

THE FLORIDA SENATE
2012 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

CS/CS/CS/HB 599 — Transportation and Mitigation Programs

by Economic Affairs Committee; Transportation and Economic Development Appropriations Subcommittee; Transportation and Highway Safety Subcommittee; and Rep. Pilon (CS/CS/SB 824 by Environmental Preservation and Conservation Committee; Transportation Committee; and Senators Dean and Gaetz)

This bill contains a number of changes to the laws which are administered by or affect the Florida Department of Transportation (FDOT or department). The provisions of this bill:

- Allow FDOT additional opportunities in choosing between various mitigation methods when wetland mitigation is required for transportation projects.
- Allow FDOT district secretaries' and executive directors' professional engineering licensure to be issued in another state.
- Add citrus harvesting equipment and citrus fruit loaders to those types of vehicles that are allowed to travel on the highway between farms while still being entitled to a refund of the state motor fuel tax and allow them to travel on public roads, from the point of production to the point of long-term storage and back, despite maximum height, width and length limitations.
- Increase minimum funding of the Florida Seaport Transportation and Economic Development (FSTED) program from \$8 million to \$15 million annually.
- Create the Strategic Port Investment Initiative to set aside an additional \$35 million annually from the Statewide Transportation Trust Fund for certain seaport projects which are selected jointly by FDOT and representatives of the state's ports.
- Create the Intermodal Logistics Center (ILC) Infrastructure Support Program and allocate \$5 million per year towards funding for up to 50% of the eligible costs of local government or private projects at ILC facilities that meet certain criteria.
- Allow designated seaports to make use of offsite stormwater management facilities under certain conditions.
- Call for a Statewide Seaport and Waterways System Plan, which is to be developed by FDOT and must identify 5-, 10-, and 20-year needs for the seaport system along with projects needed to ensure the success of the transportation system as a whole.
- Revise the definition of motor vehicles as related to tolls in order to accurately ticket toll violators who are driving truck-trailer combinations.
- Authorize FDOT to explore the use of the shoulder of limited access facilities for vehicular traffic under certain circumstances.
- Create a 2-year pilot program which will allow bicycles to use limited access bridges under certain circumstances.
- Remove the requirement to send toll violation notices Return Receipt Requested and stipulate that mailing of the citation constitutes legal notification.
- Allow local governments to regulate the use of Segways on sidewalks.
- Clarify that a straight truck-trailer combination may not exceed 68 feet in overall length.
- Increase the number of low-speed vehicles that may be operated on certain public streets by revising the definition of low-speed vehicles to include gasoline-fueled vehicles.

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- Allow municipalities participating in the Federal Aviation Administration FAA's pilot program on private ownership of airports to lease or sell an airport and related property to a private party subject to FDOT approval if state funds were provided to the municipality pursuant to s. 332.007, F.S.
- Repeal the definition of "Florida Intrastate Highway System", refer the definition of "Functional Classification" to federal law, and significantly amend the definition of "State Highway System."
- Limit the FDOT landscaping program by preventing the use of funds for landscaping associated with resurfacing projects and declaring the 1.5% of funds contracted for construction projects that are used in the program is to be calculated on a statewide basis.
- Require FDOT to develop a Freight Mobility and Trade Plan.
- Mandate certain actions by FDOT when they receive an inspection report which either recommends a limit on a bridge, or recommends closing a bridge.
- Clarify requirements of FDOT to use noise abatement on new capacity projects.
- Extend the date on which the ninth cent fuel tax and the local option fuel tax must be levied from before July 1 to before October 1, and expand the allowable use of the revenues collected by the tax to include the installation, operation, maintenance and repair of street lighting, traffic signs, traffic engineering, signalization, and pavement markings.
- Expand the type of security which may be provided before installing certain monuments at rest areas in case the monument must be removed.
- Comport Disadvantaged Business Enterprises law to Federal law.
- Allow local governments to transfer right of way by deed instead of using maps, in order to reduce the cost of the transfer.
- Amend the duties of a utility owner to initiate work to alleviate interference with a road or rail corridor within 30 days of notice and to complete the work within a reasonable time. Provisions establishing responsibilities of the department and other transportation authorities (including local governments) are revised to create uniformity in application throughout the section.
- Regulate certain installations under local government control so as to relieve FDOT's liability in certain lawsuits under the Americans with Disabilities Act.
- Establish FDOT's authority to establish tolls on certain future limited access facilities in the State Highway System and, along with other toll authorities, to pursue the collection of unpaid tolls and associated fees and other amounts to which it is entitled by using private attorneys or collection agents.
- Authorize FDOT to contract with other entities to make use of the department's toll collection and billing systems on non-FDOT transportation systems.
- Allow for bond issuance on high-occupancy toll lanes or express lanes, with certain restrictions on usage.
- Revise the definition of a turnpike project's economic feasibility by extending the date of project debt defeasance payable from toll revenues from the 22nd to the 30th year.
- Allow the Turnpike Enterprise to seek Legislative approval of projects at 30 percent design completion, rather than the current 60 percent to more fully leverage the potential time and cost saving opportunities associated with design-build projects.

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- Allow the closure of a prepaid toll account which has been inactive for three or more years, and the transfer of any remaining funds in non-active toll account to the Division of Financial Services for disposition as unclaimed property.
- Increase the dollar thresholds which trigger gubernatorial and legislative notification of amendments to FDOT's Work Program. Directs FDOT to index budget amendment thresholds to the consumer price index.
- Change FDOT representatives in Metropolitan Planning Organizations (MPO) from members to non-voting advisors and require that, to the extent possible, only one MPO may exist per urbanized area or group of contiguous urbanized areas. If more than one MPO exists, the MPOs must coordinate in the development of regionally significant projects.
- Require that projects funded under the Transportation Regional Incentive Program (TRIP) be included in FDOT's work program and direct FDOT to consider the amount of local funding available when prioritizing TRIP projects.
- Include military access facilities to the types of facilities which are included in the Strategic Intermodal System (SIS) and emerging SIS.
- Designate Integrated Logistics Centers (ILCs) as part of the SIS and waive transportation concurrency requirements for ILCs that meet certain criteria.
- Repeal the defunct Strategic Intermodal Transportation Advisory Council.
- Grant specific no-fault indemnification to the National Railroad Passenger Corporation (Amtrak) for trains operating on state-owned corridors.
- Revise the membership of the governing board of the South Florida Regional Transportation Authority (SFRTA) to 10 voting members with four being appointed by the Governor or the appropriate FDOT District Secretary. Expansion of the SFRTA system is limited to Monroe County without FDOT approval. SFRTA ability to pledge future state funds is reduced and FDOT oversight of the SFRTA budget is enhanced.
- Authorize a county to operate a ferry by a single party or multiple parties under a joint agreement between public entities and one or more private corporations.
- Directs the Orlando-Orange County Expressway Authority (OOCEA) to install guidance signage on its facilities for a university meeting certain criteria.
- Absolve members of Jacksonville Transportation Authority (JTA) of the need to comply with constitutional financial disclosure requirements.
- Allow the JTA to conduct public meetings and workshops by means of communications media technology, as provided in s. 120.54(5), F.S. Members must be physically present to vote.
- Authorize the Department of Environmental Protection (FDEP) to develop rules providing for a general statewide rule controlling stormwater management permits for airside activities at airports.
- Allow flexibility in the permitting of stormwater treatment facilities for transportation facilities due to their linear nature and allow alternatives to onsite treatment and remove FDOT's responsibility for providing stormwater treatment for adjacent landowners' stormwater permits.

- Repeal the unused Rest Area Information Panel Program and authorize FDOT to seek Federal Highway Administration approval of a tourist-oriented commerce sign pilot program for small businesses.
- Extend for two years, a pilot program allowing the Palm Beach County School District to recognize its business partners by publicly displaying its business partners' names on district property in unincorporated areas.
- Expedites the summary proceedings of certain environmental permit hearings and renders a judge's decision related to the permit a recommended order.
- Create a study of the Pinellas Suncoast Transit Authority (PSTA) and the Hillsborough Area Regional Transit Authority (HART) in order to achieve improvements in regional transit connectivity and implementation of operational efficiencies and service enhancements that are consistent with the regional approach to transit identified in the Tampa Bay Area Regional Transportation Authority's (TBARTA's) Regional Transportation Master Plan.
- Direct the Florida Transportation Commission to study the potential cost savings made available by sharing certain resources between expressway authorities.
- Designate a portion of State Road 818 in Broward County as Pembroke Park Boulevard.
- Create an additional defense which may used to rebut red light camera violations involving a vehicle registered to deceased persons.
- Allow recipients of the Combat Infantry Badge or Combat Action Badge to purchase a special license plate indicating such receipt.
- Transfer the Beachline-East Expressway to the Turnpike Enterprise and allocates funds from such transfer to pay for FDOT's obligation to fund the Wekiva Parkway.
- Codify provisions related to repayment of operations and maintenance costs borne by the department for OOCEA facilities under the terms of a certain memorandum of understanding (MOU) and prohibits the authority from issuing bonds except as permitted by the MOU. Lease-purchase agreement provisions are also codified.
- Clarify that FDEP is the sole environmental permitting authority for the Wekiva Parkway and that FDOT shall locate the precise corridor alignment in Seminole County.
- Creates legislative intent, definitions, licensure, and insurance requirements for the testing of autonomous vehicle technology.
- Designates a portion of 118th Avenue North in Pinellas County as the St. Pete Crosstown.
- Corrects a number of cross-references.

If approved by the Governor, these provisions take effect on July 1, 2012 unless otherwise expressly provided within the act.

Vote: Senate 40-0; House 93-20