant's express  
3082 written consent for such use and disclosure.

3083 (d) The county may not charge any fee to participate in the  
3084 blue square program.

3085 (4) A participant shall receive a blue square decal, a blue  
3086 square folder, and a form with the participant's information.

3087 (a) The participant shall affix the decal onto the rear



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3088 window in the left lower corner of a motor vehicle or in a  
3089 clearly visible location on a motorcycle.

3090 (b) A person who rides in a motor vehicle as a passenger  
3091 may also participate in the program but may not be issued a  
3092 decal if a decal is issued to the owner or lessee of the motor  
3093 vehicle in which the person rides.

3094 (c) The blue square folder, which shall be stored in the  
3095 glove compartment of the motor vehicle or in a compartment  
3096 attached to a motorcycle, shall contain a form with the  
3097 following information about the participant:

3098 1. The participant's name.

3099 2. The participant's photograph.

3100 3. Emergency contact information of no more than two  
3101 persons for the participant.

3102 4. The participant's medical information, including medical  
3103 conditions, recent surgeries, allergies, and medications being  
3104 taken.

3105 5. The participant's hospital preference.

3106 6. Contact information for no more than two physicians for  
3107 the participant.

3108 (5) (a) If a driver or passenger of a motor vehicle becomes  
3109 involved in a motor vehicle accident or emergency situation, and  
3110 a blue square decal is affixed to the vehicle, an emergency  
3111 medical responder at the scene is authorized to search the glove  
3112 compartment of the vehicle for the corresponding blue square  
3113 folder.

3114 (b) An emergency medical responder at the scene may use the  
3115 information in the blue square folder for the following purposes  
3116 only:



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- 3117        1. To positively identify the participant.
- 3118        2. To ascertain whether the participant has a medical  
3119 condition that might impede communications between the  
3120 participant and the responder.
- 3121        3. To inform the participant's emergency contacts about the  
3122 location, condition, or death of the participant.
- 3123        4. To learn the nature of any medical information reported  
3124 by the participant on the form.
- 3125        5. To ensure that the participant's current medications and  
3126 preexisting medical conditions are considered when emergency  
3127 medical treatment is administered for any injury to or condition  
3128 of the participant.
- 3129        (6) Except for wanton or willful conduct, an emergency  
3130 medical responder or the employer of a responder does not incur  
3131 any liability if a responder is unable to make contact, in good  
3132 faith, with a participant's emergency contact person, or if a  
3133 responder disseminates or fails to disseminate any information  
3134 from the blue square folder to any other emergency medical  
3135 responder, hospital, or healthcare provider who renders  
3136 emergency medical treatment to the participant.
- 3137        (7) The governing body of a participating county shall  
3138 adopt guidelines and procedures for ensuring that any  
3139 information that is confidential is not made public through the  
3140 program.
- 3141        (8) This section shall take effect July 1, 2014, or on the  
3142 same date that legislation which exempts the information  
3143 required under the blue square critical motorist medical  
3144 information program from s. 119.071(1), Florida Statutes, and s.  
3145 24(a), Article I of the State Constitution, takes effect,



3146 whichever occurs later, if such legislation is adopted in the  
3147 2014 Regular Session of the Legislature or an extension thereof  
3148 and becomes law.

3149 Section 68. Except as otherwise expressly provided in this  
3150 act, this act shall take effect upon becoming law.

3151  
3152  
3153 ===== T I T L E A M E N D M E N T =====

3154 And the title is amended as follows:

3155 Delete everything before the enacting clause  
3156 and insert:

3157 A bill to be entitled  
3158 An act relating to economic development; repealing s.  
3159 11.45(3)(m), F.S., relating to the authority of the  
3160 Auditor General to conduct audits of transportation  
3161 corporations under the Florida Transportation  
3162 Corporation Act; amending s. 20.23, F.S.; deleting the  
3163 Florida Statewide Passenger Rail Commission; amending  
3164 s. 110.205, F.S.; changing a title to the State  
3165 Freight and Logistics Administrator from the State  
3166 Public Transportation and Modal Administrator, which  
3167 is an exempt position not covered under career  
3168 service; amending s. 125.42, F.S.; requiring utility  
3169 and television lines to be removed from county roads  
3170 and highways at no cost to the county if the county  
3171 finds the lines to be unreasonably interfering with  
3172 the widening, repair, or reconstruction of any such  
3173 road; amending s. 125.35, F.S.; providing that a  
3174 county may include a commercial development that is



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3175 ancillary to a professional sports facility in the  
3176 lease of a sports facility under certain  
3177 circumstances; amending s. 316.515, F.S.; providing  
3178 that a straight truck may attach a forklift to the  
3179 rear of the cargo bed if it does not exceed a  
3180 specified length; repealing s. 316.530(3), F.S.,  
3181 relating to load limits for certain towed vehicles;  
3182 amending s. 316.545, F.S.; increasing the weight  
3183 amount used for penalty calculations; conforming  
3184 terminology; amending s. 331.360, F.S.; reordering  
3185 provisions; providing for a spaceport system plan;  
3186 providing funding for space transportation projects  
3187 from the State Transportation Trust Fund; requiring  
3188 Space Florida to provide the Department of  
3189 Transportation with specific project information and  
3190 to demonstrate transportation and aerospace benefits;  
3191 specifying the information to be provided; providing  
3192 funding criteria; amending s. 332.007, F.S.;  
3193 authorizing the Department of Transportation to fund  
3194 strategic airport investments; providing criteria;  
3195 amending s. 334.044, F.S.; prohibiting the department  
3196 from entering into a lease-purchase agreement with  
3197 certain transportation authorities after a specified  
3198 time; providing an exception from the requirement to  
3199 purchase all plant materials from Florida commercial  
3200 nursery stock when prohibited by applicable federal  
3201 law or regulation; revising requirements for and due  
3202 date of Freight Mobility and Trade Plan; amending s.  
3203 335.06, F.S.; revising the responsibilities of the



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3204 Department of Transportation, a county, or a  
3205 municipality to improve or maintain a road that  
3206 provides access to property within the state park  
3207 system; amending s. 337.11, F.S.; removing the  
3208 requirement that a contractor provide a notarized  
3209 affidavit as proof of registration; amending s.  
3210 337.14, F.S.; revising the criteria for bidding  
3211 certain construction contracts to require a proposed  
3212 budget estimate if a contract is more than a specified  
3213 amount; amending s. 337.168, F.S.; providing that a  
3214 document that reveals the identity of a person who has  
3215 requested or received certain information before a  
3216 certain time is a public record; amending s. 337.25,  
3217 F.S.; authorizing the Department of Transportation to  
3218 use auction services in the conveyance of certain  
3219 property or leasehold interests; revising certain  
3220 inventory requirements; revising provisions and  
3221 providing criteria for the department to dispose of  
3222 certain excess property; providing such criteria for  
3223 the disposition of donated property, property used for  
3224 a public purpose, or property acquired to provide  
3225 replacement housing for certain displaced persons;  
3226 providing value offsets for property that requires  
3227 significant maintenance costs or exposes the  
3228 department to significant liability; providing  
3229 procedures for the sale of property to abutting  
3230 property owners; deleting provisions to conform to  
3231 changes made by the act; providing monetary  
3232 restrictions and criteria for the conveyance of





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3233 certain leasehold interests; providing exceptions to  
3234 restrictions for leases entered into for a public  
3235 purpose; providing criteria for the preparation of  
3236 estimates of value prepared by the department;  
3237 providing that the requirements of s. 73.013, F.S.,  
3238 relating to eminent domain, are not modified; amending  
3239 s. 337.251, F.S.; revising criteria for leasing  
3240 particular department property; increasing the time  
3241 the department must accept proposals for lease after a  
3242 notice is published; authorizing the department to  
3243 establish an application fee by rule; providing  
3244 criteria for the fee; providing criteria that the  
3245 lease must meet; amending s. 337.403, F.S.; revising  
3246 the conditions under which an authority may bear the  
3247 costs of utility work required to eliminate an  
3248 unreasonable interference when the utility is unable  
3249 to establish that it has a compensable property right  
3250 in the property where the utility is located;  
3251 requiring the department to pay the expenses of  
3252 utility work necessitated by certain federally-funded  
3253 projects under certain conditions; prohibiting the use  
3254 of state dollars for such work; providing the  
3255 subsection does not apply to any phase of the SunRail  
3256 project; authorizing the department to pay the cost of  
3257 utility work necessitated by a department project on  
3258 the State Highway System for a city- or county-owned  
3259 utility located in a rural area of critical economic  
3260 concern designated pursuant to s. 288.0656, F.S.;  
3261 amending s. 338.161, F.S.; authorizing the department



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3262 to enter into agreements with owners of public or  
3263 private transportation facilities under which the  
3264 department uses its electronic toll collection and  
3265 video billing systems to collect for the owner certain  
3266 charges for use of the owners' transportation  
3267 facilities; amending s. 338.165, F.S.; removing the  
3268 Beeline-East Expressway and the Navarre Bridge from  
3269 the list of facilities that have toll revenues to  
3270 secure their bonds; amending s. 338.26, F.S.; revising  
3271 the uses of fees that are generated from tolls to  
3272 include the design and construction of a fire station  
3273 that may be used by certain local governments in  
3274 accordance with a specified memorandum; removing  
3275 authority of a district to issue bonds or notes;  
3276 amending s. 339.175, F.S.; revising the criteria that  
3277 qualify a local government for participation in a  
3278 metropolitan planning organization; revising the  
3279 criteria to determine voting membership of a  
3280 metropolitan planning organization; providing that  
3281 each metropolitan planning organization shall review  
3282 its membership and reapportion it as necessary;  
3283 providing criteria; relocating the requirement that  
3284 the Governor review and apportion the voting  
3285 membership among the various governmental entities  
3286 within the metropolitan planning area; amending s.  
3287 339.2821, F.S.; authorizing Enterprise Florida, Inc.,  
3288 to be a consultant to the Department of Transportation  
3289 for consideration of expenditures associated with and  
3290 contracts for transportation projects; revising the



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3291 requirements for economic development transportation  
3292 project contracts between the department and a  
3293 governmental entity; repealing the Florida  
3294 Transportation Corporation Act; repealing s. 339.401,  
3295 F.S., relating to the short title; repealing s.  
3296 339.402, F.S., relating to definitions; repealing s.  
3297 339.403, F.S., relating to legislative findings and  
3298 purpose; repealing s. 339.404, F.S., relating to  
3299 authorization of corporations; repealing s. 339.405,  
3300 F.S., relating to type and structure of the  
3301 corporation and income; repealing s. 339.406, F.S.,  
3302 relating to contracts between the department and the  
3303 corporation; repealing s. 339.407, F.S., relating to  
3304 articles of incorporation; repealing s. 339.408, F.S.,  
3305 relating to the board of directors and advisory  
3306 directors; repealing s. 339.409, F.S., relating to  
3307 bylaws; repealing s. 339.410, F.S., relating to notice  
3308 of meetings and open records; repealing s. 339.411,  
3309 F.S., relating to the amendment of articles; repealing  
3310 s. 339.412, F.S., relating to the powers of the  
3311 corporation; repealing s. 339.414, F.S., relating to  
3312 use of state property; repealing s. 339.415, F.S.,  
3313 relating to exemptions from taxation; repealing s.  
3314 339.416, F.S., relating to the authority to alter or  
3315 dissolve corporations; repealing s. 339.417, F.S.,  
3316 relating to the dissolution of a corporation upon the  
3317 completion of purposes; repealing s. 339.418, F.S.,  
3318 relating to transfer of funds and property upon  
3319 dissolution; repealing s. 339.419, F.S., relating to



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3320 department rules; repealing s. 339.420, F.S., relating  
3321 to construction; repealing s. 339.421, F.S., relating  
3322 to issuance of debt; amending s. 339.55, F.S.; adding  
3323 spaceports to the list of facility types for which the  
3324 state-funded infrastructure bank may lend capital  
3325 costs or provide credit enhancements; amending s.  
3326 341.031, F.S.; revising the definition of the term  
3327 "intercity bus service"; amending s. 341.052, F.S.;  
3328 prohibiting an eligible public transit provider from  
3329 using public transit block grant funds for a political  
3330 advertisement or electioneering communication  
3331 concerning an issue, referendum, or amendment,  
3332 including any state question, that is subject to a  
3333 vote of the electors; requiring the amount of the  
3334 provider's grant to be reduced by any amount so spent;  
3335 defining the term "public funds" for purposes of the  
3336 prohibition; providing an exception; amending s.  
3337 341.053, F.S.; revising the types of eligible projects  
3338 and criteria of the intermodal development program;  
3339 amending s. 341.8203, F.S.; defining "communication  
3340 facilities" and "railroad company" as used in the  
3341 Florida Rail Enterprise Act; prohibiting owners of  
3342 communication facilities from offering certain  
3343 services to persons unrelated to a high-speed rail  
3344 system; amending s. 341.822, F.S.; requiring the rail  
3345 enterprise to establish a process to issue permits for  
3346 railroad companies to construct communication  
3347 facilities within a high speed rail system; providing  
3348 rulemaking authority; providing for fees for issuing a



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3349 permit; creating s. 341.825, F.S.; providing for a  
3350 permit authorizing the permittee to locate, construct,  
3351 operate, and maintain communication facilities within  
3352 a new or existing high speed rail system; providing  
3353 for application procedures and fees; providing for the  
3354 effects of a permit; providing an exemption from local  
3355 land use and zoning regulations; authorizing the  
3356 enterprise to permit variances and exemptions from  
3357 rules of the enterprise or other agencies; providing  
3358 that a permit is in lieu of licenses, permits,  
3359 certificates, or similar documents required under  
3360 specified laws; providing for a modification of a  
3361 permit; amending s. 341.840, F.S.; conforming a cross-  
3362 reference; amending s. 343.922, F.S.; removing a  
3363 reference to advances from the Toll Facilities  
3364 Revolving Trust Fund as a source of funding for  
3365 certain projects by an authority; amending s. 348.53,  
3366 F.S.; authorizing the Tampa-Hillsborough County  
3367 Expressway Authority to facilitate transportation,  
3368 including managed lanes and other transit supporting  
3369 facilities, excluding rail or other rail related  
3370 facilities; amending s. 348.565, F.S.; revising the  
3371 name of the Lee Roy Selmon Crosstown Expressway;  
3372 amending s. 348.754, F.S.; extending, to 99 years from  
3373 40 years, the term of a lease agreement; amending s.  
3374 373.4137, F.S.; providing legislative intent that  
3375 mitigation be implemented in a manner that promotes  
3376 efficiency, timeliness, and cost-effectiveness in  
3377 project delivery; revising the criteria of the



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3378 environmental impact inventory; revising the criteria  
3379 for mitigation of projected impacts identified in the  
3380 environmental impact inventory; requiring the  
3381 Department of Transportation to include funding for  
3382 environmental mitigation for its projects in its work  
3383 program; revising the process and criteria for the  
3384 payment by the department or participating  
3385 transportation authorities of mitigation implemented  
3386 by water management districts or the Department of  
3387 Environmental Protection; revising the requirements  
3388 for the payment to a water management district or the  
3389 Department of Environmental Protection of the costs of  
3390 mitigation planning and implementation of the  
3391 mitigation required by a permit; revising the payment  
3392 criteria for preparing and implementing mitigation  
3393 plans adopted by water management districts for  
3394 transportation impacts based on the environmental  
3395 impact inventory; adding federal requirements for the  
3396 development of a mitigation plan; providing for  
3397 transportation projects in the environmental  
3398 mitigation plan for which mitigation has not been  
3399 specified; revising a water management district's  
3400 responsibilities relating to a mitigation plan;  
3401 amending s. 373.618, F.S.; revising the outdoor  
3402 advertisement exemption criteria for a public  
3403 information system; requiring local government review  
3404 or approval for certain public information systems;  
3405 making public information systems subject to the  
3406 requirements of ch. 479, F.S.; amending s. 479.16,



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3407 F.S.; providing an exception if the Federal Government  
3408 notifies the department that implementation or  
3409 continuation will adversely affect allocation of  
3410 federal funds; expanding the allowable size of certain  
3411 signs or notices; expanding the placement exemption of  
3412 certain signs; removing a certain small-business sign  
3413 exemption; expanding the exemption requiring permits  
3414 to signs placed by a local tourist-oriented business  
3415 located in an area of critical economic concern, signs  
3416 not in excess of a certain size placed temporarily  
3417 during harvest season of a farm operation for a  
3418 certain period of time, certain acknowledgement signs  
3419 erected upon publicly funded school premises relating  
3420 to a specific public school club, team, or event, and  
3421 displays erected upon a sports facility; providing  
3422 criteria for the signs; providing criteria for welcome  
3423 centers to place certain signs under specified  
3424 conditions; requiring the Florida Transportation  
3425 Commission to study the potential for state revenue  
3426 from parking meters and other parking time-limit  
3427 devices; authorizing the commission to retain experts;  
3428 requiring the department to pay for the experts;  
3429 requiring certain information from municipalities and  
3430 counties; requiring certain information to be  
3431 considered in the study; requiring a written report;  
3432 providing for a moratorium on new parking meters or  
3433 other parking time-limit devices on the state right-  
3434 of-way; providing honorary designation of a certain  
3435 transportation facility in a specified county;



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3436 directing the Department of Transportation to erect  
3437 suitable markers; amending s. 212.20, F.S.;

3438 authorizing a distribution for an applicant that has  
3439 been approved by the Legislature and certified by the  
3440 Department of Economic Opportunity under s. 288.11625,  
3441 F.S.; providing a limitation; creating s. 288.11625,  
3442 F.S.; providing that the Department of Economic  
3443 Opportunity shall screen applicants for state funding  
3444 for sports development; defining the terms  
3445 "agreement," "applicant," "beneficiary," "facility,"  
3446 "project," "state sales taxes generated by sales at  
3447 the facility," and "signature event"; providing a  
3448 purpose to provide funding for applicants for  
3449 constructing, reconstructing, renovating, or improving  
3450 a facility; providing an application and approval  
3451 process; providing for an annual application period;  
3452 providing for the Department of Economic Opportunity  
3453 to submit recommendations to the Legislature by a  
3454 certain date; requiring legislative approval for state  
3455 funding; providing evaluation criteria for an  
3456 applicant to receive state funding; providing for  
3457 evaluation and ranking of applicants under certain  
3458 criteria; allowing the department to determine the  
3459 type of beneficiary; providing levels of state funding  
3460 up to a certain amount of new incremental state sales  
3461 tax revenue; providing for a distribution and  
3462 calculation; requiring the Department of Revenue to  
3463 distribute funds within a certain timeframe after  
3464 notification by the department; limiting annual





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3465 distributions to \$13 million; providing for a contract  
3466 between the department and the applicant; limiting use  
3467 of funds; requiring an applicant to submit information  
3468 to the department annually; requiring a 5-year review;  
3469 authorizing the Auditor General to conduct audits;  
3470 providing for reimbursement of the state funding under  
3471 certain circumstances; providing for discontinuation  
3472 of distributions upon an applicant's request;  
3473 authorizing the Department of Economic Opportunity to  
3474 adopt rules; contingently creating s. 288.116255,  
3475 F.S.; providing for an evaluation; amending s. 218.64,  
3476 F.S.; providing for municipalities and counties to  
3477 expend a portion of local government half-cent sales  
3478 tax revenues to reimburse the state as required by a  
3479 contract; authorizing the Department of Economic  
3480 Opportunity to adopt emergency rules; enacting a  
3481 moratorium on the assessment or enforcement of the  
3482 communications services tax on the sale of prepaid  
3483 wireless communications services under certain  
3484 conditions; providing for the tolling of certain  
3485 statutes of limitations covered by the moratorium;  
3486 providing for the repeal of the section; authorizing  
3487 the governing body of a county to create a blue square  
3488 critical motorist medical information program for  
3489 certain purposes; authorizing a county to solicit  
3490 sponsorships for the medical information program and  
3491 enter into an interlocal agreement with another county  
3492 to solicit such sponsorships; authorizing the  
3493 Department of Transportation to provide education and



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3494 training and publicize the program; authorizing an  
3495 owner or lessee of a motor vehicle to participate in  
3496 the program upon the submission of certain  
3497 documentation; providing for an application form that  
3498 must contain statements regarding the disclosure of  
3499 personal information and confidentiality; providing  
3500 for distribution to participants of a blue square  
3501 decal, a blue square folder to be issued to  
3502 participants, and a form containing specified  
3503 information about the participant; providing  
3504 procedures for use of the decal, folder, and form;  
3505 providing for limited use of information on the forms  
3506 by emergency medical responders; limiting liability of  
3507 emergency medical responders; requiring the governing  
3508 body of a participating county to adopt guidelines and  
3509 procedures to ensure that confidential information is  
3510 not made public; providing for applicability;  
3511 providing effective dates.