A bill to be entitled
An act relating to the Department of Transportation;
amending s. 20.23, F.S.; revising provisions relating
to functions of the Florida Transportation Commission
to add certain monitoring of the Mid-Bay Bridge
Authority; repealing provisions for the Florida
Statewide Passenger Rail Commission; amending s.
316.0076, F.S.; prohibiting the use of cameras at
certain locations to enforce the Florida Uniform
Traffic Control Law; amending s. 316.0083, F.S.;
revising provisions for enforcement by a traffic
infraction enforcement officer of specified provisions
requiring vehicular traffic facing a steady red signal
to stop; reducing the penalty for notices of
violations; restricting issuance by such officer of
notices and citations to violations at certain
locations; revising penalties and distribution of
penalties collected; authorizing counties and
municipalities to impose a surcharge for certain
purposes; providing procedures and requirements for
imposing the local surcharge; providing for the
distribution and use of funds collected from the local
surcharge; requiring counties and municipalities to
make certain reports; revising limits on amounts that
may be assessed for certain costs; amending s.
316.0776, F.S.; revising provisions authorizing the
use of traffic infraction detectors; revising provisions for implementation of a traffic infraction detector program; amending s. 318.18, F.S.; conforming penalty provisions; conforming provisions for assessment of county and municipal costs; amending s. 335.10, F.S.; prohibiting charges for public parking in certain parking spaces; amending s. 337.25, F.S.; revising provisions for disposition of property by the department; authorizing the department to contract for auction services for conveyance of property; revising requirements for an inventory of property; amending s. 337.251, F.S.; revising provisions for lease of property; requiring the department to publish a notice of receipt of a proposal for lease of particular department property and accept other proposals; revising notice procedures; requiring the department to establish by rule an application fee for lease proposals; authorizing the department to engage the services of private consultants to assist in evaluating proposals; requiring the department to make specified determinations before approving a proposed lease; amending s. 338.161, F.S.; revising provisions for the department to enter into agreements for certain purposes with public or private transportation facility owners whose systems become interoperable with the department's systems; amending s. 373.4137,
F.S.; providing legislative intent that environmental mitigation be implemented in a manner that promotes efficiency, timeliness, and cost-effectiveness in project delivery; revising the criteria of the environmental impact inventory; revising the criteria for mitigation of projected impacts identified in the environmental impact inventory; requiring the Department of Transportation to include funding for environmental mitigation for its projects in its work program; revising the process and criteria for the payment by the department or participating transportation authorities of mitigation implemented by water management districts or the Department of Environmental Protection; revising the requirements for the payment to a water management district or the Department of Environmental Protection of the costs of mitigation planning and implementation of the mitigation required by a permit; revising the payment criteria for preparing and implementing mitigation plans adopted by water management districts for transportation impacts based on the environmental impact inventory; adding federal requirements for the development of a mitigation plan; providing for transportation projects in the environmental mitigation plan for which mitigation has not been specified; revising a water management district's
responsible for a mitigation plan;

amending s. 2 of ch. 85-364, Laws of Florida, as
amended by ch. 95-382, Laws of Florida, relating to
the Department of Transportation; authorizing tolls
from the Pinellas Bayway to be used for maintenance
costs; removing certain projects from the flow of
funds; amending s. 110.205, F.S.; conforming cross-
references; providing an effective date.

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

Section 1. Subsections (2) and (3) of section 20.23,
Florida Statutes, are amended to read:

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

(2)

(b) The commission shall have the primary functions to:

1. Recommend major transportation policies for the
Governor's approval, and assure that approved policies and any
revisions thereto are properly executed.

2. Periodically review the status of the state
transportation system including highway, transit, rail, seaport,
intermodal development, and aviation components of the system
and recommend improvements therein to the Governor and the
Legislature.
3. Perform an in-depth evaluation of the annual department budget request, the Florida Transportation Plan, and the tentative work program for compliance with all applicable laws and established departmental policies. Except as specifically provided in s. 339.135(4)(c)2., (d), and (f), the commission may not consider individual construction projects, but shall consider methods of accomplishing the goals of the department in the most effective, efficient, and businesslike manner.

4. Monitor the financial status of the department on a regular basis to assure that the department is managing revenue and bond proceeds responsibly and in accordance with law and established policy.

5. Monitor on at least a quarterly basis, the efficiency, productivity, and management of the department, using performance and production standards developed by the commission pursuant to s. 334.045.

6. Perform an in-depth evaluation of the factors causing disruption of project schedules in the adopted work program and recommend to the Legislature and the Governor methods to eliminate or reduce the disruptive effects of these factors.

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

8. Monitor the efficiency, productivity, and management of the authorities created under chapters 348 and 349, including any authority formed using the provisions of part I of chapter 348; the Mid-Bay Bridge Authority created pursuant to chapter 2000-411, Laws of Florida; and any authority formed under chapter 343 which is not monitored under subsection (3). The commission shall also conduct periodic reviews of each authority’s operations and budget, acquisition of property, management of revenue and bond proceeds, and compliance with applicable laws and generally accepted accounting principles.

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

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

a. Three members shall be appointed by the Governor, one of whom must have a background in the area of environmental concerns, one of whom must have a legislative background, and one of whom must have a general business background.

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

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

2. The initial term of each member appointed by the Governor shall be for 4 years. The initial term of each member appointed by the President of the Senate shall be for 3 years. The initial term of each member appointed by the Speaker of the House of Representatives shall be for 2 years. Succeeding terms for all members shall be for 4 years.

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

4. The commission shall elect one of its members as chair of the commission. The chair shall hold office at the will of the commission. Five members of the commission shall constitute a quorum, and the vote of five members shall be necessary for any action taken by the commission. The commission may meet upon the constitution of a quorum. A vacancy in the commission does not impair the right of a quorum to exercise all rights and
perform all duties of the commission.

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

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

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

2. Advising the department on policies and strategies used in planning, designing, building, operating, financing, and maintaining a coordinated statewide system of passenger rail services.
3. Evaluating passenger rail policies and providing advice and recommendations to the Legislature on passenger rail operations in the state.

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

1. The awarding of contracts.

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

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

4. The specific location of a transportation facility.

5. The acquisition of rights-of-way.

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

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

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

Section 2. Section 316.0076, Florida Statutes, is amended to read:

316.0076 Regulation and use of cameras.— Regulation of the use of cameras for enforcing the provisions of this chapter is expressly preempted to the state. Notwithstanding any other provision of law, a county or municipality may not use cameras for enforcing this chapter at any traffic control signal device location that did not have an active traffic infraction detector installed before July 1, 2014. The regulation of the use of cameras for enforcing the provisions of this chapter is not required to comply with provisions of chapter 493.

Section 3. Paragraphs (a) and (b) of subsection (1) and paragraph (e) of subsection (5) of section 316.0083, Florida Statutes, are amended to read:

316.0083 Mark Wandall Traffic Safety Program; administration; report.—

(1)(a) For purposes of administering this section, the department, a county, or a municipality may authorize a traffic infraction enforcement officer under s. 316.640 to issue a traffic citation for a violation of s. 316.074(1) or s. 316.075(1)(c)1. A notice of violation and a traffic citation may not be issued for failure to stop at a red light if the driver is making a right-hand turn in a careful and prudent manner at an intersection where right-hand turns are permissible. A notice
of violation and a traffic citation may not be issued under this section if the driver of the vehicle came to a complete stop after crossing the stop line and before turning right if permissible at a red light, but failed to stop before crossing over the stop line or other point at which a stop is required. A notice of violation and a traffic citation may only be issued by a county or municipality under this section for violations at intersections that had an active traffic infraction detector installed before July 1, 2014. This paragraph does not prohibit a review of information from a traffic infraction detector by an authorized employee or agent of the department, a county, or a municipality before issuance of the traffic citation by the traffic infraction enforcement officer. This paragraph does not prohibit the department, a county, or a municipality from issuing notification as provided in paragraph (b) to the registered owner of the motor vehicle involved in the violation of s. 316.074(1) or s. 316.075(1)(c)1.  

(b)1.a. Within 30 days after a violation, notification must be sent to the registered owner of the motor vehicle involved in the violation specifying the remedies available under s. 318.14 and that the violator must pay the penalty of $83 to the department, county, or municipality, or furnish an affidavit in accordance with paragraph (d), or request a hearing within 60 days following the date of the notification in order to avoid the issuance of a traffic citation. The notification must be sent by first-class mail. The mailing of
the notice of violation constitutes notification.

b. Included with the notification to the registered owner of the motor vehicle involved in the infraction must be a notice that the owner has the right to review the photographic or electronic images or the streaming video evidence that constitutes a rebuttable presumption against the owner of the vehicle. The notice must state the time and place or Internet location where the evidence may be examined and observed.

c. Notwithstanding any other provision of law, a person who receives a notice of violation under this section may request a hearing within 60 days following the notification of violation or pay the penalty pursuant to the notice of violation, but a payment or fee may not be required before the hearing requested by the person. The notice of violation must be accompanied by, or direct the person to a website that provides, information on the person's right to request a hearing and on all court costs related thereto and a form to request a hearing. As used in this sub-subparagraph, the term "person" includes a natural person, registered owner or coowner of a motor vehicle, or person identified on an affidavit as having care, custody, or control of the motor vehicle at the time of the violation.

d. If the registered owner or coowner of the motor vehicle, or the person designated as having care, custody, or control of the motor vehicle at the time of the violation, or an authorized representative of the owner, coowner, or designated person, initiates a proceeding to challenge the violation
pursuant to this paragraph, such person waives any challenge or
dispute as to the delivery of the notice of violation.

2. Penalties assessed and collected by the department,
county, or municipality authorized to collect the funds provided
for in this paragraph, less the amount retained by the county or
municipality pursuant to subparagraph 3., shall be paid to the
Department of Revenue weekly. Payment by the department, county,
or municipality to the state shall be made by means of
electronic funds transfers. In addition to the payment, summary
detail of the penalties remitted shall be reported to the
Department of Revenue.

3. Penalties to be assessed and collected by the
department, county, or municipality are as follows:

a. Eighty-three One hundred fifty-eight dollars for a
violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver
failed to stop at a traffic signal if enforcement is by the
department's traffic infraction enforcement officer. Seventy One
hundred dollars shall be remitted to the Department of Revenue
for deposit into the General Revenue Fund, $10 shall be remitted
to the Department of Revenue for deposit into the Department of
Health Emergency Medical Services Trust Fund, and $3 shall be
remitted to the Department of Revenue for deposit into the Brain
and Spinal Cord Injury Trust Fund, and $45 shall be distributed
to the municipality in which the violation occurred, or, if the
violation occurred in an unincorporated area, to the county in
which the violation occurred. Funds deposited into the
Department of Health Emergency Medical Services Trust Fund under
this sub-subparagraph shall be distributed as provided in s.
395.4036(1). Proceeds of the infractions in the Brain and Spinal
Cord Injury Trust Fund shall be distributed quarterly to the
Miami Project to Cure Paralysis and used for brain and spinal
cord research.

b. Eighty-three One hundred fifty-eight dollars for a
violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver
failed to stop at a traffic signal if enforcement is by a county
or municipal traffic infraction enforcement officer. Seventy
dollars shall be remitted by the county or municipality to the
Department of Revenue for deposit into the General Revenue Fund,
$10 shall be remitted to the Department of Revenue for deposit
into the Department of Health Emergency Medical Services Trust
Fund, and $3 shall be remitted to the Department of Revenue for
deposit into the Brain and Spinal Cord Injury Trust Fund, and
$75 shall be retained by the county or municipality enforcing
the ordinance enacted pursuant to this section. Funds deposited
into the Department of Health Emergency Medical Services Trust
Fund under this sub-subparagraph shall be distributed as
provided in s. 395.4036(1). Proceeds of the infractions in the
Brain and Spinal Cord Injury Trust Fund shall be distributed
quarterly to the Miami Project to Cure Paralysis and used for
brain and spinal cord research.

4. A county or municipality, by majority vote of the
governing board of the respective county or municipality, may
impose a surcharge for violations of s. 316.074(1) or s. 316.075(1)(c)1. which occur at any intersection that had an active traffic infraction detector installed before July 1, 2014, for the sole purpose of funding administrative costs and contractual agreements with manufacturers and vendors of traffic infraction detectors. The surcharge must be authorized by an ordinance requiring public hearings.

a. Revenue collected from the surcharge under this subparagraph must be distributed quarterly to the manufacturer or vendor in accordance with each respective contractual agreement.

b. Surplus revenue from the surcharge under this subparagraph shall be remitted to the Department of Revenue for deposit into the General Revenue Fund.

c. Each county or municipality shall, no later than 30 days after the end of each quarter, report in an electronic format to the Department of Revenue the amount of funds collected under this subparagraph during each quarter of the fiscal year. The Department of Revenue shall submit the report annually in an electronic format to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

5. An individual may not receive a commission from any revenue collected from violations detected through the use of a traffic infraction detector. A manufacturer or vendor may not receive a fee or remuneration based upon the number of violations detected through the use of a traffic infraction detector.
(5) Procedures for a hearing under this section are as follows:

   (e) At the conclusion of the hearing, the local hearing officer shall determine whether a violation under this section has occurred, in which case the hearing officer shall uphold or dismiss the violation. The local hearing officer shall issue a final administrative order including the determination and, if the notice of violation is upheld, require the petitioner to pay the penalty previously assessed under paragraph (1)(b), and may also require the petitioner to pay county or municipal costs, not to exceed the amount of the penalty assessed and collected by the county or municipality $250. The final administrative order shall be mailed to the petitioner by first-class mail.

Section 4. Section 316.0776, Florida Statutes, is amended to read:

316.0776  Traffic infraction detectors; placement and installation.—

   (1) Traffic infraction detectors are allowed on state roads when permitted by the Department of Transportation and under placement and installation specifications developed by the Department of Transportation. Traffic infraction detectors are allowed on streets and highways under the jurisdiction of counties or municipalities in accordance with placement and installation specifications developed by the Department of Transportation, only if such traffic infraction detectors were
installed and active before July 1, 2014.

(2)(a) If the department, county, or municipality installs a traffic infraction detector at an intersection, the department, county, or municipality shall notify the public that a traffic infraction device may be in use at that intersection and must specifically include notification of camera enforcement of violations concerning right turns. Such signage used to notify the public must meet the specifications for uniform signals and devices adopted by the Department of Transportation pursuant to s. 316.0745.

(b) If the department, county, or municipality begins a traffic infraction detector program in a county or municipality that has never conducted such a program, the respective department, county, or municipality shall also make a public announcement and conduct a public awareness campaign of the proposed use of traffic infraction detectors at least 30 days before starting commencing the enforcement program.

Section 5. Subsections (15) and (22) of section 318.18, Florida Statutes, are amended to read:

318.18 Amount of penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 or a criminal offense listed in s. 318.17 are as follows:

(15)(a)1. One hundred and fifty-eight dollars for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to stop at a traffic signal and when enforced by a law enforcement officer. Sixty dollars shall be distributed as
provided in s. 318.21, $30 shall be distributed to the General
Revenue Fund, $3 shall be remitted to the Department of Revenue
for deposit into the Brain and Spinal Cord Injury Trust Fund,
and the remaining $65 shall be remitted to the Department of
Revenue for deposit into the Emergency Medical Services Trust
Fund of the Department of Health.

2. Eighty-three One hundred and fifty-eight dollars for a
violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver
has failed to stop at a traffic signal and when enforced by the
department's traffic infraction enforcement officer. Seventy One
hundred dollars shall be remitted to the Department of Revenue
for deposit into the General Revenue Fund, $45 shall be
distributed to the county for any violations occurring in any
unincorporated areas of the county or to the municipality for
any violations occurring in the incorporated boundaries of the
municipality in which the infraction occurred, $10 shall be
remitted to the Department of Revenue for deposit into the
Department of Health Emergency Medical Services Trust Fund for
distribution as provided in s. 395.4036(1), and $3 shall be
remitted to the Department of Revenue for deposit into the Brain
and Spinal Cord Injury Trust Fund.

3. Eighty-three One hundred and fifty-eight dollars for a
violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver
has failed to stop at a traffic signal and when enforced by a
county's or municipality's traffic infraction enforcement
officer. Seventy dollars Seventy-five dollars shall be
distributed to the county or municipality issuing the traffic

citation, $70 shall be remitted to the Department of Revenue for
deposit into the General Revenue Fund, $10 shall be remitted to
the Department of Revenue for deposit into the Department of
Health Emergency Medical Services Trust Fund for distribution as
provided in s. 395.4036(1), and $3 shall be remitted to the
Department of Revenue for deposit into the Brain and Spinal Cord
Injury Trust Fund.

(b) Amounts deposited into the Brain and Spinal Cord
Injury Trust Fund pursuant to this subsection shall be
distributed quarterly to the Miami Project to Cure Paralysis and
shall be used for brain and spinal cord research.

(c) If a person who is mailed a notice of violation or
cited for a violation of s. 316.074(1) or s. 316.075(1)(c)1., as
enforced by a traffic infraction enforcement officer under s.
316.0083, presents documentation from the appropriate
governmental entity that the notice of violation or traffic
citation was in error, the clerk of court or clerk to the local
hearing officer may dismiss the case. The clerk of court or
clerk to the local hearing officer may not charge for this
service.

(d) An individual may not receive a commission or per-
ticket fee from any revenue collected from violations detected
through the use of a traffic infraction detector. A manufacturer
or vendor may not receive a fee or remuneration based upon the
number of violations detected through the use of a traffic
infraction detector.

    (e) Funds deposited into the Department of Health Emergency Medical Services Trust Fund under this subsection shall be distributed as provided in s. 395.4036(1).

    (22) In addition to the penalty prescribed under s. 316.0083 for violations enforced under s. 316.0083 which are upheld, the local hearing officer may also order the payment of county or municipal costs, not to exceed the amount of the penalty assessed and collected by the county or municipality $250.

Section 6. Subsection (4) is added to section 335.10, Florida Statutes, to read:

    335.10 State Highway System; vehicle regulation; prohibited use and traffic; liability for damage; parking.—

    (4) No charge may be imposed for public parking within designated parking spaces located within the right-of-way limits of a road on the State Highway System.

Section 7. Section 337.25, Florida Statutes, is amended to read:

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

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

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

(c) When lands, buildings, or other improvements are needed for transportation purposes, but are held by a federal, state, or local governmental entity and utilized for public purposes other than transportation, the department may compensate the entity for such properties by providing functionally equivalent replacement facilities. The providing of replacement facilities under this subsection may only be undertaken with the agreement of the governmental entity affected.

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

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

(3) The inventory of real property which was acquired by
the state after December 31, 1988, which has been owned by the
state for 10 or more years, and which is not within a
transportation corridor or within the right-of-way of a
transportation facility shall be evaluated to determine the
necessity for retaining the property. If the property is not
needed for the construction, operation, and maintenance of a
transportation facility, or is not located within a
transportation corridor, the department may dispose of the
property pursuant to subsection (4).

(4) The department may convey sell, in the name of the
state, any land, building, or other property, real or personal,
which was acquired under the provisions of subsection (1) and
which the department has determined is not needed for the
collection, operation, and maintenance of a transportation
facility. With the exception of any parcel governed by paragraph
(c), paragraph (d), paragraph (f), paragraph (g), or paragraph
(i), the department shall afford first right of refusal to the
local government in the jurisdiction of which the parcel is
situated. When such a determination has been made, property may
be disposed of through negotiation, sealed competitive bid,
auction, or any other means that the department deems to be in
its best interest, with due advertisement for property valued by
the department at more than $10,000. A sale may not occur at a
price less than the department's current estimate of value
except as provided in paragraphs (a)-(d). The department may
afford the right of first refusal to the local government or
other political subdivision in the jurisdiction in which the
parcel is situated, except in conveyances transacted under
paragraph (a), paragraph (c), or paragraph (e), in the following
manner:

(a) If the value of the property has been donated to the
state for transportation purposes, the facility has not been
constructed for a period of at least 5 years, no plans have been
prepared for the construction of such facility, and the property
is not located in a transportation corridor, the governmental
entity may authorize reconveyance of the donated property
without consideration to the original donor or the donor's
heirs, successors, assigns, or representatives is $10,000 or
less as determined by department estimate, the department may negotiate the sale.

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

(c) If the property was originally acquired specifically to provide replacement housing for persons displaced by transportation projects, the department may negotiate for the sale of such property as replacement housing. As compensation, the state shall receive no less than its investment in such properties or the department's current estimate of value, whichever is lower. It is expressly intended that this benefit be extended only to those persons actually displaced by such project. Disposition to any other person must be for no less than the department's current estimate of value, in the discretion of the department, public sale would be inequitable, properties may be sold by negotiation to the owner holding title to the property abutting the property to be sold, provided such sale is at a negotiated price not less than fair market value as determined by an independent appraisal, the cost of which shall be paid by the owner of the abutting land. If negotiations do not result in the sale of the property to the owner of the
abutting land and the property is sold to someone else, the cost of the independent appraisal shall be borne by the purchaser; and the owner of the abutting land shall have the cost of the appraisal refunded to him or her. If, however, no purchase takes place, the owner of the abutting land shall forfeit the sum paid by him or her for the independent appraisal. If, due to action of the department, the property is removed from eligibility for sale, the cost of any appraisal prepared shall be refunded to the owner of the abutting land.

(d) If the department determines that the property will require significant costs to be incurred or that continued ownership of the property exposes the department to significant liability risks, the department may use the projected maintenance costs over the next 10 years to offset the property's value in establishing a value for disposal of the property, even if that value is zero.

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

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

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

(h) If property is to be used for a public purpose, the property may be conveyed without consideration to a governmental entity.
(i) If property was originally acquired specifically to provide replacement housing for persons displaced by transportation projects, the department may negotiate for the sale of such property as replacement housing. As compensation, the state shall receive no less than its investment in such properties or fair market value, whichever is lower. It is expressly intended that this benefit be extended only to those persons actually displaced by such project. Dispositions to any other persons must be for fair market value.

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

(5) The department may convey a leasehold interest for commercial or other purposes, in the name of the state, to any land, building, or other property, real or personal, which was acquired under the provisions of subsection (1). A lease may not occur at a price less than the department's current estimate of value. The department's estimate of value shall be prepared in accordance with department procedures, guidelines, and rules for valuation of real property, the cost of which shall be paid by the party seeking to lease the property.
(a) All leases shall be entered into by negotiation, sealed competitive bid, auction, or any other means that the department deems to be in its best interest. The department may negotiate such a lease at the prevailing market value with the owner from whom the property was acquired; with the holders of leasehold estates existing at the time of the department's acquisition; or, if public bidding would be inequitable, with the owner holding title to privately owned abutting property, if reasonable notice is provided to all other owners of abutting property. The department may allow an outdoor advertising sign to remain on the property acquired, or be relocated on department property, and such sign shall not be considered a nonconforming sign pursuant to chapter 479.

(b) If, in the discretion of the department, a lease to anyone other than an abutting property owner or a tenant with a leasehold interest in the abutting property would be inequitable, the property may be leased to the abutting owner or tenant for no less than the department's current estimate of value. All other leases shall be by competitive bid.

(c) A lease signed pursuant to paragraph (a) or paragraph (b) shall be for a period of more than 5 years; however, the department may renegotiate or extend such a lease for an additional term of 5 years as the department deems appropriate without rebidding.

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

(e) If property is to be used for a public purpose, including a fair, art show, or other educational, cultural, or fundraising activity, the property may be leased without consideration to a governmental entity or school board. Any public-purpose lease is exempt from the term limits provided in paragraph (c).

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

(g) A lease executed under this subsection may not be used by the lessee to establish the 4 years' standing required by s. 73.071(3)(b) if the business had not been established for the specified number of 4 years on the date title passed to the department.

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

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

(7) The department's estimate of value, as required in subsection (4), shall be prepared in accordance with department
procedures, guidelines, and rules for valuation of real property. If the value of the property exceeds $50,000 as determined by department estimate, the sale will be at a negotiated price of not less than fair market value as determined by an independent appraisal prepared in accordance with department procedures, guidelines, and rules for valuation of real property, the cost of which shall be paid by the party seeking the purchase of the property. If the estimated value is $50,000 or less, the department may use a department staff appraiser or obtain an independent appraisal required by paragraphs (4)(c) and (d) shall be prepared in accordance with department guidelines and rules by an independent appraiser who has been certified by the department. If federal funds were used in the acquisition of the property, the appraisal shall also be subject to the approval of the Federal Highway Administration.

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

(9) The department, with the approval of the Chief Financial Officer, may is authorized to disburse state funds for real estate closings in a manner consistent with good business practices and in a manner minimizing costs and risks to the state.

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

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

Section 8. Subsection (2) of section 337.251, Florida
Statutes, is amended to read:

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

(2) The department may request proposals for the lease of
such property or, if the department receives a proposal for to
negotiate a lease of particular department property that the
department desires to consider, it shall publish a notice in a
newspaper of general circulation at least once a week for 2
weeks, stating that it has received the proposal and will
accept, for 120 days after the date of publication, other
proposals for lease of the particular property use of the space.
A copy of the notice must be mailed to each local government in
the affected area. The department shall adopt rules establishing
an application fee for the submission of proposals under this
section. The fee must be limited to the amount needed to pay the
anticipated costs of evaluating the proposals. The department
may engage the services of private consultants to assist in the evaluation. Before approval, the department must determine that the proposed lease:

(a) Is in the public's best interest;
(b) Would not require state funds to be used; and
(c) Would have adequate safeguards in place to ensure that no additional costs or service disruptions would be realized by the traveling public and residents of the state in the event of default by the private lessee or upon termination or expiration of the lease.

Section 9. Subsection (5) of section 338.161, Florida Statutes, is amended to read:

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

(5) If the department finds that it can increase nontoll revenues or add convenience or other value for its customers, and if a public or private transportation facility owner agrees that its facility will become interoperable with the department's electronic toll collection and video billing systems, the department may be authorized to enter into an agreement with the owner of such facility under which the department uses private or public entities for the department's use of its electronic toll collection and video billing systems to collect and enforce for the owner tolls, fares,
administrative fees, and other applicable charges due imposed in connection with use of the owner's facility transportation facilities of the private or public entities that become interoperable with the department's electronic toll collection system. The department may modify its rules regarding toll collection procedures and the imposition of administrative charges to be applicable to toll facilities that are not part of the turnpike system or otherwise owned by the department. This subsection may not be construed to limit the authority of the department under any other provision of law or under any agreement entered into before prior to July 1, 2012.

Section 10. Section 373.4137, Florida Statutes, is amended to read:

373.4137 Mitigation requirements for specified transportation projects.—

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

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

(a) By July 1 of each year, the Department of Transportation, or a transportation authority established pursuant to chapter 348 or chapter 349 which chooses to participate in the program, shall submit to the water management districts a list of its projects in the adopted work program and an environmental impact inventory of habitat impacts and the anticipated amount of mitigation needed to offset impacts as described in paragraph (b). The environmental impact inventory must be based on habitats addressed in the rules adopted pursuant to this part, and s. 404 of the Clean Water Act, 33 U.S.C. s. 1344, and the Department of Transportation's which may be impacted by its plan of construction for transportation projects in the next 3 years of the tentative work program. The Department of Transportation or a transportation authority established pursuant to chapter 348 or chapter 349 may also include in its environmental impact inventory the habitat impacts and the anticipated amount of mitigation needed for of any future transportation project. The Department of Transportation and each transportation authority established pursuant to chapter 348 or chapter 349 may fund any mitigation activities for future projects using current year funds.
(b) The environmental impact inventory must include a description of these habitat impacts, including their location, acreage, and type; the anticipated amount of mitigation needed based on the functional loss as determined through the uniform mitigation assessment method (UMAM) adopted by rule of the Department of Environmental Protection pursuant to s. 373.414(18); identification of the proposed mitigation option; state water quality classification of impacted wetlands and other surface waters; any other state or regional designations for these habitats; and a list of threatened species, endangered species, and species of special concern affected by the proposed project.

(c) Before projects are identified for inclusion in a water management district mitigation plan as described in subsection (4), the Department of Transportation must consider using credits from a permitted mitigation bank. The Department of Transportation must consider the availability of suitable and sufficient mitigation bank credits within the transportation project's area, the ability to satisfy commitments to regulatory and resource agencies, the availability of suitable and sufficient mitigation purchased or developed through this section, the ability to complete existing water management district or Department of Environmental Protection suitable mitigation sites initiated with Department of Transportation mitigation funds, and the ability to satisfy state and federal requirements including long-term maintenance and liability.
(3)(a) To implement the mitigation option and development and implementation of the mitigation plan for the projected impacts identified in the environmental impact inventory described in subsection (2), the Department of Transportation may purchase credits for current and future use directly from a mitigation bank, purchase mitigation services through the water management districts or the Department of Environmental Protection, conduct its own mitigation, or use other mitigation options that meet state and federal requirements. Funding for the identified mitigation option as described in the environmental impact inventory must be included in the funds quarterly in an escrow account within the State Transportation Trust Fund for the environmental mitigation phase of projects budgeted by the Department of Transportation's work program developed pursuant to s. 339.135. The amount programmed each year by the Department of Transportation and participating transportation authorities established pursuant to chapter 348 or chapter 349 must correspond to an estimated cost per credit of $150,000 multiplied by the projected number of credits identified in the environmental impact inventory described in subsection (2). This estimated cost per credit will be adjusted every 2 years by the Department of Transportation based on the average cost per UMAM credit paid through this section. Transportation for the current fiscal year. The escrow account shall be maintained by the Department of Transportation for the benefit of the water management districts. Any interest earnings...
from the escrow account shall remain with the Department of Transportation.

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

(c) For mitigation implemented by the water management district or the Department of Environmental Protection, as appropriate, the amount paid each year must be based on mitigation services provided by the water management districts or Department of Environmental Protection pursuant to an approved water management district plan, as described in subsection (4). Except for current mitigation projects in the monitoring and maintenance phase and except as allowed by paragraph (d), The water management districts or the Department of Environmental Protection, as appropriate, may request payment of a transfer of funds from an escrow account no sooner than 30 days before the date the funds are needed to pay for activities associated with development or implementation of permitted mitigation meeting the requirements pursuant to this part, 33 U.S.C. s. 1344, and 33 C.F.R. part 332 in the approved
mitigation plan described in subsection (4) for the current fiscal year, including, but not limited to, design, engineering, production, and staff support. Actual conceptual plan preparation costs incurred before plan approval may be submitted to the Department of Transportation or the appropriate transportation authority each year with the plan. The conceptual plan preparation costs of each water management district will be paid from mitigation funds associated with the environmental impact inventory for the current year. The amount transferred to the escrow accounts each year by the Department of Transportation and participating transportation authorities established pursuant to chapter 348 or chapter 349 shall correspond to a cost per acre of $75,000 multiplied by the projected acres of impact identified in the environmental impact inventory described in subsection (2). However, the $75,000 cost per acre does not constitute an admission against interest by the state or its subdivisions and is not admissible as evidence of full compensation for any property acquired by eminent domain or through inverse condemnation. Each July 1, the cost per acre shall be adjusted by the percentage change in the average of the Consumer Price Index issued by the United States Department of Labor for the most recent 12-month period ending September 30, compared to the base year average, which is the average for the 12-month period ending September 30, 1996. Each quarter, the projected amount of mitigation must be reconciled with the actual amount of mitigation needed for
acreage of impacts of projects as permitted, including permit modifications, pursuant to this part and s. 404 of the Clean Water Act, 33 U.S.C. s. 1344. The subject year's programming transfer of funds shall be adjusted accordingly to reflect the mitigation acreage of impacts as permitted. If the water management district excludes a project from an approved water management district mitigation plan, if the water management district cannot timely permit a mitigation site to offset the impacts of a Department of Transportation project identified in the environmental impact inventory, or if the proposed mitigation does not meet state and federal requirements, the Department of Transportation may use the associated funds for the purchase of mitigation bank credits or any other mitigation option that satisfies state and federal requirements. The Department of Transportation and participating transportation authorities established pursuant to chapter 348 or chapter 349 are authorized to transfer such funds from the escrow accounts to the water management districts to carry out the mitigation programs. Environmental mitigation funds that are identified for or maintained in an escrow account for the benefit of a water management district may be released if the associated transportation project is excluded in whole or part from the mitigation plan. For a mitigation project that is in the maintenance and monitoring phase, the water management district may request and receive a one-time payment based on the project's expected future maintenance and monitoring costs. Upon
final disbursement of the final maintenance and monitoring payment for mitigation of a transportation project as permitted, the obligation of the Department of Transportation or the participating transportation authority is satisfied and the water management district or the Department of Environmental Protection, as appropriate, will have continuing responsibility for the mitigation project, the escrow account for the project established by the Department of Transportation or the participating transportation authority may be closed. Any interest earned on these disbursed funds shall remain with the water management district and must be used as authorized under this section.

(d) Beginning with the March 2015 water management district mitigation plans in the 2005-2006 fiscal year, each water management district or the Department of Environmental Protection, as appropriate, shall invoice the Department of Transportation for mitigation services to offset only the impacts of a Department of Transportation project identified in the environmental impact inventory, including planning, design, construction, maintenance, monitoring, and other costs necessary to meet requirements under this section, 33 U.S.C. s. 1344, and 33 C.F.R. part 332. If the water management district identifies the use of mitigation bank credits to offset a Department of Transportation impact, the water management district shall exclude that purchase from the mitigation plan, and the Department of Transportation must purchase the bank credits.
paid a lump-sum amount of $75,000 per acre, adjusted as provided under paragraph (e), for federally funded transportation projects that are included on the environmental impact inventory and that have an approved mitigation plan. Beginning in the 2009-2010 fiscal year, each water management district shall be paid a lump-sum amount of $75,000 per acre, adjusted as provided under paragraph (e), for federally funded and nonfederally funded transportation projects that have an approved mitigation plan. All mitigation costs, including, but not limited to, the costs of preparing conceptual plans and the costs of design, construction, staff support, future maintenance, and monitoring the mitigated acres shall be funded through these lump-sum amounts.

(e) For mitigation activities occurring on existing water management district or Department of Environmental Protection mitigation sites initiated with Department of Transportation mitigation funds before July 1, 2013, the water management district or the Department of Environmental Protection shall invoice the Department of Transportation or a participating transportation authority at a cost per acre of $75,000 multiplied by the projected acres of impact as identified in the environmental impact inventory. The cost per acre must be adjusted by the percentage change in the average of the Consumer Price Index issued by the United States Department of Labor for the most recent 12-month period ending September 30, compared to the base year average, which is the average for the 12-month
period ending September 30, 1996. When implementing the
mitigation activities necessary to offset the permitted impacts
as provided in the approved mitigation plan, the water
management district shall maintain records of the costs incurred
in implementing the mitigation. The records must include, but
are not limited to, costs for planning, land acquisition,
design, construction, staff support, long-term maintenance and
monitoring of the mitigation site, and other costs necessary to
meet the requirements of 33 U.S.C. s. 1344 and 33 C.F.R. part
332.

(f) For purposes of preparing and implementing the
mitigation plans to be adopted by the water management districts
on or before March 1, 2014, for impacts based on the July 1,
2013, environmental impact inventory, the funds identified in
the Department of Transportation's work program or participating
transportation authorities' escrow accounts must correspond to a
cost per acre of $75,000 multiplied by the projected acres of
impact as identified in the environmental impact inventory. The
cost per acre shall be adjusted by the percentage change in the
average of the Consumer Price Index issued by the United States
Department of Labor for the most recent 12-month period ending
September 30, compared to the base year average, which is the
average for the 12-month period ending September 30, 1996.
Payment as provided under this paragraph is limited to those
mitigation activities that are identified in the first year of
the 2013 mitigation plan and for which the transportation
project is permitted and is in the Department of Transportation's adopted work program, or equivalent for a transportation authority. When implementing the mitigation activities necessary to offset the permitted impacts as provided in the approved mitigation plan, the water management district shall maintain records of the costs incurred in implementing the mitigation. The records must include, but are not limited to, costs for planning, land acquisition, design, construction, staff support, long-term maintenance and monitoring of the mitigation site, and other costs necessary to meet the requirements of 33 U.S.C. s. 1344 and 33 C.F.R. part 332. To the extent moneys paid to a water management district by the Department of Transportation or a participating transportation authority exceed the amount expended by the water management districts in implementing the mitigation to offset the permitted impacts, these funds must be refunded to the Department of Transportation or participating transportation authority. This paragraph expires June 30, 2015.

(4) Before March 1 of each year, each water management district shall develop a mitigation plan to offset only the impacts of transportation projects in the environmental impact inventory for which a water management district is implementing mitigation that meets the requirements of this section, 33 U.S.C. s. 1344, and 33 C.F.R. part 332. The water management district mitigation plan must be developed in consultation with the Department of Environmental Protection, the United States
Army Corps of Engineers, the Department of Transportation, participating transportation authorities established pursuant to chapter 348 or chapter 349, and other appropriate federal, state, and local governments, and other interested parties, including entities operating mitigation banks, shall develop a plan for the primary purpose of complying with the mitigation requirements adopted pursuant to this part and 33 U.S.C. s. 1344. In developing such plans, the water management districts shall use sound ecosystem management practices to address significant water resource needs and activities of the Department of Environmental Protection and the water management districts, such as surface water improvement and management (SWIM) projects and lands identified for potential acquisition for preservation, restoration, or enhancement, and the control of invasive and exotic plants in wetlands and other surface waters, to the extent that the activities comply with the mitigation requirements adopted under this part, and 33 U.S.C. s. 1344, and 33 C.F.R. part 332. The water management district mitigation plan must identify each site where the water management district will mitigate for a transportation project. For each mitigation site, the water management district shall provide the scope of the mitigation services, provide the functional gain as determined through the UMAM adopted by rule of the Department of Environmental Protection pursuant to s. 373.414(18), describe how the mitigation offsets the impacts of each transportation project as
permitted, and provide a schedule for the mitigation services. The water management districts shall maintain records of costs incurred and payments received for providing these services. Records must include, but are not limited to, planning, land acquisition, design, construction, staff support, long-term maintenance and monitoring of the mitigation site, and other costs necessary to meet the requirements of 33 U.S.C. s. 1344 and 33 C.F.R. part 332. To the extent moneys paid to a water management district by the Department of Transportation or a participating transportation authority exceed the amount expended by the water management districts in providing the mitigation services to offset the permitted transportation project impacts, these moneys must be refunded to the Department of Transportation or participating transportation authority. In determining the activities to be included in the plans, the districts shall consider the purchase of credits from public or private mitigation banks permitted under s. 373.4136 and associated federal authorization and shall include the purchase as a part of the mitigation plan when the purchase would offset the impact of the transportation project, provide equal benefits to the water resources than other mitigation options being considered, and provide the most cost-effective mitigation option. The mitigation plan shall be submitted to the water management district governing board, or its designee, for review and approval. At least 14 days before approval by the governing board, the water management district shall provide a copy of the
draft mitigation plan to the Department of Environmental Protection and any person who has requested a copy. The mitigation plan, after governing board approval, must be submitted to the Department of Environmental Protection for approval. The plan may not be implemented until it is submitted to and approved, in part or in its entirety, by the Department of Environmental Protection.

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

(a)(b) Specific projects may be excluded from the mitigation plan, in whole or in part, and are not subject to this section upon the election of the Department of Transportation, a transportation authority if applicable, or the appropriate water management district. The Department of Transportation or a participating transportation authority may not exclude a transportation project from the mitigation plan when mitigation is scheduled for implementation by the water management district in the current fiscal year, except when the transportation project is removed from the Department of Transportation's work program or transportation authority funding plan, the mitigation cannot be timely permitted to
offset the impacts of a Department of Transportation project identified in the environmental impact inventory, or the proposed mitigation does not meet state and federal requirements. If a project is removed from the work program or the mitigation plan, costs expended by the water management district before removal are eligible for reimbursement by the Department of Transportation or participating transportation authority.

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

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

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

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

(8) This section shall not be construed to eliminate the need for the Department of Transportation or a transportation authority established pursuant to chapter 348 or chapter 349 to comply with the requirement to implement practicable design modifications, including realignment of transportation projects, to reduce or eliminate the impacts of its transportation projects on wetlands and other surface waters as required by rules adopted pursuant to this part, or to diminish the authority under this part to regulate other impacts, including water quantity or water quality impacts, or impacts regulated under this part that are not identified in the environmental impact inventory described in subsection (2).
(9) The process for environmental mitigation for the impact of transportation projects under this section shall be available to an expressway, bridge, or transportation authority established under chapter 348 or chapter 349. Use of this process may be initiated by an authority depositing the requisite funds into an escrow account set up by the authority and filing an environmental impact inventory with the appropriate water management district. An authority that initiates the environmental mitigation process established by this section shall comply with subsection (6) by timely providing the appropriate water management district with the requisite work program information. A water management district may draw down funds from the escrow account as provided in this section.

Section 11. Section 2 of chapter 85-364, Laws of Florida, as amended by chapter 95-382, Laws of Florida, is amended to read:

Section 2. All tolls collected shall first be used for the payment of annual operating and maintenance costs and second to discharge the current bond indebtedness related to the Pinellas Bayway. Thereafter, tolls collected shall be used to establish a reserve construction account to be used, together with interest earned thereon, by the department for the construction of Blind Pass Road, State Road 699 improvements, and for Phase II of the Pinellas Bayway improvements. A portion of the tolls collected shall first be used specifically for the construction of the
Blind Pass Road improvements, which improvements consist of widening to four lanes the Blind Pass Road, State Road 699, from 75th Avenue north to the approach of the Blind Pass Bridge, including necessary right-of-way acquisition along said portion of Blind Pass Road, and intersection improvements at 75th Avenue and Blind Pass Road in Pinellas County. Said improvements shall be included in the department's current 5-year work program. Upon completion of the Blind Pass Road improvements, the tolls collected shall be used, together with interest earned thereon, by the department for Phase II of the Pinellas Bayway improvements, which improvements consist of widening to four lanes the Pinellas Bayway from State Road 679 west to Gulf Boulevard, including necessary approaches, bridges, and avenues of access. Upon completion of the Phase II improvements, the department shall continue to collect tolls on the Pinellas Bayway for purposes of reimbursing the department for all accrued maintenance costs for the Pinellas Bayway.

Section 12. Paragraphs (j) and (m) of subsection (2) of section 110.205, Florida Statutes, are amended to read:

110.205 Career service; exemptions.—

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

(j) The appointed secretaries and the State Surgeon General, assistant secretaries, deputy secretaries, and deputy assistant secretaries of all departments; the executive directors, assistant executive directors, deputy executive
directors, and deputy assistant executive directors of all departments; the directors of all divisions and those positions determined by the department to have managerial responsibilities comparable to such positions, which positions include, but are not limited to, program directors, assistant program directors, district administrators, deputy district administrators, the Director of Central Operations Services of the Department of Children and Family Services, the State Transportation Development Administrator, State Public Transportation and Modal Administrator, district secretaries, district directors of transportation development, transportation operations, transportation support, and the managers of the offices specified in s. 20.23(3)(b) s. 20.23(4)(b), of the Department of Transportation. Unless otherwise fixed by law, the department shall set the salary and benefits of these positions in accordance with the rules of the Senior Management Service; and the county health department directors and county health department administrators of the Department of Health.

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

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

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

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

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

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

6. Positions in the Department of Highway Safety and Motor Vehicles that are assigned primary duties of serving as captains in the Florida Highway Patrol.

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

Section 13. This act shall take effect July 1, 2014.