

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

TRANSPORTATION
Senator Latvala, Chair
Senator Evers, Vice Chair

MEETING DATE: Thursday, February 2, 2012

TIME: 3:15 —5:15 p.m.

PLACE: Mallory Horne Committee Room, 37 Senate Office Building

MEMBERS: Senator Latvala, Chair; Senator Evers, Vice Chair; Senators Benacquisto, Bullard, Garcia, Gibson, Joyner, Norman, Storms, and Wise

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 1866 Latvala (Similar H 1399, Compare CS/CS/H 599, CS/H 1021, H 4101, H 4141, CS/CS/S 824, CS/S 1168, CS/S 1184, S 2086)	Department of Transportation; Authorizing the Department of Transportation to maintain training programs for employees; increasing funding for the Florida Seaport Transportation and Economic Development Program; requiring the program's council to develop guidelines for program funding; establishing the Strategic Port Investment Initiative within the department; establishing the Intermodal Logistics Center Infrastructure Support Program within the department to fund projects conveying or shipping goods through a seaport; directing the department to develop a Statewide Seaport and Waterways System Plan; authorizing the department to access an administrative fee as an account maintenance charge for inactive prepaid toll accounts; requiring metropolitan planning organizations in urbanized areas containing more than one metropolitan planning organization to adopt a single list of project priorities, etc. TR 02/02/2012 Fav/CS BC	Fav/CS Yeas 7 Nays 0
2	A proposed committee substitute combining the following 3 bills (SB 232, SB 848, SB 870) is expected to be considered:		
3	SB 232 Norman (Identical H 147, Compare H 7039)	Transportation Facility Designations; Designating Corporal Michael Joseph Roberts Memorial Highway in Hillsborough County; directing the Department of Transportation to erect suitable markers, etc. TR 02/02/2012 Fav/CS Combined - Lead CA	Fav/CS with SB 848 and SB 870 Yeas 7 Nays 0
4	SB 848 Oelrich	Deputy Jack A. Romeis Road; Designating Deputy Jack A. Romeis Road in Alachua County; directing the Department of Transportation to erect suitable markers, etc. TR 02/02/2012 Fav/CS Combined	See SB 232

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
5	SB 870 Fasano	Deputy John C. Mecklenburg Memorial Highway; Designating Deputy John C. Mecklenburg Memorial Highway in Hernando and Pasco Counties; directing the Department of Transportation to erect suitable markers, etc. TR 02/02/2012 Fav/CS Combined	See SB 232
6	A proposed committee substitute combining the following 5 bills (SB 1776, SB 456, SB 766, SB 926, SB 954) is expected to be considered:		
7	SB 1776 Evers (Similar H 101, Compare H 7039)	Transportation Facility Designations; Providing honorary designations of certain transportation facilities in a specified county; directing the Department of Transportation to erect suitable markers, etc. TR 02/02/2012 Temporarily Postponed	Temporarily Postponed
8	SB 456 Negron (Identical CS/CS/H 15, Compare H 235, H 7039)	Alma Lee Loy Bridge; Designating the Alma Lee Loy Bridge in Indian River County; directing the Department of Transportation to erect suitable markers, etc. TR 02/02/2012 Temporarily Postponed	Temporarily Postponed
9	SB 766 Oelrich (Identical H 555, Compare H 7039)	Coach Jimmy Carnes Boulevard; Designating Coach Jimmy Carnes Boulevard in Alachua County; directing the Department of Transportation to erect suitable markers, etc. TR 02/02/2012 Temporarily Postponed	Temporarily Postponed
10	SB 926 Altman (Identical H 633, Compare H 7039)	Harry T. and Harriette V. Moore Memorial Highway; Designating Harry T. and Harriette V. Moore Memorial Highway in Brevard County; directing the Department of Transportation to erect suitable markers, etc. TR 02/02/2012 Temporarily Postponed	Temporarily Postponed
11	SB 954 Margolis (Similar H 905, S 124, Compare H 235, H 7039)	Transportation Facility Designations; Providing honorary designations of certain transportation facilities in specified counties; directing the Department of Transportation to erect suitable markers, etc. TR 02/02/2012 Temporarily Postponed	Temporarily Postponed

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
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Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointments to the offices indicated.

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TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
Florida Transportation Commission			
12	Lautenbach, Ned C. (Naples)	09/30/2015	Recommend Confirm Yeas 7 Nays 0
Florida Transportation Commission			
13	Marono, Manuel L. (Sweetwater)	09/30/2015	Recommend Confirm Yeas 7 Nays 0
TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
14	SB 1452 Diaz de la Portilla (Identical H 675)	Credit Card Surcharges; Prohibiting counties and municipalities from prohibiting the owners or operators of certain passenger vehicles for hire from imposing credit card surcharges on passenger fares; exempting certain passenger vehicle fares from the prohibition on the imposition of credit card surcharges, etc. TR 02/02/2012 Favorable CA	Favorable Yeas 7 Nays 0

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Transportation Committee

BILL: CS/SB 1866

INTRODUCER: Transportation Committee and Senator Latvala

SUBJECT: Department of Transportation

DATE: February 2, 2012

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Looke	Buford	TR	Fav/CS
2.			BC	
3.				
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|--|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="checked" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

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

- Allow FDOT to maintain training programs, which currently exist, for employees in order to provide broad practical expertise in certain areas and increase the base salary for employees who complete training phases within current budget authority.
- 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.
- Exempt the Office of Toll Operations of the Florida Turnpike Enterprise from the Enterprise Information Technology Services Management program (Part I of Ch. 282, F.S.).
- Substantially amend the Florida Seaport Transportation and Economic Development (FSTED) program.

- Create s. 311.10, F.S., entitled the Strategic Port Investment Initiative, which directs funds towards projects which are selected jointly by FDOT and the deepwater ports listed in s. 311.09, F.S.
- Create s. 311.101, F.S., entitled the Intermodal Logistics Center Infrastructure Support Program, which allocates \$5 million per year towards funding up to 50% of the eligible costs of local government or private projects that meet certain criteria.
- Replace freight-mobility and trade corridor plans, which were developed by FSTED to integrate various transportation modes within the state, with a Statewide Seaport and Waterways System Plan, which is 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.
- 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.
- Revise the definition of low-speed vehicles to effectively include gasoline-fueled vehicles.
- Clarify that a straight truck-trailer combination may not exceed 68 feet in overall length.
- 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.”
- Revise certain FDOT powers and duties mandating landscaping expenditures of 1.5% of amount contracted for construction projects which add capacity or significantly enhance the existing highway system, preventing FDOT from expending funds for landscaping in connection with resurfacing projects.
- Mandate certain actions by FDOT when they receive an inspection report which either recommends a limit on a bridge, or recommends closing a bridge.
- 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.
- Expand the type of security which may be provided before installing certain monuments at rest areas in case the monument must be removed.
- Conform sections having to do with Disadvantaged Business Enterprises to Federal law.
- Amend the duties of a utility owner when their utility interferes with public roads or rail corridors.
- Regulate certain installations under local government control so as to relieve FDOT’s liability in certain lawsuits under the Americans with Disabilities Act.
- Enhance FDOT’s authority to establish tolls on certain future limited access facilities in the State Highway System.
- Allows for bond issuance on high-occupancy toll lanes or express lanes, with certain restrictions on usage.
- Revise the definition of “economically feasible” as it relates to turnpike projects.
- Assess a \$.25 fee on non-active toll accounts and allow for closure of toll accounts after certain time periods.
- Change FDOT representatives in Metropolitan Planning Organizations (MPO) from members to advisors and require that, to the extent possible, only one MPO exist per

urbanized area or group of contiguous urbanized areas and that, if more than one MPO exists, they coordinate in the development of regionally significant projects.

- Add existing and planned military access facilities to the types of facilities which are included in the Strategic Intermodal System (SIS) and emerging SIS.
- Repeal the Strategic Intermodal Transportation Advisory Council.
- Create Strategic Intermodal System highway corridors.
- Revise the membership of the governing board of the South Florida Regional Transportation Authority.
- Allow the Jacksonville Transportation Authority to conduct public meetings and workshops by means of communications media technology, as provided in s. 120.54(5), F.S.
- Revise FDOT powers and responsibilities for stormwater management.
- Allow FDOT to choose whether or not to participate in the Water Management District mitigation plan when providing mitigation for its projects.
- 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.
- Allow FDOT district secretaries and enterprise executive directors to be registered professional engineers in accordance with the laws of another state.
- Allow FDOT and the expressway authorities to designate road shoulders of limited access facilities and interstate highways for vehicular traffic in order to improve safety, reliability, and transportation system efficiency. These designations are subject to appropriate signage and are not allowed when restricted by Federal law or by a covenant.
- 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.
- Allow local government expenditures of the local option fuel tax for the installation, operation, maintenance and repair of street lighting, traffic signs, traffic engineering, signalization, and pavement markings.
- Allow FDOT, or other governmental entity responsible for toll collection, to pursue collection of unpaid tolls by contracting with a private attorney or a collection agent.
- Allow FDOT to use private toll collection and video billing systems in order to increase toll revenues or add convenience or other value for its customers.
- Require that projects funded under the Transportation Regional Incentive Program be included in FDOT's work program.
- Allow governmental units which are authorized to regulate the operation of public vehicles for hire to request, receive, and pay for, criminal history record information for the purpose of screening applicants for for-hire licenses.
- Mandate that the FDOT secretary designate a facility which meets the definition of an intermodal logistics center and has been designated as such in the local comprehensive plan as part of the Strategic Intermodal System, upon the facilities request.
- Waive concurrency standards for such facilities, for building permits issued on or before December 31, 2017, if the facility meets certain criteria.

- Significantly amend sections having to do with the Mid-Bay Bridge Authority, the Tampa-Hillsborough County Expressway Authority, the Orlando-Orange County Expressway Authority, the Osceola County Expressway Authority, and any new expressway authority created after July 1, 2012.
- Create prohibitions on certain types of paint.

This bill substantially amends ss. 20.23, 206.41, 282.0041, 282.005, 282.201, 311.07, 311.09, 311.14, 311.22, 316.003, 316.091, 316.001, 316.2122, 316.515, 318.12, 320.01, 320.20, 332.08, 334.03, 334.044, 334.047, 335.02, 335.074, 335.17, 336.021, 336.025, 337.11, 337.111, 337.125, 337.139, 337.14, 337.403, 337.404, 337.408, 338.01, 338.151, 338.155, 338.161, 338.166, 338.221, 338.223, 338.227, 338.2275, 338.228, 338.231, 338.234, 339.0805, 339.135, 339.155, 339.175, 339.2819, 339.285, 339.62, 339.63, 339.64, 341.053, 341.840, 343.52, 343.53, 348.0003, 348.0004, 348.0005, 348.0013, 348.52, 348.54, 348.545, 348.56, 348.565, 348.57, 348.60, 348.615, 348.753, 348.754, 348.7543, 348.7545, 348.7547, 348.755, 348.757, 348.7585, 348.9952, 349.03, 349.04, 373.413, 373.4137, 403.7211, F.S.; creates ss. 311.10, 311.101, 338.151, 339.65, 348.99565, F.S.; and repeals ss. 337.137, 338.001, 348.9956, 479.28, F.S.

This bill substantially amends, creates, or repeals the following sections of the Florida Statutes:

II. Present Situation:

Requirements for FDOT District Secretaries and Enterprise Directors

Currently, s. 20.23, F.S., reads the “operations of the department shall be organized into seven districts, each headed by a district secretary, and a turnpike enterprise and a rail enterprise, each enterprise headed by an executive director. The district secretaries and the executive directors shall be registered professional engineers in accordance with the provisions of chapter 471 or, in lieu of professional engineer registration, a district secretary or executive director may hold an advanced degree in an appropriate related discipline, such as a Master of Business Administration.” Chapter 471, F.S., entitled “Engineering” and the Florida Board of Professional Engineers set detailed requirements for licensure and registration of professional engineers which include two examinations, the Fundamentals of Engineering Exam and the Principles and Practice Exam; a Bachelor of Science degree in engineering; four years of verified engineering experience; and payment of a number of fees.¹

Training Programs

FDOT has three different training programs which currently exist but are not codified in the Florida Statutes. According to the department’s website:

The Professional Engineer (P.E.) Training Program is the Department's premier instructional opportunity for graduate engineers, leading to professional registration and a career path in the exciting world of transportation engineering. The four-year, two-phase training program encompasses all aspects of the Department's operations and prepares the trainee for a role in organizational leadership.²

¹ Florida Board of Professional Engineers, Application Process, found at <http://www.fbpe.org/licensure/application-process>, last viewed on Feb. 3, 2012.

² Professional Engineer Training Program, Florida Department of Transportation, found at <http://www.dot.state.fl.us/projectmanagementoffice/PETTraining/default.shtm>

The primary purpose of the [P.E.] Training Program is to provide graduate civil engineers with broad, practical experience in the field of transportation engineering, leading to registration as a licensed Professional Engineer in the State of Florida. Additionally, the program provides training in management and supervisory techniques to prepare the trainee for management and administrative functions within the Department.

The Professional Engineer Training Program is a four-year program divided into two components. The first component is the Engineer in Training (EIT): a 24-month rotational assignment encompassing most phases of the Department's work. The second component is the Senior Engineer in Training (SET): a 24-month internship combining on-the-job training in both the technical and managerial functions of a specific work area in the Department.³

The department also runs a Right of Way Training Program the purposes of which are to:

- (A) Improve professional competence;
- (B) Provide salary incentives;
- (C) Improve the right of way property acquisition process;
- (D) Prepare employees for advancement.⁴

Citrus Harvesting Equipment

Currently, there is no specific exemption for citrus harvesting equipment from either the state motor fuel tax or from over-length violations under s. 316.515, F.S.

Agency for Enterprise Information Technology (AEIT)

The AEIT is created in s. 14.204, F.S. The Governor and Cabinet are the agency head of the AEIT, though it is statutorily housed in the Executive Office of the Governor (EOG). The AEIT is a separate budget entity that is not subject to control, supervision, or direction by the EOG in any manner. As agency head, the Governor and Cabinet are authorized to appoint an executive director, who is the chief information officer (CIO) of the state. Section 282.0055, F.S., delegates responsibility to the AEIT for the design, planning, project management, and implementation of enterprise information technology services for functions that have been previously delegated to executive branch agencies. The first enterprise IT service assigned to AEIT was the statewide data center system, in 2008.⁵ The AEIT was subsequently assigned enterprise responsibilities for information technology security and statewide email.

Among the duties assigned to the AEIT is the development of a work plan describing the activities that the agency intends to undertake each year, with proposed outcomes and

Last viewed on Jan. 30, 2012.

³ Id. found at <http://www2.dot.state.fl.us/proceduraldocuments/procedures/bin/010000050.pdf>

Page 1, last viewed on Jan 30, 2012.

⁴ Right of Way Training Program, Florida Department of Transportation, found at <http://www.dot.state.fl.us/rightofway/documents/ROWmanual/ch13s01.pdf>

Last viewed on Jan. 30, 2012

⁵ Chapter 2008-116, L.O.F.; CS for SB 1892, which created the statewide data center system, and also made adjustments to the duties of the AEIT.

completion timeframes.⁶ The work plan must be approved by the Governor and Cabinet and submitted to the President of the Senate and the Speaker of the House of Representatives.

The State Data Center System

The state data center system was created by the Legislature in 2008.⁷ The system is composed of primary data centers (Southwood Shared Resource Center, Northwood Shared Resource Center and the Northwest Regional Data Center), other nonprimary data centers, and computing facilities serving state agencies. A “primary data center” is a state or nonstate agency data center that is a recipient entity for consolidation of nonprimary data centers and computing facilities. A primary data center may be authorized in law or designated by the AEIT.⁸ A “computing facility” is an agency space containing fewer than 10 servers, any of which supports a strategic or nonstrategic information technology service, as described in budget instructions developed pursuant to s. 216.023, F.S., but excludes single-server installations that exclusively perform a utility function such as file and print servers.⁹

The AEIT is responsible for establishing operating policies for the system.¹⁰ It must:

- Maintain an inventory of facilities within the state data center system.
- Submit to the Legislature by December 31 of each year recommendations to improve the efficiency and effectiveness of computing services provided by state data center system facilities.
- Identify, by October 1 of each year, at least two nonprimary data centers or computing facilities for consolidation into a primary data center or nonprimary data center facility and submit a transition plan.
- Establish by December 31, 2010 an overall schedule of consolidation of all data centers into primary data centers by 2019.

Consolidation Efforts and the Office of Toll Operations of the Florida Turnpike Enterprise

SB 2098, which passed in the 2011 session and is now codified into law, provided for the consolidation of most data centers of all state government agencies by and under the Agency for Enterprise Information Technology. The Office of Toll Operations of the FDOT’s Florida Turnpike Enterprise has unique and constantly evolving information technology and is also responsible for the processing of millions of credit card payments and the maintenance of databases containing private and protected customer financial information.

The continuing and uninterrupted authority from the credit card industry to process credit card payments is essential to today’s collection of toll revenues to support the operations and maintenance of FDOT’s many toll facilities and to provide for the current and future transportation needs in the state. The Office of Toll Operations has invested substantial funding in meeting current data processing and data security needs, and in anticipating the needs of the future.

⁶ Section 282.0056, F.S.

⁷ Chapter 2008-116, L.O.F.; CS for SB 1892.

⁸ Section 282.0041(18), F.S.

⁹ Section 282.0041(8), F.S.

¹⁰ Section 282.201(2), F.S.

Seaport Funding

Section 311.07(2), F.S., currently requires that a minimum of \$8 million per year be made available from the State Transportation Trust Fund (STTF) to partially fund the FSTED Program. These funds are in addition to the annual appropriation of \$15M in license tag fees to the FSTED Program required under s. 320.20, F.S. These funds are used to fund eligible and approved port projects as provided in s. 311.07(3), F.S. The allocation and programming of funds is determined by FDOT.

The program has been consistently funded at \$15 million annually since 2004. Other seaport-related FDOT funding is currently limited to bond repayment, the Strategic Intermodal System program, and district discretionary funds. Eligible projects may be funded on a 50/50 basis by FSTED and the deepwater ports. However, projects involving the rehabilitation of wharves, docks, berths, bulkheads, or similar structures require only a 25% match. Program funds may also be used by the FSTED Council to develop trade data information products which will assist Florida's seaports and international trade. Previously, such data would have been developed with the Florida Trade Data Center. However, the authorizing language for the center was repealed in 2010.

Toll Enforcement: the Definition of a Motor Vehicle

Currently, the definition of "motor vehicle" in chapter 316, F.S., is not the same as the definition for "motor vehicle" in chapter 320, F.S. The chapter 320, F.S., definition associated with motor vehicle registrations is more comprehensive.

For purposes of issuing a uniform traffic citation for non-payment of a toll, a photographic image of the rear license plate of the vehicle is recorded. For certain motor vehicle combinations, the trailer or rear part of the combination may have been leased to the owner or operator of the truck cab, and thus there may be more than one registered owner associated with the motor vehicle combination using the toll road.

Section 316.1001, F.S., provides that the citation for the toll violation is to be mailed to the registered owner of the motor vehicle involved in the violation. The current definition for "motor vehicle" in chapter 316, F.S., indicates that a motor vehicle is self-propelled, while the broader definition for "motor vehicle" in chapter 320, F.S., for motor vehicle registrations also includes semi-trailers and other vehicles attached to a truck cab and allowed to be pulled while traveling on the roads.

Because the toll enforcement camera equipment captures the image of the rear license plate, a violation delivered to the registered owner of the semi-trailer creates a legal issue as to whether the citation has been issued to the registered owner under the toll enforcement statute.

Operation of Bicycles on Limited Access Highways

A limited access facility is "a street or highway especially designed for through traffic and over, from, or to which owners or occupants of abutting land or other persons have no right or easement, or only a limited right or easement, of access" Subsection 316.091(4), F.S., prohibits persons from operating a bicycle on a limited access facility and along the shoulder of a limited access highway, except as provided in statute. Currently, the only exception is the Jacksonville

Expressway System, as provided for under s. 349.04(1), F.S. Highways identified with state highway route signs that include the word TOLL are limited access facilities.

Toll Violations: Mailed Toll Citations

Prior to 2010, s. 316.1001(2)(b), F.S., authorized a citation for failure to pay a toll to be issued by mailing the citation by first class mail, or by certified mail, return receipt requested, to the address of the registered owner of the motor vehicle involved in the violation. Mailing the citation to this address constituted notification. In an effort to improve due process, that provision was revised during the 2010 Legislative Session and currently provides that a citation issued for failure to pay a toll may only be issued by mailing the citation by first-class mail, return receipt requested, to the address of the registered owner of the motor vehicle involved in the violation, and that receipt of the citation constitutes notification.

The change during the 2010 legislative session has increased the cost of tolls enforcement. The change has also created a legal issue regarding the enforceability of a majority of the citations issued whenever the violator's signature is not obtained on the mail receipt through no fault of FDOT, but simply because the intended recipient declines to sign for or pick up the citation at the post office. Within the past year and since the statutory change requiring certified mail, return receipt requested, the percentage of citations returned with the violator's signature has fallen to 31% of the citations issued and mailed. According to the department, FDOT is presently unable to enforce in court 69% of the citations issued to toll violators because the violator has not signed the receipt.

Low Speed Vehicles

Currently, the definition of a "low speed vehicle" contained in s. 320.01(42), F.S., is any four-wheeled electric vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour, including neighborhood electric vehicles. Low-speed vehicles must comply with the safety standards in 49 C.F.R. s. 571.500 and s. 316.2122.

The Federal Aviation Administration (FAA) Airport Privatization Pilot Program

According to the FAA:

Congress established FAA's Airport Privatization Pilot Program to explore privatization as a means of generating access to various sources of private capital for airport improvement and development. Private companies may own, manage, lease and develop public airports. The Act authorized FAA to permit up to five public airport sponsors to sell or lease an airport and to exempt the sponsor from certain federal requirements that could otherwise make privatization impractical. The airport owner or lease holder would be exempt from repayment of federal grants, return of property acquired with federal assistance, and the use of proceeds from the airport's sale or lease to be used exclusively for airport purposes. The pilot program began in September 1997.

On September 14, 2006, the City of Chicago submitted a preliminary application for Chicago Midway International Airport, a large hub airport. The pilot program can only include one large hub airport, so applications for other large hub airports will be placed on a standby list.

As of October 25, 2010, there were four active applications in the program.

- Chicago Midway International Airport
- Gwinnett County Briscoe Field
- Luís Muñoz Marín International Airport
- Hendry County Airglades Airport¹¹

FDOT Landscaping and Highway Beautification Projects

By policy, FDOT strives to conserve, protect, restore, and enhance Florida's natural resources and scenic beauty. Consistent with s. 334.044(26), F.S., the department allocates no less than 1.5% of the amount contracted for construction projects in each fiscal year to beautification programs. In implementing the policy and the statute, FDOT:

- Integrates highway beautification into the processes that are used to plan, design, construct and maintain roadways;
- Uses color, texture, pattern, and form to develop naturally beautiful and enjoyable transportation facilities that are context sensitive, and conserve scenic, aesthetic, historic, and environmental resources while maintaining safety and mobility;
- Makes use of innovative design strategies to minimize costs of high quality vegetation management; and
- Uses innovative vegetation management practices and measures to maintain safety, improve aesthetics and environmental quality, while reducing life cycle costs.

In 2009, FDOT allocated \$41,819,034 comprising 2.44% of the amount contracted for construction projects.

Bridge Safety Inspections

Section 335.074, F.S., currently requires each bridge on a public transportation facility to be inspected for structural soundness and safety for the passage of traffic on such bridge at regular intervals not to exceed two years. The governmental entity having maintenance responsibility for any such bridge is deemed responsible for having inspections performed and reports prepared in accordance with the provisions of that section. Section 316.555, F.S., authorizes FDOT and local authorities with regard to bridges under their respective jurisdictions to prescribe by specified notice loads, weights, and speed limits lower than the limits otherwise prescribed by law; and to regulate or prohibit by notice the operation of any specified class or size of vehicles. Neither statute, nor any other, authorizes FDOT to take any action to ensure that locally owned bridges are inspected or physically posted or closed.

FDOT recently received from the Federal Highway Administration clarification of the responsibilities of state Departments of Transportation for locally owned highway bridges under the National Bridge Inspection Program (NBIP). The FHWA in its memo of June 13, 2011, advises in part:

¹¹ Federal Aviation Administration, Airport Privatization Pilot Program, found at http://www.faa.gov/airports/airport_compliance/privatization/, last viewed on Feb. 3, 2012.

“It is clear from the language of 23 U.S.C. 151 that a State is ultimately responsible for the inspection of all public highway bridges within the State, except for those that are federally or tribally owned. ... The State may delegate bridge inspection policies and procedures...to smaller units of the State like a city or county. However, such delegation does not relieve the State transportation department of any of its responsibilities under the NBIS. ... Because of the fundamental relationship established in Title 23 of the U.S. Code between the FHWA and a State, if the inspections by a city or county were not done in accordance with the NBIS, the FHWA could take action against the State for failure to comply with Federal laws and regulations.”

“The NBIS was established under Title 23 in order to preserve the safety of ... all highway bridges, not just those directly under State jurisdiction. ... States *must* establish the necessary authority to take whatever action is needed to ensure that the intentions of Congress and the expectations of the public are executed to their fullest extent. State DOTs are required to have adequate powers to discharge the duties required by Title 23 (see 23 U.S.C. 302 and 23 CFT 1.3).”

“Ideally, States that do not currently have the authority to post or close a local bridge will take action to gain that authority in the interest of safety to the travelling public without the need for aggressive action by FHWA.”

Currently, FDOT obtains compliance from local agencies by persuasion; however, except for the withholding of Federal Highway funds to the local agency, FDOT has no authority to post or close a local bridge. The State is therefore subject to potential action by the FHWA, which could result in the loss of federal funds.

Noise Abatement on Highway Construction

The Federal Highway Administration issued a 23 C.F.R. 772 Final Rule on July 23, 2010 (effective July 13, 2011), amending the federal “Procedures for Abatement of Highway Traffic Noise and Construction Noise.” The changes in the procedures have no effect on current FDOT policy or procedures, but s. 335.17, F.S., needs to be updated to change the date of the regulation.

Additionally, s. 335.17, F.S., currently directs FDOT to make use of noise-control methods in the construction of all “new state highways.” However, the federal procedures require consideration of noise-control methods for capacity expansion, as well, and FDOT already undertakes such consideration as is required by federal law.

Ninth Cent Fuel Tax

The Ninth-Cent Fuel Tax is a tax of 1 cent on every gallon of motor and diesel fuel sold within a county. The tax may be authorized by an ordinance adopted by an extraordinary vote of the governing body or voter approval in a county-wide referendum. Generally, the proceeds may be used to fund transportation expenditures.

Pursuant to ss. 206.41(1)(d), 206.87(1)(b), and 336.021 F.S., any county in the state may levy a 1 cent per gallon tax on motor and diesel fuels sold in the county by extraordinary vote of the

membership of its governing body or voter approval in a county-wide referendum. However, this tax shall be imposed on diesel fuel in each county as the result of statewide equalization. The tax must be imposed before July 1 in any given year to be effective January 1st of the following year.

1 to 6 Cents Local Option Fuel Tax

Local governments are authorized to levy a tax of 1 to 6 cents on every net gallon of motor and diesel fuel sold in a county. This tax may be authorized by an ordinance adopted by a majority vote of the governing body or voter approval in a county-wide referendum. Generally, the proceeds may be used to fund transportation expenditures.

Pursuant to ss. 206.41(1)(e), 206.87(1)(c), and 336.025, F.S., this tax may be levied by an ordinance adopted (under one of two sets of circumstances, whichever is applicable) by a majority vote of the county's governing body or upon approval by referendum. If no interlocal agreement or resolution is adopted pursuant to the procedures setting out the two sets of specified circumstances, then municipalities representing more than 50 percent of the county population may, prior to June 20th, adopt uniform resolutions approving the tax, establishing the duration of the levy and the rate, and setting the date for a county-wide referendum on whether or not to levy the tax. A referendum shall be held in accordance with the provisions of such resolution and applicable state law, provided that the county shall bear the costs of such referendum. The tax shall be levied and collected countywide on January 1st, following 30 days after voter approval.

This tax shall be imposed on diesel fuel in each county at the maximum rate of 6 cents per gallon as the result of statewide equalization.

1 to 5 cents Local Option Fuel Tax

County governments are authorized to levy a tax of 1 to 5 cents upon every net gallon of motor fuel sold within a county. Diesel fuel is not subject to this tax. Pursuant to ss. 206.41(1)(e) and 336.025, F.S., the tax may be levied by an ordinance adopted (under one of two sets of circumstances) by a majority plus one vote of the county's governing body or upon approval by referendum. The tax proceeds may be used for transportation expenditures needed to meet the requirements of the capital improvements element of an adopted local government comprehensive plan. With certain exception, this tax shall be levied before July 1st to be effective January 1st of the following year.

Electronic Toll Collection

Electronic Toll Collection (ETC) systems use vehicle-to-roadside communication technologies to perform an electronic monetary transaction between a vehicle passing through a toll station and the toll agency. ETC systems require onboard units (such as a transponder), vehicle detection and classification, as well as enforcement technologies. ETC equipment removes the need for manual collection of tolls at toll booths. ETC also allows transactions to be performed while vehicles travel at almost highway cruising speed. SunPass is an ETC system used by FDOT. Florida motorists may purchase a SunPass transponder which can be used electronically to pay tolls on Florida's toll roads and most toll bridges.

In 2007, the Legislature amended s. 338.161, F.S., to allow the Florida Turnpike and other tolling agencies to enter into contracts with private or public entities for the purpose of using electronic toll collection devices (transponders) for parking fees. The law (2007-196) allowed for feasibility studies and legislative approval for additional transponder uses.

Advertising for Bids

Currently, s. 337.11(3)(a), F.S., states that on all construction contracts of \$250,000 or less, and any construction contract of less than \$500,000 for which the department has waived prequalification under s. 337.14, the department shall advertise for bids in a newspaper having general circulation in the county where the proposed work is located. Publication shall be at least once a week for no less than 2 consecutive weeks, and the first publication shall be no less than 14 days prior to the date on which bids are to be received.

Removal or Relocation of Monuments from Rest Areas

The 2005 Legislature created the “Ellwood Robinson ‘Bob’ Pipping, Jr., Memorial Act” (act), codified in s. 337.111, F.S. The stated purpose of the act was creating “an environment in which state residents and visitors will be reminded of the accomplishments made by military veterans in past conflicts and the continuing sacrifices made by veterans and their families to protect the freedoms we enjoy today.” The act authorizes FDOT to enter into contracts, as approved by a reviewing committee, with not-for-profit groups or organizations, for the installation of monuments and memorials honoring Florida’s military veterans at highway rest areas around the state.¹²

The act requires the group or organization making the proposal to be responsible for all costs of the monument and its installation. The act also requires the group or organization to provide a 10-year bond securing the cost of removal or relocation or necessary modifications of the monument in the event the department determines such actions are necessary.

Following passage of the act, an interested group sought installation of a monument (a replica of the Iwo Jima Memorial) in a department rest area but was unable to obtain a 10-year bond from the bonding industry. It appears that the bonding industry has reservations about issuing such bonds, and the monument has not been installed. As a result, no installations have occurred under the act.

Disadvantaged Business Enterprises

The Code of Federal Regulations applicable to the DBE Program changed significantly in 1999, and the Florida Statutes have not been updated to reflect these changes. Specifically, the new federal regulations deleted the 10% requirement and required each state to follow a methodology to develop their own goals. Certain DBE certification issues were also changed to clarify that a certified DBE is always certified until their certification is removed, and the recertification process has been changed to an annual affidavit of continuing eligibility.

¹² Note: FDOT’s handbook on installation of such monuments can be found at:
<http://www.dot.state.fl.us/statemaintenanceoffice/MemorialsonDOTRightofWayProcedure.pdf>
Last viewed on Jan. 27, 2012

Financial Statements

Section 337.14, F.S., currently requires any person desiring to bid for the performance of any construction contract in excess of \$250,000 which FDOT proposes to let to first be certified by FDOT as qualified. Each application for certification of qualification must be accompanied by the latest annual financial statement of the applicant completed within the last twelve months. If the application or the annual financial statement shows the financial condition of the applicant more than four months prior to the date on which the application is received by FDOT, then an audited interim financial statement must be submitted and accompanied by an updated application.

This statute was last revised in 2010 (s. 21, ch. 2010-225) in an effort to remove apparent confusion. Contractors did not understand that they must submit the audited financial statements and the application for qualification within the currently specified four month period. Contractors often submitted one or the other and were also confused as to when audited interim financial statements are due. However, confusion still appears to exist, as contractors continue to incur expenses associated with audited interim financial statements.

Utility Relocations

Section 337.401, F.S., addresses the use of road and rail corridor right-of-way by utilities, authorizing FDOT and local government entities to prescribe and enforce reasonable rules or regulations with reference to the placing and maintaining of any electric transmission lines along, across, or on any road or publicly-owned rail corridors under their respective jurisdictions.

Section 337.403, F.S., requires utility owners to remove or relocate utilities at their own expense when the utility interferes with the safe continuous use, maintenance, improvement, extension or expansion of the road or rail corridor. The utility, upon 30 days written notice, is required to remove or relocate the utility at its own expense subject to the certain exceptions.

Generally, the 30-day relocation provision has been construed as a notice provision, and the utility does not need to be removed or relocated within 30 days. Often, an authority and a utility owner negotiate a period of time to reasonably accommodate the relocation and removal of the utility.

Americans with Disabilities Act (ADA)

The ADA is a federal civil rights law that requires, among other things, pedestrian facilities to be accessible to and usable by all people, including those with disabilities. Local jurisdictions, and other entities covered by the ADA, must ensure that the facilities they build or alter comply with ADA requirements.

The ADA accessibility guidelines specify the minimum level of accessibility in new construction and alteration projects and serve as the basis for enforceable standards maintained by other agencies. The guidelines focus mainly on facilities and certain features common to public sidewalks, such as curb ramps, signs, street furniture (including bus stops and shelters), and landscaping that may obstruct the walking path or become protruding objects if located within, adjacent to, or above a sidewalk.

Bus Stops and Transit Shelters on State Roads

Local governments are authorized to install bus benches and transit shelters at designated stops on official bus routes including within the right-of-way of state roads (except limited-access facilities.) FDOT is currently authorized to direct the immediate removal or relocation of any bench or transit shelter, but only if life or property are endangered or deemed a roadway safety hazard. FDOT currently does not have the authority to deny installation of bus stops, bus benches, or transit shelters within the right-of-way for failure to comply with the ADA. However, FDOT may be liable for such non-compliance and subject to legal action as a result of its jurisdiction over the State Highway System. FDOT has been named in an ADA suit in Pinellas County because the local government has permitted the installation of bus stops in inaccessible locations, with non-compliant benches and shelters, on state roads.

Collection of Tolls

According to FDOT when it comes to contracting with an attorney or collection agency:

- FDOT currently can add a fee only for overdrawn SunPass accounts for which the customer agreement specifies the collection fee.
- FDOT has many small debts to be collected but some run into thousands of dollars.

Florida Intrastate Highway System and the Strategic Intermodal System

The 1990 Legislature created s. 338.001, F.S. requiring the department to develop a Florida Intrastate Highway System (FIHS) Plan. The department identified candidate routes after reviewing local transportation plans, Metropolitan Planning Organization (MPO) plans, and the results of statewide planning studies. In January 1991, the department submitted the Florida Transportation Plan to the Legislature, including an initial FIHS network map and preliminary standards and formally adopted the standards in 1992. The section also requires a status report on the FIHS Plan be provided annually to the Legislature's transportation committees.

The Strategic Intermodal System Plan (SIS) was established by the Florida Legislature in 2003 to enhance Florida's economic prosperity and competitiveness. FDOT works with its partners to determine investment needs based on the performance of the transportation system relative to the goals and objectives of the SIS. Chapter 339, F.S., includes provisions for developing and updating the SIS. The system encompasses transportation facilities of statewide and interregional significance and is focused on the efficient movement of passengers and freight. The SIS Highway Component was designated using the SIS/Emerging SIS criteria and thresholds and comprises:

- Interstate Highways;
- Florida's Turnpike;
- Selected urban expressways;
- Major arterial highways;
- Intermodal connectors between SIS; and
- Emerging SIS hubs and SIS corridors.

The SIS Highway Component consists of 3,531 miles of SIS Highways and 761 miles of Emerging SIS Highways. In total, the SIS Highway Component is less than 4% of Florida's

roads, yet carries almost 30% of all traffic. It carries more than two-thirds of all truck traffic using the State Highway System.

All but a few highway miles in the FIHS are also in the SIS, which is why the 2010 SIS Strategic Plan, developed by the department and its partners, includes a recommendation to sunset the FIHS as a separate statewide highway network to simplify the planning process. Currently, s. 338.001, F.S., only deals with the FIHS, a portion of the SIS highway component. Chapter 339, F.S., defines the entire SIS, including the highway component. The continued planning for and reporting on the FIHS and the SIS highway components as separate systems is redundant.

Tolls on the State Highway System

Currently, several sections of chapter 338, F.S., set forth provisions related to tolling. Section 338.155, F.S., requires the payment of tolls on toll facilities with some exceptions (e.g., any person operating a fire or rescue vehicle when on official business). Section 338.165, F.S., authorizes the collection of tolls on a revenue-producing project after the discharge of any bond indebtedness and the use of this revenue; however, these provisions do not apply to high occupancy toll lanes or express lanes.

Section 338.166, F.S., authorizes FDOT to request the issuance of bonds secured by revenues collected on high occupancy toll lanes or express lanes located on Interstate 95 in Miami-Dade and Broward Counties. FDOT is authorized to implement variable rate tolls on these lanes. This section of law also specifies, except for of high occupancy toll lanes or express lanes, no tolls may be charged for the use of an interstate highway where tolls were not charged as of July 1, 1997.

Payment of Tolls

Currently, only persons specifically exempted under s. 338.155, F.S., may use a toll facility without the payment of tolls. Such persons include “employees of the agency operating the toll project when using the toll facility on official state business, state military personnel while on official military business, handicapped persons as provided in this section, persons exempt from toll payment by the authorizing resolution for bonds issued to finance the facility, and persons exempt on a temporary basis where use of such toll facility is required as a detour route. [Also] [a]ny law enforcement officer operating a marked official vehicle is exempt from toll payment when on official law enforcement business. Any person operating a fire vehicle when on official business or a rescue vehicle when on official business is exempt from toll payment. Any person participating in the funeral procession of a law enforcement officer or firefighter killed in the line of duty is exempt from toll payment. [And] [t]he secretary, or the secretary’s designee, may suspend the payment of tolls on a toll facility when necessary to assist in emergency evacuation.” Failure to pay a toll is a noncriminal traffic infraction.

Economically Feasible: Definition

Section 338.223, F.S., requires that any proposed Turnpike project must be “economically feasible” as defined in s. 338.221(8), F.S. Economic feasibility is currently defined as the estimated net revenues of a proposed project sufficient to pay 50 percent of the annual debt service by the end of the 12th year of operation and sufficient to pay 100 percent of the annual debt service by the end of the 22nd year of operation.

Economic feasibility is a financial tool used to objectively compare the cost versus the benefit of a capital project. The purpose of the test of economic feasibility is to evaluate the ability of a proposed Turnpike project to generate sufficient net revenue to satisfy its debt service requirements. However, there is no standard calculation used by toll agencies, authorities or expressways. Because of the long-term nature of transportation projects, comparing the net revenue to the annual debt service at the 12th and 22nd years underestimates the value of the transportation project over its service life, which is well beyond 22 years. The result is that potential transportation projects that meet other established criteria will not be undertaken because of an overly restrictive economic feasibility test.

Proposed Turnpike Projects

FDOT has been encouraged to pursue innovative highway projects in accordance with s. 337.025, F.S., which also provides that FDOT's annual cap of \$120 million in contracts for such innovative highway projects shall not apply to Turnpike Enterprise projects, and that Turnpike Enterprise projects shall not be counted toward the annual cap. However, before the Turnpike Enterprise may construct a new Turnpike project the requirements set out in s. 338.223, F.S., must be met. One of the requirements in s. 338.223, F.S., is that the design phase of a proposed Turnpike project must be at least 60 percent complete before FDOT may request approval from the Legislature to construct the project. At the 60 percent plan phase, most of the design of the project is essentially completed, and the potential advantages and opportunities provided with innovative highway projects, such as design-build projects, are substantially diminished.

Administrative Fees on Toll Accounts

Currently, according to FDOT, no fees are levied on toll accounts which become inactive and such accounts must be maintained by the Florida Turnpike Office of Toll Operations indefinitely due no authority to close such accounts.

Amendment Notifications for the Adopted Work Program

FDOT is responsible for the development of a Transportation Five-Year Work Program (s. 339.135, Florida Statutes) which lists transportation projects scheduled for implementation during the ensuing five-year period. Dynamic circumstances may result in changes to projects which require review by the Governor and the Legislature. Actions transferring fixed capital outlay appropriations for projects within the same appropriations category must be submitted to the Governor's Office for approval based on the following thresholds:

- 1) any amendment that deletes any project or project phase;
- 2) any amendment that adds a project estimated to cost over \$150,000;
- 3) any amendment that advances or defers to another fiscal year a right of way phase, a construction phase, or a public transportation project phase estimated to cost over \$500,000, except an amendment advancing or deferring a phase for a period of 90 days or less; and,
- 4) any amendment that advances or defers to another fiscal year any preliminary engineering phase or design phase estimated to cost over \$150,000, except an amendment advancing or deferring a phase for a period of 90 days or less.

The threshold amounts for the latter three categories were established in the 1980s and have not been adjusted by normal inflation which would more accurately reflect today's project costs.

Additionally, project phase advances and deferrals within one year of the original date are typically the result of a schedule change of months rather than years.

Transportation Planning

Federal law requires states to adhere to certain requirements in the transportation planning process. On occasion, these federal requirements have been amended, and the State of Florida has revised its statutes from time to time in accordance with federal revisions as they have occurred. As to more recent changes, the federal Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) contained 23 planning factors to be considered in the statewide planning process and 16 planning factors to be included in the metropolitan planning process.

Subsequently, the Transportation Equity Act for the 21st Century (TEA-21) was passed by Congress in June of 1998, which consolidated the statewide and metropolitan planning factors into seven broad areas to be considered. Florida law was amended by the 1999 Legislature (HB 591) to accommodate the TEA-21 revisions, and s. 339.155, F.S., currently reflects the seven broad factors to be considered in the planning process. However, the 2005 federal legislation, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), separated the "safety and security" factor into two separate factors and modified the wording of other factors. Once again, Florida's statutes do not accurately reflect the most recent federal requirements that must be adhered to in statewide transportation planning.

Further, the federal requirement that each state have a "Long-Range Transportation Plan" was amended in the SAFETEA-LU legislation to be a "Long-Range Statewide Transportation Plan." Federal legislation has not required a short-range component of the long-range plan or an annual performance report. The department has, in the past, issued a separate Short Range Component of the Florida Transportation Plan and an Annual Performance Report, but most recently combined those reports into a single report. The Short Range Component is not an annual update of the Florida Transportation Plan but rather documents FDOT's efforts to implement the Florida Transportation Plan. The department and the Florida Transportation Commission conduct extensive performance measurement of Florida's transportation system and FDOT's activities. An annual Long Range Program Plan is also submitted by the department to the Governor and Legislature reflecting state goals, agency program objectives, and service outcomes.

Florida Transportation Plan

The Florida Transportation Plan (FTP) establishes long range goals to provide a policy framework for expenditure of federal and state transportation funds in Florida. Development of the FTP includes local, regional, and state partners who make decisions about future transportation investments. Every five years, FDOT updates this plan to respond to new trends and challenges to meet the future mobility needs of Florida's residents, visitors and businesses.

In 2010, FDOT and its partners worked to update the FTP. After six meetings of a 29 member Steering Committee, twenty four web meetings of four advisory groups, one statewide summit, two statewide webinars, twelve regional workshops, nearly three hundred briefings at regularly scheduled meetings of transportation partners, and an interactive website helping to gather input and feedback from more than ten thousand Floridians, the update process is completed. The 2060 FTP establishes Florida's transportation vision and identifies goals, objectives, and strategies to guide transportation decisions and investments over the next 50 years.

MPO Membership

Federal laws and regulations allow the State and units of local government to determine the composition of Metropolitan Planning Organizations (MPOs) “in accordance with procedures established by applicable State or local law.” Section 339.175(4) F.S. establishes the process for determining membership on Florida MPOs. That section requires representation by FDOT on each MPO. However, such representation is limited to non-voting membership. Irrespective of FDOT representatives’ inability to vote or participate in official acts of the organization, membership on the MPO subjects their interaction with other MPO members to certain public meeting requirements.

Statewide Intermodal Transportation Advisory Council

Chapter 339, F.S., also created the Statewide Intermodal Transportation Advisory Council (SITAC) and provided for initial membership appointment in January 2005. This council assisted in developing the initial 2005 SIS Strategic Plan. Subsequent to January 16, 2005, no further appointments to the SITAC have occurred and the council no longer officially convenes; however, all of the members’ organizations have been included in the ongoing planning and updating of the SIS plan.

South Florida Regional Transportation Authority (SFRTA)

SFRTA provides bus and commuter rail service in Miami-Dade, Broward, and Palm Beach Counties. This service area may currently be expanded by mutual consent of the authority and the board of county commissioners representing the proposed expansion area. The governing board of the SFRTA consists of nine voting members: a county commissioner of Miami-Dade County, Broward County, and Palm Beach County; three citizen members, one appointed by each County commission; the FDOT District Secretary from either District 4 or 6; and two members appointed by the Governor who must reside in the two counties that the District Secretary does not reside within.

Lease-Purchase Agreements with Toll Authorities

Various sections of ch. 348, F.S., provide the toll authorities the ability to enter into lease-purchase agreements with FDOT. The department is authorized to enter these agreements by s. 334.044, F.S. Additionally, s. 339.08(1)(g), F.S., allows the department to lend or pay a portion of the O&M and capital costs of any revenue-producing transportation project located on the State Highway System (SHS) or that is demonstrated to relieve traffic congestion on the SHS. The department pays such costs using funds from the State Transportation Trust Fund (STTF). Using the authority provided in these sections, the department has entered into a number of lease-purchase agreements with the expressway and bridge authorities created under ch. 348, F.S.

In a typical lease-purchase agreement between the department and an expressway authority, FDOT, as lessee, agrees to pay the O&M (which usually includes replacement and renewal, or R&R) costs of the associated toll facility. Upon completion of the lease-purchase agreement, ownership of the facility would be transferred to the State and FDOT would retain all revenues collected, as well as the O&M responsibility. The department assumes a position which permits reimbursement of O&M costs only after the authority’s debt service and administrative cost requirements have been satisfied. Lease-purchase agreements are currently in place for the Mid-

Bay Bridge Authority, Santa Rosa Bay Bridge Authority, Orlando-Orange County Expressway Authority, and Tampa-Hillsborough County Expressway Authority.

Mid-Bay Bridge Authority

The Mid-Bay Bridge Authority was created in 1986 by special act of the Legislature. The authority operates the three-mile long Mid-Bay Bridge across the Choctawhatchee Bay and four-miles in approaches (SR 293) on the northern and southern sides of the bridge. The facility, which connects SR 20 with U.S. Highway 98 east of Destin is a link between Interstate 10 and U.S. 98 and provides a more direct route to tourists and residents between northern and southern Okaloosa and Walton counties.

Under a lease-purchase agreement with the authority, FDOT pays O&M and renewal and replacement (R&R) expenses for the bridge and remits all tolls collected to the authority as lease payments. The agreement remains in effect until all outstanding bonds have been repaid and all obligations owed to FDOT by the authority have been fully discharged, at which point FDOT will own the bridge. Though the current agreement states FDOT is to be reimbursed annually from toll revenues for payment of O&M, these reimbursements are deeply subordinated to bond debt service in the flow of toll revenue funds hierarchy.

As of June 30, 2010, the Mid-Bay Bridge Authority's total long-term debt liability to FDOT from lease-purchase-related O&M (and R&R) advances was \$16,181,629.

Orlando – Orange County Expressway Authority

The Orlando-Orange County Expressway Authority (OOCEA) is an agency of the state, created in 1963 under ch. 348, Part V, F.S., for the purpose of construction and operation of an expressway road system in Central Florida. OOCEA has the right to construct, operate, and maintain roads, bridges, avenues of access, thoroughfares, and boulevards together with the right to construct, repair, replace, operate, install, and maintain electronic toll payment systems outside of Orange County with the respective county's written consent. The authority is also authorized to issue toll revenue bonds to finance portions of the system.

OOCEA currently owns and operates 105 miles of roadway in Orange County. The roadways include:

- 22 miles of the East-West Expressway (SR 408),
- 23 miles of the Beachline (formerly Beeline) Expressway (SR 528),
- 33 miles of the Central Florida GreeneWay (SR 417),
- 22 miles of the Daniel Webster Western Beltway (SR 429) and
- 5 miles of the John Land Apopka Expressway (SR 414).

The OOCEA reported toll revenue of \$206 million in FY 2009 based on 293 million transactions. Major future projects in the authority's \$1.4 billion Five-Year Work Plan (FY 2010 through FY 2014) include: right-of-way and interchange for John Land Apopka Expressway (phase two); partial design and right-of-way for Wekiva Parkway; partial widening of SR 408 and SR 417; resurfacing of SR 429 (part A); new interchanges; conversion of SR 528 Beachline Airport toll plaza to open road tolling (ORT); a new express lane toll plaza at Dallas Boulevard on SR 528, and toll collection system upgrades.

Under terms defined in a revised lease-purchase agreement, FDOT is responsible for paying O&M costs for portions of the authority's expressway system. The authority is reimbursed by the department for a portion of the operating and maintenance costs of the Beachline Expressway and the East-West Expressway which are recorded as advances because these are to be repaid to FDOT from future toll revenues after all bonds are retired and all other financial obligations have been met.

The authority first entered a lease-purchase agreement with FDOT's predecessor, the State Road Department, in 1964 to develop the Beeline (currently Beachline) Expressway. In that agreement, the State agreed to assume O&M cost for the Beeline and to remit toll revenues to OOCEA which were to be used for the retirement of debt service on OOCEA's \$7 million bond issue for the construction of the original 17.5 mile facility. In 1971, OOCEA issued additional bonds worth \$70.5 million to finance construction of the East-West Expressway and the associated lease-purchase agreement required all excess revenues to be used for debt service. Additional bond sales in 1985 and 1986 yielded significant changes to the lease-purchase agreement and the bonds' Master Resolutions. This changed OOCEA's repayment obligations to FDOT and established the authority's discretion to administer excess revenues, essentially subordinating the authority's repayment of FDOT's O&M advances to all other obligations.

A 1999 OPPAGA report characterized the unique structure of the OOCEA/FDOT lease-purchase agreement thusly:

(T)he authority pledges revenues generated by the whole expressway system, including those facilities for which the department is responsible, to repay bonds issued to finance these recent additions. For example, the authority pays bonds for the Southern Connector with revenues generated on the Beeline and East-West expressways. Thus, funds that could have been used to repay the department have instead been obligated to finance the new expressway additions. Provisions of the lease-purchase agreements hold the department responsible for paying operations and maintenance costs to the expressway authority as long as the authority has outstanding bond principal and interest.

In 2002, the Legislature granted OOCEA the ability to issue bonds outside of the Division of Bond Finance for the purposes of financing legislatively-approved projects and to refinance existing bonds. Bonds issued by OOCEA are statutorily limited to a 40-year maturity and do not include the lease-purchase provisions related to FDOT paying O&M costs. OOCEA issued \$499 million in Variable Rate Refunding Revenue Bonds, Series 2008B, in May 2008. Bonds are payable from and secured by a pledge of net toll revenues collected from the operation of the expressway system. Bond proceeds were used to refund Series 2005 Bonds. In March 2010, OOCEA issued \$335 million in fixed rate Revenue Bonds, Series 2010A, to partially fund projects in the OOCEA Work Plan. These bonds are also secured by a pledge of net toll revenues. In addition, the authority continues to use other funds obtained from FDOT. A recent example includes a SIB loan to acquire right-of-way for construction of the John Land Apopka Expressway.

As of June 30, 2010, the Orlando-Orange County Expressway Authority's total long-term debt liability to FDOT from lease-purchase-related O&M advances was \$227,573,891. The subordinate nature of the authority's obligations to FDOT, as structured by the lease-purchase

agreement and bond resolutions, would not require their repayment until the year 2042. Assuming such non-interest bearing advances continue to accrue at the conservative rate¹³ of 3.5% annually and that the payoff date is not further extended, OOCEA's obligations to FDOT would total \$695 million at that time.

Tampa Hillsborough Expressway Authority

The Tampa-Hillsborough County Expressway Authority (THEA) was created in 1963 as an agency of the state under ch. 348, Part IV, F.S., for the purposes of and having the power to construct, reconstruct, improve, extend, repair, maintain and operate the expressway system within Hillsborough County. THEA owns the Selmon Expressway, a 15-mile, four-lane, limited-access toll road traversing the city of Tampa from Gandy Boulevard in south Tampa, through downtown Tampa and east to I-75 and Brandon. The Selmon Expressway connects St. Petersburg (via the Gandy Bridge) with Tampa and Brandon. Since their opening in August 2006, Reversible Express Lanes (REL) in the median of the Selmon Expressway, operate in the peak travel direction depending on the time of day.

Significant projects in the Five-Year Work Plan include deck replacement on various bridges, development of the I-4 Connector Project that will connect I-4 to the existing Expressway, and toll system conversion to All Electronic Tolling (AET). These projects are being completed in partnership with FDOT and are funded either from the STTF or bond proceeds.

THEA is authorized to issue toll revenue bonds to finance improvements or extension of the expressway system. In 2009, the Legislature revised s. 348.54, F.S., to enable THEA to issue toll revenue bonds without having to go through the Division of Bond Finance of the State Board of Administration or obtaining the department's consent.

As a result of design errors on the REL project, THEA incurred additional costs to complete that project. The authority made claims against its builder's risk insurer and filed suit against the design engineers to recover the additional costs incurred. In FY 2009, the authority recovered approximately \$75 million from a mediation settlement, \$70 million of which has been collected to date. THEA has set aside \$10 million of the settlement as a capital reserve fund to cover costs in excess of funds in the FDOT Work Program for replacement of tolling systems on the Selmon Expressway. Based on a revised forecast of declining revenues due to the recession, the THEA Board approved using \$60 million of the settlement funds to partially defease current outstanding bonds in order to meet its future debt service coverage requirements. According to THEA, this defeasance will improve THEA's current financial position, including increasing debt service coverage ratios, reducing long term debt obligations, and strengthening credit ratings. The defeasance will also provide an offset for negative revenue impacts that may result from construction of the Bridge Deck Replacement Project and the I-4 Connector Project.

THEA last issued \$327 million in Revenue Bonds, Series 2005, in August 2005. Bonds are payable from and secured by a pledge of gross revenues of the Expressway System. Bond proceeds were used to refund Series 1997 bonds, pay off the principal of STTF loans, and finance a portion of the Reversible Express Lanes Project. As of June 30, 2009, bonds in the

¹³ FDOT's O&M payments to OOCEA can vary dramatically from year to year. The average annual variance from 1992 to 2010 was an increase of 7.5%.

principal amount of approximately \$386.8 million remain outstanding. THEA's traffic engineering firm completed a required annual Traffic and Revenue Report in September 2009, and is currently in the process of completing an investment grade traffic and revenue study for inclusion in a potential future THEA bond issue.

Under the requirements of the lease-purchase agreement, FDOT agrees to pay the costs of O&M and R&R on the expressway system. The department is reimbursed for O&M and long-term debt, if toll revenues are sufficient, after the authority pays its current year debt service. If the amount is not reimbursed annually, the payments are added to the authority's long term debt owed to the department.

Since FY 2001, THEA has reimbursed the department for the annual O&M expenses which were programmed in the authority's adopted budget. O&M expenses in excess of the adopted budget and renewal and replacement costs are added to the authority's long-term debt on an annual basis. THEA is required to repay the long term debt from net toll revenues only after all other obligations have been met. In addition, THEA has received funding through FDOT loans (STTF, TFRTF, SIB) with specified repayment schedules. These loans are scheduled for repayment in installments over the next 17 years.

As of June 30, 2010, the Tampa Hillsborough Expressway Authority's total long-term debt liability to FDOT from lease-purchase-related O&M advances and R&R costs was \$120,217,454. The amount is expected to increase significantly in the near future due to FDOT's programming of more than \$73 million in Fiscal Year 2011 for the replacement of failing deck panels on the downtown viaduct section of the Selmon Expressway.

Public Meetings

Article I, section 24(b) of the Florida Constitution and s. 286.011, F.S., the Sunshine Law, specify the requirements for open meetings. Open meetings are defined as any meeting of any board or commission of any state agency or authority, or of any agency or authority of any county, municipal corporation, or political subdivision, at which official acts are to be taken. No resolution, rule, or formal action shall be considered binding unless it is taken or made at an open meeting.¹⁴

Article I, section 24 of the Florida Constitution, chapter 119, F.S., and chapter 286, F.S., all provide different definitions as to who is subject to the open meeting and public records laws. Under article I, Section 24(a) of the Florida Constitution, "any public body, officer, or employee of the state, or persons acting on their behalf" is subject to the public records law. Under article I, Section 24(b), all meetings of any collegial public body of the executive branch of state government or of any collegial public body of a county, municipality, school district, or special district, at which official acts are to be taken or at which public business of such body is to be transacted or discussed, is subject to the open meetings law. Under chapter 119, F.S., any agency¹⁵ is subject to the public records laws. Under s. 286.011, F.S., all meetings of any board

¹⁴ Section 286.011, F.S.

¹⁵ "Agency" is defined as "any state, county, district, authority, or municipal officer, department, division, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and

or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision are subject to the open meeting laws.

Section 120.54(5)(b)2., F.S., provides requirements for the Administration Commission's rules for state agencies regarding meetings using "communications media technology" which means the electronic transmission of printed matter, audio, full-motion video, freeze-frame video, compressed video, and digital video by any method available.

If a public meeting or hearing is to be conducted by means of communications media technology, or if attendance may be provided by such means, this information must be included in the meeting notice. The notice for public meetings and hearings using communications media technology must also state how persons interested in attending may do so and must name locations, if any, where communications media technology facilities will be available.

Stormwater Management Systems

Under existing law and agency rules, stormwater management and treatment is generally provided through the use of on-site treatment. Given the linear characteristic of state highways, on-site treatment is often difficult to achieve and results in significant expenditure of public funds for right-of-way acquisition. It is often necessary for FDOT to exercise its eminent domain powers to purchase lands to provide stormwater treatment within the project area.

Although DEP Rule Chapter 62-25, FAC, provides for the permitting of regional stormwater discharge facilities, actual authority for the permitting of stormwater management systems has been delegated to the WMDs. The WMDs' current regulatory scheme lacks clarity regarding their ability to authorize FDOT to provide off-site or regional stormwater treatment.

Additionally, current implementation of stormwater regulations is such that when constructing a state transportation project or facility, FDOT is required to expend public funds to either bypass or provide treatment for the numerous stormwater inflows from offsite properties adjacent to its roadways.

Environmental Mitigation for Transportation Projects

Enacted in 1996, s. 373.4137, F.S., directs FDOT to annually submit for approval to the Department of Environmental Protection (DEP) and the Water Management Districts (WMDs) a plan to mitigate the adverse environmental impacts of transportation projects to wetlands, wildlife, and other aspects of the natural environment. The ecosystem-based mitigation plan was to be based on an environmental impact inventory reflecting habitats that would be adversely impacted by projects listed in the next three years of the tentative work programs. FDOT creates escrow accounts with the DEP or WMDs for their mitigation requirements. Expressway authorities created pursuant to chs. 348 and 349, F.S., also are able to create similar escrow accounts with the WMD's and DEP for their mitigation requirements. On an annual basis, FDOT and the participating expressway authorities are required to transfer to their escrow accounts sufficient funds for the current fiscal year to pay for mitigation of projected acreage impacts resulting from projects identified in the inventory. At the end of each year, the projected acreage impacts are compared to the actual acreage of impact of projects as permitted, including permit

modifications. The escrow balances are then adjusted accordingly to reflect any over transfer or under transfer of funds.

Control of Outdoor Advertising

Since the passage of the Highway Beautification Act (HBA) in 1965, the Federal Highway Administration (FHWA) has established controls for outdoor advertising along Federal-Aid Primary, Interstate and National Highway System (NHS) roads. The HBA allows the location of billboards in commercial and industrial areas, mandates a state compliance program, requires the development of state standards, promotes the expeditious removal of illegal signs, and requires just compensation for takings.

The primary features of the Highway Beautification Act include:

- Billboards are allowed, by statute, in commercial and industrial areas consistent with size, lighting and spacing provisions as agreed to by the state and federal governments. Billboard controls apply to all Interstates, Federal-Aid Primaries, and other highways that are part of the National Highway System.
- States have the discretion to remove legal nonconforming signs¹⁶ along highways. However, the payment of just (monetary) compensation is required for the removal of any lawfully erected billboard along the Federal-Aid Primary, Interstate and National Highway System roads.
- States and localities may enact stricter laws than stipulated in the HBA.
- No new signs can be erected along the scenic portions of state designated scenic byways of the Interstate and Federal-Aid Primary highways, but billboards are allowed in segmented areas deemed un-scenic on those routes.

The HBA mandates state compliance and the development of standards for certain signs as well as the removal of nonconforming signs. While the states are not directly forced to control signs, failure to impose the required controls can result in a substantial penalty. The penalty for noncompliance with the HBA is a 10 percent reduction of the state's annual federal-aid highway apportionment.

Under the provisions of a 1972 agreement between the State of Florida and the U.S. Department of Transportation (USDOT) incorporating the HBA's required controls, FDOT requires commercial signs to meet certain requirements when they are within 660 feet of Interstate and Federal-Aid Primary highways in urban areas, or visible at any distance from the same roadways when outside of urban areas. The agreement embodies the federally-required "effective control of the erection and maintenance of outdoor advertising signs, displays, and devices". Absent this effective control, the non-compliance penalty of 10 percent of federal highway funds may be imposed.

¹⁶ A "legal nonconforming sign" is a sign that was legally erected according to the applicable laws or regulations of the time, but which does not meet current laws or regulations.

Florida's outdoor advertising laws are found in ch. 479, F.S., and are based on federal law and regulations, and the 1972 agreement.

Rural Areas of Critical Economic Concern

Rural Areas of Critical Economic Concern (RACEC) are defined in s. 288.0656, F.S., as rural communities, or a region composed of rural communities, that have been adversely affected by extraordinary economic events or natural disasters. The Governor may designate up to three RACECs, which allows the Governor to waive criteria of any economic development incentive. Florida's three designated RACECs include:

- Northwest Rural Area of Critical Economic Concern: Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Liberty, Washington counties, and the City of Freeport in Walton County.
- South Central Rural Area of Critical Economic Concern: DeSoto, Glades, Hardee, Hendry, Highlands, and Okeechobee counties, and the cities of Pahokee, Belle Glade, and South Bay (Palm Beach County), and Immokalee (Collier County).
- North Central Rural Area of Critical Economic Concern: Baker, Bradford, Columbia, Dixie, Gilchrist, Hamilton, Jefferson, Lafayette, Levy, Madison, Putnam, Suwannee, Taylor, and Union counties.

Rest Area Info Panels

Since the program was advertised in 2003, only two letters of interest have been received by FDOT and neither company participated past the trial period.

Reflective Beads that Contain Arsenic

Currently, several states and the United Kingdom have promulgated regulations for the amount of arsenic that can be contained in glass beads in road paints. These glass beads are commonly used to provide retroreflectivity to the paint and "Each year, 500 million pounds of manufactured glass beads used for reflective highway markings are applied to U. S. highways."¹⁷ The United Kingdom manual, *Notes for Guidance on the Specifications for Highway works*, states:

Glass beads eroded out of road markings find their way into water courses and subsequently reach water supply works. Increasing levels of heavy metals are infiltrating all ecosystems giving rise to concern. Although most glass manufacturing is believed to be to a safe standard, some manufacturers still rely on the addition of Arsenic and other metal to ensure clarity of the glass and control bubbles. Consequently maximum levels of Arsenic, Lead and Antimony have been set as a precaution. These levels are consistent

¹⁷ Rouse, Karen, *Sen. Bob Menendez offers bill to limit arsenic, lead in reflective highway markings*, found at http://www.northjersey.com/news/national/washington/sen_menendez_offers_bill_to_limit_arsenic_lead_in_reflective_highway_markings.html, last viewed on Feb. 3, 2012.

with the EU Hazardous Waste Directive and the latest thinking from a European Standards Task Group.¹⁸

The manual also calls for a maximum arsenic content of 1,000 parts per million.

Pinellas Suncoast and Hillsborough Area Regional Transit Authorities

Pinellas Suncoast Transit Authority

The Pinellas Suncoast Transit Authority, formerly known as Central Pinellas Transit Authority (CPTA), was created by the "[Pinellas Suncoast Transit Authority Law](#)" (Laws of Fla., Chapters 70-907, 82-368, 82-416, 90-449, 91-338, 94-433, 94-438, 99-440, 00-424, and 02-341.) by special act of the Legislature in 1970. Service began in 1973. In 1982 the Central Pinellas Transit Authority was renamed Pinellas Suncoast Transit Authority (PSTA) to more clearly describe the area served. Following the passage of two referendums, in 1984 PSTA expanded the service area by merging with the St. Petersburg Municipal Transit System. PSTA serves most of the unincorporated area and 21 of the county's 24 municipalities, covering 98% of the county's population and 97% of its land area. The service area is specifically defined in law.

Governing Board and Management Staff

Under the provisions of the legislation, PSTA is governed by a 15 member Board of Directors appointed by local governments.

- One member **each**, shall be appointed by and from the commissions of the following cities:
 - Clearwater
 - Dunedin
 - Largo
 - Pinellas Park.
- Two members shall be appointed from the City Council of St. Petersburg.
 - One member shall be appointed by and from the combined municipal governing bodies of Oldsmar
 - Safety Harbor
 - Tarpon Springs
- One member shall be appointed by and from the combined municipal governing bodies of :
 - Belleair
 - Belleair Bluffs
 - Gulfport
 - Kenneth City
 - Seminole
 - South Pasadena
- One member shall be appointed by and from the combined municipal governing bodies of:
 - Belleair Beach
 - Belleair Shores
 - Indian Rocks Beach
 - Indian Shores

¹⁸ United Kingdom Department for Transportation, found at http://www.dft.gov.uk/ha/standards/mchw/vol2/pdfs/series_ng_1200.pdf, pg. 4, last viewed on Feb. 3, 2012.

- Madeira Beach
- North Redington Beach
- Redington Beach
- Redington Shores
- St. Pete Beach
- Treasure Island
- Four members shall be appointed by the Pinellas County Commission from its membership.
- One citizen member (not an elected official) shall be appointed by the Pinellas County Commission.
- One citizen member (not an elected official) shall be appointed by the City Council of the City of St. Petersburg.

Each term of office shall be 3 years, and a member may not serve more than three consecutive terms as a member of the governing body of the authority. The management staff consists of an Executive Director and seven Department Directors. The total number of employees is 576, of which 494 are represented by two bargaining units.

Operations

PSTA presently operates 205 Transit Vehicles from one main facility in the midcounty area on 38 routes, including two express routes to Hillsborough County. Demand response service is also provided to the mobility impaired.

Hillsborough Area Regional Transit Authorities

The Hillsborough Transit Authority, operating and also known as Hillsborough Area Regional Transit Authority, or HART, was created as a body politic and corporate under [Chapter 163, Part V, Sections 163.567](#), et seq., Florida Statutes, on October 3, 1979.¹⁹ (Note: This should not be confused with the statutory language in [ch. 343, F.S.](#), which creates other regional transportation authorities including TBARTA.) HART was chartered for the purpose of providing mass transit service to its two charter members, the City of Tampa and the unincorporated areas of Hillsborough County. The Authority may admit to membership any county or municipality contiguous to one of its members upon application and after approval by a majority vote of the entire Board of Directors. The City of Temple Terrace has been admitted as a member of the Authority.

¹⁹ Sections 163.565 – 163.572, F.S., the Regional Transportation Authority Law, authorize the creation of regional transportation authorities by any two or more contiguous counties, cities or other political subdivisions. This law was created in the early 1970's to create the HART (Hillsborough Area Regional Transit) line transit agency in Hillsborough County and has not been used to create any other agency. The law provides for a charter committee to be formed consisting of representatives of the affected local governments (by population formula) to develop a charter defining the powers and duties of the transportation authority and submit the charter to the Department of State. Once the charter is filed the Governor must appoint two members to the board of directors of the transportation authority. The remaining membership of the board of directors are held by representatives of the local governments. The authority is authorized to incur debt, levy taxes (up to 3 mills ad valorem tax, with county commission approval and by a majority of voters in the affected area), and has limited eminent domain powers.

Governing Board and Management Staff

HART is governed by its twelve-member Board of Directors. The Board makes decisions, designates management, significantly influences operations and maintains primary fiscal responsibility. The Board comprises two directors appointed by the Governor of the State of Florida and a minimum of one director from each member. Members are allowed an additional director for each 150,000 persons, or major fraction thereof, residing in those members' jurisdictional limits. Currently, six members are appointed by the Hillsborough Board of County Commissioners, three members are appointed by the City of Tampa, one member is appointed by the City of Temple Terrace, and the two members appointed by the Governor. Board members serve staggered three-year terms. The Board of Directors appoints an executive director who is responsible for the overall operation of the authority, including employing such staff as may be needed to carry out the functions of the Authority. HART currently employs a staff of over 600 employees.

Operations

HART provides fixed route, paratransit, vanpool, light rail (TECO Streetcar) and specialized services. The service area population for density for 2008 was 3379.9. The service population is estimated at 821,306 and the service area is 243 square miles. The authority services this area with 46 routes--33 local and 13 express. The Authority maintains over 3,845 bus stops, 318 shelters maintained by HART, 105 shelters maintained by a vendor, 9 centers, and a fleet of 199 fixed route buses and vans 36 demand response vehicles.

Financing

HART has been determined to be an "Independent Special District" as described in Section 189.403, Florida Statutes, and is authorized to levy an ad valorem tax of up to one-half mill on the taxable value of real and tangible personal property within the jurisdiction of its members. Chapter 165.570, Florida Statutes, allows the Authority to levy up to a three mill levy, subject to public referendum. The Authority's ad valorem taxes are assessed as part of the annual assessment of Hillsborough County, which levies its taxes November 1 of each year.

Additional revenues and funding are received from passenger fares, charter services, other revenue services and grants from the United States Government, the State of Florida, the City and the County.

Background Checks

According to the FDLE, in order to be able to receive a national criminal history check the following must be in place:

- A statute must exist as a result of a legislative enactment;
- It must require the fingerprinting of applicants who are subject to a national criminal history record check;

- It must expressly (“submit to the FBI”) or by implication (“submit for a national check”) authorize the use of FBI records for the screening of applicants;
- It must identify the specific category(ies) of licensees/employees falling within its authority;
- It must not be against public policy;
- It may not authorize receipt of the criminal history record information by a private entity;
- The recipient of the criminal history record check results must be a governmental entity;
- The entity must sign a User Agreement indicating it will comply with the terms and conditions set forth in rule by the FBI; and
- The fingerprint submission must be first processed through the state repository for a search of its records.²⁰

Currently, the only transportation services authorized to request such background checks are the Hillsborough County Public Transportation Commission²¹, and the Transportation Disadvantaged Commission.²²

III. Effect of Proposed Changes:

Section 20.23, F.S., is amended to allow the department to maintain training programs for employees who are graduates of an approved engineering curriculum in order to provide broad practical experience in the areas of right-of-way acquisition, right-of-way property management, real estate appraisal, and business valuation; to allow for incremental increases in the base salary for those employees who complete training phases within current budget authority; and to allow FDOT district secretaries and enterprise executive directors to be registered professional engineers in accordance with the laws of another state.

Section 206.41, F.S., is amended to add citrus harvesting equipment and citrus fruit loaders to the 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.

Section 282.0041, F.S., is amended to remove the Office of Toll Operations from the definition of "Agency" under Ch. 282 which is entitled “Communications and Data Processing.”

Section 282.0055, F.S., is amended to exempt information technology used by the Office of Toll Operations from Part I of Ch. 282 entitled “Enterprise Information Technology Services Management.”

Section 282.201, F.S., is amended to remove toll offices from those agencies which must work with the Agency for Enterprise Information Technology towards consolidation into a primary data center.

²⁰ Florida Department of Law Enforcement, Criminal History Record Checks / Background Checks Fact Sheet, January 20, 2012, found at http://www.fdle.state.fl.us/Content/getdoc/769edeba-2969-45dd-ad8f-6739dc24aded/BackgroundChecks_FAQs_01202012_Final.aspx, last viewed on Feb. 3, 2012.

²¹ Id. at 10

²² Id. at 11

Chapter 311, F.S., is renamed as “Seaport Facilities and Programs.”

Section 311.07, F.S., is amended to increase funding from the STTF, from \$8 million to \$15 million per year, for the FSTED program; to direct the FSTED council, with the cooperation with FDOT and DEO, to develop guidelines for the use of project funding as well as a schedule for including projects in FDOT’s tentative work program; to add seaport master plans or strategic plan development or updates to the list of projects eligible for funding under FSTED; and removes caps for matching funds for eligible seaports.

Section 311.09, F.S., is amended to give the FSTED council rulemaking authority to evaluate projects and require that they develop criteria for evaluating projects; remove obsolete references to the Department of Community Affairs; remove specific guidelines for FDOT to review projects for consistency with the Florida Transportation Plan and the Statewide Seaport and Waterways System plan, and notify the FSTED council of its findings; and mandate that DEO review project applications for consistency with state economic goals and policies as well as state, regional, and local plans, and notify the FSTED council of its findings.

Section 311.10, F.S., is created and entitled the “Strategic Port Investment Initiative”, to set aside a minimum of \$35 million per year from the STTF which FDOT and the deepwater ports listed in s. 311.09 are to use to fund certain projects; mandate that FDOT and the ports create a priority list of projects and select them based on enumerated criteria; mandate that FDOT, the ports, and DEO hold a public workshop and comment period before making a final selection; and instruct FDOT that it should include projects proposed to be funded in their tentative work program to the maximum extent feasible.

Section 311.101, F.S., is created and entitled the “Intermodal Logistics Center Infrastructure Support Program”, and states that the purpose of the program is to assist intermodal shipping through seaports in order for Florida to become a hub for trade, logistics, and export-oriented activity. The section also authorizes FDOT to provide funds to local governments or private entities for projects that meet the purpose of this section; defines the term "intermodal logistics center", which includes inland ports; and lays out criteria FDOT must consider when deciding to fund a project; mandates that FDOT must coordinate and consult with DEO; states that FDOT can administer contracts on behalf of the entity selected to receive funding; caps project funding at 50% of the eligible projects costs; allocates \$5 million per year from STTF to fund the program; and gives FDOT rulemaking authority.

Section 311.14, F.S., is amended to mandate that FDOT, along with the ports in s. 311.09(1), develop the Statewide Seaport and Waterways System Plan (SSWS) plan; state that the SSWS plan must be consistent with the Florida Transportation Plan and must consider both the needs identified in individual port master plans and those from seaport strategic plans required under this section; state that the SSWS plan must identify 5, 10, and 20 year needs for the seaport system; and remove old subsections (1) and (2), which mandated the creation of freight-mobility and trade corridor plans and the integration of the plans into the Florida Transportation Plan.

Section 311.22, F.S., is amended to correct cross-references.

Section 316.003, F.S., is amended to revise the definition of a motor vehicle, as it relates to toll violations and collections, referencing s. 320.01, F.S.

Section 316.091, F.S., is amended to restrict bicycles or other human powered vehicles from being operated on limited access highways unless official signs and a marked bicycle lane are present; to mandate that FDOT create a 2-year pilot program under which the department must erect signs and create marked bicycle lanes on limited access highways in three urban areas and according to the specific criteria set forth in this section; and to allow FDOT and the expressway authorities to designate road shoulders of limited access facilities and interstate highways for vehicular traffic in order to improve safety, reliability, and transportation system efficiency. These designations are subject to appropriate signage and are not allowed when restricted by Federal law or by a covenant.

Section 316.1001, F.S., is amended to remove the requirement that toll violation notices be mailed Return Receipt Requested.

Section 316.2122, F.S., is amended to correct cross-references.

Section 316.515, F.S., is amended to clarify that a straight truck-trailer combination may not exceed 68 feet in overall length; and to add citrus harvesting equipment and citrus fruit loaders to the types of vehicles which are allowed to transport agricultural products from the point of production to the point of long-term storage, and return to the point of production, notwithstanding any other provision of law.

Section 318.12, F.S., is amended to correct cross-references.

Section 320.01, F.S., is amended to revise the definition of low-speed vehicles to include gas-powered vehicles.

Section 320.20, F.S., is amended to correct cross-references.

Section 332.08, F.S., is amended to allow municipalities participating in the 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.

Section 334.03, F.S., is amended to repeal the definition for the "Florida Intrastate Highway System"; revise the definition for "Functional Classification" to refer to procedures developed by the Federal Highway Administration; and to change the definition of "State Highway System" to "the interstate system and all other roads within the 1303 state which were under the jurisdiction of the state on June 10, 1304 1995, and roads constructed by an agency of the state for the State Highway System, plus roads transferred to the state's 1306 jurisdiction after that date by mutual consent with another 1307 governmental entity. Roads transferred from the state's 1308 jurisdiction are not included. Access to State Highway System 1309 facilities shall be regulated."

Section 334.044, F.S., is amended to revise FDOT's powers and duties by:

- By removing assignment of jurisdictional responsibilities for roads;
- By removing the power to designate existing transportation facilities as part of the State Highway System;
- Mandating that at least 1.5% of the funds for construction projects which add capacity or significantly enhance the existing state highway system be used for landscaping;
- By preventing FDOT districts from expending funds for landscaping in connection with a resurfacing project unless specifically approved by the secretary or the secretary's designee;
- And by requiring the development of freight mobility and trade plans which should enhance the integration and connectivity of the transportation system access and between transportation modes for people and freight throughout the state.

Section 334.047, F.S., is amended to remove an obsolete reference.

Section 335.02, F.S., is amended to correct cross-references.

Section 335.074, F.S., is amended to bring the Florida Statutes into conformity with Federal law by mandating that:

- Upon the receipt of an inspection report recommending limits on a bridge, the governmental entity responsible for that bridge must institute those limits, post them in accordance with s. 316.555 and notify FDOT they have done so within 30 days.
- If those actions are not taken within 30 days, FDOT will implement the recommendations of the inspection report and charge all costs to the governmental entity in charge of the bridge.
- The same procedure applies if the inspection report recommends closure, however, all actions must be taken immediately.

Section 335.17, F.S., is amended to require that FDOT must now use noise-control methods as part of highway construction projects that involve new location or capacity expansion.

Sections 336.021 and 336.025, F.S., are amended to require that the 1/9th cent fuel tax levy and the local option fuel tax be levied before October 1, instead of before July 1; and s. 336.025, F.S., is amended to allow local government expenditures of the local option fuel tax for the installation, operation, maintenance and repair of street lighting, traffic signs, traffic engineering, signalization, and pavement markings.

Section 337.11, F.S., technically is amended.

Section 337.111, F.S., is amended to allow groups or organizations proposing the monument to provide annual renewable bonds, an irrevocable letters of credit, or other forms of security as approved by FDOT's comptroller, for the purpose of removing the monument, should it become necessary. Previously, only a 10-year bond was acceptable.

Sections 337.125, 337.137, and 337.139, F.S., are amended to bring the language on Disadvantaged Business Enterprises into conformity with Federal statutes by:

- Clarifying that the prime contractor must submit disadvantaged business utilization intent after the contract goals are established.
- Repealing s. 337.137, F.S., which prohibited disadvantaged businesses from subcontracting more than 49% of work and grants authority to de-certify disadvantaged businesses.
- And by updating the definition of “disadvantaged business” to reflect the most current federal definition.

Section 337.14, F.S., is amended to allow a 15 day extension on the time period allowed to turn in the application and the interim financial statement, if requested by the applicant; and to allow applicants who are desiring to bid exclusively on projects worth less than \$1 million to submit their financial statements with the opinion of a CPA, rather than requiring they be audited by a CPA.

Section 337.403, F.S., is amended to clarify that upon thirty days written notice the utility owner must initiate the work necessary to alleviate the interference and also must complete the work in the reasonable time allotted by the notice or in the time agreed upon by the authority and the utility owner; to change “department” to “authority” in paragraph (d); and to add paragraph (g) which requires the authority to bear the cost of removal if they acquire the property before the utility is removed or relocated.

Section 337.404, F.S., is amended to change the term "removal and relocation" to the term "work" in order to comply with the changes to s. 337.403 in section 35.

Section 337.408, F.S., is amended to add bus stops to the types of structures regulated under s. 337.408; direct that all installations must be compliance with all applicable laws and rules, specifically the ADA; state that local governments should indemnify, defend and hold harmless FDOT for suits, etc., relating to the installation, removal, or relocation of such installations; allow FDOT to direct the immediate relocation or removal of an installation which does not comply with applicable laws and rules; and direct FDOT to remove such structures if the local government fails to do so and to bill the local government for the work.

Chapter 338, F.S., is renamed as “Limited Access and Toll Facilities.”

Section 338.001, F.S., which is the requirement to develop a Florida Intrastate Highway System Plan, is repealed

Section 338.01, F.S., is amended so that it:

- Allows FDOT to establish limited access facilities as provided in s. 335.02, F.S.
- States that their primary purpose is to allow high-speed and high-volume traffic movements within the state.
- Makes access to abutting land a subordinate function which must be prohibited or highly regulated.

- Allows FDOT, or other governmental entity responsible for toll collection, to pursue collection of unpaid tolls by contracting with a private attorney or a collection agent.

Section 338.151, F.S., is created which:

- Allows FDOT to establish tolls in the State Highway System on new limited access facilities, lanes added to limited access facilities, new bridges, and replacements for existing major bridges in order to pay (fully or partially) for the costs of those projects.
- Restricts FDOT from establishing tolls on limited access facility lanes that exist on July 1, 2012, and lists exceptions to this restriction.
- And clarifies that the authority in this section is in addition to the Florida Turnpike Enterprise.

Section 338.155, F.S., is amended so that it allows FDOT to use rulemaking authority to exempt public transit vehicles and vehicles participating in funeral processions for active duty military from tolls if such tolls are not pledged to the repayment of bonds.

Section 338.161, F.S., is amended to allow FDOT to use private toll collection and video billing systems in order to increase toll revenues or add convenience or other value for its customers.

Section 338.166, F.S., is amended to remove the language that restricts bond issuance to those lanes located on I-95 in Miami-Dade and Broward Counties and restrict the usage of toll revenues to projects in the counties where the tolls were collected or to support express bus service on the facility where the tolls were collected.

Section 338.221, F.S., is amended to revise the definition of "economically feasible" as it relates to turnpike projects so that annual debt service on bonds must be paid by the end of the 30th year of operation, rather than the 22nd year.

Section 338.223, F.S., is amended by reducing the how complete the design phase of a proposed project must be, before it can be submitted to the legislature for approval, from 60% to 30%.

Sections 338.227, 338.2275, and 338.228, F.S., are amended to correct cross-references.

Section 338.231, F.S., is amended in order to assess a \$.25 per month fee against toll accounts which are inactive for 24-48 months so long as they maintain a positive account balance and state that if a positive balance remains after 48 months, they funds are presumed unclaimed and are disposed of in accordance with Ch. 17 and the toll account is closed.

Section 338.234, F.S., is amended to correct cross-references.

Section 339.0805, F.S., which has to do with Disadvantaged Business Enterprises, is amended so that it is in conformity with Federal law by:

- Repealing a minimum funding floor for DBEs.
- Repealing the requirement to conduct a periodic disparity study.

- Conforming certain requirements to federal standards.
- Increasing the period of time within which a DBE may not reapply for certification once denied from 6 months to 12 months.
- Increasing the time period for notification to FDOT that a business no longer qualifies as a DBE from 10 days to 30 days.
- Eliminating non-subcontracting requirements in conformance with the repeal of s. 337.137 in section 32 of this bill.

Section 339.135, F.S., is amended in order to revise threshold amounts for review of amendments to the department's adopted work program and direct FDOT to index the budget amendment threshold amounts as specified but prohibits such adjustments more frequently than once a year and subjects such adjustments to specified notice and review procedures.

Section 339.155, F.S., is amended to repeal the requirement to annually update the Florida Transportation Plan, eliminate statutory planning process requirements and instead reference federal requirements, and eliminate the short-range component of the plan.

Section 339.175, F.S., is amended to change FDOT representatives on the MPO's governing boards from members to advisors and to require that, to the extent possible, only one MPO exist per urbanized area or group of contiguous urbanized areas and that, if more than one MPO exists, they coordinate in the development of regionally significant projects.

Section 339.2819, F.S., is amended to require that projects funded under the Transportation Regional Incentive Program be included in FDOT's work program.

Sections 339.285, and 339.62, F.S., are amended to correct cross-references.

Section 339.63, F.S., is amended to add existing or planned military access facilities to the types of facilities which are included in SIS and emerging SIS; to mandate that the FDOT secretary designate a facility which meets the definition of an intermodal logistics center and has been designated as such in the local comprehensive plan as part of the Strategic Intermodal System, upon the facilities request; and to waive concurrency standards for such facilities, for building permits issued on or before December 31, 2017, if the facility meets certain criteria.

Section 339.64, F.S., is amended to repeal provisions creating the Statewide Intermodal Transportation Advisory Council.

Section 339.65, F.S., is created which:

- Mandates that FDOT plan and develop SIS highway corridors with the primary purpose of traffic movement.
- Lists facilities which must be included from the State Highway System.
- Lists policy guidelines which FDOT must follow.
- Mandates that FDOT must create a 20 year project plan for the SIS highway corridors and establish standards and criteria for functional characteristics and design of facilities proposed.

- Provides an adjusted allocation based on a 2003-2004 allocation of \$450 million.
- Mandates that any project must be included in the FDOT work plan.

Sections 341.053 and 341.840, F.S., are amended to correct cross-references.

Section 343.53, F.S., is amended to revise the membership of the governing board of SFRTA, increasing the members appointed by the governor from 2 to 3 and causing the member designated by the Secretary of Transportation to become a nonvoting member.

Section 348.003, F.S., is amended to correct cross-references.

Section 348.0004, F.S., is amended to strike language pertaining to lease-purchase agreements from the powers of the expressway authorities.

Section 348.0005, F.S., is amended to:

- Require bond resolutions set aside sufficient amounts for the costs of operations and maintenance of the facility before applying revenues to the payment of debt service on the bonds.
- Restrict expressway authorities created on or after July 1, 2012 from the bonding provisions of s. 348.0005, F.S.

Section 348.0013, F.S., is created so that it:

- Clarifies that this section applies to new authorities.
- Assigns the department as the agent of new authorities to operate and maintain the systems and design and construct any new projects that an authority may wish to build.
 - Allows the authority to use a local agency, certified by the department, to manage federal aid projects in accordance with federal law, with the consent of the department.
- Authorizes the Division of Bond Finance to transfer proceeds from the issuance of bonds for construction of a project to the State Treasury the funds necessary for construction.
- Requires an authority who wishes to construct an expressway to submit a work plan identifying the project as a part of its budget, including a financial plan which demonstrates the financial feasibility of the project. Legislative approval of the authority's budget is required prior to the issuance of bonds to finance the construction.
- Costs incurred by the department for the operation and maintenance of the facility are required to be reimbursed from revenues generated by the facility.
- The authorities may establish and collect tolls, rate, fees, rentals and other charges for the facilities.

Tampa-Hillsborough County Expressway Authority

Section 348.52, F.S., is amended so that it restricts the Tampa-Hillsborough County Expressway Authority from hiring legal, financial or other professional consultants.

Section 348.54, F.S., is amended so that it:

- Enumerates the lease-purchase agreements which exist between the authority and the department.
- Specifies the authority may not enter into new lease-purchase agreements, or amend the existing agreement with the department, to expand or increase the department's obligations, unless the department determines that an amendment or change is necessary to permit the refunding of bonds issued prior to July 1, 2012.
- Terminates the departments obligations under the lease-purchase agreement upon the earlier of:
 - The date of payment in full of the authority's bonds issued before July 1, 2012; or
 - A date agreed to by the bondholders of the authority for bonds issued; or
 - The date of termination of department's obligations under the terms of the memorandum of agreement dated October 26, 2010 between department and authority.

Section 348.545, F.S., is amended to correct cross-references.

Section 348.56, F.S., is amended so that it:

- Requires the authority to utilize the service of the Division of Bond Finance for all bond issuance; and requires that bond resolutions set aside sufficient amounts for the costs of operations and maintenance of the facility before applying revenues to the payment of debt service on the bonds. (No "gross" revenue pledge).
- Requires the department's consent to issue bonds which pledge revenues of the authority which are senior to, or in parity with, the authority's obligations to fully reimburse the department for the costs of operations and maintenance, and repair and rehabilitation of the expressway system paid by the department.
- Specifies that the authority may not issue any bonds which provide any rights against the department and are enforceable by the bond holders.
- Sets limits on the terms of refund bond issuance; refund bonds may not be issued if the final maturity is later than the bond being refunded or if debt service on the refund bond is higher than that currently paid on bonds being refunded.
- Terminates the department's obligations under the lease-purchase agreement with the authority, upon the earlier of:
 - The date of payment in full of the authority's bonds issued before July 1, 2012; or
 - A date agreed to by the bondholders of the authority for bonds issued; or

- The date of termination of department's obligations under the terms of the memorandum of agreement dated October 26, 2010 between department and authority.
- Requires bond resolutions set aside sufficient amounts for the costs of operations and maintenance of the facility before applying revenues to the payment of debt service on the bonds. (No "gross" revenue pledge).
- Restricts the authority from bonding under the provisions of s. 348.56(1)(b), F.S., in any year in which the department's obligations under a lease-purchase agreement are outstanding or in which the authority has not fully reimbursed the department for amounts expended on the expressway system.

Section 348.565, F.S., is amended so that it:

- Removes a provision allowing the issuance of revenue bonds by the authority and requires that the authority utilize the service of the Division of Bond Finance.
- Removes a project from the list of projects previously approved to be financed or refinanced by the issuance of revenue bonds. The connector highway linking the Lee Roy Selmon Crosstown Expressway to Interstate 4 is being completed by FDOT.

Section 348.57, F.S., is amended to correct cross-references.

Section 348.60, F.S., is amended so that it:

- Provides that the authority may not enter into any other lease-purchase agreement other than those in currently in place between the department and authority, unless the department determines that an amendment is necessary to permit the refunding of bonds issued prior to July 1, 2012.
- Provides that upon the payment in full of all bonds issued prior to July 1, 2012, including refunding bonds, or on a date which the bondholders have consented, whichever is earlier.
- The department's obligations under the lease-purchase agreement terminate, including any obligation to pay the costs of operation and maintenance, repair, or rehabilitation of the expressway.
- The lease-purchase agreement terminates.
- The expressway system remains the property of the authority.
- The authority remains obligated to reimburse the department for all costs of operation, maintenance, repair and rehabilitation of the expressway system, and that the department will operate and maintain the system as the agent of the authority.
- The department will operate the system as the agent of the authority.

Section 348.615, F.S., is created so that it:

- Makes the department is the agent of the authority for the purpose of collecting tolls.
- States the department must be reimbursed for the costs of collection.
- Allows the authority to fix the toll rates.

Orlando-Orange County Expressway Authority

Section 348.753, F.S., is amended so that it restricts the types of employees who may be hired by the authority and authorizes the authority to contract with the Division of Bond Finance for financial services.

Section 348.754, F.S., is amended so that it:

- Enumerates the lease-purchase agreements which exist between the authority and the department.
- Specifies the authority may not enter into new lease-purchase agreements, or amend the existing agreement with the department, to expand or increase the department's obligations, unless the department determines that an amendment or change is necessary to permit the refunding of bonds issued prior to July 1, 2012.

Sections 348.7543, 348.7545, and 348.7547, F.S., are amended to correct cross-references.

Section 348.755, F.S., is amended so that it:

- States the authority may not request bonds be issued that provide any rights against the department.
- States authority may not refinance bonds if the new bond has a maturity date later than the old bond, or if the new bond has a higher debt service than the old bond at any time.
- Terminates the obligations of the department under lease-purchase agreements upon certain criteria.
- Requires the department's consent to issue bonds which pledge revenues of the authority which are senior to, or in parity with, the authority's obligations to fully reimburse the department for the costs of operations and maintenance, and repair and rehabilitation of the expressway system paid by the department.
- Requires bond resolutions set aside sufficient amounts for the costs of operations and maintenance of the facility before applying revenues to the payment of debt service on the bonds. (No "gross" revenue pledge).
- States the authority may not bond under the provisions of s. 348.755(1)(b) or (d), F.S., until the department's obligations under the lease-purchase agreements are satisfied or until the department has been fully reimbursed the costs of operation, maintenance, repair and rehabilitation of the expressway system.

Section 348.757, F.S., is amended so that it:

- Provides that the authority may not enter into any other lease-purchase agreement other than those in currently in place between the department and authority, unless the department determines that an amendment is necessary to permit the refunding of bonds issued prior to July 1, 2012.

- States that the department's obligations under the lease-purchase agreement terminate, including any obligation to pay the costs of operation and maintenance, repair, or rehabilitation of the expressway, under certain conditions.

Section 348.7585, F.S., is created so that it:

- Makes the department is the agent of the authority for the purpose of collecting tolls.
- States the department must be reimbursed for the costs of collection.
- States the authority may fix the toll rates.

Osceola County Expressway Authority

Section 348.9952, F.S., is amended so that it restricts the types of employees who may be hired by the authority.

Section 348.9956, F.S., which states the department may be appointed the agent of the authority for construction, is repealed.

Section 348.99565, F.S., is created to that it:

- Assigns the department as the agent of the authority to operate and maintain the systems and design and construct any new projects that an authority may wish to build.
- Authorizes the Division of Bond Finance to transfer proceeds from the issuance of bonds for construction of a project to the State Treasury the funds necessary for construction.
- Allows the authority to use a local agency, certified by the department, to manage federal aid projects in accordance with federal law, with the consent of the department.
- States that if the authority wishes to construct improvements to the expressway system, they are required to submit a work plan identifying the project as a part of its budget, including a financial plan which demonstrates the financial feasibility of the project. Legislative approval of the authority's budget is required prior to the issuance of bonds to finance the construction.
- Stats that the authority is required to reimburse the department for costs incurred for the operation and maintenance of the facility from revenues generated by the facility.
- Allows the authority to establish and collect tolls, rate, fees, rentals and other charges for the facilities.

Section 349.03, F.S., is amended to state that members of the Jacksonville Transportation Authority should file a statement of financial interest with the Commission on Ethics.

Section 349.04, F.S., is amended to allow the Jacksonville Transportation Authority to conduct public meetings and workshops by means of communications media technology.

Section 373.413, F.S., is amended so that it:

- Provides legislative intent that there should be flexibility when permitting the construction or alteration of stormwater management systems serving state transportation projects.
- Mandates a balancing test between the cost of the most cost-efficient and effective method of stormwater treatment and the public benefit of such a method.
- Allows for alternatives for onsite stormwater treatment.
- Relieves FDOT of responsibility for abatement of pollutants and flows from offsite sources, but does not prohibit their management by FDOT.
- States FDOT is responsible for stormwater management for an acquired right-of-way, but not for adjusting permits for adjacent lands.
- Grants rulemaking authority to FDOT.

Section 373.4137, F.S., is amended to:

- Change the legislative intent to include the use of other mitigation options that satisfy state and federal requirements.
- Allow FDOT to elect whether or not to incorporate its mitigation efforts into the planning structure detailed under this section.
- Adjust the requirements for the environmental impact inventory so that it only must have a list, rather than a survey, of threatened species, endangered species, and species of special concern threatened by the proposed project.
- Allow the release of funds that are identified or maintained in escrow for the WMDs if the transportation project falls outside, in whole or in part, of the WMD mitigation plan.

Section 403.7211, F.S., is amended to correct cross-references.

Section 479.28, F.S., which created the Rest Area Information Panel or Device Program, is repealed.

Section 66 creates a new, unnumbered section of law which:

- Transfers the governance and control of the Mid-Bay Bridge Authority system to the Florida Turnpike Enterprise.
- Transfers the assets, facilities, property and property rights, and legal obligations of the Authority to the Turnpike Enterprise.
 - Turnpike Enterprise will be responsible for the operations and maintenance of the bridge;
 - Turnpike Enterprise will collect toll revenues on the bridge and will make the debt service payments from those revenues
 - The bridge becomes part of the Turnpike System upon defeasance of all outstanding authority bonds;
 - Turnpike Enterprise is authorized assume contractual obligations of the authority if necessary for continued operation of the bridge.

- Provides for the protection of the bondholders of Mid-Bay Bridge Authority bonds by specifying that Turnpike Enterprise will operate and maintain the bridge in accordance with the terms and covenants set forth in the lease purchase agreement and bond resolutions adopted providing the issuance of bonds.
 - Turnpike Enterprise will collect toll revenues will make the payment of debt service as provided in bond resolutions from those revenues.
- Turnpike Enterprise's obligation to pay principal and interest on bonds is not a general liability of Turnpike, and does not pledge turnpike system revenues for payment of bonds.
- Turnpike Enterprise will make annual payments to the State Transportation Trust Fund for the repayment of the Authority's long term debt obligation of \$16.1 million as of June 30, 2011, from excess toll revenues. The payments shall not exceed \$1 million annually.
- Any excess revenue after the debt service payments, operations and maintenance of the bridge and the repayment of long term debt to the State Transportation may be used for the construction, maintenance, or improvement of any toll facility of Turnpike Enterprise within the county or counties collected.

Section 90 creates a new, unnumbered section of law which states that the Florida Transportation Commission must study and report on the potential cost savings which might be realized through consolidation of the expressway authorities.

Section 97 creates a new, unnumbered section of law which:

- Prohibits local governments from using certain paints in their road projects.
- Prohibits persons from manufacturing, selling, or offering for promotional purposes, such paints.
- Provides penalties for violations of this section.

Section 98 creates a new unnumbered section of the Florida Statutes in order to allow FDOT to seek federal approval for a Tourist-Oriented Commerce Sign Pilot Program.

Section 99 creates a new unnumbered section of the Florida Statutes in order to initiate a study by the Pinellas Suncoast and the Hillsborough Area Regional Transit Authorities. The new section of law designates legislative intent, gives a time frame for the study, enumerates elements to be reviewed, requires a report be submitted by February 1, 2013, and requires the Tampa Bay Area Regional Transit Authority to assist and facilitate the study for which it may be reimbursed up to \$100,000.

Section 100 creates a new, unnumbered section of law that:

- Allows governmental units which are authorized to regulate the operation of public vehicles for hire to request, receive, and pay for, criminal history record information for the purpose of screening applicants for for-hire licenses.
- Allows such a criminal history record to include a national check with the FBI.

- Allows for the Florida Department of Law enforcement to process fingerprints and forward them to the FBI.
- Mandates that the cost will be borne by the governmental unit, the employer, or the person who is the subject of the check and FDLE will invoice them for the fingerprint processing.

Other Potential Implications:

Section 337.404 allows for the department to require the removal of a utility within a *reasonable* amount of time. The use of the word reasonable, rather than a plain standard, could open the department up to legal challenges which could cause project delays and may have a negative fiscal impact on the state.

Section 339.155, F.S., is amended to reference federal law as it relates to planning factors and would eliminate the need for repeated statutory revisions to accommodate changes in federal planning factors. Florida is required to follow the federal requirements, even if state law is not amended to reflect the new planning factors. The department acknowledges the responsibility to seek reenactment of the reference any time the federal requirements change but suggests reenactment of the reference is more efficient than revising the current list of factors in state statute with each round of federal changes.

Section 349.04, F.S., is amended to make revisions to allow the Jacksonville Transportation Authority to conduct public meetings and workshops by means of communications media technology. This change will subject that transportation authority to different standards than the standards governing other similarly situated public bodies that are subject to the provisions of the Sunshine Law. Generally, public bodies may only meet electronically for workshops and meetings at which no formal action will be taken.²³ For meetings at which formal decisions will be made, a quorum of the public body's members must be present at a physical location, and electronic participation of an absent member should be permitted only in extraordinary circumstances.²⁴

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

²³ see 2005 WL 3262434 (Fla.A.G.)

²⁴ see AGO 2003-41

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

Section 206.41 is expanded to add citrus harvesting equipment and citrus fruit loaders to the exemption from the state motor fuel tax. It is unclear whether or not these vehicles were exempt before.

B. Private Sector Impact:

Section 316.003 is amended to revise the definition of motor vehicles as it pertains to toll collections in order to allow for toll violations to be sent to the person who owns the truck portion of a truck-trailer combination rather than the owner of the trailer. This section may reduce negative impacts on persons and companies who rent trailers by subjecting truck drivers to toll violation penalties rather than the trailer owners.

Section 316.515 is amended to clarify the language having to do with the length of a straight truck-trailer combination. This new language may reduce the number of citations written for over-length truck-trailer combinations and, as such, may have an indeterminate positive fiscal impact on the drivers of such truck-trailer combinations.

Section 337.14 is amended to allow applicants who are bidding exclusively for projects worth less than \$1 million to have their financial statements *reviewed*, rather than *audited*, by a CPA. This will save such applicants money and will cause an indeterminate positive fiscal impact for such applicants.

Section 338.01, F.S., allows FDOT, or other governmental entity responsible for toll collection, to pursue collection of unpaid tolls by contracting with a private attorney or a collection agent. This section could result in an indeterminate positive fiscal impact for the attorneys or agencies hired to collect such tolls. This section could also have an indeterminate fiscal impact on persons who must pay collection fees along with their delinquent tolls.

Section 383.151 is amended to allow FDOT to establish tolls on certain types of new construction of limited access facilities including the replacement of existing, non-tolled, bridges. This will have an indeterminate negative fiscal impact for those persons who must use such tolled installations.

Section 338.231 is amended to allow FDOT to assess a monthly fee against inactive SunPass accounts. This fee will create an indeterminate negative fiscal impact for consumers with such accounts and may cause more toll violations if consumers are unaware of the closure of their accounts.

Section 100 allows local governments to conduct national criminal history background checks on prospective licensees and for-hire vehicle drivers. This section also allows the local government to either take on the cost of such a check itself, or force either the employer or the prospective employee to pay for the check. If the employer or the

prospective employee is forced to pay for the check, this will cause a negative fiscal impact on those parties equal to either \$43.35 for each online check, or \$54.25 for each paper check.²⁵

C. Government Sector Impact:

Section 20.23 is amended to codify an existing program and will not create a fiscal impact.

Section 311.07 is amended to codify funding practices which have been current practice since 2004 and, as such, will have no fiscal impact.

New sections 311.10 and 311.101 create new allocations from the STTF which may need to be offset from other projects.

Section 316.1001 is amended to remove the requirement that toll citations be mailed return receipt requested. This section will cause an indeterminate positive fiscal impact due to the reduced cost of mailing citations.

Section 316.515 is amended to clarify the language having to do with the length of a straight truck-trailer combination. This new language may reduce the number of citations written for over-length truck-trailer combinations and, as such, may have an indeterminate negative fiscal impact on the authorities writing such citations.

Section 334.044 is amended to change language pertaining to FDOT powers and duties to cap landscaping funds, rather than require a minimum amount of landscaping funds. This should have an indeterminate positive fiscal impact.

Section 338.01, F.S., allows FDOT, or other governmental entities responsible for toll collections, to pursue collection of unpaid tolls by contracting with a private attorney or a collection agent. If this section results in more collection of delinquent tolls, it could have an indeterminate positive fiscal impact.

Section 383.151 is amended to allow FDOT to establish tolls on certain types of new construction of limited access facilities. This will have an indeterminate positive fiscal impact which will satisfy the bonding provisions for the new construction.

Section 338.155 is amended to allow FDOT to exempt new classes of vehicles from tolls. This section may cause an indeterminate negative fiscal impact due to the loss of some toll revenue.

²⁵ Florida Department of Law Enforcement, Criminal History Record Checks / Background Checks Fact Sheet, January 20, 2012, found at http://www.fdle.state.fl.us/Content/getdoc/769edeba-2969-45dd-ad8f-6739dc24aded/BackgroundChecks_FAQs_01202012_Final.aspx, last viewed on Feb. 3, 2012. Pg. 12

Section 338.231 is amended to allow FDOT to assess a monthly fee against inactive SunPass accounts. According to FDOT this fee will create offset costs of maintaining such accounts and create a neutral fiscal impact.

Section 373.413 is amended to allow for flexibility in permitting construction or alteration of stormwater management systems. If proven more efficient, such flexible permitting could cause an indeterminate positive fiscal impact.

Section 373.4137 is amended to allow for flexibility in the use of mitigation options for FDOT projects. This section could have a positive impact on FDOT granting it the ability to choose the most cost-effective mitigation method that it finds appropriate. This section could also have a negative impact on the WMDs should FDOT opt-out of their mitigation plan.

Sections 66-90 - The Expressway Authority Consolidations:

The fiscal analysis provided by Turnpike Enterprise estimates a savings of \$10 million resulting from the consolidation of toll operations of Mid-Bay Bridge Authority, Tampa-Hillsborough County Expressway Authority, and Orlando-Orange County Expressway Authority into Turnpike Enterprise. The savings are estimated as follows:

- Mid-Bay Bridge Authority – There is no savings associated as Turnpike currently performs 100% of toll collection.
- Tampa-Hillsborough County Expressway Authority - \$616,000 – Contract for video/violation processing currently contracted with MDX.
- Orlando-Orange County Expressway Authority - \$9,568,000 –The savings is based on OOECA’s gross operating cost (\$14.2 M) for electronic toll operations and back office and netting the operating costs (\$4.6M) Turnpike would incur to perform equivalent services.

Section 99 creates a new unnumbered section of the Florida Statutes which mandates a study that is to be paid for from the existing budgets of the PSTA and HART.

Section 97 prohibits the use of certain road marking paints. If these types of paints are currently used, replacing them could cause an indeterminate negative fiscal impact to the authority which uses such paints.

Section 100 allows local governments to conduct national criminal history background checks on prospective licensees and for-hire vehicle drivers. This section also allows the local government to either take on the cost of such a check itself, or force either the employer or the prospective employee to pay for the check. If the local government pays for the check, this will cause a negative fiscal impact equal to either \$43.35 for each online check, or \$54.25 for each paper check.²⁶

²⁶ Id.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Transportation on February 2, 2012:

The CS incorporates a number of amendments into SB 1866 which significantly amend the bill.

Amendment barcode # 395644 amends:

- Section 20.23, F.S., to allow FDOT district secretaries and enterprise executive directors to be registered professional engineers in accordance with the laws of another state.
- Section 311.101, F.S., a newly created section of law, to clarify that inland ports are included in the definition of “intermodal logistics center.”
- Section 316.091, F.S., to allow FDOT and the expressway authorities to designate road shoulders of limited access facilities and interstate highways for vehicular traffic in order to improve safety, reliability, and transportation system efficiency. These designations are subject to appropriate signage and are not allowed when restricted by Federal law or by a covenant.
- Section 332.08, F.S., to allow municipalities participating in the 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.
- Section 336.025, F.S., to allow local government expenditures of the local option fuel tax for the installation, operation, maintenance and repair of street lighting, traffic signs, traffic engineering, signalization, and pavement markings.
- Section 338.01, F.S., to allow FDOT, or other governmental entity responsible for toll collection, to pursue collection of unpaid tolls by contracting with a private attorney or a collection agent.
- Section 338.161, F.S., to allow FDOT to use private toll collection and video billing systems in order to increase toll revenues or add convenience or other value for its customers.
- Section 339.175, F.S., to require that, to the extent possible, only one MPO exist per urbanized area or group of contiguous urbanized areas and that, if more than one MPO exists, they coordinate in the development of regionally significant projects.

- Section 339.2819, F.S., to require that projects funded under the Transportation Regional Incentive Program be included in FDOT's work program.

Amendment barcode # 539748 amends:

- Section 316.091, F.S., to allow FDOT enough time to implement the bicycle pilot program and conclude the program.
- Sections 316.515, 337.111, 337.14, 338.151, F.S., to correct technical changes.

Amendment barcode #121766 amends section 99 to amend:

- The PSTA and HART study to set a start date for joint meetings of July 1, 2012, (rather than 30 days after the effective date of the act) and to allow for more flexibility in scheduling further meetings as necessary (rather than mandating meetings every 45 days).

Amendment barcode # 724824 creates section 100 which creates a new, unnumbered section of law that:

- Allows governmental units which are authorized to regulate the operation of public vehicles for hire to request, receive, and pay for, criminal history record information for the purpose of screening applicants for for-hire licenses.
- Allows such a criminal history record to include a national check with the FBI.
- Allows for the Florida Department of Law enforcement to process fingerprints and forward them to the FBI.
- Mandates that the cost will be borne by the governmental unit, the employer, or the person who is the subject of the check and FDLE will invoice them for the fingerprint processing.

Amendment barcode # 643322 amends:

- Section 334.044 to remove the cap on landscaping funds for project that add capacity or provide a significant enhancement to the existing highway system.

Amendment barcode # 182394 amends s. 339.63, F.S., to:

- Mandate that the FDOT secretary designate a facility which meets the definition of an intermodal logistics center and has been designated as such in the local comprehensive plan as part of the Strategic Intermodal System, upon the facilities request.
- Waive concurrency standards for such facilities, for building permits issued on or before December 31, 2017, if the facility meets certain criteria.

Amendment barcode # 297172 creates and amends a number of sections:

Mid-Bay Bridge Authority

Section 66

- Transfers the governance and control of the Mid-Bay Bridge Authority system to the Florida Turnpike Enterprise.
- Transfers the assets, facilities, property and property rights, and legal obligations of the Authority to the Turnpike Enterprise.
 - Turnpike Enterprise will be responsible for the operations and maintenance of the bridge;
 - Turnpike Enterprise will collect toll revenues on the bridge and will make the debt service payments from those revenues
 - The bridge becomes part of the Turnpike System upon defeasance of all outstanding authority bonds;
 - Turnpike Enterprise is authorized assume contractual obligations of the authority if necessary for continued operation of the bridge.
- Provides for the protection of the bondholders of Mid-Bay Bridge Authority bonds by specifying that Turnpike Enterprise will operate and maintain the bridge in accordance with the terms and covenants set forth in the lease purchase agreement and bond resolutions adopted providing the issuance of bonds.
 - Turnpike Enterprise will collect toll revenues will make the payment of debt service as provided in bond resolutions from those revenues.
- Turnpike Enterprise's obligation to pay principal and interest on bonds is not a general liability of Turnpike, and does not pledge turnpike system revenues for payment of bonds.
- Turnpike Enterprise will make annual payments to the State Transportation Trust Fund for the repayment of the Authority's long term debt obligation of \$16.1 million as of June 30, 2011, from excess toll revenues. The payments shall not exceed \$1 million annually.
- Any excess revenue after the debt service payments, operations and maintenance of the bridge and the repayment of long term debt to the State Transportation may be used for the construction, maintenance, or improvement of any toll facility of Turnpike Enterprise within the county or counties collected.

Section 348.0004, F.S., is amended to strike language pertaining to lease-purchase agreements from the powers of the expressway authorities.

Section 348.0005, F.S., is amended to:

- Require bond resolutions set aside sufficient amounts for the costs of operations and maintenance of the facility before applying revenues to the payment of debt service on the bonds.
- Restrict expressway authorities created on or after July 1, 2012 from the bonding provisions of s. 348.0005, F.S.

Section 348.0013, F.S., is created so that it:

- Clarifies that this section applies to new authorities.
- Assigns the department as the agent of new authorities to operate and maintain the systems and design and construct any new projects that an authority may wish to build.
 - Allows the authority to use a local agency, certified by the department, to manage federal aid projects in accordance with federal law, with the consent of the department.
- Authorizes the Division of Bond Finance to transfer proceeds from the issuance of bonds for construction of a project to the State Treasury the funds necessary for construction.
- Requires an authority who wishes to construct an expressway to submit a work plan identifying the project as a part of its budget, including a financial plan which demonstrates the financial feasibility of the project. Legislative approval of the authority's budget is required prior to the issuance of bonds to finance the construction.
- Costs incurred by the department for the operation and maintenance of the facility are required to be reimbursed from revenues generated by the facility.
- The authorities may establish and collect tolls, rate, fees, rentals and other charges for the facilities.

Tampa-Hillsborough County Expressway Authority

Section 348.52, F.S., is amended so that it restricts the Tampa-Hillsborough County Expressway Authority from hiring legal, financial or other professional consultants.

Section 348.54, F.S., is amended so that it:

- Enumerates the lease-purchase agreements which exist between the authority and the department.
- Specifies the authority may not enter into new lease-purchase agreements, or amend the existing agreement with the department, to expand or increase the department's obligations, unless the department determines that an amendment or change is necessary to permit the refunding of bonds issued prior to July 1, 2012.
- Terminates the departments obligations under the lease-purchase agreement upon the earlier of:
 - The date of payment in full of the authority's bonds issued before July 1, 2012; or
 - A date agreed to by the bondholders of the authority for bonds issued; or
 - The date of termination of department's obligations under the terms of the memorandum of agreement dated October 26, 2010 between department and authority.

Section 348.545, F.S., is amended to correct cross-references.

Section 348.56, F.S., is amended so that it:

- Requires the authority to utilize the service of the Division of Bond Finance for all bond issuance; and requires that bond resolutions set aside sufficient amounts for the costs of operations and maintenance of the facility before applying revenues to the payment of debt service on the bonds. (No “gross” revenue pledge).
- Requires the department’s consent to issue bonds which pledge revenues of the authority which are senior to, or in parity with, the authority’s obligations to fully reimburse the department for the costs of operations and maintenance, and repair and rehabilitation of the expressway system paid by the department.
- Specifies that the authority may not issue any bonds which provide any rights against the department and are enforceable by the bond holders.
- Sets limits on the terms of refund bond issuance; refund bonds may not be issued if the final maturity is later than the bond being refunded or if debt service on the refund bond is higher than that currently paid on bonds being refunded.
- Terminates the department’s obligations under the lease-purchase agreement with the authority, upon the earlier of:
 - The date of payment in full of the authority’s bonds issued before July 1, 2012; or
 - A date agreed to by the bondholders of the authority for bonds issued; or
 - The date of termination of department’s obligations under the terms of the memorandum of agreement dated October 26, 2010 between department and authority.
- Requires bond resolutions set aside sufficient amounts for the costs of operations and maintenance of the facility before applying revenues to the payment of debt service on the bonds. (No “gross” revenue pledge).
- Restricts the authority from bonding under the provisions of s. 348.56(1)(b), F.S., in any year in which the department’s obligations under a lease-purchase agreement are outstanding or in which the authority has not fully reimbursed the department for amounts expended on the expressway system.

Section 348.565, F.S., is amended so that it:

- Removes a provision allowing the issuance of revenue bonds by the authority and requires that the authority utilize the service of the Division of Bond Finance.
- Removes a project from the list of projects previously approved to be financed or refinanced by the issuance of revenue bonds. The connector highway linking the Lee Roy Selmon Crosstown Expressway to Interstate 4 is being completed by FDOT.

Section 348.57, F.S., is amended to correct cross-references.

Section 348.60, F.S., is amended so that it:

- Provides that the authority may not enter into any other lease-purchase agreement other than those in currently in place between the department and authority, unless the

department determines that an amendment is necessary to permit the refunding of bonds issued prior to July 1, 2012.

- Provides that upon the payment in full of all bonds issued prior to July 1, 2012, including refunding bonds, or on a date which the bondholders have consented, whichever is earlier.
- The department's obligations under the lease-purchase agreement terminate, including any obligation to pay the costs of operation and maintenance, repair, or rehabilitation of the expressway.
- The lease-purchase agreement terminates.
- The expressway system remains the property of the authority.
- The authority remains obligated to reimburse the department for all costs of operation, maintenance, repair and rehabilitation of the expressway system, and that the department will operate and maintain the system as the agent of the authority.
- The department will operate the system as the agent of the authority.

Section 348.615, F.S., is created so that it:

- Makes the department is the agent of the authority for the purpose of collecting tolls.
- States the department must be reimbursed for the costs of collection.
- Allows the authority to fix the toll rates.

Orlando-Orange County Expressway Authority

Section 348.753, F.S., is amended so that it restricts the types of employees who may be hired by the authority and authorizes the authority to contract with the Division of Bond Finance for financial services.

Section 348.754, F.S., is amended so that it:

- Enumerates the lease-purchase agreements which exist between the authority and the department.
- Specifies the authority may not enter into new lease-purchase agreements, or amend the existing agreement with the department, to expand or increase the department's obligations, unless the department determines that an amendment or change is necessary to permit the refunding of bonds issued prior to July 1, 2012.

Sections 348.7543, 348.7545, and 348.7547, F.S., are amended to correct cross-references.

Section 348.755, F.S., is amended so that it:

- States the authority may not request bonds be issued that provide any rights against the department.
- States authority may not refinance bonds if the new bond has a maturity date later than the old bond, or if the new bond has a higher debt service than the old bond at any time.

- Terminates the obligations of the department under lease-purchase agreements upon certain criteria.
- Requires the department's consent to issue bonds which pledge revenues of the authority which are senior to, or in parity with, the authority's obligations to fully reimburse the department for the costs of operations and maintenance, and repair and rehabilitation of the expressway system paid by the department.
- Requires bond resolutions set aside sufficient amounts for the costs of operations and maintenance of the facility before applying revenues to the payment of debt service on the bonds. (No "gross" revenue pledge).
- States the authority may not bond under the provisions of s. 348.755(1)(b) or (d), F.S., until the department's obligations under the lease-purchase agreements are satisfied or until the department has been fully reimbursed the costs of operation, maintenance, repair and rehabilitation of the expressway system.

Section 348.757, F.S., is amended so that it:

- Provides that the authority may not enter into any other lease-purchase agreement other than those in currently in place between the department and authority, unless the department determines that an amendment is necessary to permit the refunding of bonds issued prior to July 1, 2012.
- States that the department's obligations under the lease-purchase agreement terminate, including any obligation to pay the costs of operation and maintenance, repair, or rehabilitation of the expressway, under certain conditions.

Section 348.7585, F.S., is created so that it:

- Makes the department is the agent of the authority for the purpose of collecting tolls.
- States the department must be reimbursed for the costs of collection.
- States the authority may fix the toll rates.

Osceola County Expressway Authority

Section 348.9952, F.S., is amended so that it restricts the types of employees who may be hired by the authority.

Section 348.9956, F.S., which states the department may be appointed the agent of the authority for construction, is repealed.

Section 348.99565, F.S., is created to that it:

- Assigns the department as the agent of the authority to operate and maintain the systems and design and construct any new projects that an authority may wish to build.
- Authorizes the Division of Bond Finance to transfer proceeds from the issuance of bonds for construction of a project to the State Treasury the funds necessary for construction.

- Allows the authority to use a local agency, certified by the department, to manage federal aid projects in accordance with federal law, with the consent of the department.
- States that if the authority wishes to construct improvements to the expressway system, they are required to submit a work plan identifying the project as a part of its budget, including a financial plan which demonstrates the financial feasibility of the project. Legislative approval of the authority's budget is required prior to the issuance of bonds to finance the construction.
- States that the authority is required to reimburse the department for costs incurred for the operation and maintenance of the facility from revenues generated by the facility.
- Allows the authority to establish and collect tolls, rate, fees, rentals and other charges for the facilities.

Section 90

- The Florida Transportation Commission must study and report on the potential cost savings which might be realized through consolidation of the expressway authorities.

Amendment barcode # 410482 amends:

- Section 349.03, F.S., to state that members of the Jacksonville Transportation Authority should file a statement of financial interest with the Commission on Ethics.

Amendment barcode # 254496 amends:

- Section 337.403, F.S., to mandate that work must be completed within such reasonable time as stated in the notice, to change "department" to "authority" in paragraph (d), and add paragraph (g) which requires the authority to bear the cost of removal if they acquire the property before the utility is removed or relocated.

Amendment barcode # 161740 creates section 97 which:

- Prohibits local governments from using certain paints in their road projects.
- Prohibits persons from manufacturing, selling, or offering for promotional purposes, such paints.
- And providing penalties for violations.

Amendment barcode # 594398 amends:

- Section 343.53 to amend the membership of the governing board of the South Florida Regional Transportation Authority.

Amendment barcode # 342714 amends section 337.11, F.S., to return it to existing law.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/03/2012	.	
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The Committee on Transportation (Latvala) recommended the following:

Senate Amendment (with directory and title amendments)

Delete lines 289 - 295
and insert:

Section 1. Paragraphs (a) and (b) of subsection (5) of section 20.23, Florida Statutes, are amended, and subsection (7) is added to that section, to read:

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

(5) (a) The operations of the department shall be organized into seven districts, each headed by a district secretary, and a



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turnpike enterprise and a rail enterprise, each enterprise headed by an executive director. The district secretaries and the executive directors must ~~shall~~ be registered professional engineers in accordance with ~~the provisions of~~ chapter 471 or the laws of another state or, in lieu of professional engineer registration, a district secretary or executive director may hold an advanced degree in an appropriate related discipline, such as a Master of Business Administration. The headquarters of the districts shall be located in Polk, Columbia, Washington, Broward, Volusia, Miami-Dade, and Hillsborough Counties. The headquarters of the turnpike enterprise shall be located in Orange County. The headquarters of the rail enterprise shall be located in Leon County. In order to provide for efficient operations and to expedite the decisionmaking process, the department shall provide for maximum decentralization to the districts.

Delete line 729
and insert:
center," means a facility or group of facilities, including an inland port, serving as a

Delete line 893
and insert:
(5) The Department of Transportation and expressway authorities may designate the use of shoulders of limited access facilities and interstate highways under their jurisdiction for vehicular traffic determined to improve safety, reliability, and transportation system efficiency. Appropriate traffic signs or



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dynamic lane control signals shall be erected along the affected portions of the facility or highway in order to give notice to the public of the action to be taken and to clearly indicate when the shoulder is open to designated vehicular traffic. Such designation is not allowed if it would violate any federal law or covenant established in a resolution or trust indenture relating to the issuance of turnpike bonds, expressway authority bonds, or other bonds.

(6) The Department of Transportation shall establish a 2-

Between lines 1273 and 1274
insert:

Section 21. Subsection (6) is added to section 332.08, Florida Statutes, to read:

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

(6) Notwithstanding the provisions of this section, and if participating in the Federal Aviation Administration's pilot program on the private ownership of airports pursuant to 49 U.S.C. s. 47134, to lease or sell an airport or other air navigation facility or real property, together with improvements and equipment, acquired or set apart for airport purposes to a private party under the terms and conditions negotiated by the municipality. If state funds were provided to the municipality



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pursuant to s. 332.007, the municipality must obtain the Department of Transportation's approval of the agreement. The department may approve the agreement if it determines that the state's investment has been adequately considered and protected in accordance with the applicable conditions specified in 49 U.S.C. s. 47134.

Between lines 1586 and 1587
insert:

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

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

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

Between lines 2007 and 2008
insert:

(8) The department, or other governmental entity responsible for the collection of tolls, may pursue the collection of unpaid tolls and associated fees and other amounts to which it is entitled by contracting with a private attorney who is a member in good standing with The Florida Bar, or a collection agent who is registered and in good standing pursuant to chapter 559. A collection fee in an amount that is reasonable within the collection industry, including any reasonable



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attorney fee, may be added to the delinquent amount collected by
the attorney or collection agent. The requirements of s. 287.059
do not apply to private attorney services procured under this
section.

Between lines 2057 and 2058
insert:

Section 43. 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; ~~studies authorized.~~

(1) The department may ~~is authorized to~~ incur expenses for
paid advertising, marketing, and promotion of toll facilities
and electronic toll collection products and services. Promotions
may include discounts and free products.

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

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

(4) ~~(b)~~ If the department or ~~any~~ toll agency created by
statute finds that it can increase nontoll revenues or add
convenience or other value for its customers, the department or
toll agency may enter into agreements with a ~~any~~ private or
public entity allowing the use of its electronic toll collection



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system to pay parking fees for vehicles equipped with a transponder or similar device. The department or toll agency may initiate feasibility studies of other ~~additional~~ future uses of its electronic toll collection system and make recommendations to the Legislature to authorize such uses.

(5) If the department finds that it can increase nontoll revenues or add convenience or other value for its customers, the department may enter into agreements with private or public entities to use the electronic toll collection and video billing systems of such entities to collect tolls, fares, administrative fees, and other charges resulting from connection with the transportation facilities of the entities which will 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 for toll facilities that are not part of the turnpike system or otherwise owned by the department. This subsection does not limit the authority of the department under any other provision of law or under any agreement entered into before July 1, 2012.

Delete lines 2714 - 2717
and insert:

Section 54. Paragraph (a) of subsection (2), paragraph (a) of subsection (4), and paragraph (b) of subsection (8) of section 339.175, Florida Statutes, are amended to read:

339.175 Metropolitan planning organization.—

(2) DESIGNATION.—

(a)1. An M.P.O. shall be designated for each urbanized area



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

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

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

Delete lines 2768 - 2774
and insert:
writing, agree to vary this submittal date. If more than one M.P.O. exists within an urbanized area, the M.P.O.s must coordinate in the development of regionally significant project priorities. The list of project priorities must be formally

Between lines 2807 and 2808



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insert:

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

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

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

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

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

(b) Projects funded under this section must be included in the department's work program developed pursuant to s. 339.135. In identifying projects to be funded with allocating Transportation Regional Incentive Program funds, the department must ensure that such projects meet the requirements of this section and give priority ~~shall be given~~ to projects that:

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

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

3. Are subject to a local ordinance that establishes corridor management techniques, including access management



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strategies, right-of-way acquisition and protection measures,
appropriate land use strategies, zoning, and setback
requirements for adjacent land uses.

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

==== D I R E C T O R Y C L A U S E A M E N D M E N T =====

And the directory clause is amended as follows:

Delete lines 872 - 873

and insert:

Section 14. Subsections (1) through (4) of section 316.091,
Florida Statutes, are amended, present subsection (5) of that
section is renumbered as subsection (7), and new subsections (5)
and (6) are added to that section, to read:

Delete line 1998

and insert:

through (7), respectively, and new subsection (2) and subsection
(8) are added to

Delete line 2790

and insert:

Section 55. Subsections (1), (2), (3), and (4) of section

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete line 3

and insert:



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amending s. 20.23, F.S.; providing that the district secretaries and the executive directors of the Department of Transportation may be registered professional engineers in accordance with the laws of another state; deleting obsolete provisions;

Delete line 73

and insert:

a human-operated vehicle on a limited access highway; authorizing the department and expressway authorities to designate the use of shoulders of limited access facilities and interstate highways for vehicular traffic under certain conditions;

Delete line 89

and insert:

by the act; amending s. 332.08, F.S.; authorizing a municipality participating in the Federal Aviation Administration's pilot program on the private ownership of airports to lease or sell airport property to a private party; providing for department approval under certain conditions; reordering and amending s. 334.03, F.S.;

Delete lines 113 - 114

and insert:

s. 336.021, F.S.; revising the date for levying certain fuel taxes; amending s. 336.025, F.S.; revising the date for levying certain fuel taxes;



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specifying certain transportation program
expenditures; amending s. 337.11, F.S.;

Delete line 160

and insert:

department; authorizing the department or other
governmental entity to retain an attorney or
collection agent to collect unpaid tolls and add the
cost of such services to the amount collected;
creating s. 338.151, F.S.; authorizing the

Delete line 166

and insert:

certain circumstances; amending s. 338.161, F.S.;
authorizing the department to enter in agreements with
other entities for the use of the public or private
toll facilities under certain circumstances;
authorizing the department to modify its rules
regarding toll collection procedures and the
imposition of administrative charges for certain toll
facilities; amending s. 338.166, F.S.;

Delete lines 207 - 217

and insert:

reporting requirements; amending s. 339.175, F.S.;
revising provisions relating to the designation of
metropolitan planning organizations for urbanized
areas; revising provisions relating to representatives
of the department who serve as nonvoting advisers to



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such organization; requiring metropolitan planning organizations in urbanized areas containing more than one organization to coordinate in the development of regionally significant project priorities; amending s. 339.2819, F.S.; conforming cross-references; revising the state matching funds requirement for the Transportation Regional Incentive Program; requiring projects funded under the program to be included in the department's work program; amending s. 339.285, F.S.; conforming a



539748

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/03/2012	.	
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The Committee on Transportation (Latvala) recommended the following:

Senate Amendment (with title amendment)

Delete lines 919 - 925
and insert:
human-powered vehicles by March 1, 2013.

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

Delete line 1059
and insert:
~~transporting~~ peanuts, grains, soybeans, citrus, cotton, hay,
straw, or



539748

Delete lines 1613 - 1615

and insert:

shall provide an annual renewable bond, an irrevocable letter of credit, or other form of security as approved by the department's comptroller, for the purpose of a 10-year bond

Delete lines 1721 - 1725

and insert:

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

Delete line 2021

and insert:

1, 2012, unless tolls were in effect before that date. The authority provided in this section is in addition

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete line 133

and insert:

statements prepared by a certified



466570

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
02/03/2012	.	
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The Committee on Transportation (Garcia) recommended the following:

Senate Amendment

Delete line 1348
and insert:
No less than 1.5 percent of the amount contracted for



643322

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/03/2012	.	
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The Committee on Transportation (Latvala) recommended the following:

Senate Substitute for Amendment (466570)

Delete lines 1348 - 1349
and insert:
No less than 1.5 percent of the amount contracted for
construction projects that add capacity or provide significant
enhancements to the existing system shall be allocated by the
department for



759918

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/03/2012	.	
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The Committee on Transportation (Evers) recommended the following:

Senate Amendment

Delete lines 1726 - 1837
and insert:

Section 35. Section 337.403, Florida Statutes, is amended
to read:

337.403 Interference caused by relocation of utility;
expenses.—

(1) When a ~~Any utility heretofore or hereafter~~ placed upon,
under, over, or along any public road or publicly owned rail
corridor that is found by the authority to be unreasonably
interfering in any way with the convenient, safe, or continuous



759918

13 use, or the maintenance, improvement, extension, or expansion,
14 of such public road or publicly owned rail corridor, the utility
15 owner shall, upon 30 days' written notice to the utility or its
16 agent by the authority, initiate the work necessary to alleviate
17 the interference ~~be removed or relocated by such utility~~ at its
18 own expense except as provided in paragraphs (a)-(f). The work
19 must be completed within such reasonable time as stated in the
20 notice or such time as agreed to by the authority and the
21 utility owner.

22 (a) If the relocation of utility facilities, as referred to
23 in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.
24 627 of the 84th Congress, is necessitated by the construction of
25 a project on the federal-aid interstate system, including
26 extensions thereof within urban areas, and the cost of the
27 project is eligible and approved for reimbursement by the
28 Federal Government to the extent of 90 percent or more under the
29 Federal Aid Highway Act, or any amendment thereof, then in that
30 event the utility owning or operating such facilities shall
31 perform any necessary work ~~relocate the facilities~~ upon notice
32 from ~~order of~~ the department, and the state shall pay the entire
33 expense properly attributable to such work ~~relocation~~ after
34 deducting therefrom any increase in the value of any ~~the~~ new
35 facility and any salvage value derived from any ~~the~~ old
36 facility.

37 (b) When a joint agreement between the department and the
38 utility is executed for utility ~~improvement, relocation, or~~
39 ~~removal~~ work to be accomplished as part of a contract for
40 construction of a transportation facility, the department may
41 participate in those utility work ~~improvement, relocation, or~~



759918

42 ~~removal~~ costs that exceed the department's official estimate of
43 the cost of the work by more than 10 percent. The amount of such
44 participation shall be limited to the difference between the
45 official estimate of all the work in the joint agreement plus 10
46 percent and the amount awarded for this work in the construction
47 contract for such work. The department may not participate in
48 any utility work ~~improvement, relocation, or removal~~ costs that
49 occur as a result of changes or additions during the course of
50 the contract.

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

56 (d) If the utility facility involved ~~being removed or~~
57 ~~relocated~~ was initially installed to exclusively serve the
58 department, its tenants, or both, the department shall bear the
59 costs of the utility work ~~removing or relocating that utility~~
60 ~~facility~~. However, the department is not responsible for bearing
61 the cost of utility work related to ~~removing or relocating~~ any
62 subsequent additions to that facility for the purpose of serving
63 others.

64 (e) If, under an agreement between a utility and the
65 authority entered into after July 1, 2009, the utility conveys,
66 subordinates, or relinquishes a compensable property right to
67 the authority for the purpose of accommodating the acquisition
68 or use of the right-of-way by the authority, without the
69 agreement expressly addressing future responsibility for the
70 cost of necessary utility work ~~removing or relocating the~~



759918

71 ~~utility~~, the authority shall bear the cost of removal or
72 relocation. This paragraph does not impair or restrict, and may
73 not be used to interpret, the terms of any such agreement
74 entered into before July 1, 2009.

75 (f) If the utility is an electric facility being relocated
76 underground in order to enhance vehicular, bicycle, and
77 pedestrian safety and in which ownership of the electric
78 facility to be placed underground has been transferred from a
79 private to a public utility within the past 5 years, the
80 department shall incur all costs of the necessary utility work
81 ~~relocation~~.

82 (2) If such utility work ~~removal or relocation~~ is
83 incidental to work to be done on such road or publicly owned
84 rail corridor, the notice shall be given at the same time the
85 contract for the work is advertised for bids, or no less than 30
86 days prior to the commencement of such work by the authority,
87 whichever is greater.

88 (3) Whenever the notice from ~~an order of~~ the authority
89 requires such utility work ~~removal or change in the location of~~
90 ~~any utility from the right-of-way of a public road or publicly~~
91 ~~owned rail corridor~~, and the owner thereof fails to perform the
92 work ~~remove or change the same~~ at his or her own expense ~~to~~
93 ~~conform to the order~~ within the time stated in the notice or
94 such other time as agreed to by the authority and the utility
95 owner, the authority shall proceed to cause the utility work to
96 be performed ~~to be removed~~. The expense thereby incurred shall
97 be paid out of any money available therefor, and such expense
98 shall, except as provided in subsection (1), be charged against
99 the owner and levied and collected and paid into the fund from



759918

which the expense of such relocation was paid.

Section 36. Subsection (1) of section 337.404, Florida Statutes, is amended to read:

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

(1) Whenever it becomes ~~shall become~~ necessary for the authority to perform utility work ~~remove or relocate any utility~~ as provided in s. 337.403 ~~the preceding section~~, the owner of the utility, or the owner's chief agent, shall be given notice that the authority will perform ~~of such work removal or relocation~~ and, after the work is complete, given an order requiring the payment of the cost thereof, and a ~~shall be given~~ reasonable time, which may ~~shall~~ not be less than 20 or ~~not~~ more than 30 days, in which to appear before the authority to contest the reasonableness of the order. Should the owner or the owner's representative not appear, the determination of the cost to the owner shall be final. Authorities considered agencies for the purposes of chapter 120 shall adjudicate removal or relocation of utilities pursuant to chapter 120.



254496

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
02/03/2012	.	
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The Committee on Transportation (Evers) recommended the following:

Senate Substitute for Amendment (759918) (with title amendment)

Delete lines 1726 - 1837

and insert:

Section 35. Section 337.403, Florida Statutes, is amended to read:

337.403 Interference caused by relocation of utility; expenses.—

(1) When a ~~Any~~ utility ~~heretofore or hereafter~~ placed upon, under, over, or along any public road or publicly owned rail corridor that is found by the authority to be unreasonably



254496

interfering in any way with the convenient, safe, or continuous use, or the maintenance, improvement, extension, or expansion, of such public road or publicly owned rail corridor, the utility owner shall, upon 30 days' written notice to the utility or its agent by the authority, initiate the work necessary to alleviate the interference ~~be removed or relocated by such utility~~ at its own expense except as provided in paragraphs (a)-(f). The work must be completed within such reasonable time as stated in the notice or such time as agreed to by the authority and the utility owner.

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

(b) When a joint agreement between the department and the utility is executed for utility ~~improvement, relocation, or removal~~ work to be accomplished as part of a contract for construction of a transportation facility, the department may



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participate in those utility work improvement, relocation, or removal costs that exceed the department's official estimate of the cost of the work by more than 10 percent. The amount of such participation shall be limited to the difference between the official estimate of all the work in the joint agreement plus 10 percent and the amount awarded for this work in the construction contract for such work. The department may not participate in any utility work improvement, relocation, or removal costs that occur as a result of changes or additions during the course of the contract.

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

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

(e) If, under an agreement between a utility and the authority entered into after July 1, 2009, the utility conveys, subordinates, or relinquishes a compensable property right to the authority for the purpose of accommodating the acquisition or use of the right-of-way by the authority, without the agreement expressly addressing future responsibility for the



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71 cost of necessary utility work ~~removing or relocating the~~
72 ~~utility~~, the authority shall bear the cost of removal or
73 relocation. This paragraph does not impair or restrict, and may
74 not be used to interpret, the terms of any such agreement
75 entered into before July 1, 2009.

76 (f) If the utility is an electric facility being relocated
77 underground in order to enhance vehicular, bicycle, and
78 pedestrian safety and in which ownership of the electric
79 facility to be placed underground has been transferred from a
80 private to a public utility within the past 5 years, the
81 department shall incur all costs of the necessary utility work
82 ~~relocation~~.

83 (g) If the authority acquires the property on which a
84 utility was located before the removal or relocation of the
85 utility facility, and such utility is not found to be located
86 illegally, the authority shall bear the costs of removing or
87 relocating that utility facility.

88 (2) If such utility work ~~removal or relocation~~ is
89 incidental to work to be done on such road or publicly owned
90 rail corridor, the notice shall be given at the same time the
91 contract for the work is advertised for bids, or no less than 30
92 days prior to the commencement of such work by the authority,
93 whichever is greater.

94 (3) Whenever the notice from an order of the authority
95 requires such utility work ~~removal or change in the location of~~
96 ~~any utility from the right-of-way of a public road or publicly~~
97 ~~owned rail corridor,~~ and the owner thereof fails to perform the
98 work ~~remove or change the same~~ at his or her own expense ~~to~~
99 ~~conform to the order~~ within the time stated in the notice or



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such other time as agreed to by the authority and the utility owner, the authority shall proceed to cause the utility work to be performed ~~to be removed~~. The expense thereby incurred shall be paid out of any money available therefor, and such expense shall, except as provided in subsection (1), be charged against the owner and levied and collected and paid into the fund from which the expense of such relocation was paid.

Section 36. Subsection (1) of section 337.404, Florida Statutes, is amended to read:

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

(1) Whenever it becomes ~~shall become~~ necessary for the authority to perform utility work ~~remove or relocate any utility~~ as provided in s. 337.403 ~~the preceding section~~, the owner of the utility, or the owner's chief agent, shall be given notice that the authority will perform ~~of such work removal or relocation~~ and, after the work is complete, given an order requiring the payment of the cost thereof, and a ~~shall be given~~ reasonable time, which may ~~shall~~ not be less than 20 or ~~not~~ more than 30 days, in which to appear before the authority to contest the reasonableness of the order. Should the owner or the owner's representative not appear, the determination of the cost to the owner shall be final. Authorities considered agencies for the purposes of chapter 120 shall adjudicate removal or relocation of utilities pursuant to chapter 120.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete line 140



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and insert:

certain time period; requiring the local governmental authority to bear the costs of work on a utility facility that was initially installed to serve the governmental entity or its tenants; providing that the governmental entity is not responsible for the costs of utility work related to subsequent additions to the facility; requiring that the local governmental authority bear the costs of removing or relocating a utility facility under certain circumstances; providing for notice to the



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/03/2012	.	
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The Committee on Transportation (Benacquisto) recommended the following:

Senate Amendment (with title amendment)

Delete lines 2825 - 2851
and insert:

Section 58. Subsections (2) and (4) of section 339.63, Florida Statutes, are amended, and subsections (5) and (6) are added to that section, to read:

339.63 System facilities designated; additions and deletions.—

(2) The Strategic Intermodal System and the Emerging Strategic Intermodal System include the following five ~~four~~ different types of facilities which ~~that~~ each form one component



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of an interconnected transportation system ~~which types include:~~

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

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

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

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

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

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

(5) ~~However,~~ An airport that is designated as a reliever



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airport to a Strategic Intermodal System airport which has at least 75,000 itinerant operations per year, has a runway length of at least 5,500 linear feet, is capable of handling aircraft weighing at least 60,000 pounds with a dual wheel configuration which is served by at least one precision instrument approach, and serves a cluster of aviation-dependent industries, shall be designated as part of the Strategic Intermodal System by the Secretary of Transportation upon the request of a reliever airport meeting this criteria.

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

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

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

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



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71 3. Within 10 miles of the boundary of a rural area of
72 critical economic concern or a rural enterprise zone.

73
74 ===== T I T L E A M E N D M E N T =====

75 And the title is amended as follows:

76 Delete line 224

77 and insert:

78 and the Emerging Strategic Intermodal System;
79 requiring that the Secretary of Transportation
80 designate certain planned facilities as part of the
81 Strategic Intermodal System; providing for such
82 facilities to receive a waiver of the transportation
83 concurrency requirements under certain circumstances;
84 amending



594398

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/03/2012	.	
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The Committee on Transportation (Evers) recommended the following:

Senate Amendment (with title amendment)

Delete lines 3231 - 3303
and insert:

Section 63. Paragraphs (c) and (e) of subsection (2) of
section 343.53, Florida Statutes, are amended to read:

343.53 South Florida Regional Transportation Authority.—

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

(c) The Secretary of ~~the Department of~~ Transportation shall
appoint one of the district secretaries, or his or her designee,
for the districts within which the area served by the South



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Florida Regional Transportation Authority is located. However,
the secretary's appointee shall serve in an ex officio,
nonvoting capacity.

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

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete lines 243 - 246

and insert:

"department"; amending s. 343.53,



331620

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/03/2012	.	
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The Committee on Transportation (Latvala) recommended the following:

Senate Substitute for Amendment (594398) (with title amendment)

Delete lines 3231 - 3303
and insert:

Section 63. Paragraphs (c), (d) and (e) of subsection (2) of section 343.53, Florida Statutes, are amended to read:

343.53 South Florida Regional Transportation Authority.—

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

(c) The Secretary of ~~the Department of~~ Transportation shall



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also appoint one of the district secretaries, or his or her designee, for the districts ~~within~~ which contain the area served by the South Florida Regional Transportation Authority, who will serve as the ex officio, nonvoting member. ~~is located.~~

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

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

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

3. The Governor shall appoint two citizen members ~~a citizen member~~ to the board who are not members ~~is not a member~~ of the county commission but who are residents and qualified electors ~~is a resident and a qualified elector~~ of that county.

(e) The Governor shall appoint six ~~two~~ members to the board who are residents and qualified electors in the area served by the authority ~~but who are not residents of the same county and also not residents of the county in which the district secretary who was appointed pursuant to paragraph (c) is a resident.~~ No more than two voting members appointed by the Governor shall be from the same county.

===== T I T L E A M E N D M E N T =====



331620

42 And the title is amended as follows:
43 Delete lines 243 - 246
44 and insert:
45 "department"; amending s. 343.53,



410482

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/03/2012	.	
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The Committee on Transportation (Gibson) recommended the following:

Senate Amendment (with title amendment)

Between lines 3303 and 3304
insert:

Section 65. Paragraph (c) of subsection (4) of section
348.0003, Florida Statutes, is amended to read:

348.0003 Expressway authority; formation; membership.—
(4)

(c) Members of each expressway authority, transportation
authority, bridge authority, or toll authority, created pursuant
to this chapter or, chapter 343, ~~or chapter 349~~ or any other
general legislative enactment, must ~~shall~~ comply with the



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applicable financial disclosure requirements of s. 8, Art. II of the State Constitution. This paragraph does not subject any statutorily created authority, other than an expressway authority created under this part, to any other requirement of this part except the requirement of this paragraph.

Section 66. Subsection (3) of section 349.03, Florida Statutes, is amended to read:

349.03 Jacksonville Transportation Authority.—

(3) The terms of appointed members shall be for 4 years and deemed to have commenced on June 1 of the year in which they are appointed. Each member shall hold office until a successor has been appointed and has qualified. A vacancy during a term shall be filled by the respective appointing authority only for the balance of the unexpired term. Any member appointed to the authority for two consecutive full terms may ~~shall~~ not be appointed ~~eligible for appointment~~ to the next succeeding term. One of the members so appointed shall be designated annually by the members as chair of the authority, one member shall be designated annually as the vice chair of the authority, one member shall be designated annually as the secretary of the authority, and one member shall be designated annually as the treasurer of the authority. The members of the authority are ~~shall~~ not be entitled to compensation, but shall be reimbursed for travel expenses or other expenses actually incurred in their duties as provided by law. Four voting members of the authority ~~shall~~ constitute a quorum, and no resolution adopted by the authority is ~~shall become~~ effective without ~~unless with~~ the affirmative vote of at least four members. Members of the authority shall file a statement of financial interest with the



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Commission on Ethics as provided in s. 112.3145(2)(b) as their
mandatory financial disclosure.

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

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

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

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete line 248



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and insert:

authority; amending s. 348.0003, F.S.; removing
members of the governing body of the Jacksonville
Transportation Authority from those entities required
to comply with certain constitutional financial
disclosure requirements; amending s. 349.03, F.S.;
requiring that members of the authority file a
statement of financial interest with the Commission on
Ethics as their mandatory financial disclosure;
amending s. 349.04, F.S.; authorizing the



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/03/2012	.	
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The Committee on Transportation (Benacquisto) recommended the following:

Senate Amendment (with title amendment)

Between lines 3303 and 3304
insert:

Section 65. Transfer to the Florida Turnpike Enterprise.—
The governance and control of the Mid-Bay Bridge Authority
system, created pursuant to chapter 2000-411, Laws of Florida,
is transferred to the Florida Turnpike Enterprise.

(1) The assets, facilities, tangible and intangible
property, any rights in such property, and any other legal
rights of the authority, including the bridge system operated by
the authority, are transferred to the turnpike enterprise. All



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powers of the authority shall succeed to the turnpike enterprise, and the operations and maintenance of the bridge system shall be under the control of the turnpike enterprise, pursuant to this section. Revenues collected on the bridge system may be considered turnpike revenues and the Mid-Bay Bridge may be considered part of the turnpike system if bonds of the authority are not outstanding. The turnpike enterprise also assumes all liability for bonds of the bridge authority pursuant to subsection (2). The turnpike enterprise may review other contracts, financial obligations, and contractual obligations and liabilities of the authority and may assume legal liability for such obligations that are determined to be necessary for the continued operation of the bridge system.

(2) The transfer pursuant to this section is subject to the terms and covenants provided for the protection of the holders of the Mid-Bay Bridge Authority bonds in the lease-purchase agreement and the resolutions adopted in connection with the issuance of the bonds. Further, the transfer does not impair the terms of the contract between the authority and the bondholders, does not act to the detriment of the bondholders, and does not diminish the security for the bonds. After the transfer, the turnpike enterprise shall operate and maintain the bridge system and any other facilities of the authority in accordance with the terms, conditions, and covenants contained in the bond resolutions and lease-purchase agreement securing the bonds of the authority. The turnpike enterprise shall collect toll revenues and apply them to the payment of debt service as provided in the bond resolution securing the bonds and shall expressly assume all obligations relating to the bonds to ensure



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that the transfer will have no adverse impact on the security for the bonds of the authority. The transfer does not make the obligation to pay the principal and interest on the bonds a general liability of the turnpike or pledge the turnpike system revenues to payment of the bonds. Revenues that are generated by the bridge system and other facilities of the authority and that were pledged by the authority to the payment of the bonds remain subject to the pledge for the benefit of the bondholders. The transfer does not modify or eliminate any prior obligation of the Department of Transportation to pay certain costs of the bridge system from sources other than revenues of the bridge system. With regard to the authority's current long-term debt of \$16.1 million due to the department as of June 30, 2011, and to the extent permitted by the bond resolutions and lease-purchase agreement securing the bonds, the turnpike enterprise shall make payment annually to the State Transportation Trust Fund for the purpose of repaying the authority's long-term debt due to the department from any bridge system revenues obtained under this section which remain after the payment of the costs of operations, maintenance, renewal, and replacement of the bridge system, the payment of current debt service, and other payments required in relation to the bonds. The turnpike enterprise shall make such annual payments, not to exceed \$1 million per year, to the State Transportation Trust Fund until all remaining authority long-term debt due to the department has been repaid.

(3) Any remaining toll revenue from the facilities of the Mid-Bay Bridge Authority collected by the Florida Turnpike Enterprise after meeting the requirements of subsections (1) and (2) shall be used for the construction, maintenance, or



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improvement of any toll facility of the Florida Turnpike Enterprise within the county or counties in which the revenue was collected.

Section 66. Paragraph (j) of subsection (2) of section 348.0004, Florida Statutes, is amended to read:

348.0004 Purposes and powers.—

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

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

Section 67. Subsection (1) of section 348.0005, Florida Statutes, is amended, and subsection (3) is added to that section, to read:

348.0005 Bonds.—

(1) Bonds may be issued on behalf of an authority as provided by the State Bond Act. Bonds may not be issued under this section unless the resolution authorizing the bonds and pledging the revenues of a facility requires that the revenues of the facility be deposited into appropriate accounts in such sums as are sufficient to pay the costs of operation and maintenance of any facility for the current fiscal year as set forth in the annual budget of the authority before any revenues



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of the facility are applied to the payment of interest or principal owing or that may become owing on such bonds.

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

Section 68. Section 348.0013, Florida Statutes, is created to read:

348.0013 Department to construct, operate, and maintain facilities.—

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

(2) The department is the agent of each authority for the purpose of performing all phases of a project, including, but not limited to, constructing improvements and extensions to an expressway system and for the completion of the construction. The division and the authority shall provide to the department complete copies of the documents, agreements, resolutions, contracts, and instruments relating to the construction and shall request that the department perform the construction work, including the planning, surveying, design, and actual construction of the completion, extensions, and improvements to the expressway system. After the issuance of bonds to finance the construction of an expressway system or improvements to an expressway system, the division shall transfer to the credit of an account of the department in the State Treasury the necessary funds for construction. The department shall proceed with construction and use the funds for the purpose authorized and as otherwise provided by law for the construction of roads and bridges. The authority may alternatively, with the consent and approval of the department, elect to appoint a local agency



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certified by the department to administer federal aid projects in accordance with federal law as its agent for the purpose of performing all phases of a project.

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

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

Section 69. Subsection (4) of section 348.52, Florida Statutes, is amended to read:

348.52 Tampa-Hillsborough County Expressway Authority.—

(4) The authority may employ an executive ~~a secretary, an~~ ~~and~~ executive director, its own counsel and legal staff, ~~and such legal, financial, and other professional consultants,~~ technical experts, engineers, and employees, permanent or temporary, as it may require and may determine the qualifications and fix the compensation of such persons, firms,



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or corporations. The authority may contract with the Division of Bond Finance of the State Board of Administration for any financial services authorized herein.

Section 70. Subsection (5) of section 348.54, Florida Statutes, is amended to read:

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

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

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

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

(c) The date on which termination of the department's obligations will occur under the terms of the memorandum of



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187 agreement dated October 26, 2010, between the department and the
188 authority.

189 Section 71. Section 348.545, Florida Statutes, is amended
190 to read:

191 348.545 Facility improvement; bond financing authority.—
192 Pursuant to s. 11(f), Art. VII of the State Constitution, the
193 Legislature hereby approves for bond financing by the Tampa-
194 Hillsborough County Expressway Authority improvements to toll
195 collection facilities, interchanges to the legislatively
196 approved expressway system, and any other facility appurtenant,
197 necessary, or incidental to the approved system. Subject to
198 terms and conditions of applicable revenue bond resolutions and
199 covenants, such costs may be financed in whole or in part by
200 revenue bonds issued pursuant to s. 348.56 ~~348.56(1)(a) or (b)~~,
201 whether currently issued or issued in the future, ~~or by a~~
202 ~~combination of such bonds.~~

203 Section 72. Subsections (9), (10), (11), and (12) are added
204 to section 348.56, Florida Statutes, to read:

205 348.56 Bonds of the authority.—

206 (9) Notwithstanding any other provision of law to the
207 contrary, on and after July 1, 2012, the authority may not,
208 without the department's consent, request the issuance of any
209 bonds secured by a pledge of any revenues of the authority which
210 is senior to, or on a parity with, the authority's obligation to
211 fully reimburse the department for the costs of operation,
212 maintenance, repair, and rehabilitation of the expressway system
213 paid by the department, except that the authority may request
214 the issuance of bonds secured by a senior pledge for the purpose
215 of refunding any authority bonds issued and outstanding as of



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July 1, 2012. Refunding bonds authorized by this subsection may not be issued if such bonds have a final maturity later than the final maturity of the bonds refunded or if the refunding bonds provide for higher debt service in any year than the debt service that is currently paid on such bonds.

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

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

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

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

(11) Beginning July 1, 2012, except for bonds issued to



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refund bonds issued before that date, bonds may not be issued under this section unless the resolution authorizing the bonds and pledging the revenues of the expressway system requires that the revenues of the expressway system be deposited into appropriate accounts in such sums as are sufficient to pay the costs of operation and maintenance of the expressway system for the current fiscal year as set forth in the annual budget of the authority before any revenues of the expressway system are applied to the payment of interest or principal owing or that may become owing on such bonds.

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

Section 73. Section 348.565, Florida Statutes, is amended to read:

348.565 Revenue bonds for specified projects.—The existing facilities that constitute the Tampa-Hillsborough County Expressway System ~~may are hereby approved to~~ be refinanced by revenue bonds issued by the Division of Bond Finance of the State Board of Administration pursuant to s. 11(d) ~~11(f)~~, Art. VII of the State Constitution and s. 348.56 ~~the State Bond Act~~ ~~or by revenue bonds issued by the authority pursuant to s.~~



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~~348.56(1)(b)~~. In addition, the following projects of the Tampa-Hillsborough County Expressway Authority may ~~are approved to~~ be financed or refinanced by the issuance of revenue bonds in accordance with this part and s. 11(f), Art. VII of the State Constitution:

(1) Brandon area feeder roads.

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

(3) Lee Roy Selmon Crosstown Expressway System widening.

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

Section 74. Subsection (1) of section 348.57, Florida Statutes, is amended to read:

348.57 Refunding bonds.—

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

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

(b) Refunding bonds then outstanding. The authorization,



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sale, and issuance of such obligations, the maturities and other details of the refunding bonds ~~thereof~~, the rights and remedies of the holders of the refunding bonds ~~thereof~~, and the rights, powers, privileges, duties, and obligations of the authority with respect to the refunding bonds ~~same are shall be~~ governed by the foregoing provisions of this part insofar as the same may be applicable.

Section 75. Subsections (7) and (8) are added to section 348.60, Florida Statutes, to read:

348.60 Lease-purchase agreements.—

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

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

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

(b) The lease-purchase agreement terminates;

(c) The expressway system remains the property of the



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authority and may not be transferred to the department;

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

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

Section 76. Section 348.615, Florida Statutes, is created to read:

348.615 Department to collect tolls.—

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

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

Section 77. Paragraph (a) of subsection (4) of section 348.753, Florida Statutes, is amended to read:

348.753 Orlando-Orange County Expressway Authority.—

(4) (a) The authority may employ an executive secretary, an executive director, its own counsel and legal staff, technical



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experts, ~~such~~ engineers, and ~~such~~ employees, permanent or temporary, as it may require and may determine the qualifications and fix the compensation of such persons, firms, or corporations ~~and may employ a fiscal agent or agents, provided, however, that the authority shall solicit sealed proposals from at least three persons, firms, or corporations for the performance of any services as fiscal agents. The~~ authority may contract with the Division of Bond Finance of the State Board of Administration for any financial services authorized in this section. The authority may delegate to one or more of its agents or employees such of its power as it deems ~~shall deem~~ necessary to carry out the purposes of this part, subject always to the supervision and control of the authority. Members of the authority may be removed from their office by the Governor for misconduct, malfeasance, misfeasance, or nonfeasance in office.

Section 78. Paragraph (e) of subsection (2) of section 348.754, Florida Statutes, is amended to read:

348.754 Purposes and powers.—

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

(e) To enter into and make lease-purchase agreements with the department for terms not exceeding 40 years, or until any bonds secured by a pledge of rentals thereunder, and any refundings thereof, are fully paid as to both principal and interest, whichever is longer. The authority is a party to a



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lease-purchase agreement between the department and the
authority dated December 23, 1985, as supplemented by a first
supplement to the lease-purchase agreement dated November 25,
1986, and a second supplement to the lease-purchase agreement
dated October 27, 1988. The authority may not enter into other
lease-purchase agreements with the department and may not amend
the existing agreement in a manner that expands or increases the
department's obligations, unless the department determines that
the agreement or amendment is necessary to permit the refunding
of bonds issued before July 1, 2012.

Section 79. Section 348.7543, Florida Statutes, is amended
to read:

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

Section 80. Section 348.7545, Florida Statutes, is amended
to read:

348.7545 Western Beltway Part C, construction authorized;
financing.—Notwithstanding s. 338.2275, the Orlando-Orange
County Expressway Authority is authorized to exercise its



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condemnation powers, construct, finance, operate, own, and maintain that portion of the Western Beltway known as the Western Beltway Part C, extending from Florida's Turnpike near Ocoee in Orange County southerly through Orange and Osceola Counties to an interchange with I-4 near the Osceola-Polk County line, as part of the authority's 20-year capital projects plan. This project may be financed with any funds available to the authority for such purpose or revenue bonds issued by the Division of Bond Finance of the State Board of Administration on behalf of the authority pursuant to s. 11, Art. VII of the State Constitution and the State Bond Act, ss. 215.57-215.83. This project may be refinanced with bonds issued by the authority pursuant to s. 348.755~~(1)(d)~~.

Section 81. Section 348.7547, Florida Statutes, is amended to read:

348.7547 Maitland Boulevard Extension and Northwest Beltway Part A Realignment construction authorized; financing.— Notwithstanding s. 338.2275, the Orlando-Orange County Expressway Authority is hereby authorized to exercise its condemnation powers, construct, finance, operate, own, and maintain the portion of State Road 414 known as the Maitland Boulevard Extension and the realigned portion of the Northwest Beltway Part A as part of the authority's long-range capital improvement plan. The Maitland Boulevard Extension will extend from the current terminus of State Road 414 at U.S. 441 west to State Road 429 in west Orange County. The realigned portion of the Northwest Beltway Part A will run from the point at or near where the Maitland Boulevard Extension will connect with State Road 429 and will proceed to the west and then north resulting



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in the northern terminus of State Road 429 moving farther west before reconnecting with U.S. 441. However, under no circumstances shall the realignment of the Northwest Beltway Part A conflict or contradict with the alignment of the Wekiva Parkway as defined in s. 348.7546. This project may be financed with any funds available to the authority for such purpose or revenue bonds issued by or on behalf of the authority under s. 11, Art. VII of the State Constitution and s. 348.755~~(1)(b)~~.

Section 82. Subsections (6), (7), (8), and (9) are added to section 348.755, Florida Statutes, to read:

348.755 Bonds of the authority.—

(6) Notwithstanding any other provision of law to the contrary, on and after July 1, 2012, the authority may not request the issuance of any bonds, except bonds issued to refund bonds issued before July 1, 2012, which provide any rights against the department which may be enforced by the holders of such bonds or debt. Refunding bonds may not be issued if the bonds have a final maturity later than the final maturity of the bonds refunded or if the refunding bonds provide for higher debt service in any year than the debt service that is currently paid on such bonds. Upon the earlier of the defeasance or payment of all authority bonds issued before July 1, 2012, or the defeasance or payment of the authority bonds issued to refund such bonds, or such earlier date to which the purchasers of the authority bonds have consented, the obligations of the department under any lease-purchase agreement with the authority, including any obligation to pay any cost of operation, maintenance, repair, or rehabilitation of the Orlando-Orange County Expressway System, terminate.



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477 (7) Notwithstanding any other provision of law to the
478 contrary, on and after July 1, 2012, the authority may not,
479 without the department's consent, request the issuance of any
480 bonds secured by a pledge of any revenues of the authority which
481 is senior to, or on a parity with, the authority's obligation to
482 fully reimburse the department for the costs of operation,
483 maintenance, repair, and rehabilitation of the Orlando-Orange
484 County Expressway System paid by the department, except that the
485 authority may request the issuance of bonds secured by a senior
486 pledge for the purpose of refunding authority bonds issued and
487 outstanding as of July 1, 2012. Refunding bonds authorized by
488 this subsection may not be issued if the bonds have a final
489 maturity later than the final maturity of the bonds refunded or
490 if the refunding bonds provide for higher debt service in any
491 year than the debt service that is currently paid on the bonds.

492 (8) Beginning July 1, 2012, the authority may not issue
493 bonds, except bonds issued to refund bonds issued before such
494 date, unless the resolution authorizing the bonds and pledging
495 the revenues of the Orlando-Orange County Expressway System
496 requires that the revenues of the expressway system be deposited
497 into appropriate accounts in such sums as are sufficient to pay
498 the costs of operation and maintenance of the Orlando-Orange
499 County Expressway System for the current fiscal year as set
500 forth in the annual budget of the authority before any revenues
501 of the Orlando-Orange County Expressway System are applied to
502 the payment of interest or principal owing or that may become
503 owing on such bonds.

504 (9) The provisions of paragraphs (1)(b) and (d) do not
505 apply in any fiscal year in which the department's obligations



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under the lease-purchase agreement between the department and authority have not been terminated as provided in s. 348.757 or in which the authority has not fully reimbursed the department for all amounts expended, advanced, or paid to the authority in prior fiscal years for the costs of operation, maintenance, repair, and rehabilitation of the expressway system. During any such fiscal year, bonds may only be issued on behalf of the authority pursuant to the State Bond Act.

Section 83. Subsections (8) and (9) are added to section 348.757, Florida Statutes, to read:

348.757 Lease-purchase agreement.—

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

(9) The department's obligations under the lease-purchase agreement between the department and the authority dated December 23, 1985, as supplemented by a first supplement to the lease-purchase agreement dated November 25, 1986, and a second supplement to the lease-purchase agreement dated October 27, 1988, terminate upon the earlier of the defeasance, redemption, or payment in full of the authority's bonds issued and



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outstanding as of July 1, 2012, or bonds to refund such bonds,
or such earlier date to which the purchasers of the authority
bonds have consented.

Section 84. Section 348.7585, Florida Statutes, is created
to read:

348.7585 Department to collect tolls.—

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

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

Section 85. Paragraph (a) of subsection (4) of section
348.9952, Florida Statutes, is amended to read:

348.9952 Osceola County Expressway Authority.—

(4) (a) The authority may employ an executive secretary, an
executive director, its own counsel and legal staff, technical
experts, engineers, and other employees, permanent or temporary,
as it may require, and may determine the qualifications and fix
the compensation of such persons, firms, or corporations.

~~Additionally, the authority may employ a fiscal agent or agents.
However, the authority shall solicit sealed proposals from at~~



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~~least three persons, firms, or corporations for the performance of any services as fiscal agents.~~ The authority may delegate to one or more of its agents or employees such of its power as it deems necessary to carry out the purposes of this part, subject always to the supervision and control of the authority.

Section 86. Section 348.9956, Florida Statutes, is repealed.

Section 87. Section 348.99565, Florida Statutes, is created to read:

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

(1) The department is the agent of the authority for the purpose of performing all phases of a project, including, but not limited to, constructing improvements and extensions to the expressway system. The division and the authority shall provide to the department complete copies of all documents, agreements, resolutions, contracts, and instruments relating to the project and shall request that the department perform the construction work, including the planning, surveying, design, and actual construction of the completion, extensions, and improvements to the expressway system. After the issuance of bonds to finance construction of any improvements or additions to the expressway system, the division shall transfer to the credit of an account of the department in the State Treasury the necessary funds for construction. The department shall proceed with construction and use the funds for the purpose authorized and as provided by law for the construction of roads and bridges. The authority may alternatively, with the consent and approval of the department, elect to appoint a local agency certified by the department to



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administer federal aid projects in accordance with federal law as its agent for the purpose of performing all phases of a project.

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

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

Section 88. The Florida Transportation Commission shall conduct a study of the potential for cost savings that might be realized through increased efficiencies through sharing of resources for the accomplishment of design, construction, and maintenance activities by or on behalf of expressway authorities in the state. The commission may retain such experts as are reasonably necessary to complete the study, and the department shall pay the expenses of such experts. The commission shall complete the study and provide a written report of its findings



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and conclusions to the Governor, the President of the Senate,
the Speaker of the House of Representatives, and the chairs of
each of the appropriations committees by December 31, 2012.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete line 248

and insert:

authority; transferring control of the Mid-Bay Bridge
Authority system to the Florida Turnpike Enterprise;
transferring all assets, rights, powers, duties, and
bond liabilities of the authority to the turnpike
enterprise; transferring all provisions that protect
the rights of certain bondholders from the authority
to the turnpike enterprise; providing for the turnpike
enterprise to annually transfer funds from the
activities of the transferred authority to the State
Transportation Trust Fund to repay certain long-term
debt; requiring that specific toll revenue be used for
the construction, maintenance, or improvement of
certain toll facilities of the turnpike enterprise;
amending s. 348.0004, F.S.; removing provisions
qualifying funding received by an authority from a
portion of the county gasoline tax funds; amending s.
348.0005, F.S.; providing criteria under which bonds
may be issued; providing an exception to the
application of certain bond requirements; creating s.
348.0013, F.S., relating to expressway authorities
created on or after a specified date; providing that



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the department is the agent for the purpose of performing all phases of constructing improvements to and extensions of an expressway system; requiring that the Division of Bond Finance and the authority provide certain construction documents to the department; providing for payment and the use of funds for the construction; requiring that an authority identify an expressway project in the authority's work plan and submit the work plan along with its budget; requiring that the work plan include certain information; requiring that the department operate and maintain the expressway system; requiring that the costs incurred by the department be reimbursed from revenues of the expressway system; providing that an expressway system is part of the State Highway System; authorizing the authority to collect tolls, fees, and other charges; amending s. 348.52, F.S.; authorizing the Tampa-Hillsborough County Expressway Authority to employ certain personnel; amending s. 348.54, F.S.; providing for the powers of the authority with respect to certain lease-purchase agreements; amending s. 348.545, F.S.; conforming cross-references; amending s. 348.56, F.S.; restricting the authority's ability to request the issuance of bonds; providing criteria for refunding bonds; prohibiting the authority from requesting the issuance of bonds having certain rights against the department; providing criteria for bonds issued on or after a certain date; amending s. 348.565, F.S.; conforming provisions; removing from



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the list of approved projects for the Tampa-Hillsborough County Expressway System the connector highway linking Lee Roy Selmon Crosstown Expressway to Interstate 4; amending s. 348.57, F.S., relating to refunding bonds; conforming references and provisions; amending s. 348.60, F.S.; providing that the Tampa-Hillsborough County Expressway Authority is a party to lease-purchase agreements between the department and the authority which are dated on specified dates; prohibiting the authority from entering into other lease-purchase agreements or amending the lease-purchase agreement unless the department determines an agreement or amendment is necessary to permit refunding of certain bonds; providing that the expressway system remains the property of the authority if the lease-purchase agreement terminates; providing that the authority remains obligated to reimburse the department if the agreement terminates; requiring that the department operate and maintain the system as the agent of the authority; creating s. 348.615, F.S.; providing that the department is the agent for purposes of collecting tolls; authorizing the authority to establish tolls, fees, and other charges; amending s. 348.753, F.S.; authorizing the Orlando-Orange County Expressway Authority to contract with the Division of Bond Finance for certain financial services; amending s. 348.754, F.S.; providing that the transportation authority is a party to specified lease-purchase agreements between the department and



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the authority; prohibiting the authority from entering into other lease-purchase agreements or amending a specified lease-purchase agreement; amending s. 348.7543, F.S.; conforming a cross-reference and revising provisions governing the issuance of bonds; amending ss. 348.7545 and 348.7547, F.S.; conforming cross-references; amending s. 348.755, F.S.; restricting the authority's ability to request the issuance of bonds; prohibiting the authority from requesting the issuance of refunding bonds under certain circumstances; providing conditions for issuing certain bonds; amending s. 348.757, F.S.; limiting certain authorized lease-purchase agreements; prohibiting the authority from entering into or amending certain lease-purchase agreements; providing for the termination of the department's obligations under certain lease-purchase agreements; creating s. 348.7585, F.S.; providing that the department is the agent for purposes collecting tolls; authorizing the authority to establish tolls, fees, and other charges; conforming provisions; amending s. 348.9952, F.S.; removing provisions authorizing the Osceola County Expressway Authority to employ a fiscal agent; repealing s. 348.9956, F.S., relating to the appointment of the department as the agent of the authority for construction; creating s. 348.99565, F.S.; providing that the department is the agent for purposes of performing all phases of constructing improvements and extensions to the Orlando-Orange



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County Expressway System; requiring that the Division of Bond Finance and the expressway authority provide construction documents to the department; providing for payment and use of funds for the construction; providing guidelines that the authority must follow if it proposes construction of an expressway; authorizing the authority to collect tolls, fees, and other charges; requiring the Florida Transportation Commission to study the potential costs savings of the department being the operating agent for certain expressway authorities; amending s. 349.04, F.S.; authorizing the



161740

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/03/2012	.	
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The Committee on Transportation (Evers) recommended the following:

Senate Amendment (with title amendment)

Between lines 3560 and 3561
insert:

Section 70. Road marking materials.—

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



161740

sample preparation.

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

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

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete line 273

and insert:

device program within the department; prohibiting the use of glass beads used for road markings which contain a certain amount of inorganic arsenic; providing penalties; authorizing the



121766

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/03/2012	.	
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The Committee on Transportation (Latvala) recommended the following:

Senate Amendment

Delete lines 3580 - 3586
and insert:

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



289980

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/03/2012	.	
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The Committee on Transportation (Latvala) recommended the following:

Senate Amendment

Delete line 3601
and insert:
agencies, or an analysis of the consolidation or coordination of
functions within and between



724824

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/03/2012	.	
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The Committee on Transportation (Latvala) recommended the following:

Senate Amendment (with title amendment)

Between lines 3611 and 3612
insert:

Section 72. Any governmental unit that is authorized to regulate the operation of public vehicles for hire and other for-hire transportation within its geographic boundaries may request and receive criminal history record information for the purpose of screening applicants for licenses and for-hire vehicle driver licenses and pay a fee for any such record. Such record information may include a national criminal history records check with the Federal Bureau of Investigation. The



724824

fingerprints may be submitted by the governmental unit to the
Department of Law Enforcement for state processing, and the
department shall forward such fingerprints to the Federal Bureau
of Investigation for a national criminal history records check.
All costs associated with transmittal and processing shall be
borne by the governmental unit, the employer, or the person who
is the subject of the background check. The department shall
submit an invoice to the governmental unit for the fingerprints
submitted each month. The governmental unit shall screen
background results to determine if an applicant meets its
licensure requirements.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete line 285

and insert:

assistance; authorizing governmental units that
regulate the operation of vehicles for public hire or
other for-hire transportation to request and receive
criminal history record information for the purpose of
screening applicants; requiring that the costs
associated with the transmittal and processing of such
information be borne by the governmental unit, the
employer, or the person who is the subject of the
background check; providing an effective date.



216342

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/03/2012	.	
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The Committee on Transportation (Evers) recommended the following:

Senate Amendment (with title amendment)

Between lines 955 and 956
insert:

Section 16. Subsection (5) of section 316.2068, Florida
Statutes, is amended to read:

316.2068 Electric personal assistive mobility devices;
regulations.—

(5) A county or municipality may prohibit the operation of
electric personal assistive mobility devices on any road,
street, sidewalk, or bicycle path under its jurisdiction if the
governing body of the county or municipality determines that



216342

such a prohibition is necessary in the interest of safety.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete line 80

and insert:

toll; amending s. 316.2068, F.S.; authorizing local
governments to prohibit the operation of electric
personal assistive mobility devices on sidewalks;
amending s. 316.2122, F.S.; deleting a cross-



604270

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/03/2012	.	
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The Committee on Transportation (Storms) recommended the following:

Senate Amendment (with title amendment)

Between lines 3505 and 3506
insert:

Section 68. Subsection (6) of section 401.25, Florida
Statutes, is amended to read:

401.25 Licensure as a basic life support or an advanced
life support service.—

(6) The governing body of each county may adopt ordinances
that provide reasonable standards for certificates of public
convenience and necessity for basic or advanced life support
services and air ambulance services. In developing such



604270

standards ~~for certificates of public convenience and necessity,~~
the governing body of each county must consider state
guidelines, recommendations of the local or regional trauma
agency created under chapter 395, and the recommendations of
municipalities within its jurisdiction. Notwithstanding the
foregoing, a county agency or governing body may not place
restrictions or limitations on the types of transports that may
be performed by a licensee and any existing restrictions are
void.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete line 270

and insert:

more agencies; amending s. 401.25, F.S.; specifying
that a county agency or governing body may not place
restrictions on the types of transports that may be
performed by a life support or air ambulance service;
amending s. 403.7211, F.S.; conforming



342714

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/03/2012	.	
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The Committee on Transportation (Joyner) recommended the following:

Senate Amendment

Delete lines 1596 - 1599
and insert:
department shall advertise for bids in a newspaper having
general circulation in the county where the proposed work is
located. ~~Publication shall be at least once a week for no less~~
~~than~~ for at least 2 consecutive



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR ARTHENIA L. JOYNER
Democratic Leader Pro Tempore
18th District

COMMITTEES:
Budget - Subcommittee on Criminal and Civil Justice
Appropriations, *Vice Chair*
Judiciary, *Vice Chair*
Budget
Budget - Subcommittee on Higher Education
Appropriations
Communications, Energy, and Public Utilities
Rules - Subcommittee on Ethics and Elections
Reapportionment
Transportation

SELECT COMMITTEE:
Protecting Florida's Children, *Vice Chair*

JOINT COMMITTEE:
Legislative Auditing Committee

To: Senator Jack Latvala, Chair
Committee on Transportation

From: Senator Arthenia L. Joyner, District 18

A handwritten signature in black ink, appearing to read "Arthenia L. Joyner".

Date: February 2, 2012

Re: Vote on SB 1866

In accordance with Senate Rule 1.39-Disclosure Disqualification, "A Senator is not disqualified from voting when, in the Senator's judgment, a conflict of interest is present. However, a Senator shall disclose any personal, private, or professional interest in a matter that would inure to that Senator's special private gain or the special gain of any principal to whom the Senator is obligated."

The law firm with which I am "of counsel" serves as co-bond counsel for the Hillsborough County Expressway Authority and serves as counsel to the Hillsborough Area Regional Transit (HART). I will be voting on this measure because I believe that the interests of my constituents will not be served if I do not vote.

REPLY TO:

- ☐ 508 W Dr. Martin Luther King Jr. Blvd, Suite C, Tampa, Florida 33603-3415 (813) 233-4277
- ☐ 202 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5059

Senate's Website: www.flsenate.gov

MIKE HARIDOPOLOS
President of the Senate

MICHAEL S. "MIKE" BENNETT
President Pro Tempore

FORM 8A MEMORANDUM OF VOTING CONFLICT FOR STATE OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <u>Joyner Arthenia L.</u>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <u>Committee on Transportation</u>
MAILING ADDRESS <u>508 W. Dr. Martin Luther King Jr Blvd</u>		NAME OF STATE AGENCY <u>The Florida Senate</u>
CITY <u>Tampa</u>	COUNTY <u>State C Hillsborough</u>	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE
DATE ON WHICH VOTE OCCURRED <u>February 2, 2012</u>		

WHO MUST FILE FORM 8A

This form is for use by any person serving at the State level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

ELECTED OFFICERS:

As a person holding elective state office, you may vote on a measure which inures to your special private gain or loss; to the special gain or loss of a principal by whom you are retained (including the parent organization or subsidiary of a corporate principal by which you are retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. However, if you vote on such a measure you must complete this form and file the form within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes.

For purposes of this law, a "relative" includes only your father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with you as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

APPOINTED OFFICERS:

As a person holding appointive state office, you may vote on a measure which inures to your special private gain or loss; to the special gain or loss of a principal by whom you are retained (including the parent organization or subsidiary of a corporate principal by which you are retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. However, you must disclose the nature of the conflict before voting or before making any attempt to influence the decision by oral or written communication, whether made by you or at your direction.

For purposes of this law, a "relative" includes only your father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with you as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes.
- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION OR VOTE AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF STATE OFFICER'S INTEREST

I, Arthenia L. Joyner, hereby disclose that on February 2, 2012:

(a) A measure came or will come before my agency which (check one)

- ☐ inured to my special private gain or loss;
☐ inured to the special gain or loss of my business associate, _____;
☐ inured to the special gain or loss of my relative, _____;
☐ inured to the special gain or loss of _____, by
whom I am retained; or
☒ inured to the special gain or loss of (see below), which
is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows: SB 1866

The law firm with which I am "of counsel" serves as co-bond counsel for the Hillsborough County Expressway Authority and serves as counsel to the Hillsborough Area Regional Transit (HART). I will be voting on this measure because I believe that the interests of my constituents will not be served if I do not vote.

Date Filed

February 2, 2012

Signature

Arthenia L. Joyner

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Feb 2
Meeting Date

Topic SB 1866 / ADA Compliance

Bill Number 1866
(if applicable)

Name Jay Marsh

Amendment Barcode _____
(if applicable)

Job Title Govt & External Affairs

Address 455 N. Garland Ave

Phone 407-254-6064

City Orlando, FL State _____ Zip 32801

E-mail jmarsh@golynx.com

Speaking: ☒ For ☐ Against ☐ Information

Representing ~~GOV~~ LYNX dba Central FL Regional Transportation

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/2/12
Meeting Date

Topic South Florida Regional Trans. Bill

Bill Number 1866
(if applicable)

Name Joe Gualletti

Amendment Barcode 594398
(if applicable)

Job Title EXECUTIVE DIRECTOR

Address 800 NW 33rd St

Phone 954 788 7918

City Pompano Beach State FL Zip 33064

E-mail gualletti.j@sfra.fl.gov

Speaking: ☐ For ☐ Against ☒ Information

Representing S.F.R.T.P.

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

FEB 2 / 12
Meeting Date

Topic TRANSPORTATION

Bill Number SB 1866
(if applicable)

Name DAVE ERICKS

Amendment Barcode 594398
(if applicable)

Job Title _____

Address 205 S ADAMS ST
Street

Phone 877 224 0880

TALLAHASSEE FL 32301
City State Zip

E-mail ERICKSDAVE@AOL.COM

Speaking: ☒ For ☐ Against ☐ Information

Representing SEFTA (SOUTH FLA REGIONAL TRANSPORTATION AUTHORITY)

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/2/2012
Meeting Date

Topic Transportation Bill

Bill Number 1866
(if applicable)

Name Diane Scaccetti

Amendment Barcode _____
(if applicable)

Job Title Executive Director

Address MP 263, Bldg 5315, Turkey Lake Serv. Pk.
Street

Phone 407-264-3100

OCLOEE FL 34761
City State Zip

E-mail diane.gutierrezscaccetti@dot.state.fl.us

Speaking: ☐ For ☐ Against ☒ Information

Representing Florida's Turnpike Enterprise

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/2/12
Meeting Date

Topic SEAPORT / FREIGHT MOBILITY
Name MICHAEL RUBIN
Job Title VP GOVT AFFAIRS
Address 502 E JEFFERSON
TALLAHASSEE FL
City State Zip
Speaking: ☒ For ☐ Against ☐ Information
Representing FLORIDA PORTS COUNCIL

Bill Number S 1866
Amendment Barcode 182394 (if applicable)
Phone _____
E-mail _____

Appearing at request of Chair: ☐ Yes ☐ No Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.
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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/2/12
Meeting Date

Topic _____
Name Secretary Ananth Prasad
Job Title Secretary - FL Dept. of Transportation
Address _____
City State Zip
Speaking: ☒ For ☐ Against ☒ Information
Representing FL Dept. of Transportation

Bill Number 1866 (if applicable)
Amendment Barcode _____ (if applicable)
Phone _____
E-mail _____

Appearing at request of Chair: ☒ Yes ☐ No Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.
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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/2/12

Meeting Date

Topic _____

Bill Number 1866 (if applicable)

Name Paula Mata

Amendment Barcode _____ (if applicable)

Job Title Area Manager

Address 150 S. Monroe St.

Phone 850/591-6000

Street

E-mail Paula.mata@atl.com

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

Representing AT&T

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

02-02-2012

Meeting Date

Topic STA Amendment By Sen. Gibson

Bill Number SB1866 (if applicable)

Name John R. Johnston

Amendment Barcode 410482 (if applicable)

Job Title _____

Address 403 E Park Ave

Phone _____

Street

Kalahassu

FL

32301

City

State

Zip

Speaking: ☒ For ☐ Against ☒ Information

Representing STA Amendment - Financial Disclosure

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date _____

Topic Transportation Bill Number 1866
Name Eric Poole Amendment Barcode 254 496 (if applicable)
Job Title Asst. Leg. Dir. (if applicable)
Address 100 Monroe Phone 9274300
Street
T-11 FL E-mail _____
City State Zip
Speaking: ☐ For ☐ Against ☒ Information Amendment Only
Representing Florida Assoc. Counties
Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/2/12
Meeting Date

Topic DOT Bill Bill Number 1866
Name Stephen Hogg Amendment Barcode #254496 (if applicable)
Job Title _____ ~~#1866~~
Address 117 S. Gadsden St. Phone and the Bill
Street
Tallahassee, FL E-mail _____
City State Zip
Speaking: ☐ For ☒ Against ☐ Information
Representing Florida League of C-ke
Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/2/12

Meeting Date

Topic Utility Relocation

Bill Number 1866

Name Thornton Williams

Amendment Barcode 254496
(if applicable)

Job Title Attorney

Address 119 S. Monroe Street, Suite 200
Tallahassee, Florida 32301
Street City State Zip

Phone 850-224-3994

E-mail _____

Speaking: ☒ For ☐ Against ☐ Information

Representing Florida Electric Coordinating Group

Appearing at request of Chair: ☐ Yes ☐ No Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/2/12

Meeting Date

Topic Utility Relocation

Bill Number 1866

Name David Kuhlman

Amendment Barcode 254496
(if applicable)

Job Title PRINCIPAL REGULATORY AFFAIRS ANALYST

Address 7200 NW 4 ST
PLANTATION FL 33317
Street City State Zip

Phone 954-321-2188

E-mail _____

Speaking: ☒ For ☐ Against ☐ Information

Representing Florida Electric Coordinating Group

Appearing at request of Chair: ☐ Yes ☐ No Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/2/12

Meeting Date

Topic Amendment by sen. EversBill Number 1866
(if applicable)Name Manny ReyesAmendment Barcode 216342
(if applicable)Job Title lobbyistAddress 200 West College Ave. #204Phone 850-222-9911

Street

TallahasseeFL32301

City

State

Zip

E-mail mreyes@gomezBarker.coSpeaking: ☒ For ☐ Against ☒ InformationRepresenting City of Miami BeachAppearing at request of Chair: ☐ Yes ☒ NoLobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/2/12

Meeting Date

Topic Personal Mobility DevicesBill Number 1866
(if applicable)Name Kevin CrowderAmendment Barcode 216342
(if applicable)Job Title Economic Development DirectorAddress 1700 Conv. Ctr. Dr.Phone 305-673-7010

Street

Miami BeachFL33139

City

State

Zip

E-mail kcrowder@miamibeach.govSpeaking: ☒ For ☐ Against ☒ InformationRepresenting City of Miami BeachAppearing at request of Chair: ☐ Yes ☒ NoLobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

✓
Speaker

2/2/12
Meeting Date

Topic _____

Bill Number 1866
(if applicable)

Name Steph Hays

Amendment Barcode _____
(if applicable)

Job Title _____

Address _____
Street

Phone _____

City _____ State _____ Zip _____

E-mail _____

Speaking: ☐ For ☐ Against ☒ Information

Representing Florida League of Cities

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/2/12
Meeting Date

Topic SEAPORT / FREIGHT MOBILITY

Bill Number 51866
(if applicable)

Name MICHAEL RUBIN

Amendment Barcode _____
(if applicable)

Job Title VP GOVT AFFAIRS

Address 500 E JEFFERSON ST
Street

Phone 850-222-8008

City TALL FL State _____ Zip _____

E-mail Mike.Wrubin@phosor.com

Speaking: ☒ For ☐ Against ☐ Information

Representing FLORIDA PORTS COUNCIL

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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This form is part of the public record for this meeting.

S-001 (10/20/11)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Transportation Committee

BILL: PCS/SB's 232, 848 & 870

INTRODUCER: Transportation Committee and Senators Norman, Oelrich, and Fasano

SUBJECT: Transportation Facility Designations

DATE: January 30, 2012

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Abrams	Buford	TR	Pre-meeting
2.				
3.				
4.				
5.				
6.				

I. Summary:

Section 334.071, F.S., specifies the purpose and effect of the designation of roads, bridges, and other transportation facilities for honorary or memorial purposes by the Florida Legislature. These designations are for honorary purposes only, and do not require changing of street signs, mailing addresses, or 911 listings. The bill designates the following roads:

- The portion of Interstate 275 in Hillsborough County between the Livingston Avenue Bridge and the intersection of Interstate 75 at the Hillsborough-Pasco County line is designated as "Corporal Michael Joseph Roberts Memorial Highway."
- The portion of State Road 26A in Alachua County between West University Avenue and S.W. 25th Street in Gainesville is designated as "Deputy Jack A. Romeis Road."
- The portion of U.S Highway 41/State Road 45 between State Road 50 in Hernando County and State Road 52 in Pasco County is designated as "Deputy John C. Mecklenburg Memorial Highway."
- Milepost 22.182 on State Road 27 in Highlands County is designated as "Florida Highway Patrol Trooper Sgt. Nicholas G. Sottile Memorial."
- The Interstate 295/State Road 9A overpass (Bridge Numbers 720256 and 720347) over Interstate 10/State Road 8 in Duval County is designated as "Duval County Law Enforcement Memorial Overpass."

This bill creates undesignated sections of Florida Law.

II. Present Situation:

Section 334.071, F.S., provides: (1) Legislative designations of transportation facilities are for honorary or memorial purposes, or to distinguish a particular facility, and may not be construed to require any action by local governments or private parties regarding the changing of any street signs, mailing addresses, or 911 emergency telephone number system listings, unless the legislation specifically provides for such changes; (2) When the Legislature establishes road or bridge designations, the Florida Department of Transportation (FDOT) is required to place markers only at the termini specified for each highway segment or bridge designated by the law creating the designation, and to erect any other markers it deems appropriate for the transportation facility; and (3) The FDOT may not erect the markers for honorary road or bridge designations unless the affected city or county commission enacts a resolution supporting the designation. When the designated road or bridge segment is located in more than one city or county, resolutions supporting the designations must be passed by each affected local government prior to the erection of the markers.

III. Effect of Proposed Changes:

The effects of the bill are as follows:

Section 1: Designates the portion of Interstate 275 between the Livingston Avenue Bridge and the intersection of Interstate 75 at the Hillsborough-Pasco County line as “Corporal Michael Joseph Roberts Memorial Highway.” The bill directs FDOT to erect suitable markers.

Corporal Roberts was shot and killed in the line of duty after 11 years of service with the Tampa Police. During his service with the Tampa Police Department, Corporal Roberts was honored with a Life Saving Award in 2005 as well as numerous letters of appreciation from citizens and other law enforcement agencies.

Section 2: Designates the portion of State Road 26A in Alachua County between West University Avenue and S.W. 25th Street in Gainesville as “Deputy Jack A. Romeis Road.” The bill directs FDOT to erect suitable markers.

Deputy Romeis died after sustaining injuries due to an automobile accident while in pursuit of a stolen vehicle. Deputy Romeis has served as a full time deputy for 5 years and had previously served as a reserve deputy for 15 years.

Section 3: Designates the portion of U.S Highway 41/State Road 45 between State Road 50 in Hernando County and State Road 52 in Pasco County as “Deputy John C. Mecklenburg Memorial Highway.” The bill directs FDOT to erect suitable markers.

Deputy John C. Mecklenburg was killed in the line of duty on July 3, 2011. Deputy Mecklenburg strived to protect the citizenry and the Hernando County community while working in the Sheriff’s Department for more than two years. He served with loyalty, honor, courage and compassion.

Section 4: Designates Milepost 22.182 on State Road 27 in Highlands County as “Florida Highway Patrol Trooper Sgt. Nicholas G. Sottile Memorial.” The bill directs FDOT to erect suitable markers.

Sgt. Nicholas G. Sottile died in the line of duty while performing a traffic stop at the intersection of U.S. 27 and Whitmore Road in Highlands County. Sgt. Sottile protected the citizens of Florida for nearly 24 years as a Florida Highway Patrol Trooper.

Section 5: Designates the Interstate 295/State Road 9A overpass (Bridge Numbers 720256 and 720347) over Interstate 10/State Road 8 in Duval County as "Duval County Law Enforcement Memorial Overpass." The bill directs FDOT to erect suitable markers.

This memorial is dedicated to the men and women in all law enforcement agencies located within Duval County who have died in the line of duty.

Section 6: The bill will take effect on July 1, 2012, if passed by the Legislature.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Staff estimates the cost to erect road designation markers required under this bill to be at least \$5,000. This is based on the assumption that 10 markers will be erected for five road designations at a cost of no less than \$500 each. This includes sign fabrication, installation, and maintenance over time. The estimate does not include any additional expenses related to maintenance of traffic, dedication event costs, or replacement necessitated by damage, vandalism, or storm events.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



110406

596-02528B-12

Proposed Committee Substitute by the Committee on Transportation

A bill to be entitled

An act relating to transportation facility designations; providing honorary designations of certain transportation facilities in specified counties; providing an effective date.

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

Section 1. Corporal Michael Joseph Roberts Memorial Highway designated; Department of Transportation to erect suitable markers.-

(1) That portion of I-275 in Hillsborough County between the Livingston Avenue Bridge and the intersection with I-75 at the Hillsborough-Pasco County line is designated as "Corporal Michael Joseph Roberts Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating the Corporal Michael Joseph Roberts Memorial Highway as described in subsection (1).

Section 2. Deputy Jack A. Romeis Road designated; Department of Transportation to erect suitable markers.-

(1) That portion of State Road 26A in Alachua County between West University Avenue and S.W. 25th Street in Gainesville is designated as "Deputy Jack A. Romeis Road."

(2) The Department of Transportation is directed to erect suitable markers designating Deputy Jack A. Romeis Road as described in subsection (1).

Section 3. Deputy John C. Mecklenburg Memorial Highway designated; Department of Transportation to erect suitable



110406

596-02528B-12

markers.—

(1) That portion of U.S Highway 41/State Road 45 between State Road 50 in Hernando County and State Road 52 in Pasco County is designated as "Deputy John C. Mecklenburg Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Deputy John C. Mecklenburg Memorial Highway as described in subsection (1).

Section 4. Florida Highway Patrol Trooper Sgt. Nicholas G. Sottile Memorial designated; Department of Transportation to erect suitable markers.—

(1) Milepost 22.182 on State Road 27 in Highlands County is designated as "Florida Highway Patrol Trooper Sgt. Nicholas G. Sottile Memorial."

(2) The Department of Transportation is directed to erect suitable markers designating Florida Highway Patrol Trooper Sgt. Nicholas G. Sottile Memorial as described subsection (1).

Section 5. Duval County Law Enforcement Memorial Overpass designated; Department of Transportation to erect suitable markers.—

(1) The Interstate 295/State Road 9A overpass (Bridge Numbers 720256 and 720347) over Interstate 10/State Road 8 in Duval County is designated as "Duval County Law Enforcement Memorial Overpass."

(2) The Department of Transportation is directed to erect suitable markers designating Duval County Law Enforcement Memorial Overpass as described in subsection (1).

Section 6. This act shall take effect July 1, 2012.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Transportation Committee

BILL: PCS/SB's 1776, 456, 766, 926 & 954

INTRODUCER: Transportation Committee and Senators Evers, Negron, Oelrich, Altman, and Margolis

SUBJECT: Transportation Facility Designations

DATE: January 30, 2012

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Abrams	Buford	TR	Pre-meeting
2.				
3.				
4.				
5.				
6.				

I. Summary:

The bill creates a number of honorary designations of transportation facilities around the state. Designations are as follows:

- U.S. Highway 90/98, State Road 10A, East Cervantes Street Bridge (Bridge Number 480198) in Escambia County is designated as "Joyce Webb Nobles Bridge."
- The portion of E. Cervantes Street/U.S. 90 in Escambia County between N. 6th Avenue and N. Davis Highway in Pensacola is designated as "Creola Rutledge Parkway."
- Bridge Number 880077 on State Road 656 between State Road A1A and Indian River Boulevard in the City of Vero Beach in Indian River County is designated as "Alma Lee Loy Bridge."
- The portion of S.W. 23rd Street, in front of James G. Pressly Stadium and 4211 S.W. 23rd Street, located between S.W. 2nd Avenue and Fraternity Row/Drive in Alachua County is designated as "Coach Jimmy Carnes Boulevard."
- The portion of State Road 46 in Brevard County from U.S. 1 to the Volusia County line is designated as "Harry T. and Harriette V. Moore Memorial Highway."
- The portion of State Road 824 between Interstate 95/State Road 9 and U.S. 1/State Road 5 in Broward County is designated as "Mardi Gras Way."

- The portion of U.S. 441/State Road 7 between Pembroke Road and State Road 852/N.W. 215th Street/County Line Road in Broward County is designated as “West Park Boulevard.”
- The portion of State Road 858/Hallandale Beach Boulevard between Interstate 95/State Road 9 and S.W. 56th Avenue in Broward County is designated as “Pembroke Park Boulevard.”
- The portion of Lejuene Road between East 32nd Street and East 41st Street in the City of Hialeah is designated as “Florencio ‘Kiko’ Pernas Avenue.”
- The portion of Coral Way between S.W. 32nd Avenue and S.W. 37th Avenue in Miami-Dade County is designated as “Dr. Oscar Elias Biscet Boulevard.”
- The section of County Road 30A between County Road 283 to County Hwy 395 is designated as “Charles Modica Sr. Hospitality Way.”
- Whale Harbor Bridge (Bridge Number 900076) on U.S. Highway 1/State Road 5 in Monroe County is designated as “Whale Harbor Joe Roth Jr. Bridge.”
- The portion of U.S. Highway 19/27A/98/State Road 55 between the Suwannee River Bridge and N.E. 592nd Street/Chavous Road/Kate Green Road in Dixie County is designated as “SP4 Thomas Berry Corbin Memorial Highway.”
- The portion of U.S. Highway 19/98/State Road 55 between N.E. 592nd Street/Chavous Road/Kate Green Road and N.E. 170th Street in Dixie County is designated as “U.S. Navy BMC Samuel Calhoun Chavous, Jr., Memorial Highway.”
- The portion of State Road 24 between County Road 347 and Bridge Number 340053 in Levy County is designated as “Marine Lance Corporal Brian R. Buesing Memorial Highway.”
- The portion of U.S. Highway 19/98/State Road 55/S. Main Street between N.W. 1st Avenue and S.E. 2nd Avenue in Levy County is designated as “United States Army Sergeant Karl A. Campbell Memorial Highway.”
- The portion of U.S. Highway 27A/State Road 500/Hathaway Avenue between State Road 24/Thrasher Drive and Town Court in Levy County is designated as “U.S. Army SPC James A. Page Memorial Highway.”
- The portion of State Road 101/Mayport Road between State Road A1A and Wonderwood Connector in Duval County is designated as “USS Stark Memorial Drive.”
- The portion of State Road 44 in Lake County between U.S. Highway 441 and State Road 44/East Orange Avenue near Eustis is designated as “Captain Jim Reynolds, Jr., USAF ‘Malibu’ Road.”

- The portion of State Road 19 in Putnam County between U.S. 17/State Road 15 and Carriage Drive is designated as “Veterans Memorial Highway.”
- The portion of State Road 513 between Banana River Drive and Eau Gallie Boulevard in Brevard County is designated as “U.S. Army Sergeant Robert Daniel Sanchez Memorial Highway.”
- The portion of State Road A1A between Pinetree Drive and Eau Gallie Boulevard in Brevard County is designated as “U.S. Marine Corps Corporal Dustin Schrage Highway.”
- The portion of State Road 20/John Sims Parkway between State Road 85 and the Walton County Line in Okaloosa County is designated as “Purple Heart Memorial Highway.”
- The portion of Biscayne Boulevard from N.E. 88th Street to N.E. 105th Street in Miami Shores Village in Miami-Dade County is designated as “Hugh Anderson Boulevard.”

II. Present Situation:

Section 334.071, F.S., provides that legislative designations of transportation facilities are for honorary or memorial purposes, or to distinguish a particular facility. Such designations are not to be construed as requiring any action by local governments or private parties regarding the changing of any street signs, mailing addresses, or 911 emergency telephone number system listings, unless the legislation specifically provides for such changes.

When the Legislature establishes road or bridge designations, the Florida Department of Transportation (FDOT) is required to place markers only at the termini specified for each highway segment or bridge designated by the law creating the designation, and to erect any other markers it deems appropriate for the transportation facility

The FDOT may not erect the markers for honorary road or bridge designations unless the affected city or county commission enacts a resolution supporting the designation. When the designated road or bridge segment is located in more than one city or county, resolutions supporting the designations must be passed by each affected local government prior to the erection of the markers.

III. Effect of Proposed Changes:

The bill makes the following designations:

Section 1: Designates the U.S. Highway 90/98, State Road 10A, East Cervantes Street Bridge (Bridge Number 480198) in Escambia County as “Joyce Webb Nobles Bridge.” The bill directs FDOT to erect suitable markers.

At nine years old, Joyce Webb Nobles cut the ribbon at the opening ceremony for the East Cervantes Street Bridge (State Road 10A) in Pensacola in 1935. Seventy years later, Mrs. Nobles cut the ribbon again when a concrete bridge replaced the original wooden structure. A former WWII nurse and president of Pensacola Savings and Loan, Joyce is 86 years old and a lifetime

resident of Pensacola. Having been involved in many charitable organizations in Pensacola, Joyce Webb Nobles has earned a reputation as a wise and effective community leader with a genuine spirit of cooperation and fairness.

Section 2: Designates the portion of E. Cervantes Street/U.S. Highway 90 in Escambia County between N. 6th Avenue and N. Davis Highway in Pensacola as “Creola Rutledge Parkway.” The bill directs FDOT to erect suitable markers.

Creola Rutledge began working at the Coffee Cup in 1968, and has remained as its cook for the past 44 years. Established in 1944 at the end of WWII, the Coffee Cup is a well known establishment in Pensacola, Florida. Creola is well known to all who frequent the Coffee Cup for his abilities to singlehandedly operate the grill and cook every customer’s order by memory.

Section 3: Designates Bridge Number 880077 on State Road 656 between State Road A1A and Indian River Boulevard in the City of Vero Beach in Indian River County as “Alma Lee Loy Bridge.” The bill directs FDOT to erect suitable markers.

Alma Lee Loy, an astute businesswoman born and raised in Vero Beach, Florida, has dedicated much of her professional and personal life to preserving the unique history of Indian River County. She became the first women elected to the Indian River County Commission in 1968, where she served for 12 years, three years as Chairman and three as Vice Chairman. Alma Lee held dozens of civic leadership positions and made contributions through the years including but not limited to serving as president of the Indian River County Chamber of Commerce, acting as a charter member and president of the Downtown Merchants Association and the County’s United Way, and aiding in the expansion of recreational opportunities for Indian River County residents through participation on the Vero Beach Recreation Board. Her efforts have earned her recognition in the form of having a county park and the local chamber of commerce building dedicated in her name. Alma Lee worked tirelessly to ensure the location and building of the 17th Street Bridge, the object of this honorary designation.

Section 4: Designates the portion of S.W. 23rd Street, in front of James G. Pressly Stadium and 4211 S.W. 23rd Street, located between S.W. 2nd Avenue and Fraternity Row/Drive in Alachua County as “Coach Jimmy Carnes Boulevard.” The bill directs FDOT to erect suitable markers.

Jimmy Carnes, the University of Florida’s track coach from 1964 to 1976, passed away on March 3, 2011 at age 76. Jimmy led the Gators to a 93-3 record with 15 top three finishes in SEC Indoor and Outdoor Championships. He served as an assistant coach for the U.S. Olympic Track and Field Team at the Montreal Games in 1976 and was later selected as the head coach for the 1980 Moscow Games, but President Jimmy Carter decided the U.S. teams would boycott in protest of the Soviet Union’s invasion of Afghanistan. Following his coaching career as a Gator, Jimmy was elected as National Chairman of AAU Men’s Track and Field, served as the first president of The Athletics Congress/USA from 1980-84, helped found the Florida Track Club, served as the Executive Director of the United States Track Coaches Association, was a member of the Board of Trustees of the United States Sports Academy, founded Florida’s Sunshine State Games, and served as Executive Director of the Governor’s Council on Physical Fitness and Sports under Governors Graham and Martinez.

Section 5: Designates the portion of State Road 46 in Brevard County from U.S. 1 to the Volusia County line as "Harry T. and Harriette V. Moore Memorial Highway." The bill directs FDOT to erect suitable markers.

Harry T. and Harriette V. Moore were parents, educators, and leaders of local and national civil rights activists. The Moores organized the first Brevard County Branch of the NAACP and remained instrumental in the fight for equality and justice until their untimely deaths. In 1945, Mr. Moore formed the Florida Progressive Voter's League and became its Executive Director. This organization helped register over 100,000 black voters in the State of Florida.

Section 6: Designates the portion of State Road 824 between Interstate 95/State Road 9 and U.S. 1/State Road 5 in Broward County as "Mardi Gras Way." The bill directs FDOT to erect suitable markers.

The City of Hallandale recognizes pari-mutual gaming as part of Florida's history. The city has made efforts to be gaming friendly to bolster marketing and economic development.

Section 7: Designates the portion of U.S. 441/State Road 7 between State Road 824/Pembroke Road and State Road 852/N.W. 215th Street/County Line Road in Broward County as "West Park Boulevard." The bill directs FDOT to erect suitable markers.

The City Commission of West Park recognizes the designated West Park Boulevard as a means to increase visibility.

Section 8: Designates the portion of State Road 858/Hallandale Beach Boulevard between Interstate 95/State Road 9 and S.W. 56th Avenue in Broward County as "Pembroke Park Boulevard." The bill directs FDOT to erect suitable markers. The City of Hallandale Beach has requested this designation.

Section 9: Designates the portion of Lejuene Road between East 32nd Street and East 41st Street in the City of Hialeah as "Florencio 'Kiko' Pernas Avenue." The bill directs FDOT to erect suitable markers.

Florencio 'Kiko' Pernas, a Hialeah resident for over 30 years, passed away on April 30, 2004. Mr. Pernas was born in Cuba and spent many years fighting against Cuban dictators, becoming a Captain of the revolutionary forces that helped oust Fugencio Batista. In the early 1960's, Pernas moved to the United States, where he joined the Bay of Pigs Invasion that was engineered to overthrow Fidel Castro. In 1970, Pernas moved to Hialeah, where he married and raised two sons. He worked multiple jobs until the mid-1980's, when he invested in video stores. From this point, Mr. Pernas and his sons worked for themselves, later purchasing investment properties and pawnshops. His two sons still run the family business today.

Section 10: Designates the portion of Coral Way between S.W. 32nd Avenue and S.W. 37th Avenue in Miami-Dade County as "Dr. Oscar Elias Biscet Boulevard."

Dr. Oscar Elias Biscet Gonzales was president and founder of the Lawton Foundation for Human Rights, an organization dedicated to the peaceful opposition to the human rights violations of the

communist Cuban regime. The Lawton Foundation for Human Rights helped conduct a ten month study documenting unofficial statistical data on abortion techniques and accusing the Cuban National Health System of genocide. The study eventually found its way to the Convention of the Rights of the Child in Geneva, Switzerland. As a leader in many peaceful protests, Dr. Biscet suffered beatings, threats, humiliations, blackmail, as well as a three year sentence at the Cuba Si Prison. After his release, Dr. Biscet spent his 36 days of freedom completing his world-famous Democratic Principles for Cuba and promoting a civic project called "Club for Friends of Human Rights." The Cuban Secret Police detained him on his 36th day of freedom, and he was sentenced, and remains, serving a 25 year term in the Cuban prison system. For his efforts, Dr. Biscet has been awarded a Doctoral Degree in Honoris Causa from Miami Dade College, was named the Honorary President of the Pan American Cuban Medical Convention in Miami, Florida, the Presidential Medal of Freedom, the International Award for Human Rights, and an honorary plaque from the Prime Minister of the Czech Republic.

Section 11: Designates the section of County Road 30A between County Road 283 to County Highway 395 as Charles Modica Sr. Hospitality Way.

Charles Modica, owner of the famous Modica Market and considered a founding father and ambassador of Seaside, Florida, passed away in October of 2010. After opening the Modica Market in the mid 1980's, it quickly became a place for Seaside kids to get their first job experience and a place to visit for anyone traveling to Seaside. Mr. Modica will be remembered as a kind and helpful individual who aided in the transformation of Seaside into the destination it is today.

Section 12: Designates Bridge Number 900076 on U.S. Highway 1/State Road 5 in Monroe County as "Whale Harbor Joe Roth Jr. Bridge." The bill directs FDOT to erect suitable markers.

Joseph H. Roth Jr., the managing general partner of the Holiday Isle Resort for over 20 years and a key contributor in shaping Islamorada into the resort destination it is today, passed away on June 9th, 2010. As a generous philanthropist and successful entrepreneur, Joe served as a member of Board of Directors of TIB Bank for 20 years, a partner and member of the Advisory Board of Noble House Hotels & Resorts, a Board Member of the American Cancer Society, a member of the Upper Keys Rotary Club, a Board Member of Diabetes Research, and was an active supporter of many other charities through the Joe and Lindy Roth Charitable Foundation. For his achievements, Joe received the Grand Marshall of the Upper Keys 4th of July Parade award, the 2009 volunteer of the Year award from Plantation Key Elementary School, as well as a proclamation and appreciation from the Homestead-Florida City Chamber of Commerce for the resort's assistance to military troops stationed in the Homestead-Florida City area after Hurricane Andrew.

Section 13: Designates the portion of U.S. Highway 19/27A/98/State Road 55 between the Suwannee River Bridge and N.E. 592nd Street/Chavous Road/Kate Green Road in Dixie County as "SP4 Thomas Berry Corbin Memorial Highway." The bill directs FDOT to erect suitable markers.

Thomas Corbin, born in Old Town Dixie, lived in Cross City, served in the United States Army as a Specialist Fourth Class and was killed in action during the Vietnam War during a mission against the Viet Cong. He was awarded the Silver Star due to his dedication and commitment.

Section 14: Designates the portion of U.S. Highway 19/98/State Road 55 between N.E. 592nd Street/Chavous Road/ Kate Green Road and N.E. 170th Street in Dixie County as “U.S. Navy BMC Samuel Calhoun Chavous, Jr., Memorial Highway.” The bill directs FDOT to erect suitable markers.

Samuel Chavous Jr. was born in Cross City and served in the U.S. Navy in the Vietnam War where he was killed in action. For his service, he was awarded the Purple Heart.

Section 15: Designates the portion of State Road 24 between County Road 374 and Bridge Number 340053 in Levy County as “Marine Lance Corporal Brian R. Buesing Memorial Highway.” The bill directs FDOT to erect suitable markers.

Lance Corporal Brian Buesing was born and raised in Cedar Key. He enlisted in the Marines and at the age of 21 during Operation Iraqi Freedom, he was killed in action while trying to protect two fellow Marines. For his bravery and dedication, he was awarded the Purple Heart.

Section 16: Designates the portion of U.S. Highway 19/98/State Road 55/S. Main Street between N.W. 1st Avenue and S.E. 2nd Avenue in Levy County as “United States Army Sergeant Karl A. Campbell Memorial Highway.” The bill directs FDOT to erect suitable markers.

Army Sergeant Karl Campbell of Chiefland enlisted in the Army in 1995 and served as an infantryman until 2003. He re-enlisted in November 2009. Sergeant Campbell died from wounds suffered when insurgents in Afghanistan attacked his unit with an improvised explosive device. He has been awarded the Bronze Star and the Purple Heart.

Section 17: Designates the portion of U.S. Highway 27A/State Road 500/Hathaway Avenue between State Road 24/Thrasher Drive and Town Court in Levy County as “U.S. Army SPC James A. Page Memorial Highway.” The bill directs FDOT to erect suitable markers.

Army Specialist James Page of Bronson died from an improvised explosive device at the age of 23 in Afghanistan on August 31, 2010. He has been awarded the Bronze Star and the Purple Heart.

Section 18: Designates the portion of State Road 101/Mayport Road between State Road A1A and Wonderwood Connector in Duval County as “USS Stark Memorial Drive.” The bill directs FDOT to erect suitable markers.

On May 17, 1987, an Iraqi jet fighter fired upon the USS Stark in the Persian Gulf, causing thirty-seven United States sailors to lose their lives and seriously injuring twenty-one others. The USS Stark, a ship deployed on a routine peace-keeping mission from the Mayport navy base in Jacksonville, only survived this unprovoked attack through the determination and heroic actions of its crew.

Section 19: Designates the portion of State Road 44 in Lake County between U.S. Highway 441 and State Road 44/East Orange Avenue as “Captain Jim Reynolds, Jr., USAF “Malibu” Road.” The bill directs FDOT to erect suitable markers.

Captain Jim Reynolds Jr., a decorated Air Force Academy graduate, was killed when his F-16 crashed at the Nellis Air Force Base Range on August 10, 1993. Captain Reynolds became a member of the 308th Tactical Fighter Squadron at Homestead AFB, FL, and was later selected to join the Adversary Tactics Division of Red Flag at Nellis AFB, NV. During his career, Captain Reynolds served as an instructor pilot, chief of Squadron Standardization/Evaluation, mission commander, and a member of the Weapons and Tactics Branch. He received many distinctions, including the ATC Commander’s Trophy, winning the low-angle strafe (LAS) and several Top Gun competitions, the Air Force Commendation Medal with one oak leaf cluster, a Combat Readiness Medal, and the National Defense Service Medal.

Section 20: Designates the portion of State Road 19 in Putnam County between U.S. 17/State Road 15 and Carriage Drive as “Veterans Memorial Highway” in recognition of military veterans. The bill directs FDOT to erect suitable markers.

Section 21: Designates the portion of State Road 513 between Banana River Drive and Eau Gallie Boulevard in Brevard County as “U.S. Army Sergeant Robert Daniel Sanchez Memorial Highway.”

Sergeant Robert Daniel Sanchez of Satellite Beach, Florida enlisted in the United States Army in July of 2004. His Army Ranger Career began with an assignment to B Company, 1st Battalion, 75th Ranger Regiment, where he served as an automatic rifleman and team leader. Sergeant Sanchez was serving his fifth deployment in support of the War on Terror, when he was killed during a combat operation at age 24 in Kandahar Province, Afghanistan. Sergeant Sanchez received the Ranger Tab, Combat Infantryman’s Badge, Expert Infantryman’s Badge, Parachutist Badge, Army Commendation Medal, Afghanistan Service Medal, and the Army Service Ribbon.

Section 22: Designates the portion of State Road A1A between Pinetree Drive and Eau Gallie Boulevard in Brevard County is designated as “U.S. Marine Corps Corporal Dustin Schrage Highway.” The bill directs FDOT to erect suitable markers.

Dustin H. Schrage died while swimming across the Euphrates River during a six-person Marines covert operation in Iraq in May of 2004. Marine Corporal Schrage, a Brevard County native with a dream to serve as part of a police SWAT team after the military, was assigned to the 2nd Battalion, 4th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force.

Section 23: Designates the portion of State Road 20/John Sims Parkway between State Road 85 and the Walton County Line in Okaloosa County as “Purple Heart Memorial Highway” in recognition of those wounded in combat. The bill directs FDOT to erect suitable markers.

Section 24: Designates the portion of Biscayne Boulevard from N.E. 88th Street to N.E. 105th Street in Miami Shores Village in Miami-Dade County as “Hugh Anderson Boulevard.

Prominent land developer Hugh Anderson came to Miami in 1910 with the grand plan and vision of providing a wide corridor from downtown Miami to the north. After forming the Shoreline Company in the early 1920's, Anderson planned the construction of the 100 foot corridor, now known as Biscayne Boulevard. Because of his contributions, Mr. Anderson is known as the man who both initiated construction of Biscayne Boulevard and as a founding father of Miami Shores Village.

Section 25: Provides an effective date of July 1, 2012, if passed by the Legislature.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Staff estimates the cost to erect road designation markers required under this bill to be at least \$24,000.¹ This is based on the assumption that 48 markers will be erected for twenty-four road designations at a cost of no less than \$500 each. This includes sign fabrication, installation, and maintenance over time. The estimate does not include any additional expenses related to maintenance of traffic, dedication event costs, or replacement necessitated by damage, vandalism, or storm events.

VI. Technical Deficiencies:

None.

¹ The Pernas family have requested to pay the costs associated with the "Florencio 'Kiko' Pernas Avenue" designation. This number does account for these potential future funds.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



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596-02527B-12

Proposed Committee Substitute by the Committee on Transportation

A bill to be entitled

An act relating to transportation facility designations; providing honorary designations of certain transportation facilities in specified counties; directing the Department of Transportation to erect suitable markers; providing an effective date.

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

Section 1. Joyce Webb Nobles Bridge designated; Department of Transportation to erect suitable markers.—

(1) The U.S. Highway 90/98, State Road 10A, East Cervantes Street Bridge (Bridge Number 480198) in Escambia County is designated as "Joyce Webb Nobles Bridge."

(2) The Department of Transportation is directed to erect suitable markers designating Joyce Webb Nobles Bridge as described in subsection (1).

Section 2. Creola Rutledge Parkway designated; Department of Transportation to erect suitable markers.—

(1) That portion of E. Cervantes Street/U.S. 90 in Escambia County between N. 6th Avenue and N. Davis Highway in Pensacola is designated as "Creola Rutledge Parkway."

(2) The Department of Transportation is directed to erect suitable markers designating Creola Rutledge Parkway as described in subsection (1).

Section 3. Alma Lee Loy Bridge designated; Department of Transportation to erect suitable markers.—



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(1) Bridge Number 880077 on State Road 656 between State Road A1A and Indian River Boulevard in the City of Vero Beach in Indian River County is designated as "Alma Lee Loy Bridge."

(2) The Department of Transportation is directed to erect suitable markers designating Alma Lee Loy Bridge as described subsection (1).

Section 4. Coach Jimmy Carnes Boulevard designated; Department of Transportation to erect suitable markers.-

(1) That portion of S.W. 23rd Street, in front of James G. Pressly Stadium and 4211 S.W. 23rd Street, located between S.W. 2nd Avenue and Fraternity Row/Drive in Alachua County is designated as "Coach Jimmy Carnes Boulevard."

(2) The Department of Transportation is directed to erect suitable markers designating Coach Jimmy Carnes Boulevard as described in subsection (1).

Section 5. Harry T. and Harriette V. Moore Memorial Highway designated; Department of Transportation to erect suitable markers.-

(1) That portion of State Road 46 in Brevard County from U.S. 1 to the Volusia County line is designated as "Harry T. and Harriette V. Moore Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Harry T. and Harriette V. Moore Memorial Highway as described in subsection (1).

Section 6. Mardi Gras Way designated; Department of Transportation to erect suitable markers.-

(1) That portion of State Road 824 between Interstate 95/State Road 9 and U.S. 1/State Road 5 in Broward County is designated as "Mardi Gras Way."



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58 (2) The Department of Transportation is directed to erect
59 suitable markers designating Mardi Gras Way as described in
60 subsection (1).

61 Section 7. West Park Boulevard designated; Department of
62 Transportation to erect suitable markers.-

63 (1) That portion of U.S. 441/State Road 7 between State
64 Road 824/Pembroke Road and State Road 852/N.W. 215th
65 Street/County Line Road in Broward County is designated as "West
66 Park Boulevard."

67 (2) The Department of Transportation is directed to erect
68 suitable markers designating West Park Boulevard as described in
69 subsection (1).

70 Section 8. Pembroke Park Boulevard designated; Department
71 of Transportation to erect suitable markers.-

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

76 (2) The Department of Transportation is directed to erect
77 suitable markers designating Pembroke Park Boulevard as
78 described in subsection (1).

79 Section 9. Florencio 'Kiko' Pernas Avenue designated;
80 Department of Transportation to erect suitable markers.-

81 (1) That portion of Lejuene Road between East 32nd Street
82 and East 41st Street in the City of Hialeah is designated as
83 "Florencio 'Kiko' Pernas Avenue."

84 (2) The Department of Transportation is directed to erect
85 suitable markers designating Florencio 'Kiko' Pernas Avenue as
86 described in subsection (1).



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87 Section 10. Dr. Oscar Elias Biscet Boulevard designated;
88 Department of Transportation to erect suitable markers.—

89 (1) That portion of Coral Way between S.W. 32nd Avenue and
90 S.W. 37th Avenue in Miami-Dade County is designated as "Dr.
91 Oscar Elias Biscet Boulevard."

92 (2) The Department of Transportation is directed to erect
93 suitable markers designating Dr. Oscar Elias Biscet Boulevard as
94 described in subsection (1).

95 Section 11. Charles Modica Sr. Hospitality Way designated;
96 Department of Transportation to erect suitable markers.—

97 (1) That section of County Road 30A between County Road 283
98 to County Hwy 395 is designated as "Charles Modica Sr.
99 Hospitality Way."

100 (2) The Department of Transportation is directed to erect
101 suitable markers designating Charles Modica Sr. Hospitality Way
102 as described in subsection (1).

103 Section 12. Whale Harbor Joe Roth Jr. Bridge designated;
104 Department of Transportation to erect suitable markers.—

105 (1) Whale Harbor Bridge (Bridge Number 900076) on U.S.
106 Highway 1/State Road 5 in Monroe County is designated as "Whale
107 Harbor Joe Roth Jr. Bridge."

108 (2) The Department of Transportation is directed to erect
109 suitable markers designating Whale Harbor Joe Roth Jr. Bridge as
110 described in subsection (1).

111 Section 13. SP4 Thomas Berry Corbin Memorial Highway
112 designated; Department of Transportation to erect suitable
113 markers.—

114 (1) That portion of U.S. Highway 19/27A/98/State Road 55
115 between the Suwannee River Bridge and N.E. 592nd Street/Chavous



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116 Road/Kate Green Road in Dixie County is designated as "SP4
117 Thomas Berry Corbin Memorial Highway."

118 (2) The Department of Transportation is directed to erect
119 suitable markers designating SP4 Thomas Berry Corbin Memorial
120 Highway as described in subsection (1).

121 Section 14. U.S. Navy BMC Samuel Calhoun Chavous, Jr.,
122 Memorial Highway designated; Department of Transportation to
123 erect suitable markers.—

124 (1) That portion of U.S. Highway 19/98/State Road 55
125 between N.E. 592nd Street/Chavous Road/Kate Green Road and N.E.
126 170th Street in Dixie County is designated as "U.S. Navy BMC
127 Samuel Calhoun Chavous, Jr., Memorial Highway."

128 (2) The Department of Transportation is directed to erect
129 suitable markers designating U.S. Navy BMC Samuel Calhoun
130 Chavous, Jr., Memorial Highway as described in subsection (1).

131 Section 15. Marine Lance Corporal Brian R. Buesing Memorial
132 Highway designated; Department of Transportation to erect
133 suitable markers.—

134 (1) That portion of State Road 24 between County Road 347
135 and Bridge Number 340053 in Levy County is designated as "Marine
136 Lance Corporal Brian R. Buesing Memorial Highway."

137 (2) The Department of Transportation is directed to erect
138 suitable markers designating Marine Lance Corporal Brian R.
139 Buesing Memorial Highway as described in subsection (1).

140 Section 16. United States Army Sergeant Karl A. Campbell
141 Memorial Highway designated; Department of Transportation to
142 erect suitable markers.—

143 (1) That portion of U.S. Highway 19/98/State Road 55/S.
144 Main Street between N.W. 1st Avenue and S.E. 2nd Avenue in Levy



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County is designated as "United States Army Sergeant Karl A. Campbell Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating United States Army Sergeant Karl A. Campbell Memorial Highway as described in subsection (1).

Section 17. U.S. Army SPC James A. Page Memorial Highway designated; Department of Transportation to erect suitable markers.—

(1) That portion of U.S. Highway 27A/State Road 500/Hathaway Avenue between State Road 24/Thrasher Drive and Town Court in Levy County is designated as "U.S. Army SPC James A. Page Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating U.S. Army SPC James A. Page Memorial Highway as described in subsection (1).

Section 18. USS Stark Memorial Drive designated; Department of Transportation to erect suitable markers.—

(1) That portion of State Road 101/Mayport Road between State Road A1A and Wonderwood Connector in Duval County is designated as "USS Stark Memorial Drive."

(2) The Department of Transportation is directed to erect suitable markers designating USS Stark Memorial Drive as described in subsection (1).

Section 19. Captain Jim Reynolds, Jr., USAF "Malibu" Road designated; Department of Transportation to erect suitable markers.—

(1) That portion of State Road 44 in Lake County between U.S. Highway 441 and State Road 44/East Orange Avenue near Eustis is designated as "Captain Jim Reynolds, Jr., USAF



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174 'Malibu' Road."

175 (2) The Department of Transportation is directed to erect
176 suitable markers designating Captain Jim Reynolds, Jr., USAF
177 "Malibu" Road as described in subsection (1).

178 Section 20. Veterans Memorial Highway designated;
179 Department of Transportation to erect suitable markers.—

180 (1) That portion of State Road 19 in Putnam County between
181 U.S. 17/State Road 15 and Carriage Drive is designated as
182 "Veterans Memorial Highway."

183 (2) The Department of Transportation is directed to erect
184 suitable markers designating Veterans Memorial Highway as
185 described in subsection (1).

186 Section 21. U.S. Army Sergeant Robert Daniel Sanchez
187 Memorial Highway designated; Department of Transportation to
188 erect suitable markers.—

189 (1) That portion of State Road 513 between Banana River
190 Drive and Eau Gallie Boulevard in Brevard County is designated
191 as "U.S. Army Sergeant Robert Daniel Sanchez Memorial Highway."

192 (2) The Department of Transportation is directed to erect
193 suitable markers designating U.S. Army Sergeant Robert Daniel
194 Sanchez Memorial Highway as described in subsection (1).

195 Section 22. U.S. Marine Corps Corporal Dustin Schrage
196 Highway designated; Department of Transportation to erect
197 suitable markers.—

198 (1) That portion of State Road A1A between Pinetree Drive
199 and Eau Gallie Boulevard in Brevard County is designated as
200 "U.S. Marine Corps Corporal Dustin Schrage Highway."

201 (2) The Department of Transportation is directed to erect
202 suitable markers designating U.S. Marine Corps Corporal Dustin



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596-02527B-12

203 Schrage Highway as described in subsection (1).

204 Section 23. Purple Heart Memorial Highway designated;
205 Department of Transportation to erect suitable markers.—

206 (1) That portion of State Road 20/John Sims Parkway between
207 State Road 85 and the Walton County Line in Okaloosa County is
208 designated as "Purple Heart Memorial Highway."

209 (2) The Department of Transportation is directed to erect
210 suitable markers designating Purple Heart Memorial Highway as
211 described in subsection (1).

212 Section 24. Hugh Anderson Boulevard designated; Department
213 of Transportation to erect suitable markers.—

214 (1) That portion of Biscayne Boulevard from N.E. 88th
215 Street to N.E. 105th Street in Miami Shores Village in Miami-
216 Dade County is designated as "Hugh Anderson Boulevard."

217 (2) The Department of Transportation is directed to erect
218 suitable markers designating Hugh Anderson Boulevard as
219 described in subsection (1).

220 Section 25. This act shall take effect July 1, 2012.



642552

596-02939-12

Proposed Committee Substitute by the Committee on Transportation

A bill to be entitled

An act relating to transportation facility designations; providing honorary designations of certain transportation facilities in specified counties; directing the Department of Transportation to erect suitable markers; providing an effective date.

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

Section 1. Joyce Webb Nobles Bridge designated; Department of Transportation to erect suitable markers.-

(1) The U.S. Highway 90/98, State Road 10A, East Cervantes Street Bridge (Bridge Number 480198) in Escambia County is designated as "Joyce Webb Nobles Bridge."

(2) The Department of Transportation is directed to erect suitable markers designating Joyce Webb Nobles Bridge as described in subsection (1).

Section 2. Creola Rutledge Parkway designated; Department of Transportation to erect suitable markers.-

(1) That portion of E. Cervantes Street/U.S. 90 in Escambia County between N. 6th Avenue and N. Davis Highway in Pensacola is designated as "Creola Rutledge Parkway."

(2) The Department of Transportation is directed to erect suitable markers designating Creola Rutledge Parkway as described in subsection (1).

Section 3. Alma Lee Loy Bridge designated; Department of Transportation to erect suitable markers.-



642552

596-02939-12

(1) Bridge Number 880077 on State Road 656 between State Road A1A and Indian River Boulevard in the City of Vero Beach in Indian River County is designated as "Alma Lee Loy Bridge."

(2) The Department of Transportation is directed to erect suitable markers designating Alma Lee Loy Bridge as described subsection (1).

Section 4. Coach Jimmy Carnes Boulevard designated; Department of Transportation to erect suitable markers.-

(1) That portion of S.W. 23rd Street, in front of James G. Pressly Stadium and 4211 S.W. 23rd Street, located between S.W. 2nd Avenue and Fraternity Row/Drive in Alachua County, is designated as "Coach Jimmy Carnes Boulevard."

(2) The Department of Transportation is directed to erect suitable markers designating Coach Jimmy Carnes Boulevard as described in subsection (1).

Section 5. Harry T. and Harriette V. Moore Memorial Highway designated; Department of Transportation to erect suitable markers.-

(1) That portion of State Road 46 in Brevard County from U.S. 1 to the Volusia County line is designated as "Harry T. and Harriette V. Moore Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Harry T. and Harriette V. Moore Memorial Highway as described in subsection (1).

Section 6. Florencio 'Kiko' Pernas Avenue designated; Department of Transportation to erect suitable markers.-

(1) That portion of Lejeune Road between East 32nd Street and East 41st Street in the City of Hialeah is designated as "Florencio 'Kiko' Pernas Avenue."



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596-02939-12

58 (2) The Department of Transportation is directed to erect
59 suitable markers designating Florencio 'Kiko' Pernas Avenue as
60 described in subsection (1).

61 Section 7. Dr. Oscar Elias Biscet Boulevard designated;
62 Department of Transportation to erect suitable markers.-

63 (1) That portion of Coral Way between S.W. 32nd Avenue and
64 S.W. 37th Avenue in Miami-Dade County is designated as "Dr.
65 Oscar Elias Biscet Boulevard."

66 (2) The Department of Transportation is directed to erect
67 suitable markers designating Dr. Oscar Elias Biscet Boulevard as
68 described in subsection (1).

69 Section 8. Charles Modica Sr. Hospitality Way designated;
70 Department of Transportation to erect suitable markers.-

71 (1) That section of County Road 30A between County Road 283
72 to County Hwy 395 is designated as "Charles Modica Sr.
73 Hospitality Way."

74 (2) The Department of Transportation is directed to erect
75 suitable markers designating Charles Modica Sr. Hospitality Way
76 as described in subsection (1).

77 Section 9. Whale Harbor Joe Roth Jr. Bridge designated;
78 Department of Transportation to erect suitable markers.-

79 (1) Whale Harbor Bridge (Bridge Number 900076) on U.S.
80 Highway 1/State Road 5 in Monroe County is designated as "Whale
81 Harbor Joe Roth Jr. Bridge."

82 (2) The Department of Transportation is directed to erect
83 suitable markers designating Whale Harbor Joe Roth Jr. Bridge as
84 described in subsection (1).

85 Section 10. SP4 Thomas Berry Corbin Memorial Highway
86 designated; Department of Transportation to erect suitable



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markers.—

(1) That portion of U.S. Highway 19/27A/98/State Road 55 between the Suwannee River Bridge and N.E. 592nd Street/Chavous Road/Kate Green Road in Dixie County is designated as "SP4 Thomas Berry Corbin Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating SP4 Thomas Berry Corbin Memorial Highway as described in subsection (1).

Section 11. U.S. Navy BMC Samuel Calhoun Chavous, Jr., Memorial Highway designated; Department of Transportation to erect suitable markers.—

(1) That portion of U.S. Highway 19/98/State Road 55 between N.E. 592nd Street/Chavous Road/Kate Green Road and N.E. 170th Street in Dixie County is designated as "U.S. Navy BMC Samuel Calhoun Chavous, Jr., Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating U.S. Navy BMC Samuel Calhoun Chavous, Jr., Memorial Highway as described in subsection (1).

Section 12. Marine Lance Corporal Brian R. Buesing Memorial Highway designated; Department of Transportation to erect suitable markers.—

(1) That portion of State Road 24 between County Road 347 and Bridge Number 340053 in Levy County is designated as "Marine Lance Corporal Brian R. Buesing Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Marine Lance Corporal Brian R. Buesing Memorial Highway as described in subsection (1).

Section 13. U.S. Army Sergeant Karl A. Campbell Memorial Highway designated; Department of Transportation to erect



642552

596-02939-12

suitable markers.—

(1) That portion of U.S. Highway 19/98/State Road 55/S. Main Street between N.W. 1st Avenue and S.E. 2nd Avenue in Levy County is designated as "U.S. Army Sergeant Karl A. Campbell Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating United States Army Sergeant Karl A. Campbell Memorial Highway as described in subsection (1).

Section 14. U.S. Army SPC James A. Page Memorial Highway designated; Department of Transportation to erect suitable markers.—

(1) That portion of U.S. Highway 27A/State Road 500/Hathaway Avenue between State Road 24/Thrasher Drive and Town Court in Levy County is designated as "U.S. Army SPC James A. Page Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating U.S. Army SPC James A. Page Memorial Highway as described in subsection (1).

Section 15. USS Stark Memorial Drive designated; Department of Transportation to erect suitable markers.—

(1) That portion of State Road 101/Mayport Road between State Road 1A and Wonderwood Connector in Duval County is designated as "USS Stark Memorial Drive."

(2) The Department of Transportation is directed to erect suitable markers designating USS Stark Memorial Drive as described in subsection (1).

Section 16. Captain Jim Reynolds, Jr., USAF "Malibu" Road designated; Department of Transportation to erect suitable markers.—



642552

596-02939-12

145 (1) That portion of State Road 44 in Lake County between
146 U.S. Highway 441 and State Road 44/East Orange Avenue near
147 Eustis is designated as "Captain Jim Reynolds, Jr., USAF
148 'Malibu' Road."

149 (2) The Department of Transportation is directed to erect
150 suitable markers designating Captain Jim Reynolds, Jr., USAF
151 "Malibu" Road as described in subsection (1).

152 Section 17. Veterans Memorial Highway designated;
153 Department of Transportation to erect suitable markers.-

154 (1) That portion of State Road 19 in Putnam County between
155 U.S. 17/State Road 15 and Carriage Drive is designated as
156 "Veterans Memorial Highway."

157 (2) The Department of Transportation is directed to erect
158 suitable markers designating Veterans Memorial Highway as
159 described in subsection (1).

160 Section 18. U.S. Army Sergeant Robert Daniel Sanchez
161 Memorial Highway designated; Department of Transportation to
162 erect suitable markers.-

163 (1) That portion of State Road 513 between Banana River
164 Drive and Eau Gallie Boulevard in Brevard County is designated
165 as "U.S. Army Sergeant Robert Daniel Sanchez Memorial Highway."

166 (2) The Department of Transportation is directed to erect
167 suitable markers designating U.S. Army Sergeant Robert Daniel
168 Sanchez Memorial Highway as described in subsection (1).

169 Section 19. U.S. Marine Corps Corporal Dustin Schrage
170 Highway designated; Department of Transportation to erect
171 suitable markers.-

172 (1) That portion of State Road A1A between Pinetree Drive
173 and Eau Gallie Boulevard in Brevard County is designated as



642552

596-02939-12

"U.S. Marine Corps Corporal Dustin Schrage Highway."

(2) The Department of Transportation is directed to erect suitable markers designating U.S. Marine Corps Corporal Dustin Schrage Highway as described in subsection (1).

Section 20. Purple Heart Memorial Highway designated; Department of Transportation to erect suitable markers.—

(1) That portion of State Road 20/John Sims Parkway between State Road 85 and the Walton County Line in Okaloosa County is designated as "Purple Heart Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Purple Heart Memorial Highway as described in subsection (1).

Section 21. Hugh Anderson Boulevard designated; Department of Transportation to erect suitable markers.—

(1) That portion of Biscayne Boulevard from N.E. 88th Street to N.E. 105th Street in Miami Shores Village in Miami-Dade County is designated as "Hugh Anderson Boulevard."

(2) The Department of Transportation is directed to erect suitable markers designating Hugh Anderson Boulevard as described in subsection (1).

Section 22. This act shall take effect July 1, 2012.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date _____

Topic Memorial Highway Signs (Fla 1400's) Bill Number SB 1776
(if applicable)

Name (Bruce Briggs) Standing United AS Americans Amendment Barcode _____
(if applicable)

Job Title co / owner

Address 2535 South 441 Phone 386-454-0777
Street

High Springs Fla 32643 E-mail _____
City State Zip

Speaking: ☒ For ☐ Against ☐ Information

Representing Standing United AS Americans

Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.



813774

LEGISLATIVE ACTION

Senate

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House

The Committee on Transportation (Joyner) recommended the following:

Senate Amendment

Delete everything after the enacting clause
and insert:

Section 1. Mardi Gras Way designated; Department of
Transportation to erect suitable markers.-

(1) That portion of State Road 824 between Interstate
95/State Road 9 and U.S. 1/State Road 5 in Broward County is
designated as "Mardi Gras Way."

(2) The Department of Transportation is directed to erect
suitable markers designating Mardi Gras Way as described in
subsection (1).



813774

13 Section 2. West Park Boulevard designated; Department of
14 Transportation to erect suitable markers.-

15 (1) That portion of U.S. 441/State Road 7 between State
16 Road 824/Pembroke Road and State Road 852/N.W. 215th
17 Street/County Line Road in Broward County is designated as "West
18 Park Boulevard."

19 (2) The Department of Transportation is directed to erect
20 suitable markers designating West Park Boulevard as described in
21 subsection (1).

22 Section 3. Pembroke Park Boulevard designated; Department
23 of Transportation to erect suitable markers.-

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

28 (2) The Department of Transportation is directed to erect
29 suitable markers designating Pembroke Park Boulevard as
30 described in subsection (1).

31 Section 4. This act shall take effect July 1, 2012.

2335

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

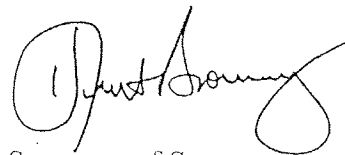
I, Kurt S. Browning, Secretary of State,
do hereby certify that

Ned C. Lautenbach

is duly appointed a member of the
Florida Transportation Commission

for a term beginning on the
Thirty-First day of October, A.D., 2011,
until the Thirtieth day of September, A.D., 2015
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Sixteenth day of December, A.D., 2011.*



Secretary of State



DSDE 99 (3/03)

The original document has a reflective line mark in paper. Hold at an angle to view when checking.

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

County of COLLIER

11 DEC 15 AM 11:16

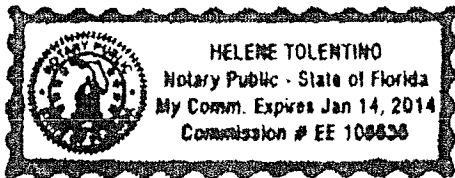
DIVISION OF ELECTIONS
SECRETARY OF STATE

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

COMMISSIONER DEPARTMENT OF TRANSPORTATION
(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]



Ned C. Lautenbach
Signature

Swear to and subscribed before me this 12th day of December, 2011

Helene Tolentino
Signature of Officer Administering Oath or of Notary Public

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☐ OR

Produced Identification ☒

Type of Identification Produced

FL DL

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: ☐ Home ☐ Office

1801 GALLEON DR.
Street or Post Office Box

NAPLES, FL. 34102
City, State, Zip Code

NED C. LAUTENBACH
Print name as you desire commission issued

Ned C. Lautenbach
Signature



RICK SCOTT
GOVERNOR

October 31, 2011

Mr. Kurt S. Browning, Secretary
Department of State
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Browning:

Please be advised I have made the following appointment under the provisions of Section 20.23, Florida Statutes:

Mr. Ned C. Lautenbach
1801 Galleon Drive
Naples, Florida 34102

as a member of the Florida Transportation Commission, succeeding Joseph M. Mazurkiewicz, subject to confirmation by the Senate. This appointment is effective October 31, 2011, for a term ending September 30, 2015.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/vh

2335

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Kurt S. Browning, Secretary of State,
do hereby certify that

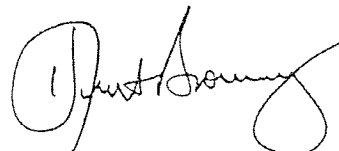
Manuel L. Marono

is duly appointed a member of the

Florida Transportation Commission

for a term beginning on the
Thirty-First day of October, A.D., 2011,
until the Thirtieth day of September, A.D., 2015
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Tenth day of January, A.D., 2012.*



Secretary of State

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

12 JAN -9 PM 2:52

County of Miami Dade

DIVISION OF ELECTIONS
SECRETARY OF STATE

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Florida Transportation Commission
(Title of Office)

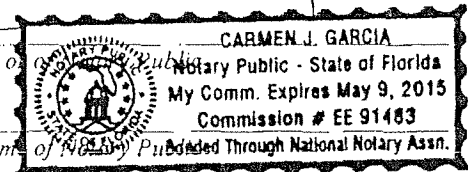
on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

[Signature]
Signature

Sworn to and subscribed before me this 3rd day of January, 2012.

[Signature]
Signature of Officer Administering Oath of Office



Print, Type, or Stamp Commissioned Name of Notary

Personally Known ☒

OR

Produced Identification ☐

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: ☒ Home ☐ Office

10233 SW 75T
Street or Post Office Box

MANUEL L. MAROZO
Print name as you desire commission issued

Sweetwater FL 33174
City, State, Zip Code

[Signature]
Signature



RICK SCOTT
GOVERNOR

October 31, 2011

Mr. Kurt S. Browning, Secretary
Department of State
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Browning:

Please be advised I have made the following reappointment under the provisions of Section 20.23, Florida Statutes:

Mr. Manuel L. Marono
10233 Southwest 7th Street
Sweetwater, Florida 33174

as a member of the Florida Transportation Commission, subject to confirmation by the Senate. This appointment is effective October 31, 2011 for a term ending September 30, 2015.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/vh

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Transportation Committee

BILL: SB 1452

INTRODUCER: Senator Diaz de la Portilla

SUBJECT: Credit Card Surcharges

DATE: February 1, 2012

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Buford	TR	Fav/CS
2.			CA	
3.				
4.				
5.				
6.				

I. Summary:

Senate Bill 1452 provides that a county or municipality may not prohibit the owner or operator of a taxicab, limousine, jitney, or other passenger vehicle for hire from imposing a surcharge on a passenger who elects to pay the passenger fare using a credit card in lieu of payment by cash, check, or similar means.

The bill also provides the prohibition on the imposition of a credit card surcharge does not apply to passenger fares for a taxicab, limousine, jitney, or other passenger vehicle for hire.

This bill substantially amends ss. 125.01 and 501.0117 of the Florida Statutes.

The bill creates ss. 125.01035 and 166.0433 of the Florida Statutes.

II. Present Situation:

Taxi cab for hire regulation

Section 125.01(1), F.S., grants counties the power to carry on county government to the extent not inconsistent with general or special law. Specifically, it grants the power of a county to “license and regulate taxis, jitneys, limousines for hire, rental cars, and other passenger vehicles for hire that operate in the unincorporated areas of the county, except that any constitutional charter county as defined in s. 125.011(1), F.S., shall on July 1, 1988, have been authorized to have issued a number of permits to operate taxis which is no less than the ratio of one permit for each 1,000 residents of said county, and any such new permits issued after June 4, 1988, shall be

issued by lottery among individuals with such experience as a taxi driver as the county may determine.”¹ Many counties have adopted ordinances regulating vehicles for hire.

Miami-Dade County heavily regulates for-hire motor vehicles covering such areas as licenses, chauffeur’s registration, operating rules, taximeter standards, fare rates, insurance requirements, vehicle standards, and enforcement provisions.² In 2010, the Miami-Dade Board of County Commissioners proposed an amendment to its Chapter 31 regulating vehicles for hire that required a certain number of taxicabs operated pursuant to a “for-hire license” issued after September 1, 2010 be equipped with a two-way radio system, a taximeter, a security camera system, and an operable credit card system.³ This proposed amendment also provided that there could not be an additional charge added to the fare for use of a credit card. After opposition at the public meetings concerning this proposed ordinance, the language regarding additional charges for use of a credit card was revised to read “There shall be no additional charge added to the fare for the use of a credit card unless the County Commission has, to the extent, permitted by Florida law, amended the fare schedule by resolution pursuant to section 31-87...”⁴ As revised, the amendment was adopted on July 19, 2011. Testimony at the public meetings disclosed that the taxi drivers were opposed to having to absorb the credit card fee because of their thin operating margins. The practical effect of the ordinance will be that requirements for this new equipment will be phased in over time so that eventually all vehicles will be so equipped.⁵

Airport officials at the Fort Lauderdale-Hollywood International Airport want to require every cab to install machines to process credit cards. Many other cities, including New York City, Boston, and San Francisco, require credit card machines in cabs.⁶ None of south Florida’s three international airports require that credit card machines be installed. In 2010, San Francisco mandated that cabs accept credit cards for the convenience of residents and visitors. This resulted in a backlash from cab companies and cab drivers who had to pay the credit card fees and the lawmakers amended the rule to allow the companies to charge their drivers a 5 percent credit card fee which resulted in some drivers telling their fares the machine was broken or ordering passengers out or telling them to go to an ATM.⁷

Credit cards

Under section 501.0117, F.S., a seller or lessor in a sales or lease transaction may not impose a surcharge on the buyer or lessee for electing to use a credit card in lieu of payment by cash, check, or similar means, if the seller or lessor accepts payment by credit card. A surcharge is any additional amount imposed at the time of a sale or lease transaction by the seller or lessor that increases the charge to the buyer or lessee for the privilege of using a credit card to make

¹ Section 125.01(1)(n), F.S.

² Miami-Dade County, Florida Code of Ordinances, Part III, Chapter 31, Vehicles for Hire, Article II – Licensing and Regulation of For-hire Motor Vehicles.

³ See <http://www.miamidade.gov/govaction/matter.asp?matter=101665&file=true&yearFolder=Y2010> for minutes of public meeting.

⁴ See Ordinance 11-54 at <http://www.miamidade.gov/govaction/matter.asp?matter=112615&file=false&yearFolder=Y2011>

⁵ Oral conversation with Jimmy Morales, Esq., Stearns Weaver Miller Weissler Alhadeff & Sitterson, P.A., on February 1, 2012.

⁶ http://articles.sun-sentinel.com/2011-10-17/business/fl-taxis-credit-card-20111017_1_card-machines-credit-card-card-fee.

⁷ <http://blog.cardoffers.com/credit-cards-now-accepted-in-taxi-cabs-nationwide-except-san-francisco/>.

payment.⁸ A person who violates this section is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, F.S. Unless similar regulated fare rates, such as those existing in Miami Dade County, are revised to take a credit card fee into consideration or without an exemption from this section, a taxi driver could not add the credit card fee to the fare without exposing himself to risk of violating this section.

III. Effect of Proposed Changes:

Section 1 amends s. 125.01(1)(n), F.S., to conform provisions to reflect changes made by the bill. Specifically, the bill provides an exception to the powers and duties of the legislative and governing body of a county.

Section 2 creates s. 125.01035, F.S., to provide that a county may not prohibit the owner or operator of a taxicab, limousine, jitney, or other passenger vehicle for hire from imposing a surcharge on a passenger who elects to pay the passenger fare using a credit card in lieu of payment be cash, check, or similar means.

Section 3 creates s. 166.0433, F.S., to provide that a municipality may not prohibit the owner or operator of a taxicab, limousine, jitney, or other passenger vehicle for hire from imposing a surcharge on a passenger who elects to pay the passenger fare using a credit card in lieu of payment be cash, check, or similar means.

Section 4 amends s. 501.0117, F.S., to provide an exemption to the prohibition on the imposition of credit card surcharges for passenger fares for a taxicab, limousine, jitney, or other passenger vehicle for hire.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

⁸ Section 501.0117(1), F.S.

B. Private Sector Impact:

A passenger of taxicab, limousine, jitney, or other passenger vehicle for hire may be subject to a surcharge if using a credit card to pay the passenger fare.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill provides that a county or municipality may not prohibit the owner or operator of a taxicab, limousine, jitney, or other passenger vehicle for hire from imposing a surcharge on a passenger who elects to pay the passenger fare using a credit card in lieu of payment by cash, check, or similar means; however, the bill does not specify the amount or percentage of the surcharge that could be imposed.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.



516378

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/03/2012	.	
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	.	

The Committee on Transportation (Garcia) recommended the following:

Senate Amendment (with title amendment)

Delete lines 36 - 85
and insert:

125.01035 Passenger vehicles for hire; accepted methods of payment for passenger fares.-A county may not prohibit the payment of passenger fares for a taxicab, limousine, jitney, or other passenger vehicle for hire by cash, check, or similar method of payment.

Section 3. Section 166.0433, Florida Statutes, is created to read:

166.0433 Passenger vehicles for hire; accepted methods of



516378

payment for passenger fares.-A municipality may not prohibit the
payment of passenger fares for a taxicab, limousine, jitney, or
other passenger vehicle for hire by cash, check, or similar
method of payment.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete lines 5 - 11

and insert:

prohibiting counties and municipalities from imposing
certain restrictions on the accepted methods of
payment of passenger fares for certain passenger
vehicles for hire; providing an



101786

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/03/2012	.	
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The Committee on Transportation (Garcia) recommended the following:

Senate Substitute for Amendment (516378) (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Paragraph (n) of subsection (1) of section 125.01, Florida Statutes, is amended to read:

125.01 Powers and duties.—

(1) The legislative and governing body of a county shall have the power to carry on county government. To the extent not inconsistent with general or special law, this power includes, but is not restricted to, the power to:



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(n) Except as provided in s. 125.01035, license and regulate taxis, jitneys, limousines for hire, rental cars, and other passenger vehicles for hire that operate in the unincorporated areas of the county; except that any constitutional charter county as defined in s. 125.011(1) shall on July 1, 1988, have been authorized to have issued a number of permits to operate taxis which is no less than the ratio of one permit for each 1,000 residents of said county, and any such new permits issued after June 4, 1988, shall be issued by lottery among individuals with such experience as a taxi driver as the county may determine.

Section 2. Section 125.01035, Florida Statutes, is created to read:

125.01035 Passenger vehicles for hire; accepted methods of payment for passenger fares.—

(1) As used in this section, the term "payment card" means a credit card, charge card, debit card, or any other card that is issued to an authorized card user and that allows the user to obtain, purchase, or receive goods, services, money, or anything else of value from a merchant.

(2) A county may not prohibit the payment of passenger fares for a taxicab, limousine, jitney, or other passenger vehicle for hire by cash, check, or similar method of payment.

Section 3. Section 166.0433, Florida Statutes, is created to read:

166.0433 Passenger vehicles for hire; accepted methods of payment for passenger fares.—

(1) As used in this section, the term "payment card" means a credit card, charge card, debit card, or any other card that



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is issued to an authorized card user and that allows the user to obtain, purchase, or receive goods, services, money, or anything else of value from a merchant.

(2) A municipality may not prohibit the payment of passenger fares for a taxicab, limousine, jitney, or other passenger vehicle for hire by cash, check, or similar method of payment.

Section 4. This act shall take effect July 1, 2012.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to passenger vehicles for hire;
amending s. 125.01, F.S.; conforming provisions to
changes made by the act; creating ss. 125.01035 and
166.0433, F.S.; defining the term "payment card" for
purposes of the act; prohibiting counties and
municipalities from imposing certain restrictions on
the accepted methods of payment of passenger fares for
certain passenger vehicles for hire; prohibiting
counties and municipalities from requiring the payment
of passenger fares for such passenger vehicles for
hire through use of a payment card; providing an
effective date.

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Agriculture, *Vice Chair*
Education Pre-K - 12, *Vice Chair*
Budget - Subcommittee on General Government
Appropriations
Budget - Subcommittee on Transportation, Tourism,
and Economic Development Appropriations
Military Affairs, Space, and Domestic Security
Reapportionment
Rules
Transportation

SENATOR LARCENIA J. BULLARD

39th District

February 2, 2012

Senator Latvala, Chair
Senate Transportation Committee
410 Knott Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Senator Latvala:

Due to my present health challenges, I am requesting excusal from the Transportation Committee meeting scheduled Thursday, February 2, 2012. I remain on the mend and look forward to improved health.

Sincerely,



Senator Larcenia J. Bullard
District 39

LJB\rm

CC: Rivers Buford, Staff Director

REPLY TO:

- ☐ 8603 South Dixie Highway, Suite 304, Miami, Florida 33143 (305) 668-7344
- ☐ 218 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5127

Senate's Website: www.flsenate.gov

MIKE HARIDOPOLOS
President of the Senate

MICHAEL S. "MIKE" BENNETT
President Pro Tempore



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Education Pre-K - 12, *Chair*
Budget
Budget - Subcommittee on Education Pre-K - 12
Appropriations
Budget - Subcommittee on Higher Education
Appropriations
Community Affairs
Governmental Oversight and Accountability
Rules
Transportation

JOINT COMMITTEES:

Legislative Auditing Committee
Legislative Budget Commission

SENATOR STEPHEN R. WISE

5th District

MEMORANDUM

To: Senator Jack Latvala
Chair: Senate Committee on Transportation
From: Senator Stephen Wise
Subject: Absence from the Transportation Committee
Date: February 2, 2012

It is necessary that I miss today's Transportation Meeting as I need to address a family matter in Jacksonville.

Please excuse me from the Transportation Committee meeting scheduled for February 2, 2012, at 3:15pm

Your kindness in considering my request is appreciated.

A handwritten signature in cursive script that reads "Stephen R. Wise".

Senator Stephen R. Wise
Senator: District 5

Cc: Rivers H. Buford III

REPLY TO:

- ☐ 1460 Cassat Avenue, Suite B, Jacksonville, Florida 32205 (904) 381-6000 FAX: (904) 381-6040
- ☐ 410 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5027

Senate's Website: www.flsenate.gov

MIKE HARIDOPOLOS
President of the Senate

MICHAEL S. "MIKE" BENNETT
President Pro Tempore

CourtSmart Tag Report

Room: LL 37
Caption: Transportation

Case:
Judge:

Type:

Started: 2/2/2012 3:20:24 PM

Ends: 2/2/2012 5:04:16 PM Length: 01:43:53

3:20:44 PM Meeting called to order by Chairman Latvala
3:20:49 PM Roll Call
3:21:10 PM Pledge of Allegiance
3:21:36 PM Chairman Latvala - Excused absences (Senators Bullard and Wise)
3:22:11 PM SB 1452, Credit Card Surcharges by Senator Diaz de la Portilla (Tab 14)
3:23:12 PM Senator Diaz de la Portilla's request to temporarily postpone amendments (barcodes 516378 and 101786)
3:23:45 PM Senator Joyner question
3:24:06 PM Senator Diaz de la Portilla response
3:24:54 PM Senator Joyner question
3:25:20 PM Senator Diaz de la Portilla response
3:25:41 PM Senator Joyner question
3:26:10 PM Senator Diaz de la Portilla response
3:28:09 PM Senator Joyner remarks
3:28:50 PM Senator Storms question
3:29:06 PM Senator Diaz de la Portilla response and Senator Storms remarks
3:29:15 PM Senator Diaz de la Portilla response
3:29:25 PM Senator Storms question
3:29:36 PM Senator Diaz de la Portilla response
3:30:00 PM SB 1452, Credit Card Surcharges vote -- Favorable
3:30:30 PM Appointees Ned C. Lautenbach and Manuel L. Marono -- Florida Transportation Commission (Tabs 12 and 13)
3:31:22 PM Senator Gibson remarks
3:31:59 PM Chairman Latvala remarks
3:33:12 PM Senator Norman moves the nominees
3:33:28 PM Vote on confirmations (Ned C. Lautenbach and Manuel L. Marono -- Florida Transportation Commission)
-- Nominations are reported favorably
3:33:53 PM Proposed Committee Substitute relating to Transportation Facilities Designations (SB 232, SB 848, and SB 870) by Senator Norman (Tabs 2-5))
3:36:05 PM Chairman Latvala remarks and motion
3:37:14 PM Proposed Committee Substitute relating to Transportation Facilities Designations (SB 232, SB 848, and SB 870) vote
3:37:59 PM Proposed Committee Substitute (SB 1176, SB 456, SB 766, and SB 926) by Senator Evers (Tabs 6-10)
3:41:09 PM Proposed Committee Substitute (SB 1176, SB 456, SB 766, and SB 926 -- Temporarily Postponed)
3:41:45 PM Senator Joyner remarks
3:43:03 PM SB 1866 Department of Transportation by Senator Latvala (Tab 1)
3:48:59 PM SB 1866 amendment (barcode 395644) by Senator Latvala
3:49:12 PM Senator Latvala explanation of amendment (barcode 395644)
3:51:30 PM Senator Joyner question
3:52:31 PM Charles Abrams, Transportation Committee, response
3:52:41 PM Senator Joyner continued remarks
3:53:28 PM Secretary Ananth Prasad, Florida Department of Transportation, response
3:53:44 PM Senator Storms question
3:53:48 PM Secretary Ananth Prasad, Florida Department of Transportation, response
3:54:24 PM Senator Joyner question
3:54:47 PM Secretary Ananth Prasad, Florida Department of Transportation, response
3:55:18 PM Senator Latvala remarks
3:55:39 PM SB 1866 amendment (barcode 539748) by Senator Latvala -- Adopted
3:56:10 PM Chairman Evers remarks
3:56:52 PM SB 1866 amendment (barcode 121766) by Senator Latvala -- Adopted
3:57:37 PM SB 1866 amendment (barcode 289980) by Latvala -- Withdrawn
3:57:52 PM SB 1866 amendment (barcode 724824) by Senator Latvala -- Adopted

3:58:23 PM Senator Storms remarks regarding background screening
 4:00:00 PM Senator Latvala response
 4:00:23 PM SB 1866 amendment (barcode 466570) by Senator Garcia -- Temporarily Postponed
 4:01:16 PM SB 1866 amendment (barcode 182394) by Senator Benacquisto -- Adopted
 4:02:18 PM SB 1866 amendment (barcode 297172) by Senator Benacquisto
 4:05:03 PM Senator Latvala remarks
 4:08:31 PM Chairman Evers remarks
 4:08:48 PM Senator Storms remarks
 4:14:16 PM Senator Norman remarks
 4:15:50 PM Senator Joyner remarks
 4:16:06 PM Senator Latvala remarks
 4:18:53 PM Secretary Ananth Prasad, Florida Department of Transportation, response (barcode 297172)
 4:21:16 PM Senator Norman remarks
 4:22:14 PM Senator Latvala remarks
 4:22:49 PM Senator Benacquisto closing remarks (barcode 297172)
 4:23:39 PM SB 1866 amendment by Senator Benacquisto (barcode 297172) vote -- Adopted
 4:24:09 PM SB 1866 amendment (barcode 410482) by Senator Gibson -- Adopted
 4:25:01 PM Public Testimony (barcode 297172) waived in support
 4:25:18 PM SB 1866 substitute handwritten amendment to barcode 465570 (TP'd earlier) by Latvala
 4:27:14 PM SB 1866 substitute handwritten amendment by Latvala -- Adopted
 4:27:29 PM SB 1866 handwritten amendment by Senator Joyner
 4:28:35 PM Senator Gibson question
 4:28:40 PM Senator Joyner response
 4:29:14 PM Senator Joyner waives close
 4:29:18 PM Senator Joyner (handwritten amendment) vote -- Adopted
 4:30:24 PM SB 1866 substitute amendment (barcode amendment 759918 replaced by substitute amendment barcode 254496) by Senator Evers
 4:32:01 PM Senator Latvala remarks
 4:32:11 PM Secretary Ananth Prasad, Florida Department of Transportation, response (barcode 254496)
 4:32:35 PM SB 1866 amendment (barcode 254496) Public Testimony
 4:34:01 PM SB 1866 amendment (barcode 254496) -- Adopted
 4:34:07 PM SB 1866 amendment (barcode 161740) by Senator Evers
 4:35:11 PM SB 1866 amendment (barcode 161740) Public Testimony
 4:37:14 PM Remarks by Senator Evers (barcode 161740) -- Adopted
 4:38:09 PM SB 1866 substitute amendment by Senator Evers (barcode 331620) -- Withdrawn
 4:38:41 PM SB 1866 substitute amendment (barcode amendment 594398 replaced by substitute amendment barcode 394418) by Senator Evers
 4:39:44 PM Senator Latvala remarks on substitute amendment (barcode 394418)
 4:43:39 PM SB 1866 substitute amendment (barcode 394418) Public Testimony
 4:44:28 PM SB 1866, substitute amendment (barcode 394418) -- Adopted
 4:44:35 PM SB 1866 late filed amendment (barcode 216342) by Senator Evers
 4:45:50 PM Madam Chair Storms remarks
 4:46:33 PM Senator Garcia question (barcode 216342)
 4:46:37 PM Senator Evers response and Senator Garcia question (barcode 216342)
 4:47:08 PM Late filed amendment (barcode 216342) Public Testimony
 4:48:12 PM Public Testimony response
 4:48:12 PM Senator Garcia question (barcode 216342)
 4:48:20 PM Late filed amendment (barcode 216342) Public Testimony continued
 4:48:45 PM Senator Evers response (barcode 216342)
 4:49:11 PM Chair Storms and Senator Evers remarks regarding late filed amendment (barcode 216342)
 4:50:31 PM Late filed amendment (barcode 216342) Public Testimony continued
 4:50:41 PM Chair Storms continued remarks (barcode 216342)
 4:51:07 PM Senator Evers late filed amendment (barcode 216342) -- Withdrawn
 4:52:01 PM SB 1866, Department of Transportation (Public Testimony)
 4:55:01 PM SB 1866 late filed amendment (barcode 604270) by Senator Storms -- Withdrawn
 4:55:19 PM Senator Joyner question
 4:56:01 PM Secretary Ananth Prasad, Florida Department of Transportation, response
 4:56:49 PM Senator Joyner follow-up question
 4:57:02 PM Public Testimony response to Senator Joyner question
 4:58:34 PM Senator Joyner question
 4:59:17 PM Secretary Ananth Prasad, Florida Department of Transportation, response
 5:00:14 PM Public Testimony response to Senator Joyner's question

5:01:07 PM Senator Joyner follow-up question
5:01:48 PM Public Testimony response to Senator Joyner's question
5:02:36 PM SB 1866, Transportation, by Senator Latvala closing remarks
5:02:54 PM Chairman Evers motion
5:03:17 PM SB 1866, Department of Transportation vote -- Favorable
5:03:43 PM Chairman Latvala remarks regarding next week's meeting
5:04:09 PM Adjourn