

By the Committee on Transportation; and Senator Latvala

596-03338-11

20111180c1

1                                   A bill to be entitled  
2           An act relating to transportation; amending s. 20.23,  
3           F.S.; providing that the Florida Statewide Passenger  
4           Rail Commission has the primary and exclusive  
5           authority to monitor certain designated functions  
6           related to passenger rail systems; removing from the  
7           Florida Transportation Commission the responsibility  
8           and duty to monitor the efficiency, productivity, and  
9           management of all publicly funded passenger rail  
10          systems in the state; amending s. 286.011, F.S.;  
11          providing for the conduct of transportation agency  
12          public meetings through the use of communications  
13          media technology; amending s. 316.091, F.S.; requiring  
14          the Department of Transportation to establish a pilot  
15          program to open certain limited access highways and  
16          bridges to bicycles and other human-powered vehicles;  
17          providing requirements for the pilot program; amending  
18          s. 316.3025, F.S.; providing a uniform civil penalty  
19          for failure to possess a current, prescribed form of  
20          medical examiner's certificate reflecting a driver's  
21          physical qualification to drive a commercial motor  
22          vehicle; amending s. 334.03, F.S.; revising and  
23          repealing obsolete definitions in the Florida  
24          Transportation Code; amending s. 334.044, F.S.;  
25          revising the duties and powers of the Department of  
26          Transportation; amending s. 334.047, F.S.; repealing  
27          an obsolete provision prohibiting the department from  
28          establishing a maximum number of miles of urban  
29          principal arterial roads within a district or county;

596-03338-11

20111180c1

30 amending s. 336.021, F.S.; revising the date when  
31 imposition of the ninth-cent fuel tax will be levied;  
32 amending s. 336.025, F.S.; revising the date when  
33 imposition or rate charges of the local option fuel  
34 tax shall be levied; amending s. 337.111, F.S.;  
35 providing additional forms of security for the cost of  
36 removal of monuments or memorials or modifications to  
37 an installation site at highway rest areas; amending  
38 s. 337.403, F.S.; specifying a utility owner must  
39 initiate work necessary to alleviate unreasonable  
40 interference under certain circumstances; amending s.  
41 337.404, F.S.; revising notice and order requirements  
42 relating to utility work; repealing s. 338.001, F.S.,  
43 relating to the Florida Interstate Highway System  
44 Plan; amending s. 338.01, F.S.; clarifying provisions  
45 governing the designation and function of limited  
46 access facilities; amending s. 338.227, F.S.;  
47 replacing a reference to the Florida Intrastate  
48 Highway System Plan with a reference to the Strategic  
49 Intermodal System Plan to provide for the  
50 participation of minority businesses in certain  
51 contracts related to the plan; amending ss. 338.2275  
52 and 338.228, F.S., relating to turnpike projects;  
53 revising cross-references; amending s. 338.234, F.S.;  
54 replacing a reference to the Florida Intrastate  
55 Highway System with a reference to the Strategic  
56 Intermodal System to exempt certain lessees from  
57 payment of commercial rental tax; amending s. 339.62,  
58 F.S.; replacing a reference to the Florida Intrastate

596-03338-11

20111180c1

59 Highway System with a reference to highway corridors  
60 to clarify the components of the Strategic Intermodal  
61 System; amending s. 339.63, F.S.; adding military  
62 access facilities to the types of facilities included  
63 in to the Strategic Intermodal System and the Emerging  
64 Strategic Intermodal System; amending s. 339.64, F.S.;  
65 deleting provisions creating the Statewide Intermodal  
66 Transportation Advisory Council; creating s. 339.65,  
67 F.S.; requiring the department to plan and develop for  
68 Strategic Intermodal System highway corridors to aid  
69 traffic movement around the state; requiring the  
70 department to follow specified policy guidelines when  
71 developing the corridors; directing the department to  
72 establish standards and criteria for functional  
73 designs of the highway system; providing for an  
74 appropriation for developing the corridor; requiring  
75 strategic highway projects to be a part of the  
76 department's adopted work program; amending s.  
77 339.155, F.S.; providing a reference to federally  
78 required transportation planning factors; clarifying  
79 provisions relating to the Florida Transportation  
80 Plan; deleting certain duplicative performance  
81 reporting requirements; amending s. 341.840, F.S.;  
82 replacing references to the "Florida High Speed Rail  
83 Authority" with references to the "Florida Rail  
84 Enterprise" for purposes of a tax exemption; amending  
85 ss. 163.3180, 288.063, 311.07, 311.09, 316.2122,  
86 316.515, 336.01, 338.222, 341.8225, 479.01, 479.07,  
87 and 479.261, F.S.; conforming cross-references to

596-03338-11

20111180c1

88 changes made by the act; amending s. 310.002, F.S.;

89 redefining the term "port" to include Port Citrus;

90 amending s. 311.09, F.S.; including a representative

91 of Port Citrus as a member of the Florida Seaport

92 Transportation and Economic Development Council;

93 amending s. 316.075, F.S.; providing for minimum

94 yellow light change interval times for traffic control

95 devices; amending s. 316.0083, F.S.; prohibiting the

96 issuance of a traffic citation for certain traffic

97 light violations unless the light meets specified

98 requirements; repealing s. 316.2045, F.S., relating to

99 obstruction of public streets, highways, and roads;

100 creating s. 316.2046, F.S., relating to obstruction of

101 public streets, highways, and roads; providing

102 legislative findings; defining the term "solicit";

103 requiring a permit in order to obstruct the use of any

104 public street, highway, or road when that obstruction

105 may endanger the safe movement of vehicles or

106 pedestrians; requiring each county or municipality to

107 adopt a permitting process that protects public safety

108 but does not impair the rights of free speech;

109 providing criteria for the permitting process;

110 limiting the cost of the permit to the amount required

111 to administer the permitting process; prohibiting the

112 denial of a permit due to lack of funds, as attested

113 to by a signed affidavit; providing for jurisdiction

114 over non-limited access state roads, and local roads,

115 streets, and highways for counties and municipalities;

116 providing exceptions; providing that a violation of

596-03338-11

20111180c1

117 the act is a pedestrian violation, punishable under  
118 ch. 318, F.S.; providing for an additional fine;  
119 providing for the disposition of moneys collected;  
120 providing for enforcement by the Department of Highway  
121 Safety and Motor Vehicles and other law enforcement  
122 agencies; creating s. 316.2047, F.S., relating to  
123 panhandling; providing legislative findings; defining  
124 terms; prohibiting aggressive panhandling, panhandling  
125 under certain circumstances, and fraudulent  
126 panhandling; authorizing counties and municipalities  
127 to increase the restrictions on panhandling under  
128 certain conditions; providing that a violation of the  
129 act is a pedestrian violation, punishable under ch.  
130 318, F.S.; providing for an additional fine; providing  
131 for the disposition of moneys collected; providing for  
132 enforcement by the Department of Highway Safety and  
133 Motor Vehicles and other law enforcement agencies;  
134 amending s. 316.302, F.S.; providing that certain  
135 restrictions on the number of consecutive hours that a  
136 commercial motor vehicle may operate do not apply to a  
137 farm labor vehicle operated during a state of  
138 emergency or during an emergency pertaining to  
139 agriculture; amending s. 334.044, F.S.; revising the  
140 types of transportation projects for which landscaping  
141 materials must be purchased; limiting the amount of  
142 funds that may be allocated for such purchases;  
143 amending s. 337.406, F.S.; removing the Department of  
144 Transportation's authority to provide exceptions to  
145 the unlawful use of the right-of-way of any state

596-03338-11

20111180c1

146 transportation facility; broadening provisions to  
147 prohibit the unlawful use of any limited access  
148 highway; removing an exception to prohibited uses  
149 provided for art festivals, parades, fairs, or other  
150 special events; removing a local government's  
151 authority to issue certain permits; authorizing  
152 counties and municipalities to regulate the use of  
153 transportation facilities within their respective  
154 jurisdictions, with the exception of limited access  
155 highways; authorizing the Department of Transportation  
156 to regulate the use of welcome centers and rest stops;  
157 removing provisions authorizing valid peddler  
158 licensees to make sales from vehicles standing on the  
159 rights-of-way of welcome centers and rest stops;  
160 amending s. 337.408, F.S.; revising requirements for  
161 the installation of bus stop benches, transit  
162 shelters, street light poles, waste disposal  
163 receptacles, and modular news racks within the public  
164 rights-of-way; requiring compliance with the Americans  
165 With Disabilities Act; providing responsibilities for  
166 removal of noncompliant installations; amending s.  
167 373.413, F.S.; providing legislative intent regarding  
168 flexibility in the permitting of stormwater management  
169 systems; requiring the cost of stormwater treatment  
170 for a transportation project to be balanced with  
171 benefits to the public; absolving the Department of  
172 Transportation of responsibility for the abatement of  
173 pollutants entering its stormwater facilities from  
174 offsite sources and from updating permits for adjacent

596-03338-11

20111180c1

175 lands impacted by right-of-way acquisition;  
176 authorizing the water management districts and the  
177 department to adopt rules; amending s. 373.4137, F.S.;  
178 revising mitigation requirements for transportation  
179 projects to include other nonspecified mitigation  
180 options; providing for the release of escrowed  
181 mitigation funds under certain circumstances;  
182 providing for the exclusion of projects from a  
183 mitigation plan upon the election of one or more  
184 agencies rather than the agreement of all parties;  
185 amending s. 374.976, F.S.; conforming provisions to  
186 include Port Citrus in provisions relating to the  
187 authority of inland navigation districts; amending s.  
188 403.021, F.S.; conforming provisions to include Port  
189 Citrus in legislative declarations relating to  
190 environmental control; amending s. 403.061, F.S.;  
191 conforming provisions to include Port Citrus in  
192 provisions relating to powers of the Department of  
193 Environmental Protection; amending s. 403.813, F.S.;  
194 conforming provisions to include Port Citrus in  
195 provisions relating to permits issued at Department of  
196 Environmental Protection district centers; amending s.  
197 403.816, F.S.; conforming provisions to include Port  
198 Citrus in provisions relating to certain maintenance  
199 projects at deepwater ports and beach restoration  
200 projects; amending s. 479.106, F.S.; revising  
201 requirements for an application for a permit to  
202 remove, cut, or trim trees or vegetation around a  
203 sign; requiring that the application include a

596-03338-11

20111180c1

204 vegetation management plan, a mitigation contribution  
205 to a trust fund, or a combination of both; providing  
206 certain evaluation criteria; providing criteria for  
207 the use of herbicides; providing a time limit within  
208 which the Department of Transportation must act;  
209 providing that the permit is valid for 5 years;  
210 providing for an extension of the permit; reducing the  
211 number of nonconforming signs that must be removed  
212 before a permit may be issued for certain signs;  
213 providing criteria for view zones; requiring the  
214 department to provide notice to the sign owner of  
215 beautification projects or vegetation planting;  
216 amending s. 479.16, F.S.; exempting signs erected  
217 under the local tourist-oriented commerce signs pilot  
218 program from certain permit requirements; exempting  
219 certain temporary signs for farm operations from  
220 permit requirements; creating s. 479.263, F.S.;

221 creating the tourist-oriented commerce signs pilot  
222 program; exempting commercial signs that meet certain  
223 criteria from permit requirements; providing for  
224 future expiration of the pilot program; providing an  
225 effective date.

226  
227 WHEREAS, the state has a significant and substantial  
228 interest in vehicular and pedestrian safety and the free flow of  
229 traffic, and

230 WHEREAS, studies have shown that Florida is one of the most  
231 dangerous states in the country for pedestrians, and

232 WHEREAS, while the streets may have been the natural and



596-03338-11

20111180c1

233 proper places for the public dissemination of information prior  
234 to the advent of the automobile, the streets, highways, and  
235 roads of this state are now used primarily for transportation,  
236 and

237 WHEREAS, obstructing the flow of pedestrian traffic on a  
238 sidewalk can cause pedestrians to enter into the roadway and is  
239 a serious threat to public safety, and

240 WHEREAS, the current permitting provisions curtail behavior  
241 only on sidewalks and streets, which is a danger to public  
242 safety, and

243 WHEREAS, the provisions of this act directed toward  
244 ordinary panhandling are designed to promote public safety,  
245 including minimizing panhandling in transit systems or in areas  
246 where panhandling is likely to intimidate persons who are  
247 solicited, and

248 WHEREAS, aggressive panhandling may obstruct the free flow  
249 of traffic when carried out in or adjacent to a roadway, may  
250 intimidate citizens who may choose to avoid certain public areas  
251 or give money to panhandlers in order to avoid an escalation of  
252 aggressive behavior, and generally threatens public safety and  
253 diminishes the quality of life for residents and tourists alike,  
254 and

255 WHEREAS, an important public purpose is served when the  
256 public safety is protected in keeping with rights granted by the  
257 First Amendment to the United States Constitution, NOW,  
258 THEREFORE,

259

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

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596-03338-11

20111180c1

262 Section 1. Paragraph (b) of subsection (3) of section  
263 20.23, Florida Statutes, is amended to read:

264 20.23 Department of Transportation.—There is created a  
265 Department of Transportation which shall be a decentralized  
266 agency.

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

269 (b) The commission shall have the primary and exclusive  
270 functions of:

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

288 2. Advising the department on policies and strategies used  
289 in planning, designing, building, operating, financing, and  
290 maintaining a coordinated statewide system of passenger rail

596-03338-11

20111180c1

291 services.

292 3. Evaluating passenger rail policies and providing advice  
293 and recommendations to the Legislature on passenger rail  
294 operations in the state.

295 Section 2. Subsection (9) is added to section 286.011,  
296 Florida Statutes, to read:

297 286.011 Public meetings and records; public inspection;  
298 criminal and civil penalties.—

299 (9) Transportation and expressway authorities created under  
300 chapter 343, chapter 348, or chapter 349 which are subject to  
301 this section may conduct public meetings and workshops by means  
302 of communications media technology, as provided in s. 120.54(5).

303 Section 3. Subsection (4) of section 316.091, Florida  
304 Statutes, is amended, present subsection (5) of that section is  
305 renumbered as subsection (6), and a new subsection (5) is added  
306 to that section, to read:

307 316.091 Limited access facilities; interstate highways; use  
308 restricted.—

309 (4) No person shall operate a bicycle or other human-  
310 powered vehicle on the roadway or along the shoulder of a  
311 limited access highway, including bridges, unless official signs  
312 and a designated marked bicycle lane are present at the entrance  
313 of the section of highway indicating that such use is permitted  
314 pursuant to a pilot program of the Department of Transportation  
315 an interstate highway.

316 (5) The Department of Transportation shall establish a 2-  
317 year pilot program, in three separate urban areas, in which it  
318 shall erect signs and designated marked bicycle lanes indicating  
319 highway approaches and bridge segments of limited access

596-03338-11

20111180c1

320 highways as open to use by operators of bicycles and other  
321 human-powered vehicles, under the following conditions:

322 (a) The limited access highway approaches and bridge  
323 segments chosen must cross a river, lake, bay, inlet, or surface  
324 water, where no street or highway crossing the water body is  
325 available for use within 2 miles of entrance to the limited  
326 access facility, measured along the shortest public right-of-  
327 way.

328 (b) The Department of Transportation, with the concurrence  
329 of the Federal Highway Administration on interstate facilities,  
330 shall establish the three highway approaches and bridge segments  
331 for the pilot project by October 1, 2011. In selecting the  
332 highway approaches and bridge segments, the Department of  
333 Transportation shall consider, without limitation, a minimum  
334 size of population in the urban area within 5 miles of the  
335 highway approach and bridge segment, the lack of bicycle access  
336 by other means, cost, safety, and operational impacts.

337 (c) The Department of Transportation shall begin the pilot  
338 program by erecting signs and designating marked bicycle lanes  
339 indicating highway approaches and bridge segments of limited  
340 access highway, as qualified by the conditions described in this  
341 subsection, as open to use by operators of bicycles and other  
342 human-powered vehicles no later than January 1, 2012.

343 (d) The Department of Transportation shall conduct the  
344 pilot program for a minimum of 2 years following the  
345 implementation date. The department may continue to provide  
346 bicycle access on the highway approaches and bridge segments  
347 chosen for the pilot program or initiate bicycle access on other  
348 limited access facilities after the end of the program.

596-03338-11

20111180c1

349       (e) The Department of Transportation shall submit a report  
350 of its findings and recommendations from the pilot program to  
351 the Governor, the President of the Senate, and the Speaker of  
352 the House of Representatives by September 1, 2014. The report  
353 shall include, at a minimum, bicycle crash data occurring in  
354 designated segments of the pilot program, usage by operators of  
355 bicycles and other human-powered vehicles, enforcement issues,  
356 operational impacts, and the cost of the pilot program.

357       Section 4. Paragraph (b) of subsection (3) of section  
358 316.3025, Florida Statutes, is amended to read:

359       316.3025 Penalties.—

360       (3)

361       (b) A civil penalty of \$100 may be assessed for:

362       1. Each violation of the North American Uniform Driver Out-  
363 of-Service Criteria;

364       2. A violation of s. 316.302(2)(b) or (c);

365       3. A violation of 49 C.F.R. s. 392.60; ~~or~~

366       4. A violation of 49 C.F.R. s. 391.41 or s. 391.43; or

367       5.4. A violation of the North American Standard Vehicle  
368 Out-of-Service Criteria resulting from an inspection of a  
369 commercial motor vehicle involved in a crash.

370       Section 5. Section 334.03, Florida Statutes, is amended to  
371 read:

372       334.03 Definitions.—When used in the Florida Transportation  
373 Code, the term:

374       ~~(1) "Arterial road" means a route providing service which~~  
375 ~~is relatively continuous and of relatively high traffic volume,~~  
376 ~~long average trip length, high operating speed, and high~~  
377 ~~mobility importance. In addition, every United States numbered~~

596-03338-11

20111180c1

378 ~~highway is an arterial road.~~

379 (1)~~(2)~~ "Bridge" means a structure, including supports,  
380 erected over a depression or an obstruction, such as water or a  
381 highway or railway, and having a track or passageway for  
382 carrying traffic as defined in chapter 316 or other moving  
383 loads.

384 (2)~~(3)~~ "City street system" means all ~~local~~ roads within a  
385 municipality which were under the jurisdiction of the  
386 municipality on June 10, 1995; roads constructed by a  
387 municipality for the municipality's street system; roads  
388 completely within an area annexed by a municipality, unless  
389 otherwise provided by mutual consent; and roads transferred to  
390 the municipality's jurisdiction after June 10, 1995, by mutual  
391 consent with another governmental entity, but not including  
392 roads transferred from the municipality's jurisdiction, and all  
393 ~~collector roads inside that municipality, which are not in the~~  
394 ~~county road system.~~

395 ~~(4) "Collector road" means a route providing service which~~  
396 ~~is of relatively moderate average traffic volume, moderately~~  
397 ~~average trip length, and moderately average operating speed.~~  
398 ~~Such a route also collects and distributes traffic between local~~  
399 ~~roads or arterial roads and serves as a linkage between land~~  
400 ~~access and mobility needs.~~

401 (3)~~(5)~~ "Commissioners" means the governing body of a  
402 county.

403 (4)~~(6)~~ "Consolidated metropolitan statistical area" means  
404 two or more metropolitan statistical areas that are socially and  
405 economically interrelated as defined by the United States Bureau  
406 of the Census.

596-03338-11

20111180c1

407        (5)~~(7)~~ "Controlled access facility" means a street or  
408 highway to which the right of access is highly regulated by the  
409 governmental entity having jurisdiction over the facility in  
410 order to maximize the operational efficiency and safety of the  
411 high-volume through traffic utilizing the facility. Owners or  
412 occupants of abutting lands and other persons have a right of  
413 access to or from such facility at such points only and in such  
414 manner as may be determined by the governmental entity.

415        (6)~~(8)~~ "County road system" means all roads within a county  
416 which were under the jurisdiction of that county on June 10,  
417 1995; roads constructed by a county for the county's road  
418 system; and roads transferred to the county's jurisdiction after  
419 June 10, 1995, by mutual consent with another governmental  
420 entity. The term does not include roads transferred from the  
421 county's jurisdiction by mutual consent or roads that are  
422 completely within an area annexed by a municipality, except as  
423 otherwise provided by mutual consent ~~collector roads in the~~  
424 ~~unincorporated areas of a county and all extensions of such~~  
425 ~~collector roads into and through any incorporated areas, all~~  
426 ~~local roads in the unincorporated areas, and all urban minor~~  
427 ~~arterial roads not in the State Highway System.~~

428        (7)~~(9)~~ "Department" means the Department of Transportation.

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

433        (8)~~(11)~~ "Functional classification" means the assignment of  
434 roads into systems according to the character of service they  
435 provide in relation to the total road network, using procedures

596-03338-11

20111180c1

436 developed by the Federal Highway Administration. Basic  
437 ~~functional categories include arterial roads, collector roads,~~  
438 ~~and local roads which may be subdivided into principal, major,~~  
439 ~~or minor levels. These levels may be additionally divided into~~  
440 ~~rural and urban categories.~~

441 (9) ~~(12)~~ "Governmental entity" means a unit of government,  
442 or any officially designated public agency or authority of a  
443 unit of government, that has the responsibility for planning,  
444 construction, operation, or maintenance or jurisdiction over  
445 transportation facilities; the term includes the Federal  
446 Government, the state government, a county, an incorporated  
447 municipality, a metropolitan planning organization, an  
448 expressway or transportation authority, a road and bridge  
449 district, a special road and bridge district, and a regional  
450 governmental unit.

451 (10) ~~(13)~~ "Limited access facility" means a street or  
452 highway especially designed for through traffic, and over, from,  
453 or to which owners or occupants of abutting land or other  
454 persons have no right or easement of access, light, air, or view  
455 by reason of the fact that their property abuts upon such  
456 limited access facility or for any other reason. Such highways  
457 or streets may be facilities from which trucks, buses, and other  
458 commercial vehicles are excluded; or they may be facilities open  
459 to use by all customary forms of street and highway traffic.

460 (11) ~~(14)~~ "Local governmental entity" means a unit of  
461 government with less than statewide jurisdiction, or any  
462 officially designated public agency or authority of such a unit  
463 of government, that has the responsibility for planning,  
464 construction, operation, or maintenance of, or jurisdiction



596-03338-11

20111180c1

465 over, a transportation facility; the term includes, but is not  
466 limited to, a county, an incorporated municipality, a  
467 metropolitan planning organization, an expressway or  
468 transportation authority, a road and bridge district, a special  
469 road and bridge district, and a regional governmental unit.

470 ~~(15) "Local road" means a route providing service which is~~  
471 ~~of relatively low average traffic volume, short average trip~~  
472 ~~length or minimal through traffic movements, and high land~~  
473 ~~access for abutting property.~~

474 (12)~~(16)~~ "Metropolitan area" means a geographic region  
475 comprising as a minimum the existing urbanized area and the  
476 contiguous area projected to become urbanized within a 20-year  
477 forecast period. The boundaries of a metropolitan area may be  
478 designated so as to encompass a metropolitan statistical area or  
479 a consolidated metropolitan statistical area. If a metropolitan  
480 area, or any part thereof, is located within a nonattainment  
481 area, the boundaries of the metropolitan area must be designated  
482 so as to include the boundaries of the entire nonattainment  
483 area, unless otherwise provided by agreement between the  
484 applicable metropolitan planning organization and the Governor.

485 (13)~~(17)~~ "Metropolitan statistical area" means an area that  
486 includes a municipality of 50,000 persons or more, or an  
487 urbanized area of at least 50,000 persons as defined by the  
488 United States Bureau of the Census, provided that the component  
489 county or counties have a total population of at least 100,000.

490 (14)~~(18)~~ "Nonattainment area" means an area designated by  
491 the United States Environmental Protection Agency, pursuant to  
492 federal law, as exceeding national primary or secondary ambient  
493 air quality standards for the pollutants carbon monoxide or

596-03338-11

20111180c1

494 ozone.

495 (15)~~(19)~~ "Periodic maintenance" means activities that are  
496 large in scope and require a major work effort to restore  
497 deteriorated components of the transportation system to a safe  
498 and serviceable condition, including, but not limited to, the  
499 repair of large bridge structures, major repairs to bridges and  
500 bridge systems, and the mineral sealing of lengthy sections of  
501 roadway.

502 (16)~~(20)~~ "Person" means any person described in s. 1.01 or  
503 any unit of government in or outside the state.

504 (17)~~(21)~~ "Right of access" means the right of ingress to a  
505 highway from abutting land and egress from a highway to abutting  
506 land.

507 (18)~~(22)~~ "Right-of-way" means land in which the state, the  
508 department, a county, or a municipality owns the fee or has an  
509 easement devoted to or required for use as a transportation  
510 facility.

511 (19)~~(23)~~ "Road" means a way open to travel by the public,  
512 including, but not limited to, a street, highway, or alley. The  
513 term includes associated sidewalks, the roadbed, the right-of-  
514 way, and all culverts, drains, sluices, ditches, water storage  
515 areas, waterways, embankments, slopes, retaining walls, bridges,  
516 tunnels, and viaducts necessary for the maintenance of travel  
517 and all ferries used in connection therewith.

518 (20)~~(24)~~ "Routine maintenance" means minor repairs and  
519 associated tasks necessary to maintain a safe and efficient  
520 transportation system. The term includes: pavement patching;  
521 shoulder repair; cleaning and repair of drainage ditches,  
522 traffic signs, and structures; mowing; bridge inspection and

596-03338-11

20111180c1

523 maintenance; pavement striping; litter cleanup; and other  
524 similar activities.

525 ~~(21)(25)~~ "State Highway System" means ~~the following, which~~  
526 ~~shall be facilities to which access is regulated:~~

527 ~~(a) the interstate system and all other roads within the~~  
528 ~~state which were under the jurisdiction of the state on June 10,~~  
529 ~~1995, and roads constructed by an agency of the state for the~~  
530 ~~State Highway System, plus roads transferred to the state's~~  
531 ~~jurisdiction after that date by mutual consent with another~~  
532 ~~governmental entity, but not including roads so transferred from~~  
533 ~~the state's jurisdiction. These facilities shall be facilities~~  
534 ~~to which access is regulated.~~

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

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

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

541  
542 ~~However, not less than 2 percent of the public road mileage of~~  
543 ~~each urbanized area on record as of June 30, 1986, shall be~~  
544 ~~included as minor arterials in the State Highway System.~~  
545 ~~Urbanized areas not meeting the foregoing minimum requirement~~  
546 ~~shall have transferred to the State Highway System additional~~  
547 ~~minor arterials of the highest significance in which case the~~  
548 ~~total minor arterials in the State Highway System from any~~  
549 ~~urbanized area shall not exceed 2.5 percent of that area's total~~  
550 ~~public urban road mileage.~~

551 ~~(22)(26)~~ "State Park Road System" means roads embraced

596-03338-11

20111180c1

552 within the boundaries of state parks and state roads leading to  
553 state parks, other than roads of the State Highway System, the  
554 county road systems, or the city street systems.

555 (23)~~(27)~~ "State road" means a street, road, highway, or  
556 other way open to travel by the public generally and dedicated  
557 to the public use according to law or by prescription and  
558 designated by the department, as provided by law, as part of the  
559 State Highway System.

560 (24)~~(28)~~ "Structure" means a bridge, viaduct, tunnel,  
561 causeway, approach, ferry slip, culvert, toll plaza, gate, or  
562 other similar facility used in connection with a transportation  
563 facility.

564 (25)~~(29)~~ "Sufficiency rating" means the objective rating of  
565 a road or section of a road for the purpose of determining its  
566 capability to serve properly the actual or anticipated volume of  
567 traffic using the road.

568 (26)~~(30)~~ "Transportation corridor" means any land area  
569 designated by the state, a county, or a municipality which is  
570 between two geographic points and which area is used or suitable  
571 for the movement of people and goods by one or more modes of  
572 transportation, including areas necessary for management of  
573 access and securing applicable approvals and permits.  
574 Transportation corridors shall contain, but are not limited to,  
575 the following:

576 (a) Existing publicly owned rights-of-way;

577 (b) All property or property interests necessary for future  
578 transportation facilities, including rights of access, air,  
579 view, and light, whether public or private, for the purpose of  
580 securing and utilizing future transportation rights-of-way,

596-03338-11

20111180c1

581 including, but not limited to, any lands reasonably necessary  
582 now or in the future for securing applicable approvals and  
583 permits, borrow pits, drainage ditches, water retention areas,  
584 rest areas, replacement access for landowners whose access could  
585 be impaired due to the construction of a future facility, and  
586 replacement rights-of-way for relocation of rail and utility  
587 facilities.

588 (27)~~(31)~~ "Transportation facility" means any means for the  
589 transportation of people or property from place to place which  
590 is constructed, operated, or maintained in whole or in part from  
591 public funds. The term includes the property or property rights,  
592 both real and personal, which have been or may be established by  
593 public bodies for the transportation of people or property from  
594 place to place.

595 (28)~~(32)~~ "Urban area" means a geographic region comprising  
596 as a minimum the area inside the United States Bureau of the  
597 Census boundary of an urban place with a population of 5,000 or  
598 more persons, expanded to include adjacent developed areas as  
599 provided for by Federal Highway Administration regulations.

600 ~~(33) "Urban minor arterial road" means a route that~~  
601 ~~generally interconnects with and augments an urban principal~~  
602 ~~arterial road and provides service to trips of shorter length~~  
603 ~~and a lower level of travel mobility. The term includes all~~  
604 ~~arterials not classified as "principal" and contain facilities~~  
605 ~~that place more emphasis on land access than the higher system.~~

606 (29)~~(34)~~ "Urban place" means a geographic region composed  
607 of one or more contiguous census tracts that have been found by  
608 the United States Bureau of the Census to contain a population  
609 density of at least 1,000 persons per square mile.

596-03338-11

20111180c1

610       ~~(35) "Urban principal arterial road" means a route that~~  
611 ~~generally serves the major centers of activity of an urban area,~~  
612 ~~the highest traffic volume corridors, and the longest trip~~  
613 ~~purpose and carries a high proportion of the total urban area~~  
614 ~~travel on a minimum of mileage. Such roads are integrated, both~~  
615 ~~internally and between major rural connections.~~

616       (30)~~(36)~~ "Urbanized area" means a geographic region  
617 comprising as a minimum the area inside an urban place of 50,000  
618 or more persons, as designated by the United States Bureau of  
619 the Census, expanded to include adjacent developed areas as  
620 provided for by Federal Highway Administration regulations.  
621 Urban areas with a population of fewer than 50,000 persons which  
622 are located within the expanded boundary of an urbanized area  
623 are not separately recognized.

624       (31)~~(37)~~ "511" or "511 services" means three-digit  
625 telecommunications dialing to access interactive voice response  
626 telephone traveler information services provided in the state as  
627 defined by the Federal Communications Commission in FCC Order  
628 No. 00-256, July 31, 2000.

629       (32)~~(38)~~ "Interactive voice response" means a software  
630 application that accepts a combination of voice telephone input  
631 and touch-tone keypad selection and provides appropriate  
632 responses in the form of voice, fax, callback, e-mail, and other  
633 media.

634       Section 6. Subsections (11) and (13) of section 334.044,  
635 Florida Statutes, are amended to read:

636       334.044 Department; powers and duties.—The department shall  
637 have the following general powers and duties:

638       (11) To establish a numbering system for public roads and~~7~~

596-03338-11

20111180c1

639 to functionally classify such roads, ~~and to assign~~  
640 ~~jurisdictional responsibility.~~

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

644 Section 7. Section 334.047, Florida Statutes, is amended to  
645 read:

646 334.047 Prohibition.—Notwithstanding any other provision of  
647 law to the contrary, the Department of Transportation may not  
648 establish a cap on the number of miles in the State Highway  
649 System ~~or a maximum number of miles of urban principal arterial~~  
650 ~~roads, as defined in s. 334.03, within a district or county.~~

651 Section 8. Subsection (5) of section 336.021, Florida  
652 Statutes, is amended to read:

653 336.021 County transportation system; levy of ninth-cent  
654 fuel tax on motor fuel and diesel fuel.—

655 (5) All impositions of the tax shall be levied before  
656 October ~~July~~ 1 of each year to be effective January 1 of the  
657 following year. However, levies of the tax which were in effect  
658 on July 1, 2002, and which expire on August 31 of any year may  
659 be reimposed at the current authorized rate to be effective  
660 September 1 of the year of expiration. All impositions shall be  
661 required to end on December 31 of a year. A decision to rescind  
662 the tax shall not take effect on any date other than December 31  
663 and shall require a minimum of 60 days' notice to the department  
664 of such decision.

665 Section 9. Paragraphs (a) and (b) of subsection (1) of  
666 section 336.025, Florida Statutes, are amended to read:

667 336.025 County transportation system; levy of local option

596-03338-11

20111180c1

668 fuel tax on motor fuel and diesel fuel.—

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

675 1. All impositions and rate changes of the tax shall be  
676 levied before October ~~July~~ 1 to be effective January 1 of the  
677 following year for a period not to exceed 30 years, and the  
678 applicable method of distribution shall be established pursuant  
679 to subsection (3) or subsection (4). However, levies of the tax  
680 which were in effect on July 1, 2002, and which expire on August  
681 31 of any year may be reimposed at the current authorized rate  
682 effective September 1 of the year of expiration. Upon  
683 expiration, the tax may be releived provided that a  
684 redetermination of the method of distribution is made as  
685 provided in this section.

686 2. County and municipal governments shall utilize moneys  
687 received pursuant to this paragraph only for transportation  
688 expenditures.

689 3. Any tax levied pursuant to this paragraph may be  
690 extended on a majority vote of the governing body of the county.  
691 A redetermination of the method of distribution shall be  
692 established pursuant to subsection (3) or subsection (4), if,  
693 after July 1, 1986, the tax is extended or the tax rate changed,  
694 for the period of extension or for the additional tax.

695 (b) In addition to other taxes allowed by law, there may be  
696 levied as provided in s. 206.41(1) (e) a 1-cent, 2-cent, 3-cent,



596-03338-11

20111180c1

697 4-cent, or 5-cent local option fuel tax upon every gallon of  
698 motor fuel sold in a county and taxed under the provisions of  
699 part I of chapter 206. The tax shall be levied by an ordinance  
700 adopted by a majority plus one vote of the membership of the  
701 governing body of the county or by referendum.

702 1. All impositions and rate changes of the tax shall be  
703 levied before October ~~July~~ 1, to be effective January 1 of the  
704 following year. However, levies of the tax which were in effect  
705 on July 1, 2002, and which expire on August 31 of any year may  
706 be reimposed at the current authorized rate effective September  
707 1 of the year of expiration.

708 2. The county may, prior to levy of the tax, establish by  
709 interlocal agreement with one or more municipalities located  
710 therein, representing a majority of the population of the  
711 incorporated area within the county, a distribution formula for  
712 dividing the entire proceeds of the tax among county government  
713 and all eligible municipalities within the county. If no  
714 interlocal agreement is adopted before the effective date of the  
715 tax, tax revenues shall be distributed pursuant to the  
716 provisions of subsection (4). If no interlocal agreement exists,  
717 a new interlocal agreement may be established prior to June 1 of  
718 any year pursuant to this subparagraph. However, any interlocal  
719 agreement agreed to under this subparagraph after the initial  
720 levy of the tax or change in the tax rate authorized in this  
721 section shall under no circumstances materially or adversely  
722 affect the rights of holders of outstanding bonds which are  
723 backed by taxes authorized by this paragraph, and the amounts  
724 distributed to the county government and each municipality shall  
725 not be reduced below the amount necessary for the payment of

596-03338-11

20111180c1

726 principal and interest and reserves for principal and interest  
727 as required under the covenants of any bond resolution  
728 outstanding on the date of establishment of the new interlocal  
729 agreement.

730 3. County and municipal governments shall use moneys  
731 received pursuant to this paragraph for transportation  
732 expenditures needed to meet the requirements of the capital  
733 improvements element of an adopted comprehensive plan or for  
734 expenditures needed to meet immediate local transportation  
735 problems and for other transportation-related expenditures that  
736 are critical for building comprehensive roadway networks by  
737 local governments. For purposes of this paragraph, expenditures  
738 for the construction of new roads, the reconstruction or  
739 resurfacing of existing paved roads, or the paving of existing  
740 graded roads shall be deemed to increase capacity and such  
741 projects shall be included in the capital improvements element  
742 of an adopted comprehensive plan. Expenditures for purposes of  
743 this paragraph shall not include routine maintenance of roads.

744 Section 10. Subsection (4) of section 337.111, Florida  
745 Statutes, is amended to read:

746 337.111 Contracting for monuments and memorials to military  
747 veterans at rest areas.—The Department of Transportation is  
748 authorized to enter into contract with any not-for-profit group  
749 or organization that has been operating for not less than 2  
750 years for the installation of monuments and memorials honoring  
751 Florida's military veterans at highway rest areas around the  
752 state pursuant to the provisions of this section.

753 (4) The group or organization making the proposal shall  
754 provide a 10-year bond, an annual renewable bond, an irrevocable

596-03338-11

20111180c1

755 letter of credit, or other form of security as approved by the  
756 department's comptroller, for the purpose of securing the cost  
757 of removal of the monument and any modifications made to the  
758 site as part of the placement of the monument should the  
759 Department of Transportation determine it necessary to remove or  
760 relocate the monument. Such removal or relocation shall be  
761 approved by the committee described in subsection (1). ~~Prior to~~  
762 ~~expiration, the bond shall be renewed for another 10-year period~~  
763 ~~if the memorial is to remain in place.~~

764 Section 11. Section 337.403, Florida Statutes, is amended  
765 to read:

766 337.403 Relocation of utility; expenses.—

767 (1) When a ~~Any~~ utility heretofore or hereafter placed upon,  
768 under, over, or along any public road or publicly owned rail  
769 corridor ~~that~~ is found by the authority to be unreasonably  
770 interfering in any way with the convenient, safe, or continuous  
771 use, or the maintenance, improvement, extension, or expansion,  
772 of such public road or publicly owned rail corridor, the utility  
773 owner shall, upon 30 days' written notice to the utility or its  
774 agent by the authority, initiate the work necessary to alleviate  
775 the interference ~~be removed or relocated by such utility~~ at its  
776 own expense except as provided in paragraphs (a)-(f). The work  
777 shall be completed within such time as stated in the notice or  
778 such time as is agreed to by the authority and the utility  
779 owner.

780 (a) If the relocation of utility facilities, as referred to  
781 in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.  
782 627 of the 84th Congress, is necessitated by the construction of  
783 a project on the federal-aid interstate system, including

596-03338-11

20111180c1

784 extensions thereof within urban areas, and the cost of the  
785 project is eligible and approved for reimbursement by the  
786 Federal Government to the extent of 90 percent or more under the  
787 Federal Aid Highway Act, or any amendment thereof, then in that  
788 event the utility owning or operating such facilities shall  
789 perform any necessary work ~~relocate the facilities~~ upon notice  
790 from ~~order of~~ the department, and the state shall pay the entire  
791 expense properly attributable to such work ~~relocation~~ after  
792 deducting therefrom any increase in the value of any ~~the~~ new  
793 facility and any salvage value derived from any ~~the~~ old  
794 facility.

795 (b) When a joint agreement between the department and the  
796 utility is executed for utility ~~improvement, relocation, or~~  
797 ~~removal~~ work to be accomplished as part of a contract for  
798 construction of a transportation facility, the department may  
799 participate in those utility work ~~improvement, relocation, or~~  
800 ~~removal~~ costs that exceed the department's official estimate of  
801 the cost of the work by more than 10 percent. The amount of such  
802 participation shall be limited to the difference between the  
803 official estimate of all the work in the joint agreement plus 10  
804 percent and the amount awarded for this work in the construction  
805 contract for such work. The department may not participate in  
806 any utility work ~~improvement, relocation, or removal~~ costs that  
807 occur as a result of changes or additions during the course of  
808 the contract.

809 (c) When an agreement between the department and utility is  
810 executed for utility ~~improvement, relocation, or removal~~ work to  
811 be accomplished in advance of a contract for construction of a  
812 transportation facility, the department may participate in the

596-03338-11

20111180c1

813 cost of clearing and grubbing necessary to perform such work.

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

822 (e) If, under an agreement between a utility and the  
823 authority entered into after July 1, 2009, the utility conveys,  
824 subordinates, or relinquishes a compensable property right to  
825 the authority for the purpose of accommodating the acquisition  
826 or use of the right-of-way by the authority, without the  
827 agreement expressly addressing future responsibility for the  
828 cost of necessary utility work ~~removing or relocating the~~  
829 ~~utility~~, the authority shall bear the cost of removal or  
830 relocation. This paragraph does not impair or restrict, and may  
831 not be used to interpret, the terms of any such agreement  
832 entered into before July 1, 2009.

833 (f) If the utility is an electric facility being relocated  
834 underground in order to enhance vehicular, bicycle, and  
835 pedestrian safety and in which ownership of the electric  
836 facility to be placed underground has been transferred from a  
837 private to a public utility within the past 5 years, the  
838 department shall incur all costs of the necessary utility work  
839 ~~relocation~~.

840 (2) If such utility work ~~removal or relocation~~ is  
841 incidental to work to be done on such road or publicly owned

596-03338-11

20111180c1

842 rail corridor, the notice shall be given at the same time the  
843 contract for the work is advertised for bids, or no less than 30  
844 days prior to the commencement of such work by the authority  
845 whichever is greater.

846 (3) Whenever the notice from an order of the authority  
847 requires such utility work removal or change in the location of  
848 any utility from the right-of-way of a public road or publicly  
849 owned rail corridor, and the owner thereof fails to perform the  
850 work remove or change the same at his or her own expense to  
851 conform to the order within the time stated in the notice or  
852 such other time as agreed to by the authority and the utility  
853 owner, the authority shall proceed to cause the utility work to  
854 be performed to be removed. The expense thereby incurred shall  
855 be paid out of any money available therefor, and such expense  
856 shall, except as provided in subsection (1), be charged against  
857 the owner and levied and collected and paid into the fund from  
858 which the expense of such relocation was paid.

859 Section 12. Subsection (1) of section 337.404, Florida  
860 Statutes, is amended to read:

861 337.404 Removal or relocation of utility facilities; notice  
862 and order; court review.-

863 (1) Whenever it shall become necessary for the authority to  
864 perform utility work remove or relocate any utility as provided  
865 in the preceding section, the owner of the utility, or the  
866 owner's chief agent, shall be given notice that the authority  
867 will perform of such work removal or relocation and, after the  
868 work is complete, shall be given an order requiring the payment  
869 of the cost thereof, and a shall be given reasonable time, which  
870 shall not be less than 20 nor more than 30 days, in which to

596-03338-11

20111180c1

871 appear before the authority to contest the reasonableness of the  
872 order. Should the owner or the owner's representative not  
873 appear, the determination of the cost to the owner shall be  
874 final. Authorities considered agencies for the purposes of  
875 chapter 120 shall adjudicate removal or relocation of utilities  
876 pursuant to chapter 120.

877 Section 13. Section 338.001, Florida Statutes, is repealed.

878 Section 14. Present subsections (1) through (6) of section  
879 338.01, Florida Statutes, are renumbered as subsections (2)  
880 through (7), respectively, and a new subsection (1) is added to  
881 that section, to read:

882 338.01 Authority to establish and regulate limited access  
883 facilities.—

884 (1) The department is authorized to establish limited  
885 access facilities as provided in s. 335.02. The primary function  
886 of these limited access facilities is to allow high-speed and  
887 high-volume traffic movements within the state. Access to  
888 abutting land is subordinate to this function, and such access  
889 must be prohibited or highly regulated.

890 Section 15. Subsection (4) of section 338.227, Florida  
891 Statutes, is amended to read:

892 338.227 Turnpike revenue bonds.—

893 (4) The Department of Transportation and the Department of  
894 Management Services shall create and implement an outreach  
895 program designed to enhance the participation of minority  
896 persons and minority business enterprises in all contracts  
897 entered into by their respective departments for services  
898 related to the financing of department projects for the  
899 Strategic Intermodal System Plan developed pursuant to s. 339.64

596-03338-11

20111180c1

900 ~~Florida Intrastate Highway System Plan.~~ These services shall  
901 include, but not be limited to, bond counsel and bond  
902 underwriters.

903 Section 16. Subsection (2) of section 338.2275, Florida  
904 Statutes, is amended to read:

905 338.2275 Approved turnpike projects.—

906 (2) The department is authorized to use turnpike revenues,  
907 the State Transportation Trust Fund moneys allocated for  
908 turnpike projects pursuant to s. 339.65 ~~s. 338.001~~, federal  
909 funds, and bond proceeds, and shall use the most cost-efficient  
910 combination of such funds, in developing a financial plan for  
911 funding turnpike projects. The department must submit a report  
912 of the estimated cost for each ongoing turnpike project and for  
913 each planned project to the Legislature 14 days before the  
914 convening of the regular legislative session. Verification of  
915 economic feasibility and statements of environmental feasibility  
916 for individual turnpike projects must be based on the entire  
917 project as approved. Statements of environmental feasibility are  
918 not required for those projects listed in s. 12, chapter 90-136,  
919 Laws of Florida, for which the Project Development and  
920 Environmental Reports were completed by July 1, 1990. All  
921 required environmental permits must be obtained before the  
922 department may advertise for bids for contracts for the  
923 construction of any turnpike project.

924 Section 17. Section 338.228, Florida Statutes, is amended  
925 to read:

926 338.228 Bonds not debts or pledges of credit of state.—  
927 Turnpike revenue bonds issued under the provisions of ss.  
928 338.22-338.241 are not debts of the state or pledges of the



596-03338-11

20111180c1

929 faith and credit of the state. Such bonds are payable  
930 exclusively from revenues pledged for their payment. All such  
931 bonds shall contain a statement on their face that the state is  
932 not obligated to pay the same or the interest thereon, except  
933 from the revenues pledged for their payment, and that the faith  
934 and credit of the state is not pledged to the payment of the  
935 principal or interest of such bonds. The issuance of turnpike  
936 revenue bonds under the provisions of ss. 338.22-338.241 does  
937 not directly, indirectly, or contingently obligate the state to  
938 levy or to pledge any form of taxation whatsoever, or to make  
939 any appropriation for their payment. Except as provided in ss.  
940 ~~338.001~~, 338.223, ~~and~~ 338.2275, and 339.65, ~~no~~ state funds may  
941 not shall be used on any turnpike project or to pay the  
942 principal or interest of any bonds issued to finance or  
943 refinance any portion of the turnpike system, and all such bonds  
944 shall contain a statement on their face to this effect.

945 Section 18. Subsection (2) of section 338.234, Florida  
946 Statutes, is amended to read:

947 338.234 Granting concessions or selling along the turnpike  
948 system; immunity from taxation.-

949 (2) The effectuation of the authorized purposes of the  
950 Strategic Intermodal System, created under ss. 339.61-339.65,  
951 ~~Florida Intrastate Highway System~~ and Florida Turnpike  
952 Enterprise, created under this chapter, is for the benefit of  
953 the people of the state, for the increase of their commerce and  
954 prosperity, and for the improvement of their health and living  
955 conditions; and, because the system and enterprise perform  
956 essential government functions in effectuating such purposes,  
957 neither the turnpike enterprise nor any nongovernment lessee or

596-03338-11

20111180c1

958 licensee renting, leasing, or licensing real property from the  
959 turnpike enterprise, pursuant to an agreement authorized by this  
960 section, are required to pay any commercial rental tax imposed  
961 under s. 212.031 on any capital improvements constructed,  
962 improved, acquired, installed, or used for such purposes.

963 Section 19. Section 339.62, Florida Statutes, is amended to  
964 read:

965 339.62 System components.—The Strategic Intermodal System  
966 shall consist of appropriate components of:

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

969 (2) The National Highway System.

970 (3) Airport, seaport, and spaceport facilities.

971 (4) Rail lines and rail facilities.

972 (5) Selected intermodal facilities; passenger and freight  
973 terminals; and appropriate components of the State Highway  
974 System, county road system, city street system, inland  
975 waterways, and local public transit systems that serve as  
976 existing or planned connectors between the components listed in  
977 subsections (1)-(4).

978 (6) Other existing or planned corridors that serve a  
979 statewide or interregional purpose.

980 Section 20. Subsection (2) of section 339.63, Florida  
981 Statutes, is amended to read:

982 339.63 System facilities designated; additions and  
983 deletions.—

984 (2) The Strategic Intermodal System and the Emerging  
985 Strategic Intermodal System include four ~~three~~ different types  
986 of facilities that each form one component of an interconnected

596-03338-11

20111180c1

987 transportation system which types include:

988 (a) Existing or planned hubs that are ports and terminals  
989 including airports, seaports, spaceports, passenger terminals,  
990 and rail terminals serving to move goods or people between  
991 Florida regions or between Florida and other markets in the  
992 United States and the rest of the world;

993 (b) Existing or planned corridors that are highways, rail  
994 lines, waterways, and other exclusive-use facilities connecting  
995 major markets within Florida or between Florida and other states  
996 or nations; ~~and~~

997 (c) Existing or planned intermodal connectors that are  
998 highways, rail lines, waterways or local public transit systems  
999 serving as connectors between the components listed in  
1000 paragraphs (a) and (b); and

1001 (d) Existing or planned military access facilities that are  
1002 highways or rail lines linking Strategic Intermodal System  
1003 corridors to the state's strategic military installations.

1004 Section 21. Section 339.64, Florida Statutes, is amended to  
1005 read:

1006 339.64 Strategic Intermodal System Plan.—

1007 (1) The department shall develop, in cooperation with  
1008 metropolitan planning organizations, regional planning councils,  
1009 local governments, ~~the Statewide Intermodal Transportation~~  
1010 ~~Advisory Council~~ and other transportation providers, a Strategic  
1011 Intermodal System Plan. The plan shall be consistent with the  
1012 Florida Transportation Plan developed pursuant to s. 339.155 and  
1013 shall be updated at least once every 5 years, subsequent to  
1014 updates of the Florida Transportation Plan.

1015 (2) In association with the continued development of the

596-03338-11

20111180c1

1016 Strategic Intermodal System Plan, the Florida Transportation  
1017 Commission, as part of its work program review process, shall  
1018 conduct an annual assessment of the progress that the department  
1019 and its transportation partners have made in realizing the goals  
1020 of economic development, improved mobility, and increased  
1021 intermodal connectivity of the Strategic Intermodal System. The  
1022 Florida Transportation Commission shall coordinate with the  
1023 department, ~~the Statewide Intermodal Transportation Advisory~~  
1024 ~~Council~~, and other appropriate entities when developing this  
1025 assessment. The Florida Transportation Commission shall deliver  
1026 a report to the Governor and Legislature no later than 14 days  
1027 after the regular session begins, with recommendations as  
1028 necessary to fully implement the Strategic Intermodal System.

1029 (3) (a) During the development of updates to the Strategic  
1030 Intermodal System Plan, the department shall provide  
1031 metropolitan planning organizations, regional planning councils,  
1032 local governments, transportation providers, affected public  
1033 agencies, and citizens with an opportunity to participate in and  
1034 comment on the development of the update.

1035 (b) The department also shall coordinate with federal,  
1036 regional, and local partners the planning for the Strategic  
1037 Highway Network and the Strategic Rail Corridor Network  
1038 transportation facilities that either are included in the  
1039 Strategic Intermodal System or that provide a direct connection  
1040 between military installations and the Strategic Intermodal  
1041 System. In addition, the department shall coordinate with  
1042 regional and local partners to determine whether the road and  
1043 other transportation infrastructure that connect military  
1044 installations to the Strategic Intermodal System, the Strategic

596-03338-11

20111180c1

1045 Highway Network, or the Strategic Rail Corridor is regionally  
1046 significant and should be included in the Strategic Intermodal  
1047 System Plan.

1048 (4) The Strategic Intermodal System Plan shall include the  
1049 following:

1050 (a) A needs assessment.

1051 (b) A project prioritization process.

1052 (c) A map of facilities designated as Strategic Intermodal  
1053 System facilities; facilities that are emerging in importance  
1054 and that are likely to become part of the system in the future;  
1055 and planned facilities that will meet the established criteria.

1056 (d) A finance plan based on reasonable projections of  
1057 anticipated revenues, including both 10-year and at least 20-  
1058 year cost-feasible components.

1059 (e) An assessment of the impacts of proposed improvements  
1060 to Strategic Intermodal System corridors on military  
1061 installations that are either located directly on the Strategic  
1062 Intermodal System or located on the Strategic Highway Network or  
1063 Strategic Rail Corridor Network.

1064 ~~(5) STATEWIDE INTERMODAL TRANSPORTATION ADVISORY COUNCIL.~~

1065 ~~(a) The Statewide Intermodal Transportation Advisory~~  
1066 ~~Council is created to advise and make recommendations to the~~  
1067 ~~Legislature and the department on policies, planning, and~~  
1068 ~~funding of intermodal transportation projects. The council's~~  
1069 ~~responsibilities shall include:~~

1070 ~~1. Advising the department on the policies, planning, and~~  
1071 ~~implementation of strategies related to intermodal~~  
1072 ~~transportation.~~

1073 ~~2. Providing advice and recommendations to the Legislature~~

596-03338-11

20111180c1

1074 ~~on funding for projects to move goods and people in the most~~  
1075 ~~efficient and effective manner for the State of Florida.~~

1076 ~~(b) MEMBERSHIP. Members of the Statewide Intermodal~~  
1077 ~~Transportation Advisory Council shall consist of the following:~~

1078 ~~1. Six intermodal industry representatives selected by the~~  
1079 ~~Governor as follows:~~

1080 ~~a. One representative from an airport involved in the~~  
1081 ~~movement of freight and people from their airport facility to~~  
1082 ~~another transportation mode.~~

1083 ~~b. One individual representing a fixed route, local-~~  
1084 ~~government transit system.~~

1085 ~~c. One representative from an intercity bus company~~  
1086 ~~providing regularly scheduled bus travel as determined by~~  
1087 ~~federal regulations.~~

1088 ~~d. One representative from a spaceport.~~

1089 ~~e. One representative from intermodal trucking companies.~~

1090 ~~f. One representative having command responsibilities of a~~  
1091 ~~major military installation.~~

1092 ~~2. Three intermodal industry representatives selected by~~  
1093 ~~the President of the Senate as follows:~~

1094 ~~a. One representative from major line railroads.~~

1095 ~~b. One representative from seaports listed in s. 311.09(1)~~  
1096 ~~from the Atlantic Coast.~~

1097 ~~c. One representative from an airport involved in the~~  
1098 ~~movement of freight and people from their airport facility to~~  
1099 ~~another transportation mode.~~

1100 ~~3. Three intermodal industry representatives selected by~~  
1101 ~~the Speaker of the House of Representatives as follows:~~

1102 ~~a. One representative from short-line railroads.~~

596-03338-11

20111180c1

1103 ~~b. One representative from seaports listed in s. 311.09(1)~~  
1104 ~~from the Gulf Coast.~~

1105 ~~e. One representative from intermodal trucking companies.~~  
1106 ~~In no event may this representative be employed by the same~~  
1107 ~~company that employs the intermodal trucking company~~  
1108 ~~representative selected by the Governor.~~

1109 ~~(c) Initial appointments to the council must be made no~~  
1110 ~~later than 30 days after the effective date of this section.~~

1111 ~~1. The initial appointments made by the President of the~~  
1112 ~~Senate and the Speaker of the House of Representatives shall~~  
1113 ~~serve terms concurrent with those of the respective appointing~~  
1114 ~~officer. Beginning January 15, 2005, and for all subsequent~~  
1115 ~~appointments, council members appointed by the President of the~~  
1116 ~~Senate and the Speaker of the House of Representatives shall~~  
1117 ~~serve 2-year terms, concurrent with the term of the respective~~  
1118 ~~appointing officer.~~

1119 ~~2. The initial appointees, and all subsequent appointees,~~  
1120 ~~made by the Governor shall serve 2-year terms.~~

1121 ~~3. Vacancies on the council shall be filled in the same~~  
1122 ~~manner as the initial appointments.~~

1123 ~~(d) Each member of the council shall be allowed one vote.~~  
1124 ~~The council shall select a chair from among its membership.~~  
1125 ~~Meetings shall be held at the call of the chair, but not less~~  
1126 ~~frequently than quarterly. The members of the council shall be~~  
1127 ~~reimbursed for per diem and travel expenses as provided in s.~~  
1128 ~~112.061.~~

1129 ~~(e) The department shall provide administrative staff~~  
1130 ~~support and shall ensure that council meetings are~~  
1131 ~~electronically recorded. Such recordings and all documents~~

596-03338-11

20111180c1

1132 ~~received, prepared for, or used by the council in conducting its~~  
1133 ~~business shall be preserved pursuant to chapters 119 and 257.~~

1134 Section 22. Section 339.65, Florida Statutes, is created to  
1135 read:

1136 339.65 Strategic Intermodal System highway corridors.-

1137 (1) The department shall plan and develop Strategic  
1138 Intermodal System highway corridors, including limited and  
1139 controlled access facilities, allowing for high-speed and high-  
1140 volume traffic movements within the state. The primary function  
1141 of these corridors is to provide for such traffic movements.  
1142 Access to abutting land is subordinate to this function, and  
1143 such access must be prohibited or highly regulated.

1144 (2) Strategic Intermodal System highway corridors shall  
1145 include facilities from the following components of the State  
1146 Highway System which meet the criteria adopted by the department  
1147 pursuant to s. 339.63:

1148 (a) Interstate highways.

1149 (b) The Florida Turnpike System.

1150 (c) Interregional and intercity limited access facilities.

1151 (d) Existing interregional and intercity arterial highways  
1152 previously upgraded or upgraded in the future to limited access  
1153 or controlled access facility standards.

1154 (e) New limited access facilities necessary to complete a  
1155 balanced statewide system.

1156 (3) The department shall adhere to the following policy  
1157 guidelines in the development of Strategic Intermodal System  
1158 highway corridors:

1159 (a) Make capacity improvements to existing facilities where  
1160 feasible to minimize costs and environmental impacts.



596-03338-11

20111180c1

1161 (b) Identify appropriate arterial highways in major  
1162 transportation corridors for inclusion in a program to bring  
1163 these facilities up to limited access or controlled access  
1164 facility standards.

1165 (c) Coordinate proposed projects with appropriate limited  
1166 access projects undertaken by expressway authorities and local  
1167 governmental entities.

1168 (d) Maximize the use of limited access facility standards  
1169 when constructing new arterial highways.

1170 (e) Identify appropriate new limited access highways for  
1171 inclusion as a part of the Florida Turnpike System.

1172 (f) To the maximum extent feasible, ensure that proposed  
1173 projects are consistent with approved local government  
1174 comprehensive plans of the local jurisdictions in which such  
1175 facilities are to be located and with the transportation  
1176 improvement program of any metropolitan planning organization in  
1177 which such facilities are to be located.

1178 (4) The department shall develop and maintain a plan of  
1179 Strategic Intermodal System highway corridor projects that are  
1180 anticipated to be let to contract for construction within a time  
1181 period of at least 20 years. The plan shall also identify when  
1182 segments of the corridor will meet the standards and criteria  
1183 developed pursuant to subsection (5).

1184 (5) The department shall establish the standards and  
1185 criteria for the functional characteristics and design of  
1186 facilities proposed as part of Strategic Intermodal System  
1187 highway corridors.

1188 (6) For the purposes of developing the proposed Strategic  
1189 Intermodal System highway corridors, the minimum amount

596-03338-11

20111180c1

1190 allocated each fiscal year shall be based on the 2003-2004  
1191 fiscal year allocation of \$450 million, adjusted annually by the  
1192 change in the Consumer Price Index for the prior fiscal year  
1193 compared to the Consumer Price Index for the 2003-2004 fiscal  
1194 year.

1195 (7) Any project to be constructed as part of a Strategic  
1196 Intermodal System highway corridor shall be included in the  
1197 department's adopted work program. Any Strategic Intermodal  
1198 System highway corridor projects that are added to or deleted  
1199 from the previous adopted work program, or any modification to  
1200 Strategic Intermodal System highway corridor projects contained  
1201 in the previous adopted work program, shall be specifically  
1202 identified and submitted as a separate part of the tentative  
1203 work program.

1204 Section 23. Section 339.155, Florida Statutes, is amended  
1205 to read:

1206 339.155 Transportation planning.—

1207 (1) THE FLORIDA TRANSPORTATION PLAN.—The department shall  
1208 develop ~~and annually update~~ a statewide transportation plan, to  
1209 be known as the Florida Transportation Plan. The plan shall be  
1210 designed so as to be easily read and understood by the general  
1211 public. The purpose of the Florida Transportation Plan is to  
1212 establish and define the state's long-range transportation goals  
1213 and objectives to be accomplished over a period of at least 20  
1214 years within the context of the State Comprehensive Plan, and  
1215 any other statutory mandates and authorizations and based upon  
1216 the prevailing principles of: preserving the existing  
1217 transportation infrastructure; enhancing Florida's economic  
1218 competitiveness; and improving travel choices to ensure

596-03338-11

20111180c1

1219 mobility. The Florida Transportation Plan shall consider the  
1220 needs of the entire state transportation system and examine the  
1221 use of all modes of transportation to effectively and  
1222 efficiently meet such needs.

1223 (2) SCOPE OF PLANNING PROCESS.—The department shall carry  
1224 out a transportation planning process in conformance with s.  
1225 334.046(1) and 23 U.S.C. s. 135 ~~which provides for consideration~~  
1226 ~~of projects and strategies that will:~~

1227 ~~(a) Support the economic vitality of the United States,~~  
1228 ~~Florida, and the metropolitan areas, especially by enabling~~  
1229 ~~global competitiveness, productivity, and efficiency;~~

1230 ~~(b) Increase the safety and security of the transportation~~  
1231 ~~system for motorized and nonmotorized users;~~

1232 ~~(c) Increase the accessibility and mobility options~~  
1233 ~~available to people and for freight;~~

1234 ~~(d) Protect and enhance the environment, promote energy~~  
1235 ~~conservation, and improve quality of life;~~

1236 ~~(e) Enhance the integration and connectivity of the~~  
1237 ~~transportation system, across and between modes throughout~~  
1238 ~~Florida, for people and freight;~~

1239 ~~(f) Promote efficient system management and operation; and~~

1240 ~~(g) Emphasize the preservation of the existing~~  
1241 ~~transportation system.~~

1242 (3) FORMAT, SCHEDULE, AND REVIEW.—The Florida  
1243 Transportation Plan shall be a unified, concise planning  
1244 document that clearly defines the state's long-range  
1245 transportation goals and objectives ~~and documents the~~  
1246 ~~department's short-range objectives developed to further such~~  
1247 ~~goals and objectives.~~ The plan shall:

596-03338-11

20111180c1

1248        (a) Include a glossary that clearly and succinctly defines  
1249 any and all phrases, words, or terms of art included in the  
1250 plan, with which the general public may be unfamiliar. ~~and shall~~  
1251 ~~consist of, at a minimum, the following components:~~

1252        (b) ~~(a)~~ Document ~~A long-range component documenting the~~  
1253 ~~goals and long-term objectives necessary to implement the~~  
1254 ~~results of the department consistent with department's findings~~  
1255 ~~from its examination of the criteria listed in subsection (2)~~  
1256 ~~and s. 334.046(1) and s. 23 U.S.C. s. 135. The long-range~~  
1257 ~~component must~~

1258        (c) Be developed in cooperation with the metropolitan  
1259 planning organizations and reconciled, to the maximum extent  
1260 feasible, with the long-range plans developed by metropolitan  
1261 planning organizations pursuant to s. 339.175. ~~The plan must~~  
1262 ~~also~~

1263        (d) Be developed in consultation with affected local  
1264 officials in nonmetropolitan areas and with any affected Indian  
1265 tribal governments. ~~The plan must provide~~

1266        (e) Provide an examination of transportation issues likely  
1267 to arise during at least a 20-year period. ~~The long-range~~  
1268 ~~component shall~~

1269        (f) Be updated at least once every 5 years, or more often  
1270 as necessary, to reflect substantive changes to federal or state  
1271 law.

1272        ~~(b) A short-range component documenting the short-term~~  
1273 ~~objectives and strategies necessary to implement the goals and~~  
1274 ~~long-term objectives contained in the long-range component. The~~  
1275 ~~short-range component must define the relationship between the~~  
1276 ~~long-range goals and the short-range objectives, specify those~~

596-03338-11

20111180c1

1277 ~~objectives against which the department's achievement of such~~  
1278 ~~goals will be measured, and identify transportation strategies~~  
1279 ~~necessary to efficiently achieve the goals and objectives in the~~  
1280 ~~plan. It must provide a policy framework within which the~~  
1281 ~~department's legislative budget request, the strategic~~  
1282 ~~information resource management plan, and the work program are~~  
1283 ~~developed. The short-range component shall serve as the~~  
1284 ~~department's annual agency strategic plan pursuant to s.~~  
1285 ~~186.021. The short-range component shall be developed consistent~~  
1286 ~~with available and forecasted state and federal funds. The~~  
1287 ~~short-range component shall also be submitted to the Florida~~  
1288 ~~Transportation Commission.~~

1289 ~~(4) ANNUAL PERFORMANCE REPORT. The department shall develop~~  
1290 ~~an annual performance report evaluating the operation of the~~  
1291 ~~department for the preceding fiscal year. The report shall also~~  
1292 ~~include a summary of the financial operations of the department~~  
1293 ~~and shall annually evaluate how well the adopted work program~~  
1294 ~~meets the short-term objectives contained in the short-range~~  
1295 ~~component of the Florida Transportation Plan. This performance~~  
1296 ~~report shall be submitted to the Florida Transportation~~  
1297 ~~Commission and the legislative appropriations and transportation~~  
1298 ~~committees.~~

1299 ~~(4) (5) ADDITIONAL TRANSPORTATION PLANS.—~~

1300 (a) Upon request by local governmental entities, the  
1301 department may in its discretion develop and design  
1302 transportation corridors, arterial and collector streets,  
1303 vehicular parking areas, and other support facilities which are  
1304 consistent with the plans of the department for major  
1305 transportation facilities. The department may render to local

596-03338-11

20111180c1

1306 governmental entities or their planning agencies such technical  
1307 assistance and services as are necessary so that local plans and  
1308 facilities are coordinated with the plans and facilities of the  
1309 department.

1310 (b) Each regional planning council, as provided for in s.  
1311 186.504, or any successor agency thereto, shall develop, as an  
1312 element of its strategic regional policy plan, transportation  
1313 goals and policies. The transportation goals and policies must  
1314 be prioritized to comply with the prevailing principles provided  
1315 in subsection (2) and s. 334.046(1). The transportation goals  
1316 and policies shall be consistent, to the maximum extent  
1317 feasible, with the goals and policies of the metropolitan  
1318 planning organization and the Florida Transportation Plan. The  
1319 transportation goals and policies of the regional planning  
1320 council will be advisory only and shall be submitted to the  
1321 department and any affected metropolitan planning organization  
1322 for their consideration and comments. Metropolitan planning  
1323 organization plans and other local transportation plans shall be  
1324 developed consistent, to the maximum extent feasible, with the  
1325 regional transportation goals and policies. The regional  
1326 planning council shall review urbanized area transportation  
1327 plans and any other planning products stipulated in s. 339.175  
1328 and provide the department and respective metropolitan planning  
1329 organizations with written recommendations which the department  
1330 and the metropolitan planning organizations shall take under  
1331 advisement. Further, the regional planning councils shall  
1332 directly assist local governments which are not part of a  
1333 metropolitan area transportation planning process in the  
1334 development of the transportation element of their comprehensive

596-03338-11

20111180c1

1335 plans as required by s. 163.3177.

1336 (c) Regional transportation plans may be developed in  
1337 regional transportation areas in accordance with an interlocal  
1338 agreement entered into pursuant to s. 163.01 by two or more  
1339 contiguous metropolitan planning organizations; one or more  
1340 metropolitan planning organizations and one or more contiguous  
1341 counties, none of which is a member of a metropolitan planning  
1342 organization; a multicounty regional transportation authority  
1343 created by or pursuant to law; two or more contiguous counties  
1344 that are not members of a metropolitan planning organization; or  
1345 metropolitan planning organizations comprised of three or more  
1346 counties.

1347 (d) The interlocal agreement must, at a minimum, identify  
1348 the entity that will coordinate the development of the regional  
1349 transportation plan; delineate the boundaries of the regional  
1350 transportation area; provide the duration of the agreement and  
1351 specify how the agreement may be terminated, modified, or  
1352 rescinded; describe the process by which the regional  
1353 transportation plan will be developed; and provide how members  
1354 of the entity will resolve disagreements regarding  
1355 interpretation of the interlocal agreement or disputes relating  
1356 to the development or content of the regional transportation  
1357 plan. Such interlocal agreement shall become effective upon its  
1358 recordation in the official public records of each county in the  
1359 regional transportation area.

1360 (e) The regional transportation plan developed pursuant to  
1361 this section must, at a minimum, identify regionally significant  
1362 transportation facilities located within a regional  
1363 transportation area and contain a prioritized list of regionally

596-03338-11

20111180c1

1364 significant projects. The level-of-service standards for  
1365 facilities to be funded under this subsection shall be adopted  
1366 by the appropriate local government in accordance with s.  
1367 163.3180(10). The projects shall be adopted into the capital  
1368 improvements schedule of the local government comprehensive plan  
1369 pursuant to s. 163.3177(3).

1370 (5)~~(6)~~ PROCEDURES FOR PUBLIC PARTICIPATION IN  
1371 TRANSPORTATION PLANNING.—

1372 (a) During the development of the ~~long-range component of~~  
1373 ~~the~~ Florida Transportation Plan and prior to substantive  
1374 revisions, the department shall provide citizens, affected  
1375 public agencies, representatives of transportation agency  
1376 employees, other affected employee representatives, private  
1377 providers of transportation, and other known interested parties  
1378 with an opportunity to comment on the proposed plan or  
1379 revisions. These opportunities shall include, at a minimum,  
1380 publishing a notice in the Florida Administrative Weekly and  
1381 within a newspaper of general circulation within the area of  
1382 each department district office.

1383 (b) During development of major transportation  
1384 improvements, such as those increasing the capacity of a  
1385 facility through the addition of new lanes or providing new  
1386 access to a limited or controlled access facility or  
1387 construction of a facility in a new location, the department  
1388 shall hold one or more hearings prior to the selection of the  
1389 facility to be provided; prior to the selection of the site or  
1390 corridor of the proposed facility; and prior to the selection of  
1391 and commitment to a specific design proposal for the proposed  
1392 facility. Such public hearings shall be conducted so as to



596-03338-11

20111180c1

1393 provide an opportunity for effective participation by interested  
1394 persons in the process of transportation planning and site and  
1395 route selection and in the specific location and design of  
1396 transportation facilities. The various factors involved in the  
1397 decision or decisions and any alternative proposals shall be  
1398 clearly presented so that the persons attending the hearing may  
1399 present their views relating to the decision or decisions which  
1400 will be made.

1401 (c) Opportunity for design hearings:

1402 1. The department, prior to holding a design hearing, shall  
1403 duly notify all affected property owners of record, as recorded  
1404 in the property appraiser's office, by mail at least 20 days  
1405 prior to the date set for the hearing. The affected property  
1406 owners shall be:

1407 a. Those whose property lies in whole or in part within 300  
1408 feet on either side of the centerline of the proposed facility.

1409 b. Those whom the department determines will be  
1410 substantially affected environmentally, economically, socially,  
1411 or safetywise.

1412 2. For each subsequent hearing, the department shall  
1413 publish notice prior to the hearing date in a newspaper of  
1414 general circulation for the area affected. These notices must be  
1415 published twice, with the first notice appearing at least 15  
1416 days, but no later than 30 days, before the hearing.

1417 3. A copy of the notice of opportunity for the hearing must  
1418 be furnished to the United States Department of Transportation  
1419 and to the appropriate departments of the state government at  
1420 the time of publication.

1421 4. The opportunity for another hearing shall be afforded in

596-03338-11

20111180c1

1422 any case when proposed locations or designs are so changed from  
1423 those presented in the notices specified above or at a hearing  
1424 as to have a substantially different social, economic, or  
1425 environmental effect.

1426 5. The opportunity for a hearing shall be afforded in each  
1427 case in which the department is in doubt as to whether a hearing  
1428 is required.

1429 Section 24. Section 341.840, Florida Statutes, is amended  
1430 to read:

1431 341.840 Tax exemption.—

1432 (1) The exercise of the powers granted by this act will be  
1433 in all respects for the benefit of the people of this state, for  
1434 the increase of their commerce, welfare, and prosperity, and for  
1435 the improvement of their health and living conditions. The  
1436 design, construction, operation, maintenance, and financing of a  
1437 high-speed rail system by the enterprise authority, its agent,  
1438 or the owner or lessee thereof, as herein authorized,  
1439 constitutes the performance of an essential public function.

1440 (2) (a) For the purposes of this section, the term  
1441 "enterprise" ~~"authority"~~ does not include agents of the  
1442 enterprise authority other than contractors who qualify as such  
1443 pursuant to subsection (7).

1444 (b) For the purposes of this section, any item or property  
1445 that is within the definition of "associated development" in s.  
1446 341.8203(1) is ~~shall~~ not ~~be~~ considered to be part of the high-  
1447 speed rail system as defined in s. 341.8203(6).

1448 (3) (a) Purchases or leases of tangible personal property or  
1449 real property by the enterprise authority, excluding agents of  
1450 the enterprise authority, are exempt from taxes imposed by

596-03338-11

20111180c1

1451 chapter 212 as provided in s. 212.08(6). Purchases or leases of  
1452 tangible personal property that is incorporated into the high-  
1453 speed rail system as a component part thereof, as determined by  
1454 the enterprise authority, by agents of the enterprise authority  
1455 or the owner of the high-speed rail system are exempt from sales  
1456 or use taxes imposed by chapter 212. Leases, rentals, or  
1457 licenses to use real property granted to agents of the  
1458 enterprise authority or the owner of the high-speed rail system  
1459 are exempt from taxes imposed by s. 212.031 if the real property  
1460 becomes part of such system. The exemptions granted in this  
1461 subsection do not apply to sales, leases, or licenses by the  
1462 enterprise authority, agents of the enterprise authority, or the  
1463 owner of the high-speed rail system.

1464 (b) The exemption granted in paragraph (a) to purchases or  
1465 leases of tangible personal property by agents of the enterprise  
1466 authority or by the owner of the high-speed rail system applies  
1467 only to property that becomes a component part of such system.  
1468 It does not apply to items, including, but not limited to,  
1469 cranes, bulldozers, forklifts, other machinery and equipment,  
1470 tools and supplies, or other items of tangible personal property  
1471 used in the construction, operation, or maintenance of the high-  
1472 speed rail system when such items are not incorporated into the  
1473 high-speed rail system as a component part thereof.

1474 (4) Any bonds or other security, and all notes, mortgages,  
1475 security agreements, letters of credit, or other instruments  
1476 that arise out of or are given to secure the repayment of bonds  
1477 or other security, issued by the enterprise authority, or on  
1478 behalf of the enterprise authority, their transfer, and the  
1479 income therefrom, including any profit made on the sale thereof,

596-03338-11

20111180c1

1480 shall at all times be free from taxation of every kind by the  
1481 state, the counties, and the municipalities and other political  
1482 subdivisions in the state. This subsection, however, does not  
1483 exempt from taxation or assessment the leasehold interest of a  
1484 lessee in any project or any other property or interest owned by  
1485 the lessee. The exemption granted by this subsection is not  
1486 applicable to any tax imposed by chapter 220 on interest income  
1487 or profits on the sale of debt obligations owned by  
1488 corporations.

1489 (5) When property of the enterprise authority is leased to  
1490 another person or entity, the property shall be exempt from ad  
1491 valorem taxation only if the use by the lessee qualifies the  
1492 property for exemption under s. 196.199.

1493 (6) A leasehold interest held by the enterprise authority  
1494 is not subject to intangible tax. However, if a leasehold  
1495 interest held by the enterprise authority is subleased to a  
1496 nongovernmental lessee, such subleasehold interest shall be  
1497 deemed to be an interest described in s. 199.023(1)(d), Florida  
1498 Statutes 2005, and is subject to the intangible tax.

1499 (7) (a) In order to be considered an agent of the enterprise  
1500 authority for purposes of the exemption from sales and use tax  
1501 granted by subsection (3) for tangible personal property  
1502 incorporated into the high-speed rail system, a contractor of  
1503 the enterprise authority that purchases or fabricates such  
1504 tangible personal property must be certified by the authority as  
1505 provided in this subsection.

1506 (b)1. A contractor must apply for a renewal of the  
1507 exemption not later than December 1 of each calendar year.

1508 2. A contractor must apply to the enterprise authority on

596-03338-11

20111180c1

1509 the application form adopted by the enterprise ~~authority~~, which  
1510 shall develop the form in consultation with the Department of  
1511 Revenue.

1512 3. The enterprise ~~authority~~ shall review each submitted  
1513 application and determine whether it is complete. The enterprise  
1514 ~~authority~~ shall notify the applicant of any deficiencies in the  
1515 application within 30 days. Upon receipt of a completed  
1516 application, the enterprise ~~authority~~ shall evaluate the  
1517 application for exemption under this subsection and issue a  
1518 certification that the contractor is qualified to act as an  
1519 agent of the enterprise ~~authority~~ for purposes of this section  
1520 or a denial of such certification within 30 days. The enterprise  
1521 ~~authority~~ shall provide the Department of Revenue with a copy of  
1522 each certification issued upon approval of an application. Upon  
1523 receipt of a certification from the authority, the Department of  
1524 Revenue shall issue an exemption permit to the contractor.

1525 (c)1. The contractor may extend a copy of its exemption  
1526 permit to its vendors in lieu of paying sales tax on purchases  
1527 of tangible personal property qualifying for exemption under  
1528 this section. Possession of a copy of the exemption permit  
1529 relieves the seller of the responsibility of collecting tax on  
1530 the sale, and the Department of Revenue shall look solely to the  
1531 contractor for recovery of tax upon a determination that the  
1532 contractor was not entitled to the exemption.

1533 2. The contractor may extend a copy of its exemption permit  
1534 to real property subcontractors supplying and installing  
1535 tangible personal property that is exempt under subsection (3).  
1536 Any such subcontractor is authorized to extend a copy of the  
1537 permit to the subcontractor's vendors in order to purchase

596-03338-11

20111180c1

1538 qualifying tangible personal property tax-exempt. If the  
1539 subcontractor uses the exemption permit to purchase tangible  
1540 personal property that is determined not to qualify for  
1541 exemption under subsection (3), the Department of Revenue may  
1542 assess and collect any tax, penalties, and interest that are due  
1543 from either the contractor holding the exemption permit or the  
1544 subcontractor that extended the exemption permit to the seller.

1545 (d) Any contractor authorized to act as an agent of the  
1546 enterprise authority under this section shall maintain the  
1547 necessary books and records to document the exempt status of  
1548 purchases and fabrication costs made or incurred under the  
1549 permit. In addition, an authorized contractor extending its  
1550 exemption permit to its subcontractors shall maintain a copy of  
1551 the subcontractor's books, records, and invoices indicating all  
1552 purchases made by the subcontractor under the authorized  
1553 contractor's permit. If, in an audit conducted by the Department  
1554 of Revenue, it is determined that tangible personal property  
1555 purchased or fabricated claiming exemption under this section  
1556 does not meet the criteria for exemption, the amount of taxes  
1557 not paid at the time of purchase or fabrication shall be  
1558 immediately due and payable to the Department of Revenue,  
1559 together with the appropriate interest and penalty, computed  
1560 from the date of purchase, in the manner prescribed by chapter  
1561 212.

1562 (e) If a contractor fails to apply for a high-speed rail  
1563 system exemption permit, or if a contractor initially determined  
1564 by the enterprise authority to not qualify for exemption is  
1565 subsequently determined to be eligible, the contractor shall  
1566 receive the benefit of the exemption in this subsection through

596-03338-11

20111180c1

1567 a refund of previously paid taxes for transactions that  
1568 otherwise would have been exempt. A refund may not be made for  
1569 such taxes without the issuance of a certification by the  
1570 enterprise authority that the contractor was authorized to make  
1571 purchases tax-exempt and a determination by the Department of  
1572 Revenue that the purchases qualified for the exemption.

1573 (f) The enterprise authority may adopt rules governing the  
1574 application process for exemption of a contractor as an  
1575 authorized agent of the enterprise authority.

1576 (g) The Department of Revenue may adopt rules governing the  
1577 issuance and form of high-speed rail system exemption permits,  
1578 the audit of contractors and subcontractors using such permits,  
1579 the recapture of taxes on nonqualified purchases, and the manner  
1580 and form of refund applications.

1581 Section 25. Paragraph (a) of subsection (12) of section  
1582 163.3180, Florida Statutes, is amended to read:

1583 163.3180 Concurrency.—

1584 (12) (a) A development of regional impact may satisfy the  
1585 transportation concurrency requirements of the local  
1586 comprehensive plan, the local government's concurrency  
1587 management system, and s. 380.06 by payment of a proportionate-  
1588 share contribution for local and regionally significant traffic  
1589 impacts, if:

1590 1. The development of regional impact which, based on its  
1591 location or mix of land uses, is designed to encourage  
1592 pedestrian or other nonautomotive modes of transportation;

1593 2. The proportionate-share contribution for local and  
1594 regionally significant traffic impacts is sufficient to pay for  
1595 one or more required mobility improvements that will benefit a

596-03338-11

20111180c1

1596 regionally significant transportation facility;

1597 3. The owner and developer of the development of regional  
1598 impact pays or assures payment of the proportionate-share  
1599 contribution; and

1600 4. If the regionally significant transportation facility to  
1601 be constructed or improved is under the maintenance authority of  
1602 a governmental entity, as defined by s. 334.03(9) ~~s. 334.03(12)~~,  
1603 other than the local government with jurisdiction over the  
1604 development of regional impact, the developer is required to  
1605 enter into a binding and legally enforceable commitment to  
1606 transfer funds to the governmental entity having maintenance  
1607 authority or to otherwise assure construction or improvement of  
1608 the facility.

1609  
1610 The proportionate-share contribution may be applied to any  
1611 transportation facility to satisfy the provisions of this  
1612 subsection and the local comprehensive plan, but, for the  
1613 purposes of this subsection, the amount of the proportionate-  
1614 share contribution shall be calculated based upon the cumulative  
1615 number of trips from the proposed development expected to reach  
1616 roadways during the peak hour from the complete buildout of a  
1617 stage or phase being approved, divided by the change in the peak  
1618 hour maximum service volume of roadways resulting from  
1619 construction of an improvement necessary to maintain the adopted  
1620 level of service, multiplied by the construction cost, at the  
1621 time of developer payment, of the improvement necessary to  
1622 maintain the adopted level of service. For purposes of this  
1623 subsection, "construction cost" includes all associated costs of  
1624 the improvement. Proportionate-share mitigation shall be limited



596-03338-11

20111180c1

1625 to ensure that a development of regional impact meeting the  
1626 requirements of this subsection mitigates its impact on the  
1627 transportation system but is not responsible for the additional  
1628 cost of reducing or eliminating backlogs. This subsection also  
1629 applies to Florida Quality Developments pursuant to s. 380.061  
1630 and to detailed specific area plans implementing optional sector  
1631 plans pursuant to s. 163.3245.

1632 Section 26. Subsection (3) of section 288.063, Florida  
1633 Statutes, is amended to read:

1634 288.063 Contracts for transportation projects.—

1635 (3) With respect to any contract executed pursuant to this  
1636 section, the term "transportation project" means a  
1637 transportation facility as defined in s. 334.03(27) ~~s.~~  
1638 ~~334.03(31)~~ which is necessary in the judgment of the Office of  
1639 Tourism, Trade, and Economic Development to facilitate the  
1640 economic development and growth of the state. Except for  
1641 applications received prior to July 1, 1996, such transportation  
1642 projects shall be approved only as a consideration to attract  
1643 new employment opportunities to the state or expand or retain  
1644 employment in existing companies operating within the state, or  
1645 to allow for the construction or expansion of a state or federal  
1646 correctional facility in a county with a population of 75,000 or  
1647 less that creates new employment opportunities or expands or  
1648 retains employment in the county. The Office of Tourism, Trade,  
1649 and Economic Development shall institute procedures to ensure  
1650 that small and minority businesses have equal access to funding  
1651 provided under this section. Funding for approved transportation  
1652 projects may include any expenses, other than administrative  
1653 costs and equipment purchases specified in the contract,

596-03338-11

20111180c1

1654 necessary for new, or improvement to existing, transportation  
1655 facilities. Funds made available pursuant to this section may  
1656 not be expended in connection with the relocation of a business  
1657 from one community to another community in this state unless the  
1658 Office of Tourism, Trade, and Economic Development determines  
1659 that without such relocation the business will move outside this  
1660 state or determines that the business has a compelling economic  
1661 rationale for the relocation which creates additional jobs.  
1662 Subject to appropriation for projects under this section, any  
1663 appropriation greater than \$10 million shall be allocated to  
1664 each of the districts of the Department of Transportation to  
1665 ensure equitable geographical distribution. Such allocated funds  
1666 that remain uncommitted by the third quarter of the fiscal year  
1667 shall be reallocated among the districts based on pending  
1668 project requests.

1669 Section 27. Paragraph (b) of subsection (3) of section  
1670 311.07, Florida Statutes, is amended to read:

1671 311.07 Florida seaport transportation and economic  
1672 development funding.—

1673 (3)

1674 (b) Projects eligible for funding by grants under the  
1675 program are limited to the following port facilities or port  
1676 transportation projects:

1677 1. Transportation facilities within the jurisdiction of the  
1678 port.

1679 2. The dredging or deepening of channels, turning basins,  
1680 or harbors.

1681 3. The construction or rehabilitation of wharves, docks,  
1682 structures, jetties, piers, storage facilities, cruise

596-03338-11

20111180c1

1683 terminals, automated people mover systems, or any facilities  
1684 necessary or useful in connection with any of the foregoing.

1685 4. The acquisition of vessel tracking systems, container  
1686 cranes, or other mechanized equipment used in the movement of  
1687 cargo or passengers in international commerce.

1688 5. The acquisition of land to be used for port purposes.

1689 6. The acquisition, improvement, enlargement, or extension  
1690 of existing port facilities.

1691 7. Environmental protection projects which are necessary  
1692 because of requirements imposed by a state agency as a condition  
1693 of a permit or other form of state approval; which are necessary  
1694 for environmental mitigation required as a condition of a state,  
1695 federal, or local environmental permit; which are necessary for  
1696 the acquisition of spoil disposal sites and improvements to  
1697 existing and future spoil sites; or which result from the  
1698 funding of eligible projects listed in this paragraph.

1699 8. Transportation facilities as defined in s. 334.03(27) ~~s.~~  
1700 ~~334.03(31)~~ which are not otherwise part of the Department of  
1701 Transportation's adopted work program.

1702 9. Seaport intermodal access projects identified in the 5-  
1703 year Florida Seaport Mission Plan as provided in s. 311.09(3).

1704 10. Construction or rehabilitation of port facilities as  
1705 defined in s. 315.02, excluding any park or recreational  
1706 facilities, in ports listed in s. 311.09(1) with operating  
1707 revenues of \$5 million or less, provided that such projects  
1708 create economic development opportunities, capital improvements,  
1709 and positive financial returns to such ports.

1710 Section 28. Subsection (7) of section 311.09, Florida  
1711 Statutes, is amended to read:

596-03338-11

20111180c1

1712 311.09 Florida Seaport Transportation and Economic  
1713 Development Council.—

1714 (7) The Department of Transportation shall review the list  
1715 of projects approved by the council for consistency with the  
1716 Florida Transportation Plan and the department's adopted work  
1717 program. In evaluating the consistency of a project, the  
1718 department shall determine whether the transportation impact of  
1719 the proposed project is adequately handled by existing state-  
1720 owned transportation facilities or by the construction of  
1721 additional state-owned transportation facilities as identified  
1722 in the Florida Transportation Plan and the department's adopted  
1723 work program. In reviewing for consistency a transportation  
1724 facility project as defined in s. 334.03(27) ~~s. 334.03(31)~~ which  
1725 is not otherwise part of the department's work program, the  
1726 department shall evaluate whether the project is needed to  
1727 provide for projected movement of cargo or passengers from the  
1728 port to a state transportation facility or local road. If the  
1729 project is needed to provide for projected movement of cargo or  
1730 passengers, the project shall be approved for consistency as a  
1731 consideration to facilitate the economic development and growth  
1732 of the state in a timely manner. The Department of  
1733 Transportation shall identify those projects which are  
1734 inconsistent with the Florida Transportation Plan and the  
1735 adopted work program and shall notify the council of projects  
1736 found to be inconsistent.

1737 Section 29. Section 316.2122, Florida Statutes, is amended  
1738 to read:

1739 316.2122 Operation of a low-speed vehicle or mini truck on  
1740 certain roadways.—The operation of a low-speed vehicle as

596-03338-11

20111180c1

1741 defined in s. 320.01(42) or a mini truck as defined in s.  
1742 320.01(45) on any road ~~as defined in s. 334.03(15) or (33)~~ is  
1743 authorized with the following restrictions:

1744 (1) A low-speed vehicle or mini truck may be operated only  
1745 on streets where the posted speed limit is 35 miles per hour or  
1746 less. This does not prohibit a low-speed vehicle or mini truck  
1747 from crossing a road or street at an intersection where the road  
1748 or street has a posted speed limit of more than 35 miles per  
1749 hour.

1750 (2) A low-speed vehicle must be equipped with headlamps,  
1751 stop lamps, turn signal lamps, taillamps, reflex reflectors,  
1752 parking brakes, rearview mirrors, windshields, seat belts, and  
1753 vehicle identification numbers.

1754 (3) A low-speed vehicle or mini truck must be registered  
1755 and insured in accordance with s. 320.02 and titled pursuant to  
1756 chapter 319.

1757 (4) Any person operating a low-speed vehicle or mini truck  
1758 must have in his or her possession a valid driver's license.

1759 (5) A county or municipality may prohibit the operation of  
1760 low-speed vehicles or mini trucks on any road under its  
1761 jurisdiction if the governing body of the county or municipality  
1762 determines that such prohibition is necessary in the interest of  
1763 safety.

1764 (6) The Department of Transportation may prohibit the  
1765 operation of low-speed vehicles or mini trucks on any road under  
1766 its jurisdiction if it determines that such prohibition is  
1767 necessary in the interest of safety.

1768 Section 30. Paragraph (c) of subsection (5) of section  
1769 316.515, Florida Statutes, is amended to read:

596-03338-11

20111180c1

1770 316.515 Maximum width, height, length.—

1771 (5) IMPLEMENTS OF HUSBANDRY AND FARM EQUIPMENT;

1772 AGRICULTURAL TRAILERS; FORESTRY EQUIPMENT; SAFETY REQUIREMENTS.—

1773 (c) The width and height limitations of this section do not  
1774 apply to farming or agricultural equipment, whether self-  
1775 propelled, pulled, or hauled, when temporarily operated during  
1776 daylight hours upon a public road that is not a limited access  
1777 facility as defined in s. 334.03(10) ~~s. 334.03(13)~~, and the  
1778 width and height limitations may be exceeded by such equipment  
1779 without a permit. To be eligible for this exemption, the  
1780 equipment shall be operated within a radius of 50 miles of the  
1781 real property owned, rented, or leased by the equipment owner.  
1782 However, equipment being delivered by a dealer to a purchaser is  
1783 not subject to the 50-mile limitation. Farming or agricultural  
1784 equipment greater than 174 inches in width must have one warning  
1785 lamp mounted on each side of the equipment to denote the width  
1786 and must have a slow-moving vehicle sign. Warning lamps required  
1787 by this paragraph must be visible from the front and rear of the  
1788 vehicle and must be visible from a distance of at least 1,000  
1789 feet.

1790 Section 31. Section 336.01, Florida Statutes, is amended to  
1791 read:

1792 336.01 Designation of county road system.—The county road  
1793 system shall be as defined in s. 334.03(6) ~~s. 334.03(8)~~.

1794 Section 32. Section 338.222, Florida Statutes, is amended  
1795 to read:

1796 338.222 Department of Transportation sole governmental  
1797 entity to acquire, construct, or operate turnpike projects;  
1798 exception.—

596-03338-11

20111180c1

1799 (1) No governmental entity other than the department may  
1800 acquire, construct, maintain, or operate the turnpike system  
1801 subsequent to the enactment of this law, except upon specific  
1802 authorization of the Legislature.

1803 (2) The department may contract with any local governmental  
1804 entity as defined in s. 334.03(11) ~~s. 334.03(14)~~ for the design,  
1805 right-of-way acquisition, or construction of any turnpike  
1806 project which the Legislature has approved. Local governmental  
1807 entities may negotiate with the department for the design,  
1808 right-of-way acquisition, and construction of any section of the  
1809 turnpike project within areas of their respective jurisdictions  
1810 or within counties with which they have interlocal agreements.

1811 Section 33. Section 341.8225, Florida Statutes, is amended  
1812 to read:

1813 341.8225 Department of Transportation sole governmental  
1814 entity to acquire, construct, or operate high-speed rail  
1815 projects; exception.—

1816 (1) No governmental entity other than the department may  
1817 acquire, construct, maintain, or operate the high-speed rail  
1818 system except upon specific authorization of the Legislature.

1819 (2) Local governmental entities, as defined in s.  
1820 334.03(11) ~~s. 334.03(14)~~, may negotiate with the department for  
1821 the design, right-of-way acquisition, and construction of any  
1822 component of the high-speed rail system within areas of their  
1823 respective jurisdictions or within counties with which they have  
1824 interlocal agreements.

1825 Section 34. Subsection (27) of section 479.01, Florida  
1826 Statutes, is amended to read:

1827 479.01 Definitions.—As used in this chapter, the term:

596-03338-11

20111180c1

1828 (27) "Urban area" has the same meaning as defined in s.  
1829 334.03(28) ~~s. 334.03(29)~~.

1830 Section 35. Subsection (1) of section 479.07, Florida  
1831 Statutes, is amended to read:

1832 479.07 Sign permits.—

1833 (1) Except as provided in ss. 479.105(1)(e) and 479.16, a  
1834 person may not erect, operate, use, or maintain, or cause to be  
1835 erected, operated, used, or maintained, any sign on the State  
1836 Highway System outside an urban area, as defined in s.  
1837 334.03(28) ~~s. 334.03(32)~~, or on any portion of the interstate or  
1838 federal-aid primary highway system without first obtaining a  
1839 permit for the sign from the department and paying the annual  
1840 fee as provided in this section. As used in this section, the  
1841 term "on any portion of the State Highway System, interstate, or  
1842 federal-aid primary system" means a sign located within the  
1843 controlled area which is visible from any portion of the main-  
1844 traveled way of such system.

1845 Section 36. Subsection (5) of section 479.261, Florida  
1846 Statutes, is amended to read:

1847 479.261 Logo sign program.—

1848 (5) At a minimum, permit fees for businesses that  
1849 participate in the program must be established in an amount  
1850 sufficient to offset the total cost to the department for the  
1851 program, including contract costs. The department shall provide  
1852 the services in the most efficient and cost-effective manner  
1853 through department staff or by contracting for some or all of  
1854 the services. The department shall adopt rules that set  
1855 reasonable rates based upon factors such as population, traffic  
1856 volume, market demand, and costs for annual permit fees.



596-03338-11

20111180c1

1857 However, annual permit fees for sign locations inside an urban  
1858 area, as defined in s. 334.03(28) ~~s. 334.03(32)~~, may not exceed  
1859 \$3,500, and annual permit fees for sign locations outside an  
1860 urban area, as defined in s. 334.03(28) ~~s. 334.03(32)~~, may not  
1861 exceed \$2,000. After recovering program costs, the proceeds from  
1862 the annual permit fees shall be deposited into the State  
1863 Transportation Trust Fund and used for transportation purposes.

1864 Section 37. Subsection (4) of section 310.002, Florida  
1865 Statutes, is amended to read:

1866 310.002 Definitions.—As used in this chapter, except where  
1867 the context clearly indicates otherwise:

1868 (4) "Port" means any place in the state into which vessels  
1869 enter or depart and includes, without limitation, Fernandina,  
1870 Nassau Inlet, Jacksonville, St. Augustine, Canaveral, Port  
1871 Citrus, Ft. Pierce, Palm Beach, Port Everglades, Miami, Key  
1872 West, Boca Grande, Charlotte Harbor, Punta Gorda, Tampa, Port  
1873 Tampa, Port Manatee, St. Petersburg, Clearwater, Apalachicola,  
1874 Carrabelle, Panama City, Port St. Joe, and Pensacola.

1875 Section 38. Subsection (1) of section 311.09, Florida  
1876 Statutes, is amended to read:

1877 311.09 Florida Seaport Transportation and Economic  
1878 Development Council.—

1879 (1) The Florida Seaport Transportation and Economic  
1880 Development Council is created within the Department of  
1881 Transportation. The council consists of the following 18 ~~17~~  
1882 members: the port director, or the port director's designee, of  
1883 each of the ports of Jacksonville, Port Canaveral, Port Citrus,  
1884 Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee,  
1885 St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key

596-03338-11

20111180c1

1886 West, and Fernandina; the secretary of the Department of  
1887 Transportation or his or her designee; the director of the  
1888 Office of Tourism, Trade, and Economic Development or his or her  
1889 designee; and the secretary of the Department of Community  
1890 Affairs or his or her designee.

1891 Section 39. Subsection (3) of section 316.075, Florida  
1892 Statutes, is amended to read:

1893 316.075 Traffic control signal devices.—

1894 (3) (a) No traffic control signal device shall be used which  
1895 does not exhibit a yellow or "caution" light between the green  
1896 or "go" signal and the red or "stop" signal.

1897 (b) No traffic control signal device shall display other  
1898 than the color red at the top of the vertical signal, nor shall  
1899 it display other than the color red at the extreme left of the  
1900 horizontal signal.

1901 (c) The Department of Transportation shall establish  
1902 minimum yellow light change interval times for traffic control  
1903 devices. The minimum yellow light change interval time shall be  
1904 established in accordance with nationally recognized engineering  
1905 standards set forth in the Institute of Transportation Engineers  
1906 Traffic Engineering Handbook, and any such established time may  
1907 not be less than the recognized national standard.

1908 Section 40. Present subsections (3) and (4) of section  
1909 316.0083, Florida Statutes, are renumbered as subsections (4)  
1910 and (5), respectively, and a new subsection (3) is added to that  
1911 section, to read:

1912 316.0083 Mark Wandall Traffic Safety Program;  
1913 administration; report.—

1914 (3) A notice of violation and a traffic citation may not be

596-03338-11

20111180c1

1915 issued pursuant to this section for a violation committed at an  
1916 intersection where the traffic signal device does not meet all  
1917 requirements under s. 316.075(3). Any such notice of violation  
1918 or citation is unenforceable and the court, clerk of court,  
1919 designated official, or authorized operator of a traffic  
1920 violations bureau shall dismiss the citation without penalty or  
1921 assessment of points against the license of the person cited.

1922 Section 41. Section 316.2045, Florida Statutes, is  
1923 repealed.

1924 Section 42. Section 316.2046, Florida Statutes, is created  
1925 to read:

1926 316.2046 Obstruction of public streets, highways, and  
1927 roads.—

1928 (1) LEGISLATIVE FINDINGS.—The Legislature finds that:

1929 (a) Ensuring public safety on public streets, highways, and  
1930 roads is an important and substantial state interest.

1931 (b) Obstruction of the free flow of traffic on public  
1932 streets, highways, and roads endangers the public safety.

1933 (c) Obtrusive and distracting activities that impede  
1934 pedestrian traffic adjacent to streets, highways, and roads can  
1935 also disrupt the free flow of traffic and endanger public  
1936 safety.

1937 (d) Soliciting funds or engaging in a commercial exchange  
1938 with a person who is in a vehicle that is not stopped in a  
1939 driveway or designated parking area endangers the safe movement  
1940 of vehicles.

1941 (2) DEFINITIONS.—As used in this section, the term  
1942 “solicit” means to request employment, business, contributions,  
1943 donations, sales, or exchanges of any kind.

596-03338-11

20111180c1

1944       (3) PERMIT REQUIRED.—It is unlawful for any person,  
1945 willfully and without a permit, to solicit or obstruct the free,  
1946 convenient, and normal use of any public street, highway, or  
1947 road by standing or approaching motor vehicles while on or  
1948 immediately adjacent to the street, highway, or road in a manner  
1949 that could endanger the safe movement of vehicles or pedestrians  
1950 traveling thereon.

1951       (a) Each county and municipality shall adopt a permitting  
1952 process that protects public safety but does not impair the  
1953 rights of free speech, except to the extent necessary to protect  
1954 public safety. The permitting process must authorize or deny a  
1955 permit within 2 business days. A permit application denial by a  
1956 county or municipality shall be in writing and be based on a  
1957 finding that the proposed activity:

1958           1. Increases the likelihood of traffic accidents;  
1959           2. Violates traffic laws, rules, or ordinances;  
1960           3. Makes the sidewalk impassable for pedestrians; or  
1961           4. Significantly increases the likelihood of harm to  
1962 motorists and passersby.

1963       (b) If the county or municipality approves the permit, it  
1964 must issue to the applicant a document specifying:

1965           1. The name and address of the person to whom the permit is  
1966 granted;

1967           2. The name of the company the person represents, if any;  
1968 and

1969           3. The expiration date of the permit.

1970       (c) The permitholder must keep the permit on his or her  
1971 person at all times when engaging in activity authorized by the  
1972 permit.

596-03338-11

20111180c1

1973        (d) The cost of the permit may not exceed an amount that is  
 1974 reasonably necessary to administer the permitting process.  
 1975 However, a permit may not be denied to any applicant for lack of  
 1976 financial means, as attested to by a signed affidavit.

1977        (4) LOCAL GOVERNMENT JURISDICTION.—For purposes of this  
 1978 section, counties and municipalities have original jurisdiction  
 1979 over non-limited access state roads, and local roads, streets,  
 1980 and highways within their physical jurisdiction. Counties and  
 1981 municipalities may increase the restrictions of the permit  
 1982 program if those restrictions are narrowly tailored to serve an  
 1983 important public purpose. A county or municipality may opt out  
 1984 of the permit program by a majority vote of the members of the  
 1985 county or municipal governing body. This section does not  
 1986 preempt any existing ordinances.

1987        (5) EXCEPTIONS.—This section does not:

1988        (a) Restrict a person from passively standing or sitting on  
 1989 a public sidewalk and holding a sign if that person does not  
 1990 obstruct the flow of vehicle or pedestrian traffic.

1991        (b) Apply to any art festival, parade, fair, or other  
 1992 special event permitted by the appropriate county or  
 1993 municipality where the streets are blocked off from the normal  
 1994 flow of traffic.

1995        (c) Apply to:

- 1996        1. Law enforcement officers carrying out their duties;  
 1997        2. Emergency vehicles responding to an emergency or  
 1998 possible emergency;  
 1999        3. Mail-delivery vehicles;  
 2000        4. Service vehicles performing work adjacent to the  
 2001 roadway; and

596-03338-11

20111180c1

2002       5. Any commercial vehicle that is used solely for the  
2003 purpose of collecting solid waste or recyclable or recovered  
2004 materials and that is stopped for the sole purpose of collecting  
2005 solid waste or recyclable or recovered materials.

2006       (6) VIOLATIONS.—Any person who violates the provisions of  
2007 this section, upon conviction, shall be cited for a pedestrian  
2008 violation, punishable as provided in chapter 318. An additional  
2009 \$10 shall be added to the fine levied under chapter 318. Moneys  
2010 collected from this additional \$10 fine shall be deposited into  
2011 the Grants and Donations Trust Fund of the Department of  
2012 Children and Family Services and used by the State Office on  
2013 Homelessness to supplement grants made under s. 420.622(4) and  
2014 (5).

2015       (7) ENFORCEMENT.—The Department of Highway Safety and Motor  
2016 Vehicles and other law enforcement agencies are authorized and  
2017 directed to enforce this section.

2018       Section 43. Section 316.2047, Florida Statutes, is created  
2019 to read:

2020       316.2047 Panhandling.—

2021       (1) LEGISLATIVE FINDINGS.—The Legislature finds that  
2022 panhandling, soliciting, or demanding money, gifts, or donations  
2023 may interfere with the safe ingress and egress of human and  
2024 vehicular traffic into public buildings, public areas, and  
2025 public transportation areas, thereby constituting a threat to  
2026 the public health, welfare, and safety of the citizenry. The  
2027 Legislature also finds that aggressive and fraudulent  
2028 panhandling are threats to public safety and personal security.

2029       (2) DEFINITIONS.—As used in this section, the term:

2030       (a) "Aggressive panhandling" means to knowingly request

596-03338-11

20111180c1

2031 money, gifts, or donations:

2032 1. By unwanted touching, detaining, impeding, or  
2033 intimidation;

2034 2. Under circumstances that warrant justifiable and  
2035 reasonable alarm or immediate concern for the safety of persons  
2036 or property in the vicinity;

2037 3. By following the solicited person after that person has  
2038 made a negative response; or

2039 4. By using obscene or abusive language or gestures that  
2040 are reasonably likely to intimidate or cause fear of bodily  
2041 harm.

2042 (b) "False or misleading representation" means, without  
2043 limitation:

2044 1. Stating that the donation is needed to meet a specific  
2045 need, when the solicitor already has sufficient funds to meet  
2046 that need and does not disclose that fact;

2047 2. Stating that the solicitor is from out of town and  
2048 stranded, when such is not true;

2049 3. Wearing a military uniform or other indication of  
2050 military service when the solicitor is not a present or former  
2051 member of the service indicated;

2052 4. Wearing or displaying an indication of physical  
2053 disability, when the solicitor does not suffer the disability  
2054 indicated;

2055 5. Using any makeup or device to simulate any deformity; or

2056 6. Stating that the solicitor is homeless, when he or she  
2057 is not.

2058 (c) "Fraudulent panhandling" means to knowingly make any  
2059 false or misleading representation in the course of soliciting a

596-03338-11

20111180c1

2060 donation.

2061 (d) "Panhandling" means to:

2062 1. Solicit, request, or beg for an immediate donation of  
2063 money or something else of value; or

2064 2. Offer an individual an item of little or no monetary  
2065 value in exchange for money or another gratuity under  
2066 circumstances that would cause a reasonable individual to  
2067 understand that the transaction is only a donation.

2068 (3) PROHIBITED ACTIVITY.—It is unlawful to:

2069 (a) Engage in aggressive panhandling.

2070 (b) Engage in panhandling:

2071 1. Within 20 feet of a bus stop;

2072 2. Within 20 feet of an automated teller machine or the  
2073 entrance to a bank;

2074 3. While blocking the entrance to a building or motor  
2075 vehicle; or

2076 4. In a parking garage owned or operated by a county, a  
2077 municipality, or an agency of the state or the Federal  
2078 Government.

2079 (c) Engage in fraudulent panhandling.

2080 (4) LOCAL GOVERNMENT JURISDICTION.—Counties and  
2081 municipalities may increase the restrictions on panhandling if  
2082 those restrictions are nondiscriminatory and narrowly tailored  
2083 to serve an important public purpose. A county or municipality  
2084 may opt out of the provisions of this section by a majority vote  
2085 of the members of the county or municipal governing body. This  
2086 section does not preempt any existing ordinances that are  
2087 consistent with this section.

2088 (5) VIOLATIONS; PENALTIES.—Any person who violates the



596-03338-11

20111180c1

2089 provisions of this section, upon conviction, shall be cited for  
2090 a pedestrian violation, punishable as provided in chapter 318.  
2091 An additional \$10 shall be added to the fine levied under  
2092 chapter 318. Moneys collected from this additional \$10 fine  
2093 shall be deposited into the Grants and Donations Trust Fund of  
2094 the Department of Children and Family Services and used by the  
2095 State Office on Homelessness to supplement grants made under s.  
2096 420.622(4) and (5).

2097 (6) ENFORCEMENT.—The Department of Highway Safety and Motor  
2098 Vehicles and other law enforcement agencies are authorized and  
2099 directed to enforce this section.

2100 Section 44. Paragraph (c) of subsection (2) of section  
2101 316.302, Florida Statutes, is amended to read:

2102 316.302 Commercial motor vehicles; safety regulations;  
2103 transporters and shippers of hazardous materials; enforcement.—

2104 (2)

2105 (c) Except as provided in 49 C.F.R. s. 395.1, a person who  
2106 operates a commercial motor vehicle solely in intrastate  
2107 commerce not transporting any hazardous material in amounts that  
2108 require placarding pursuant to 49 C.F.R. part 172 may not drive  
2109 after having been on duty more than 70 hours in any period of 7  
2110 consecutive days or more than 80 hours in any period of 8  
2111 consecutive days if the motor carrier operates every day of the  
2112 week. Thirty-four consecutive hours off duty shall constitute  
2113 the end of any such period of 7 or 8 consecutive days. This  
2114 weekly limit does not apply to a person who operates a  
2115 commercial motor vehicle solely within this state while  
2116 transporting, during harvest periods, any unprocessed  
2117 agricultural products or unprocessed food or fiber that is

596-03338-11

20111180c1

2118 subject to seasonal harvesting from place of harvest to the  
2119 first place of processing or storage or from place of harvest  
2120 directly to market or while transporting livestock, livestock  
2121 feed, or farm supplies directly related to growing or harvesting  
2122 agricultural products. Upon request of the Department of  
2123 Transportation, motor carriers shall furnish time records or  
2124 other written verification to that department so that the  
2125 Department of Transportation can determine compliance with this  
2126 subsection. These time records must be furnished to the  
2127 Department of Transportation within 2 days after receipt of that  
2128 department's request. Falsification of such information is  
2129 subject to a civil penalty not to exceed \$100. The provisions of  
2130 this paragraph do not apply to operators of farm labor vehicles  
2131 operated during a state of emergency declared by the Governor or  
2132 operated pursuant to s. 570.07(21), and do not apply to drivers  
2133 of utility service vehicles as defined in 49 C.F.R. s. 395.2.

2134 Section 45. Subsection (26) of section 334.044, Florida  
2135 Statutes, is amended to read:

2136 334.044 Department; powers and duties.—The department shall  
2137 have the following general powers and duties:

2138 (26) To provide for the enhancement of environmental  
2139 benefits, including air and water quality; to prevent roadside  
2140 erosion; to conserve the natural roadside growth and scenery;  
2141 and to provide for the implementation and maintenance of  
2142 roadside conservation, enhancement, and stabilization programs.  
2143 No more less than 1.5 percent of the amount contracted for  
2144 construction projects that add capacity to the existing system  
2145 shall be allocated by the department for the purchase of plant  
2146 materials, if such amount does not exceed \$1 million per

596-03338-11

20111180c1

2147 project. ~~with,~~ To the greatest extent practical, a minimum of 50  
2148 percent of these funds shall be allocated for large plant  
2149 materials and the remaining funds for other plant materials. All  
2150 such plant materials shall be purchased from Florida commercial  
2151 nursery stock in this state on a uniform competitive bid basis.  
2152 The department will develop grades and standards for landscaping  
2153 materials purchased through this process. To accomplish these  
2154 activities, the department may contract with nonprofit  
2155 organizations having the primary purpose of developing youth  
2156 employment opportunities.

2157 Section 46. Section 337.406, Florida Statutes, is amended  
2158 to read:

2159 337.406 Unlawful use of state transportation facility  
2160 right-of-way; penalties.—

2161 (1) Except when leased as provided in s. 337.25(5) ~~or~~  
2162 ~~otherwise authorized by the rules of the department,~~ it is  
2163 unlawful to make any use of any limited access highway ~~the~~  
2164 ~~right-of-way of any state transportation facility,~~ including  
2165 appendages thereto, ~~outside of an incorporated municipality~~ in  
2166 any manner that interferes with the safe and efficient movement  
2167 of people and property from place to place on the transportation  
2168 facility. Failure to prohibit the use of right-of-way in this  
2169 manner will endanger the health, safety, and general welfare of  
2170 the public by causing distractions to motorists, unsafe  
2171 pedestrian movement within travel lanes, sudden stoppage or  
2172 slowdown of traffic, rapid lane changing and other dangerous  
2173 traffic movement, increased vehicular accidents, and motorist  
2174 injuries and fatalities. Such prohibited uses include, but are  
2175 not limited to, the free distribution or sale, or display or

596-03338-11

20111180c1

2176 solicitation for free distribution or sale, of any merchandise,  
2177 goods, property or services; the solicitation for charitable  
2178 purposes; the servicing or repairing of any vehicle, except the  
2179 rendering of emergency service; the storage of vehicles being  
2180 serviced or repaired on abutting property or elsewhere; and the  
2181 display of advertising of any sort, ~~except that any portion of a~~  
2182 ~~state transportation facility may be used for an art festival,~~  
2183 ~~parade, fair, or other special event if permitted by the~~  
2184 ~~appropriate local governmental entity.~~ Counties and  
2185 municipalities shall regulate the use of transportation  
2186 facilities within their jurisdiction, except limited access  
2187 highways, pursuant to s. 316.2046. The Department of  
2188 Transportation shall regulate the use of rest areas and welcome  
2189 centers as limited public forums that are provided to the public  
2190 for safety rest stops. Accordingly, the uses within these rest  
2191 areas and welcome centers may be limited. ~~Local government~~  
2192 ~~entities may issue permits of limited duration for the temporary~~  
2193 ~~use of the right-of-way of a state transportation facility for~~  
2194 ~~any of these prohibited uses if it is determined that the use~~  
2195 ~~will not interfere with the safe and efficient movement of~~  
2196 ~~traffic and the use will cause no danger to the public. The~~  
2197 ~~permitting authority granted in this subsection shall be~~  
2198 ~~exercised by the municipality within incorporated municipalities~~  
2199 ~~and by the county outside an incorporated municipality. Before a~~  
2200 ~~road on the State Highway System may be temporarily closed for a~~  
2201 ~~special event, the local governmental entity which permits the~~  
2202 ~~special event to take place must determine that the temporary~~  
2203 ~~closure of the road is necessary and must obtain the prior~~  
2204 ~~written approval for the temporary road closure from the~~

596-03338-11

20111180c1

2205 ~~department.~~ Nothing in this subsection shall be construed to  
2206 authorize such activities on any limited access highway. ~~Local~~  
2207 ~~governmental entities may, within their respective~~  
2208 ~~jurisdictions, initiate enforcement action by the appropriate~~  
2209 ~~code enforcement authority or law enforcement authority for a~~  
2210 ~~violation of this section.~~

2211 ~~(2) Persons holding valid peddlers' licenses issued by~~  
2212 ~~appropriate governmental entities may make sales from vehicles~~  
2213 ~~standing on the right-of-way to occupants of abutting property~~  
2214 ~~only.~~

2215 (2) ~~(3)~~ The Department of Highway Safety and Motor Vehicles  
2216 and other law enforcement agencies are authorized and directed  
2217 to enforce this statute.

2218 (3) ~~(4)~~ Camping is prohibited on any portion of the right-  
2219 of-way of the State Highway System that is within 100 feet of a  
2220 bridge, causeway, overpass, or ramp.

2221 (4) ~~(5)~~ The violation of any provision of this section or  
2222 any rule promulgated by the department pursuant to this section  
2223 constitutes a misdemeanor of the second degree, punishable as  
2224 provided in s. 775.082 or s. 775.083, and each day a violation  
2225 continues to exist constitutes a separate offense.

2226 Section 47. Subsections (1) and (4) of section 337.408,  
2227 Florida Statutes, are amended to read:

2228 337.408 Regulation of bus stop benches, transit shelters,  
2229 street light poles, waste disposal receptacles, and modular news  
2230 racks within rights-of-way.-

2231 (1) Benches or transit shelters, including advertising  
2232 displayed on benches or transit shelters, may be installed  
2233 within the right-of-way limits of any municipal, county, or

596-03338-11

20111180c1

2234 state road, except a limited access highway, provided that such  
2235 benches or transit shelters are for the comfort or convenience  
2236 of the general public or are at designated stops on official bus  
2237 routes and provided that written authorization has been given to  
2238 a qualified private supplier of such service by the municipal  
2239 government within whose incorporated limits such benches or  
2240 transit shelters are installed or by the county government  
2241 within whose unincorporated limits such benches or transit  
2242 shelters are installed. A municipality or county may authorize  
2243 the installation, without public bid, of benches and transit  
2244 shelters together with advertising displayed thereon within the  
2245 right-of-way limits of such roads. All installations shall be in  
2246 compliance with all applicable laws and rules including, without  
2247 limitation, the Americans with Disabilities Act. Municipalities  
2248 and counties shall indemnify, defend, and hold harmless the  
2249 department from any suits, actions, proceedings, claims, losses,  
2250 costs, charges, expenses, damages, liabilities, attorney fees,  
2251 and court costs relating to the installation, removal, or  
2252 relocation of such installations. Any contract for the  
2253 installation of benches or transit shelters or advertising on  
2254 benches or transit shelters which was entered into before April  
2255 8, 1992, without public bidding is ratified and affirmed. Such  
2256 benches or transit shelters may not interfere with right-of-way  
2257 preservation and maintenance. Any bench or transit shelter  
2258 located on a sidewalk within the right-of-way limits of any road  
2259 on the State Highway System or the county road system shall be  
2260 located so as to leave at least 36 inches of clearance for  
2261 pedestrians and persons in wheelchairs. Such clearance shall be  
2262 measured in a direction perpendicular to the centerline of the

596-03338-11

20111180c1

2263 road.

2264 (4) The department has the authority to direct the  
2265 immediate relocation or removal of any bus stop bench, transit  
2266 shelter, waste disposal receptacle, public pay telephone, or  
2267 modular news rack that endangers life or property, or that is  
2268 otherwise not in compliance with applicable laws and rules,  
2269 except that transit bus benches that were placed in service  
2270 before April 1, 1992, are not required to comply with bench size  
2271 and advertising display size requirements established by the  
2272 department before March 1, 1992. If a municipality or county  
2273 fails to comply with the department's direction, the department  
2274 shall remove the noncompliant installation, charge the cost of  
2275 the removal to the municipality or county, and may deduct or  
2276 offset such cost from any other funding available to the  
2277 municipality or county from the department. ~~Any transit bus~~  
2278 ~~bench that was in service before April 1, 1992, may be replaced~~  
2279 ~~with a bus bench of the same size or smaller, if the bench is~~  
2280 ~~damaged or destroyed or otherwise becomes unusable.~~ The  
2281 department may adopt rules relating to the regulation of bench  
2282 size and advertising display size requirements. If a  
2283 municipality or county within which a bench is to be located has  
2284 adopted an ordinance or other applicable regulation that  
2285 establishes bench size or advertising display sign requirements  
2286 different from requirements specified in department rule, the  
2287 local government requirement applies within the respective  
2288 municipality or county. Placement of any bench or advertising  
2289 display on the National Highway System under a local ordinance  
2290 or regulation adopted under this subsection is subject to  
2291 approval of the Federal Highway Administration.

596-03338-11

20111180c1

2292 Section 48. Section 373.413, Florida Statutes, is amended  
2293 to read:

2294 373.413 Permits for construction or alteration.—

2295 (1) Except for the exemptions set forth herein, the  
2296 governing board or the department may require such permits and  
2297 impose such reasonable conditions as are necessary to assure  
2298 that the construction or alteration of any stormwater management  
2299 system, dam, impoundment, reservoir, appurtenant work, or works  
2300 will comply with the provisions of this part and applicable  
2301 rules promulgated thereto and will not be harmful to the water  
2302 resources of the district. The department or the governing board  
2303 may delineate areas within the district wherein permits may be  
2304 required.

2305 (2) A person proposing to construct or alter a stormwater  
2306 management system, dam, impoundment, reservoir, appurtenant  
2307 work, or works subject to such permit shall apply to the  
2308 governing board or department for a permit authorizing such  
2309 construction or alteration. The application shall contain the  
2310 following:

2311 (a) Name and address of the applicant.

2312 (b) Name and address of the owner or owners of the land  
2313 upon which the works are to be constructed and a legal  
2314 description of such land.

2315 (c) Location of the work.

2316 (d) Sketches of construction pending tentative approval.

2317 (e) Name and address of the person who prepared the plans  
2318 and specifications of construction.

2319 (f) Name and address of the person who will construct the  
2320 proposed work.



596-03338-11

20111180c1

2321 (g) General purpose of the proposed work.

2322 (h) Such other information as the governing board or  
2323 department may require.

2324 (3) After receipt of an application for a permit, the  
2325 governing board or department shall publish notice of the  
2326 application by sending a notice to any persons who have filed a  
2327 written request for notification of any pending applications  
2328 affecting the particular designated area. Such notice may be  
2329 sent by regular mail. The notice shall contain the name and  
2330 address of the applicant; a brief description of the proposed  
2331 activity, including any mitigation; the location of the proposed  
2332 activity, including whether it is located within an Outstanding  
2333 Florida Water or aquatic preserve; a map identifying the  
2334 location of the proposed activity subject to the application; a  
2335 depiction of the proposed activity subject to the application; a  
2336 name or number identifying the application and the office where  
2337 the application can be inspected; and any other information  
2338 required by rule.

2339 (4) In addition to the notice required by subsection (3),  
2340 the governing board or department may publish, or require an  
2341 applicant to publish at the applicant's expense, in a newspaper  
2342 of general circulation within the affected area, a notice of  
2343 receipt of the application and a notice of intended agency  
2344 action. This subsection does not limit the discretionary  
2345 authority of the department or the governing board of a water  
2346 management district to publish, or to require an applicant to  
2347 publish at the applicant's expense, any notice under this  
2348 chapter. The governing board or department shall also provide  
2349 notice of this intended agency action to the applicant and to

596-03338-11

20111180c1

2350 persons who have requested a copy of the intended agency action  
2351 for that specific application.

2352 (5) The governing board or department may charge a  
2353 subscription fee to any person who has filed a written request  
2354 for notification of any pending applications to cover the cost  
2355 of duplication and mailing charges.

2356 (6) It is the intent of the Legislature that the governing  
2357 board or department exercise flexibility in the permitting of  
2358 stormwater management systems associated with the construction  
2359 or alteration of systems serving state transportation projects  
2360 and facilities. Because of the unique limitations of linear  
2361 facilities, the governing board or department shall balance the  
2362 expenditure of public funds for stormwater treatment for state  
2363 transportation projects and facilities and the treatment  
2364 objectives to be achieved. In consideration thereof, the  
2365 governing board or department shall allow alternatives to onsite  
2366 treatment, including, but not limited to, regional stormwater  
2367 treatment systems. The Department of Transportation is not  
2368 responsible for the abatement of pollutants and flows entering  
2369 its stormwater management systems from offsite; however, this  
2370 subsection does not prohibit the Department of Transportation  
2371 from receiving and managing such pollutants and flows when it is  
2372 found to be cost-effective and prudent. Further, in association  
2373 with right-of-way acquisition for state transportation projects,  
2374 the Department of Transportation is responsible for providing  
2375 stormwater treatment and attenuation for additional right-of-  
2376 way, but is not responsible for modifying permits of adjacent  
2377 lands when it is not the permittee. To accomplish this, the  
2378 governing board or department shall adopt rules for these

596-03338-11

20111180c1

2379 activities.

2380 Section 49. Subsections (1), (2), (3), (4), and (5) of  
2381 section 373.4137, Florida Statutes, are amended to read:

2382 373.4137 Mitigation requirements for specified  
2383 transportation projects.—

2384 (1) The Legislature finds that environmental mitigation for  
2385 the impact of transportation projects proposed by the Department  
2386 of Transportation or a transportation authority established  
2387 pursuant to chapter 348 or chapter 349 can be more effectively  
2388 achieved by regional, long-range mitigation planning rather than  
2389 on a project-by-project basis. It is the intent of the  
2390 Legislature that mitigation to offset the adverse effects of  
2391 these transportation projects be funded by the Department of  
2392 Transportation and be carried out by the water management  
2393 districts, including the use of mitigation banks and any other  
2394 mitigation options that satisfy state and federal requirements  
2395 ~~established pursuant to this part.~~

2396 (2) Environmental impact inventories for transportation  
2397 projects proposed by the Department of Transportation or a  
2398 transportation authority established pursuant to chapter 348 or  
2399 chapter 349 shall be developed as follows:

2400 (a) By July 1 of each year, the Department of  
2401 Transportation or a transportation authority established  
2402 pursuant to chapter 348 or chapter 349 which chooses to  
2403 participate in this program shall submit to the water management  
2404 districts a list ~~copy~~ of its projects in the adopted work  
2405 program and an environmental impact inventory of habitats  
2406 addressed in the rules adopted pursuant to this part and s. 404  
2407 of the Clean Water Act, 33 U.S.C. s. 1344, which may be impacted

596-03338-11

20111180c1

2408 by its plan of construction for transportation projects in the  
2409 next 3 years of the tentative work program. The Department of  
2410 Transportation or a transportation authority established  
2411 pursuant to chapter 348 or chapter 349 may also include in its  
2412 environmental impact inventory the habitat impacts of any future  
2413 transportation project. The Department of Transportation and  
2414 each transportation authority established pursuant to chapter  
2415 348 or chapter 349 may fund any mitigation activities for future  
2416 projects using current year funds.

2417 (b) The environmental impact inventory shall include a  
2418 description of these habitat impacts, including their location,  
2419 acreage, and type; state water quality classification of  
2420 impacted wetlands and other surface waters; any other state or  
2421 regional designations for these habitats; and a list ~~survey~~ of  
2422 threatened species, endangered species, and species of special  
2423 concern affected by the proposed project.

2424 (3) (a) To fund development and implementation of the  
2425 mitigation plan for the projected impacts identified in the  
2426 environmental impact inventory described in subsection (2), the  
2427 Department of Transportation shall identify funds quarterly in  
2428 an escrow account within the State Transportation Trust Fund for  
2429 the environmental mitigation phase of projects budgeted by the  
2430 Department of Transportation for the current fiscal year. The  
2431 escrow account shall be maintained by the Department of  
2432 Transportation for the benefit of the water management  
2433 districts. Any interest earnings from the escrow account shall  
2434 remain with the Department of Transportation.

2435 (b) Each transportation authority established pursuant to  
2436 chapter 348 or chapter 349 that chooses to participate in this

596-03338-11

20111180c1

2437 program shall create an escrow account within its financial  
2438 structure and deposit funds in the account to pay for the  
2439 environmental mitigation phase of projects budgeted for the  
2440 current fiscal year. The escrow account shall be maintained by  
2441 the authority for the benefit of the water management districts.  
2442 Any interest earnings from the escrow account shall remain with  
2443 the authority.

2444 (c) Except for current mitigation projects in the  
2445 monitoring and maintenance phase and except as allowed by  
2446 paragraph (d), the water management districts may request a  
2447 transfer of funds from an escrow account no sooner than 30 days  
2448 prior to the date the funds are needed to pay for activities  
2449 associated with development or implementation of the approved  
2450 mitigation plan described in subsection (4) for the current  
2451 fiscal year, including, but not limited to, design, engineering,  
2452 production, and staff support. Actual conceptual plan  
2453 preparation costs incurred before plan approval may be submitted  
2454 to the Department of Transportation or the appropriate  
2455 transportation authority each year with the plan. The conceptual  
2456 plan preparation costs of each water management district will be  
2457 paid from mitigation funds associated with the environmental  
2458 impact inventory for the current year. The amount transferred to  
2459 the escrow accounts each year by the Department of  
2460 Transportation and participating transportation authorities  
2461 established pursuant to chapter 348 or chapter 349 shall  
2462 correspond to a cost per acre of \$75,000 multiplied by the  
2463 projected acres of impact identified in the environmental impact  
2464 inventory described in subsection (2). However, the \$75,000 cost  
2465 per acre does not constitute an admission against interest by

596-03338-11

20111180c1

2466 the state or its subdivisions nor is the cost admissible as  
2467 evidence of full compensation for any property acquired by  
2468 eminent domain or through inverse condemnation. Each July 1, the  
2469 cost per acre shall be adjusted by the percentage change in the  
2470 average of the Consumer Price Index issued by the United States  
2471 Department of Labor for the most recent 12-month period ending  
2472 September 30, compared to the base year average, which is the  
2473 average for the 12-month period ending September 30, 1996. Each  
2474 quarter, the projected acreage of impact shall be reconciled  
2475 with the acreage of impact of projects as permitted, including  
2476 permit modifications, pursuant to this part and s. 404 of the  
2477 Clean Water Act, 33 U.S.C. s. 1344. The subject year's transfer  
2478 of funds shall be adjusted accordingly to reflect the acreage of  
2479 impacts as permitted. The Department of Transportation and  
2480 participating transportation authorities established pursuant to  
2481 chapter 348 or chapter 349 are authorized to transfer such funds  
2482 from the escrow accounts to the water management districts to  
2483 carry out the mitigation programs. Environmental mitigation  
2484 funds that are identified or maintained in an escrow account for  
2485 the benefit of a water management district may be released if  
2486 the associated transportation project is excluded in whole or  
2487 part from the mitigation plan. For a mitigation project that is  
2488 in the maintenance and monitoring phase, the water management  
2489 district may request and receive a one-time payment based on the  
2490 project's expected future maintenance and monitoring costs. Upon  
2491 disbursement of the final maintenance and monitoring payment,  
2492 the obligation of the department or the participating  
2493 transportation authority is satisfied, the water management  
2494 district has the continuing responsibility for the mitigation

596-03338-11

20111180c1

2495 project, and the escrow account for the project established by  
2496 the Department of Transportation or the participating  
2497 transportation authority may be closed. Any interest earned on  
2498 these disbursed funds shall remain with the water management  
2499 district and must be used as authorized under this section.

2500 (d) Beginning in the 2005-2006 fiscal year, each water  
2501 management district shall be paid a lump-sum amount of \$75,000  
2502 per acre, adjusted as provided under paragraph (c), for  
2503 federally funded transportation projects that are included on  
2504 the environmental impact inventory and that have an approved  
2505 mitigation plan. Beginning in the 2009-2010 fiscal year, each  
2506 water management district shall be paid a lump-sum amount of  
2507 \$75,000 per acre, adjusted as provided under paragraph (c), for  
2508 federally funded and nonfederally funded transportation projects  
2509 that have an approved mitigation plan. All mitigation costs,  
2510 including, but not limited to, the costs of preparing conceptual  
2511 plans and the costs of design, construction, staff support,  
2512 future maintenance, and monitoring the mitigated acres shall be  
2513 funded through these lump-sum amounts.

2514 (4) Prior to March 1 of each year, each water management  
2515 district, in consultation with the Department of Environmental  
2516 Protection, the United States Army Corps of Engineers, the  
2517 Department of Transportation, participating transportation  
2518 authorities established pursuant to chapter 348 or chapter 349,  
2519 and other appropriate federal, state, and local governments, and  
2520 other interested parties, including entities operating  
2521 mitigation banks, shall develop a plan for the primary purpose  
2522 of complying with the mitigation requirements adopted pursuant  
2523 to this part and 33 U.S.C. s. 1344. In developing such plans,

596-03338-11

20111180c1

2524 the districts shall utilize sound ecosystem management practices  
2525 to address significant water resource needs and shall focus on  
2526 activities of the Department of Environmental Protection and the  
2527 water management districts, such as surface water improvement  
2528 and management (SWIM) projects and lands identified for  
2529 potential acquisition for preservation, restoration or  
2530 enhancement, and the control of invasive and exotic plants in  
2531 wetlands and other surface waters, to the extent that such  
2532 activities comply with the mitigation requirements adopted under  
2533 this part and 33 U.S.C. s. 1344. In determining the activities  
2534 to be included in such plans, the districts shall also consider  
2535 the purchase of credits from public or private mitigation banks  
2536 permitted under s. 373.4136 and associated federal authorization  
2537 and shall include such purchase as a part of the mitigation plan  
2538 when such purchase would offset the impact of the transportation  
2539 project, provide equal benefits to the water resources than  
2540 other mitigation options being considered, and provide the most  
2541 cost-effective mitigation option. The mitigation plan shall be  
2542 submitted to the water management district governing board, or  
2543 its designee, for review and approval. At least 14 days prior to  
2544 approval, the water management district shall provide a copy of  
2545 the draft mitigation plan to any person who has requested a  
2546 copy.

2547 (a) For each transportation project with a funding request  
2548 for the next fiscal year, the mitigation plan must include a  
2549 brief explanation of why a mitigation bank was or was not chosen  
2550 as a mitigation option, including an estimation of identifiable  
2551 costs of the mitigation bank and nonbank options to the extent  
2552 practicable.



596-03338-11

20111180c1

2553 (b) Specific projects may be excluded from the mitigation  
2554 plan, in whole or in part, and are ~~shall~~ not ~~be~~ subject to this  
2555 section upon the election agreement of the Department of  
2556 Transportation, ~~or~~ a transportation authority, if applicable, or  
2557 ~~and~~ the appropriate water management district ~~that the inclusion~~  
2558 ~~of such projects would hamper the efficiency or timeliness of~~  
2559 ~~the mitigation planning and permitting process. The water~~  
2560 ~~management district may choose to exclude a project in whole or~~  
2561 ~~in part if the district is unable to identify mitigation that~~  
2562 ~~would offset impacts of the project.~~

2563 (5) The water management district shall ensure ~~be~~  
2564 ~~responsible for ensuring~~ that mitigation requirements pursuant  
2565 to 33 U.S.C. s. 1344 are met for the impacts identified in the  
2566 environmental impact inventory described in subsection (2), by  
2567 implementation of the approved plan described in subsection (4)  
2568 to the extent funding is provided by the Department of  
2569 Transportation, or a transportation authority established  
2570 pursuant to chapter 348 or chapter 349, if applicable. During  
2571 the federal permitting process, the water management district  
2572 may deviate from the approved mitigation plan in order to comply  
2573 with federal permitting requirements.

2574 Section 50. Paragraph (c) of subsection (1) of section  
2575 374.976, Florida Statutes, is amended to read:

2576 374.976 Authority to address impacts of waterway  
2577 development projects.—

2578 (1) Each inland navigation district is empowered and  
2579 authorized to undertake programs intended to alleviate the  
2580 problems associated with its waterway or waterways, including,  
2581 but not limited to, the following:

596-03338-11

20111180c1

2582 (c) The district is authorized to aid and cooperate with  
2583 the Federal Government; state; member counties; nonmember  
2584 counties that contain any part of the intracoastal waterway  
2585 within their boundaries; navigation districts; the seaports of  
2586 Jacksonville, Port Canaveral, Port Citrus, Fort Pierce, Palm  
2587 Beach, Port Everglades, Miami, Port Manatee, St. Petersburg,  
2588 Tampa, Port St. Joe, Panama City, Pensacola, Key West, and  
2589 Fernandina; and local governments within the district in  
2590 planning and carrying out public navigation, local and regional  
2591 anchorage management, beach renourishment, public recreation,  
2592 inlet management, environmental education, and boating safety  
2593 projects, directly related to the waterways. The district is  
2594 also authorized to enter into cooperative agreements with the  
2595 United States Army Corps of Engineers, state, and member  
2596 counties, and to covenant in any such cooperative agreement to  
2597 pay part of the costs of acquisition, planning, development,  
2598 construction, reconstruction, extension, improvement, operation,  
2599 and maintenance of such projects.

2600 Section 51. Subsection (9) of section 403.021, Florida  
2601 Statutes, is amended to read:

2602 403.021 Legislative declaration; public policy.-

2603 (9) (a) The Legislature finds and declares that it is  
2604 essential to preserve and maintain authorized water depth in the  
2605 existing navigation channels, port harbors, turning basins, and  
2606 harbor berths of this state in order to provide for the  
2607 continued safe navigation of deepwater shipping commerce. The  
2608 department shall recognize that maintenance of authorized water  
2609 depths consistent with port master plans developed pursuant to  
2610 s. 163.3178(2) (k) is an ongoing, continuous, beneficial, and

596-03338-11

20111180c1

2611 necessary activity that is in the public interest; and it shall  
2612 develop a regulatory process that shall enable the ports of this  
2613 state to conduct such activities in an environmentally sound,  
2614 safe, expeditious, and cost-efficient manner. It is the further  
2615 intent of the Legislature that the permitting and enforcement of  
2616 dredging, dredged-material management, and other related  
2617 activities for Florida's deepwater ports pursuant to this  
2618 chapter and chapters 161, 253, and 373 shall be consolidated  
2619 within the department's Division of Water Resource Management  
2620 and, with the concurrence of the affected deepwater port or  
2621 ports, may be administered by a district office of the  
2622 department or delegated to an approved local environmental  
2623 program.

2624 (b) The provisions of paragraph (a) apply only to the port  
2625 waters, dredged-material management sites, port harbors,  
2626 navigation channels, turning basins, and harbor berths used for  
2627 deepwater commercial navigation in the ports of Jacksonville,  
2628 Tampa, Port Everglades, Miami, Port Canaveral, Port Citrus, Ft.  
2629 Pierce, Palm Beach, Port Manatee, Port St. Joe, Panama City, St.  
2630 Petersburg, Pensacola, Fernandina, and Key West.

2631 Section 52. Subsection (26) of section 403.061, Florida  
2632 Statutes, is amended to read:

2633 403.061 Department; powers and duties.—The department shall  
2634 have the power and the duty to control and prohibit pollution of  
2635 air and water in accordance with the law and rules adopted and  
2636 promulgated by it and, for this purpose, to:

2637 (26) (a) Develop standards and criteria for waters used for  
2638 deepwater shipping which standards and criteria consider  
2639 existing water quality; appropriate mixing zones and other

596-03338-11

20111180c1

2640 requirements for maintenance dredging in previously constructed  
2641 deepwater navigation channels, port harbors, turning basins, or  
2642 harbor berths; and appropriate mixing zones for disposal of  
2643 spoil material from dredging and, where necessary, develop a  
2644 separate classification for such waters. Such classification,  
2645 standards, and criteria shall recognize that the present  
2646 dedicated use of these waters is for deepwater commercial  
2647 navigation.

2648 (b) The provisions of paragraph (a) apply only to the port  
2649 waters, spoil disposal sites, port harbors, navigation channels,  
2650 turning basins, and harbor berths used for deepwater commercial  
2651 navigation in the ports of Jacksonville, Tampa, Port Everglades,  
2652 Miami, Port Canaveral, Port Citrus, Ft. Pierce, Palm Beach, Port  
2653 Manatee, Port St. Joe, Panama City, St. Petersburg, Port Bartow,  
2654 Florida Power Corporation's Crystal River Canal, Boca Grande,  
2655 Green Cove Springs, and Pensacola.

2656  
2657 The department shall implement such programs in conjunction with  
2658 its other powers and duties and shall place special emphasis on  
2659 reducing and eliminating contamination that presents a threat to  
2660 humans, animals or plants, or to the environment.

2661 Section 53. Subsection (3) of section 403.813, Florida  
2662 Statutes, is amended to read:

2663 403.813 Permits issued at district centers; exceptions.—

2664 (3) For maintenance dredging conducted under this section  
2665 by the seaports of Jacksonville, Port Canaveral, Port Citrus,  
2666 Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee,  
2667 St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key  
2668 West, and Fernandina or by inland navigation districts:

596-03338-11

20111180c1

2669 (a) A mixing zone for turbidity is granted within a 150-  
2670 meter radius from the point of dredging while dredging is  
2671 ongoing, except that the mixing zone may not extend into areas  
2672 supporting wetland communities, submerged aquatic vegetation, or  
2673 hardbottom communities.

2674 (b) The discharge of the return water from the site used  
2675 for the disposal of dredged material shall be allowed only if  
2676 such discharge does not result in a violation of water quality  
2677 standards in the receiving waters. The return-water discharge  
2678 into receiving waters shall be granted a mixing zone for  
2679 turbidity within a 150-meter radius from the point of discharge  
2680 during and immediately after the dredging, except that the  
2681 mixing zone may not extend into areas supporting wetland  
2682 communities, submerged aquatic vegetation, or hardbottom  
2683 communities.

2684 (c) The state may not exact a charge for material that this  
2685 subsection allows a public port or an inland navigation district  
2686 to remove.

2687 (d) The use of flocculants at the site used for disposal of  
2688 the dredged material is allowed if the use, including supporting  
2689 documentation, is coordinated in advance with the department and  
2690 the department has determined that the use is not harmful to  
2691 water resources.

2692 (e) This subsection does not prohibit maintenance dredging  
2693 of areas where the loss of original design function and  
2694 constructed configuration has been caused by a storm event,  
2695 provided that the dredging is performed as soon as practical  
2696 after the storm event. Maintenance dredging that commences  
2697 within 3 years after the storm event shall be presumed to

596-03338-11

20111180c1

2698 satisfy this provision. If more than 3 years are needed to  
2699 commence the maintenance dredging after the storm event, a  
2700 request for a specific time extension to perform the maintenance  
2701 dredging shall be submitted to the department, prior to the end  
2702 of the 3-year period, accompanied by a statement, including  
2703 supporting documentation, demonstrating that contractors are not  
2704 available or that additional time is needed to obtain  
2705 authorization for the maintenance dredging from the United  
2706 States Army Corps of Engineers.

2707 Section 54. Section 403.816, Florida Statutes, is amended  
2708 to read:

2709 403.816 Permits for maintenance dredging of deepwater ports  
2710 and beach restoration projects.—

2711 (1) The department shall establish a permit system under  
2712 this chapter and chapter 253 which provides for the performance,  
2713 for up to 25 years from the issuance of the original permit, of  
2714 maintenance dredging of permitted navigation channels, port  
2715 harbors, turning basins, harbor berths, and beach restoration  
2716 projects approved pursuant to chapter 161. However, permits  
2717 issued for dredging river channels which are not a part of a  
2718 deepwater port shall be valid for no more than five years. No  
2719 charge shall be exacted by the state for material removed during  
2720 such maintenance dredging by a public port authority.

2721 (2) The provisions of s. 253.77 do not apply to a permit  
2722 for maintenance dredging and spoil site approval when there is  
2723 no change in the size or location of the spoil disposal site and  
2724 when the applicant provides documentation to the department that  
2725 the appropriate lease, easement, or consent of use for the  
2726 project site issued pursuant to chapter 253 is recorded in the

596-03338-11

20111180c1

2727 county where the project is located.

2728 (3) The provisions of this section relating to ports apply  
2729 only to the port waters, spoil disposal sites, port harbors,  
2730 navigation channels, turning basins, and harbor berths used for  
2731 deepwater commercial navigation in the ports of Jacksonville,  
2732 Tampa, Port Everglades, Miami, Port Canaveral, Port Citrus, Ft.  
2733 Pierce, Palm Beach, Port Manatee, Port St. Joe, Panama City, St.  
2734 Petersburg, Port Bartow, Florida Power Corporation's Crystal  
2735 River Canal, Boca Grande, Green Cove Springs, and Pensacola.

2736 Section 55. Section 479.106, Florida Statutes, is amended  
2737 to read:

2738 479.106 Vegetation management.—

2739 (1) The removal, cutting, or trimming of trees or  
2740 vegetation on public right-of-way to make visible or to ensure  
2741 future visibility of the facing of a proposed sign or previously  
2742 permitted sign shall be performed only with the written  
2743 permission of the department in accordance with the provisions  
2744 of this section.

2745 (2) Any person desiring to engage in the removal, cutting,  
2746 or trimming of trees or vegetation for the purposes herein  
2747 described shall apply for an appropriate permit by ~~make~~ written  
2748 application to the department. The application for a permit  
2749 shall include at the election of the applicant, one of the  
2750 following:

2751 (a) A vegetation management plan consisting of a property  
2752 sketch indicating the onsite location of the vegetation or  
2753 individual trees to be removed, cut, or trimmed and describing  
2754 the existing conditions and proposed work to be accomplished.

2755 (b) Mitigation contribution to the Federal Grants Trust

596-03338-11

20111180c1

2756 Fund pursuant to s. 589.277(2) using values of a wholesale plant  
2757 nursery registered with the Division of Plant Industry of the  
2758 Department of Agriculture and Consumer Services.

2759 (c) A combination of both a vegetation management plan and  
2760 mitigation contribution ~~the applicant's plan for the removal,~~  
2761 cutting, or trimming and for the management of any vegetation  
2762 planted as part of a mitigation plan.

2763 (3) In evaluating a vegetation management plan or  
2764 mitigation contribution, the department ~~As a condition of any~~  
2765 removal of trees or vegetation, and where the department deems  
2766 appropriate as a condition of any cutting or trimming, the  
2767 department may require a vegetation management plan, approved by  
2768 the department, which considers conservation and mitigation, or  
2769 contribution to a plan of mitigation, for the replacement of  
2770 such vegetation. Each plan or contribution shall reasonably  
2771 evaluate the application as it relates ~~relate~~ to the vegetation  
2772 being affected by the application, taking into consideration the  
2773 condition of such vegetation, and, where appropriate, may  
2774 approve ~~shall include~~ plantings ~~that~~ ~~which~~ will allow reasonable  
2775 visibility of sign facings while screening sign structural  
2776 supports. Only herbicides approved by the Department of  
2777 Agriculture and Consumer Services may be used in the removal of  
2778 vegetation. The department shall act on the application for  
2779 approval of vegetation management plans, or approval of  
2780 mitigation contribution, within 30 days after receipt of such  
2781 application. A permit issued in response to such application is  
2782 valid for 5 years, may be renewed for an additional 5 years by  
2783 payment of the applicable application fee, and is binding upon  
2784 the department. The department may establish special mitigation



596-03338-11

20111180c1

2785 programs for the beautification and aesthetic improvement of  
2786 designated areas and permit individual applicants to contribute  
2787 to such programs as a part or in lieu of other mitigation  
2788 requirements.

2789 (4) The department may establish an application fee not to  
2790 exceed \$25 for each individual application to defer the costs of  
2791 processing such application and a fee not to exceed \$200 to  
2792 defer the costs of processing an application for multiple sites.

2793 (5) The department may only grant a permit pursuant to s.  
2794 479.07 for a new sign which requires the removal, cutting, or  
2795 trimming of existing trees or vegetation on public right-of-way  
2796 for the sign face to be visible from the highway when the sign  
2797 owner has removed one ~~at least two~~ nonconforming sign ~~signs~~ of  
2798 approximate comparable size and surrendered the permits for the  
2799 nonconforming signs to the department for cancellation. For  
2800 signs originally permitted after July 1, 1996, no permit for the  
2801 removal, cutting, or trimming of trees or vegetation shall be  
2802 granted where such trees or vegetation are part of a  
2803 beautification project implemented prior to the date of the  
2804 original sign permit application, when the beautification  
2805 project is specifically identified in the department's  
2806 construction plans, permitted landscape projects, or agreements.

2807 (6) As a minimum, view zones shall be established along the  
2808 public rights-of-way of interstate highways, expressways,  
2809 federal-aid primary highways, and the State Highway System in  
2810 the state, excluding privately or other publicly owned property,  
2811 as follows:

2812 1. A view zone of 350 feet for posted speed limits of 35  
2813 miles per hour or less.

596-03338-11

20111180c1

2814       2. A view zone of 500 feet for posted speed limits of more  
2815 than 35 miles per hour.

2816  
2817 The established view zone shall be within the first 1,000 feet  
2818 measured along the edge of the pavement in the direction of  
2819 approaching traffic from a point on the edge of the pavement  
2820 perpendicular to the edge of the sign facing nearest the highway  
2821 and shall be continuous unless interrupted by vegetation that  
2822 has established historical significance, is protected by state  
2823 law, or has a circumference, measured at 4 and 1/2 feet above  
2824 grade, is equal to or greater than 70 percent of the  
2825 circumference of the Florida Champion of the same species as  
2826 listed in the Florida Register of Big Trees of the Florida  
2827 Native Plant Society. The sign owner may designate the specific  
2828 location of the view zone for each sign facing. In the absence  
2829 of such designation, the established view zone shall be measured  
2830 from the sign along the edge of the pavement in the direction of  
2831 approaching traffic as provided in this subsection.

2832       (7)~~(6)~~ Beautification projects, trees, or other vegetation  
2833 shall not be planted or located in the view zone of legally  
2834 erected and permitted outdoor advertising signs which have been  
2835 permitted prior to the date of the beautification project or  
2836 other planting, where such planting will, at the time of  
2837 planting or after future growth, screen such sign from view. The  
2838 department shall provide written notice to the owner not less  
2839 than 90 days before commencing a beautification project or other  
2840 vegetation planting that may affect a sign, allowing such owner  
2841 not less than 60 days to designate the specific location of the  
2842 view zone of such affected sign. A sign owner is not required to

596-03338-11

20111180c1

2843 prepare a vegetation management plan or secure a vegetation  
2844 management permit for the implementation of beautification  
2845 projects.

2846 ~~(a) View zones are established along the public rights-of-~~  
2847 ~~way of interstate highways, expressways, federal-aid primary~~  
2848 ~~highways, and the State Highway System in the state, excluding~~  
2849 ~~privately or other publicly owned property, as follows:~~

2850 ~~1. A view zone of 350 feet for posted speed limits of 35~~  
2851 ~~miles per hour or less.~~

2852 ~~2. A view zone of 500 feet for posted speed limits of over~~  
2853 ~~35 miles per hour.~~

2854 ~~(b) The established view zone shall be within the first~~  
2855 ~~1,000 feet measured along the edge of the pavement in the~~  
2856 ~~direction of approaching traffic from a point on the edge of the~~  
2857 ~~pavement perpendicular to the edge of the sign facing nearest~~  
2858 ~~the highway and shall be continuous unless interrupted by~~  
2859 ~~existing, naturally occurring vegetation. The department and the~~  
2860 ~~sign owner may enter into an agreement identifying the specific~~  
2861 ~~location of the view zone for each sign facing. In the absence~~  
2862 ~~of such agreement, the established view zone shall be measured~~  
2863 ~~from the sign along the edge of the pavement in the direction of~~  
2864 ~~approaching traffic as provided in this subsection.~~

2865 ~~(a) (e)~~ If a sign owner alleges any governmental entity or  
2866 other party has violated this subsection, the sign owner must  
2867 provide 90 days' written notice to the governmental entity or  
2868 other party allegedly violating this subsection. If the alleged  
2869 violation is not cured by the governmental entity or other party  
2870 within the 90-day period, the sign owner may file a claim in the  
2871 circuit court where the sign is located. A copy of such

596-03338-11

20111180c1

2872 complaint shall be served contemporaneously upon the  
2873 governmental entity or other party. If the circuit court  
2874 determines a violation of this subsection has occurred, the  
2875 court shall award a claim for compensation equal to the lesser  
2876 of the revenue from the sign lost during the time of screening  
2877 or the fair market value of the sign, and the governmental  
2878 entity or other party shall pay the award of compensation  
2879 subject to available appeal. Any modification or removal of  
2880 material within a beautification project or other planting by  
2881 the governmental entity or other party to cure an alleged  
2882 violation shall not require the issuance of a permit from the  
2883 Department of Transportation provided not less than 48 hours'  
2884 notice is provided to the department of the modification or  
2885 removal of the material. A natural person, private corporation,  
2886 or private partnership licensed under part II of chapter 481  
2887 providing design services for beautification or other projects  
2888 shall not be subject to a claim of compensation under this  
2889 section when the initial project design meets the requirements  
2890 of this section.

2891 (b)~~(d)~~ This subsection shall not apply to the provisions of  
2892 any existing written agreement executed before July 1, 2006,  
2893 between any local government and the owner of an outdoor  
2894 advertising sign.

2895 (8)~~(7)~~ Any person engaging in removal, cutting, or trimming  
2896 of trees or vegetation in violation of this section or  
2897 benefiting from such actions shall be subject to an  
2898 administrative penalty of up to \$1,000 and required to mitigate  
2899 for the unauthorized removal, cutting, or trimming in such  
2900 manner and in such amount as may be required under the rules of

596-03338-11

20111180c1

2901 the department.

2902 ~~(9)-(8)~~ The intent of this section is to create partnering  
2903 relationships which will have the effect of improving the  
2904 appearance of Florida's highways and creating a net increase in  
2905 the vegetative habitat along the roads. Department rules shall  
2906 encourage the use of plants which are low maintenance and native  
2907 to the general region in which they are planted.

2908 Section 56. Subsections (16) and (17) are added to section  
2909 479.16, Florida Statutes, to read:

2910 479.16 Signs for which permits are not required.—The  
2911 following signs are exempt from the requirement that a permit  
2912 for a sign be obtained under the provisions of this chapter but  
2913 are required to comply with the provisions of s. 479.11(4)-(8):

2914 (16) Signs erected under the local tourist-oriented  
2915 commerce program signs pilot program under s. 479.263.

2916 (17) Signs not in excess of 32 square feet placed  
2917 temporarily during harvest season of a farm operation for a  
2918 period of no more than 4 months at a road junction with the  
2919 State Highway System denoting only the distance or direction of  
2920 the farm operation. The temporary farm operation harvest sign  
2921 provision under this subsection may not be implemented if the  
2922 Federal Government notifies the department that implementation  
2923 will adversely affect the allocation of federal funds to the  
2924 department.

2925 Section 57. Section 479.263, Florida Statutes, is created  
2926 to read:

2927 479.263 Tourist-oriented commerce signs pilot program.—The  
2928 local tourist-oriented commerce signs pilot program is created  
2929 in rural areas of critical economic concern as defined by s.

596-03338-11

20111180c1

2930 288.0656(2)(d) and (e). Signs erected under this program do not  
2931 require a permit under this chapter.

2932 (1) A local tourist-oriented business that is a small  
2933 business as defined in s. 288.703 may erect a sign that meets  
2934 the following criteria:

2935 (a) The signs are not more than 8 square feet in size or  
2936 more than 4 feet in height.

2937 (b) The signs are located only in rural areas along  
2938 highways that are not limited access highways.

2939 (c) The signs are located within 2 miles of the business  
2940 location and not less than 500 feet apart.

2941 (d) The advertising copy on the signs consists only of the  
2942 name of the business or the principal or accessory merchandise  
2943 or services sold or furnished on the premises of the business.

2944 (2) A business placing such signs under this section:

2945 (a) Must be a minimum of 4 miles from any other business  
2946 placing signs under this program.

2947 (b) May not participate in the logo sign program authorized  
2948 under s. 479.261 or the tourist-oriented directional sign  
2949 program authorized under s. 479.262.

2950 (3) Businesses that are conducted in a building principally  
2951 used as a residence are not eligible to participate.

2952 (4) Each business utilizing this program shall notify the  
2953 department in writing of its intent to do so prior to placing  
2954 signs. The department shall maintain statistics of the  
2955 businesses participating in the program. This program shall not  
2956 take effect if the Federal Highway Administration advises the  
2957 department in writing that implementation constitutes a loss of  
2958 effective control of outdoor advertising.

596-03338-11

20111180c1

2959        (5) This section expires June 30, 2016.

2960        Section 58. This act shall take effect July 1, 2011.