

1 A bill to be entitled
2 An act relating to the Department of Transportation;
3 amending s. 120.80, F.S., relating to rulemaking;
4 exempting the adjustment of tolls under specified
5 provisions from provisions requiring a statement of
6 estimated regulatory costs and a requirement for
7 legislative ratification; amending s. 286.011, F.S.;
8 providing for the conduct of transportation agency public
9 meetings through the use of communications media
10 technology; amending s. 316.091, F.S.; requiring the
11 department to establish a pilot program to open certain
12 limited access highways and bridges to bicycles and other
13 human-powered vehicles; providing requirements for the
14 pilot program; amending s. 316.302, F.S.; exempting
15 operators of farm labor vehicles from certain safety
16 regulations under certain circumstances; amending s.
17 334.03, F.S.; revising definitions for purposes of the
18 Florida Transportation Code; amending s. 334.044, F.S.;
19 revising the powers and duties of the department relating
20 to jurisdictional responsibility and designating
21 facilities; amending s. 334.047, F.S.; repealing a
22 provision prohibiting the department from establishing a
23 maximum number of miles of urban principal arterial roads
24 within a district or county; amending s. 336.021, F.S.;
25 revising the date when imposition of the ninth-cent fuel
26 tax is to be levied; amending s. 336.025, F.S.; revising
27 the dates when impositions or rate changes of the local
28 option fuel tax are to be levied and when counties must

29 | notify the Department of Revenue of such rates or rate
30 | changes; revising the definition of "transportation
31 | expenditures"; amending s. 337.111, F.S.; providing
32 | additional forms of security for the cost of removal of
33 | monuments or memorials or modifications to an installation
34 | site at highway rest areas; removing a provision requiring
35 | renewal of a bond; amending ss. 337.403 and 337.404, F.S.;
36 | revising provisions for alleviation of interference with a
37 | public road or publically owned rail corridor caused by a
38 | utility facility; requiring the utility owner to initiate
39 | and complete the work necessary within a certain time
40 | period; providing for notice to the utility; revising
41 | provisions for payment of costs; revising provisions for
42 | completion of work when the utility owner does not perform
43 | the work; amending s. 337.408, F.S.; revising provisions
44 | for certain facilities installed within the right-of-way
45 | limits of roads; requiring counties and municipalities to
46 | indemnify the department from certain claims relating to
47 | the installation, removal, or relocation of a noncompliant
48 | bench or shelter; authorizing the department to direct a
49 | county or municipality to remove or relocate a bus stop,
50 | bench, transit shelter, waste disposal receptacle, public
51 | pay telephone, or modular news rack that is not in
52 | compliance with applicable laws or rules; directing the
53 | department to remove or relocate such installation and
54 | charge the cost to the county or municipality; authorizing
55 | the department to deduct the cost from funding available
56 | to the municipality or county from the department;

57 removing a provision for the replacement of an unusable
58 transit bus bench that was in service before a certain
59 date; revising the title of chapter 338, F.S.; repealing
60 s. 338.001, F.S., relating to provisions for the Florida
61 Intrastate Highway System Plan; amending s. 338.01, F.S.;
62 including authority of the department in provisions for
63 the establishment limited access facilities; amending s.
64 339.155, F.S.; revising provisions for statewide
65 transportation planning by the department; providing for
66 federally required transportation planning factors;
67 revising provisions for the Florida Transportation Plan;
68 removing certain reporting requirements; revising
69 requirements for public participation in the planning
70 process; amending s. 339.63, F.S.; providing for inclusion
71 of certain access facilities in the Strategic Intermodal
72 System and the Emerging Strategic Intermodal System;
73 amending s. 339.64, F.S.; revising provisions for
74 development of the Strategic Intermodal System Plan;
75 removing the Statewide Intermodal Transportation Advisory
76 Council; creating s. 339.65, F.S.; providing for the
77 department to plan and develop Strategic Intermodal System
78 highway corridors; providing for allocations of funds on a
79 specified basis; providing for corridor projects to be
80 included in the department's adopted work program and
81 changes to be a separate part of the tentative work
82 program; creating s. 479.075, F.S.; defining the terms
83 "sign" and "sign permit fee"; establishing limitations on
84 fees charged for sign permits; requiring a fee schedule to

85 | be based on actual costs; providing for effect with
86 | respect to any agreement, resolution, or ordinance;
87 | requiring removal of a sign to adhere to specified
88 | provisions; amending s. 479.106, F.S.; revising
89 | requirements for an application for a permit to remove,
90 | cut, or trim trees or vegetation around a sign; requiring
91 | that the application include a vegetation management plan,
92 | a mitigation contribution to a trust fund, or a
93 | combination of both; providing certain evaluation
94 | criteria; providing criteria for the use of herbicides;
95 | providing a time limit within which the Department of
96 | Transportation must act; providing that the permit is
97 | valid for 5 years; providing for an extension of the
98 | permit; reducing the number of nonconforming signs that
99 | must be removed before a permit may be issued for certain
100 | signs; providing criteria for view zones; requiring the
101 | department to provide notice to the sign owner of
102 | beautification projects or vegetation planting; amending
103 | s. 479.16, F.S.; exempting signs erected under the local
104 | tourist-oriented commerce signs pilot program from certain
105 | permit requirements; exempting certain temporary signs for
106 | farm operations from permit requirements; creating s.
107 | 479.263, F.S.; creating the tourist-oriented commerce
108 | signs pilot program; exempting commercial signs that meet
109 | certain criteria from permit requirements; providing for
110 | future expiration of the pilot program; designating Edna
111 | S. Hargrett-Thrower Avenue in Orange County; designating
112 | SP4 Thomas Berry Corbin Memorial Highway and U.S. Navy BMC

113 Samuel Calhoun Chavous, Jr. Memorial Highway in Dixie
114 County; designating Marine Lance Corporal Brian R. Buesing
115 Memorial Highway, United States Army Sergeant Karl A.
116 Campbell Memorial Highway, and U.S. Army SPC James A. Page
117 Memorial Highway in Levy County; designating Veterans
118 Memorial Highway in Putnam County; designating Ben G.
119 Watts Highway in Washington County; designating Mardi Gras
120 Way, West Park Boulevard, and Pembroke Park Boulevard in
121 Broward County; designating Stark Memorial Drive and Duval
122 County Law Enforcement Memorial Overpass in Duval County;
123 designating Verna Bell Way in Nassau County; designating
124 Deputy Hal P. Croft and Deputy Ronald Jackson Memorial
125 Highway in Union County; designating Dr. Oscar Elias
126 Biscet Boulevard in Miami-Dade County; designating Alma
127 Lee Loy Bridge in Indian River County; amending ss. 24 and
128 45, ch. 2010-230, Laws of Florida; revising the
129 designation for Miss Lillie Williams Boulevard and Father
130 Gerard Jean-Juste Street in Miami-Dade County; directing
131 the Department of Transportation to erect suitable
132 markers; amending ss. 163.3180, 288.063, 311.07, 311.09,
133 316.2122, 316.515, 336.01, 338.222, 338.223, 338.2275,
134 338.228, 339.2819, 339.285, 341.8225, 479.01, 479.07, and
135 479.261, F.S., relating to transportation concurrency,
136 contracts, port facilities, Florida Seaport Transportation
137 and Economic Development Council, low-speed vehicles and
138 mini trucks, width and height limitations, the county road
139 system, turnpike projects, revenue bonds, Transportation
140 Regional Incentive Program, Enhanced Bridge Program for

CS/CS/HB 1363

2011

141 Sustainable Transportation, high-speed rail projects,
 142 outdoor advertising, sign permits, and the Logo sign
 143 program, respectively; revising cross-references; amending
 144 ss. 163.3187, 318.12, 335.02, 338.227, 338.234, 339.62,
 145 341.053, and 403.7211, F.S., relating to comprehensive
 146 plans, traffic infractions, standards for lanes, services
 147 related to the financing of projects, concessions along
 148 the turnpike, components of the Strategic Intermodal
 149 System, Intermodal Development Program, and hazardous
 150 waste facilities, respectively; revising references to
 151 conform to the incorporation of the Florida Intrastate
 152 Highway System into the Strategic Intermodal System and to
 153 changes made by the act; providing an effective date.

154

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

156

157 Section 1. Subsection (17) is added to section 120.80,
 158 Florida Statutes, to read:

159 120.80 Exceptions and special requirements; agencies.—

160 (17) DEPARTMENT OF TRANSPORTATION.—Sections 120.54(3)(b)
 161 and 120.541 do not apply to the adjustment of tolls pursuant to
 162 s. 338.165(3).

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

165 286.011 Public meetings and records; public inspection;
 166 criminal and civil penalties.—

167 (9) Transportation and expressway authorities created
 168 under chapter 343, chapter 348, or chapter 349 which are subject

169 to this section may conduct public meetings and workshops by
 170 means of communications media technology, as provided in s.
 171 120.54(5).

172 Section 3. Subsection (4) of section 316.091, Florida
 173 Statutes, is amended, present subsection (5) of that section is
 174 renumbered as subsection (6), and a new subsection (5) is added
 175 to that section, to read:

176 316.091 Limited access facilities; interstate highways;
 177 use restricted.—

178 (4) No person shall operate a bicycle or other human-
 179 powered vehicle on the roadway or along the shoulder of a
 180 limited access highway, including bridges, unless official signs
 181 and a designated marked bicycle lane are present at the entrance
 182 of the section of highway indicating that such use is permitted
 183 pursuant to a pilot program of the Department of Transportation
 184 an interstate highway.

185 (5) The Department of Transportation shall establish a 2-
 186 year pilot program, in three separate urban areas, in which it
 187 shall erect signs and designated marked bicycle lanes indicating
 188 highway approaches and bridge segments of limited access
 189 highways as open to use by operators of bicycles and other
 190 human-powered vehicles, under the following conditions:

191 (a) The limited access highway approaches and bridge
 192 segments chosen must cross a river, lake, bay, inlet, or surface
 193 water, where no street or highway crossing the water body is
 194 available for use within 2 miles of entrance to the limited
 195 access facility, measured along the shortest public right-of-
 196 way.

CS/CS/HB 1363

2011

197 (b) The Department of Transportation, with the concurrence
198 of the Federal Highway Administration on interstate facilities,
199 shall establish the three highway approaches and bridge segments
200 for the pilot project by October 1, 2011. In selecting the
201 highway approaches and bridge segments, the Department of
202 Transportation shall consider, without limitation, a minimum
203 size of population in the urban area within 5 miles of the
204 highway approach and bridge segment, the lack of bicycle access
205 by other means, cost, safety, and operational impacts.

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

212 (d) The Department of Transportation shall conduct the
213 pilot program for a minimum of 2 years following the
214 implementation date. The department may continue to provide
215 bicycle access on the highway approaches and bridge segments
216 chosen for the pilot program or initiate bicycle access on other
217 limited access facilities after the end of the program.

218 (e) The Department of Transportation shall submit a report
219 of its findings and recommendations from the pilot program to
220 the Governor, the President of the Senate, and the Speaker of
221 the House of Representatives by September 1, 2014. The report
222 shall include, at a minimum, bicycle crash data occurring in
223 designated segments of the pilot program, usage by operators of

224 bicycles and other human-powered vehicles, enforcement issues,
 225 operational impacts, and the cost of the pilot program.

226 Section 4. Paragraph (b) of subsection (2) of section
 227 316.302, Florida Statutes, is amended to read:

228 316.302 Commercial motor vehicles; safety regulations;
 229 transporters and shippers of hazardous materials; enforcement.-

230 (2)

231 (b) Except as provided in 49 C.F.R. s. 395.1, a person who
 232 operates a commercial motor vehicle solely in intrastate
 233 commerce not transporting any hazardous material in amounts that
 234 require placarding pursuant to 49 C.F.R. part 172 may not drive:

235 1. More than 12 hours following 10 consecutive hours off
 236 duty; or

237 2. For any period after the end of the 16th hour after
 238 coming on duty following 10 consecutive hours off duty.

239
 240 ~~The provisions of~~ This paragraph does ~~de~~ not apply to operators
 241 of farm labor vehicles during a state of emergency declared by
 242 the Governor or under s. 570.07(21) or to drivers of utility
 243 service vehicles as defined in 49 C.F.R. s. 395.2.

244 Section 5. Section 334.03, Florida Statutes, is amended to
 245 read:

246 334.03 Definitions.—When used in the Florida
 247 Transportation Code, the term:

248 (1)(37) "511" or "511 services" means three-digit
 249 telecommunications dialing to access interactive voice response
 250 telephone traveler information services provided in the state as
 251 defined by the Federal Communications Commission in FCC Order

252 No. 00-256, July 31, 2000.

253 ~~(1) "Arterial road" means a route providing service which~~
 254 ~~is relatively continuous and of relatively high traffic volume,~~
 255 ~~long average trip length, high operating speed, and high~~
 256 ~~mobility importance. In addition, every United States numbered~~
 257 ~~highway is an arterial road.~~

258 (2)~~(2)~~ "Bridge" means a structure, including supports,
 259 erected over a depression or an obstruction, such as water or a
 260 highway or railway, and having a track or passageway for
 261 carrying traffic as defined in chapter 316 or other moving
 262 loads.

263 (3) "City street system" means all ~~local~~ roads within a
 264 municipality that were under the jurisdiction of that
 265 municipality on June 10, 1995; roads constructed by a
 266 municipality for that municipality's street system; roads
 267 completely within an area annexed by the municipality, unless
 268 otherwise provided by mutual consent; and roads transferred to
 269 the municipality's jurisdiction after June 10, 1995, by mutual
 270 consent with another governmental entity, but not roads so
 271 transferred from the municipality's jurisdiction, ~~and all~~
 272 ~~collector roads inside that municipality, which are not in the~~
 273 ~~county road system.~~

274 ~~(4) "Collector road" means a route providing service which~~
 275 ~~is of relatively moderate average traffic volume, moderately~~
 276 ~~average trip length, and moderately average operating speed.~~
 277 ~~Such a route also collects and distributes traffic between local~~
 278 ~~roads or arterial roads and serves as a linkage between land~~
 279 ~~access and mobility needs.~~

280 (4)~~(5)~~ "Commissioners" means the governing body of a
 281 county.

282 (5)~~(6)~~ "Consolidated metropolitan statistical area" means
 283 two or more metropolitan statistical areas that are socially and
 284 economically interrelated as defined by the United States Bureau
 285 of the Census.

286 (6)~~(7)~~ "Controlled access facility" means a street or
 287 highway to which the right of access is highly regulated by the
 288 governmental entity having jurisdiction over the facility in
 289 order to maximize the operational efficiency and safety of the
 290 high-volume through traffic utilizing the facility. Owners or
 291 occupants of abutting lands and other persons have a right of
 292 access to or from such facility at such points only and in such
 293 manner as may be determined by the governmental entity.

294 (7)~~(8)~~ "County road system" means all roads within a
 295 county that were under the jurisdiction of that county on June
 296 10, 1995; roads constructed by a county for that county's road
 297 system; and roads transferred to the county's jurisdiction after
 298 June 10, 1995, by mutual consent with another governmental
 299 entity, but, except as otherwise provided by mutual consent, not
 300 roads transferred from the county's jurisdiction by mutual
 301 consent or roads that are completely within an area annexed by a
 302 municipality collector roads in the unincorporated areas of a
 303 ~~county and all extensions of such collector roads into and~~
 304 ~~through any incorporated areas, all local roads in the~~
 305 ~~unincorporated areas, and all urban minor arterial roads not in~~
 306 ~~the State Highway System.~~

307 (8)~~(9)~~ "Department" means the Department of

308 Transportation.

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

313 (9) ~~(11)~~ "Functional classification" means the assignment
 314 of roads into systems according to the character of service they
 315 provide in relation to the total road network using procedures
 316 developed by the Federal Highway Administration. ~~Basic~~
 317 ~~functional categories include arterial roads, collector roads,~~
 318 ~~and local roads which may be subdivided into principal, major,~~
 319 ~~or minor levels. Those levels may be additionally divided into~~
 320 ~~rural and urban categories.~~

321 (10) ~~(12)~~ "Governmental entity" means a unit of government,
 322 or any officially designated public agency or authority of a
 323 unit of government, that has the responsibility for planning,
 324 construction, operation, or maintenance or jurisdiction over
 325 transportation facilities; the term includes the Federal
 326 Government, the state government, a county, an incorporated
 327 municipality, a metropolitan planning organization, an
 328 expressway or transportation authority, a road and bridge
 329 district, a special road and bridge district, and a regional
 330 governmental unit.

331 (11) ~~(38)~~ "Interactive voice response" means a software
 332 application that accepts a combination of voice telephone input
 333 and touch-tone keypad selection and provides appropriate
 334 responses in the form of voice, fax, callback, e-mail, and other
 335 media.

336 (12)~~(13)~~ "Limited access facility" means a street or
337 highway especially designed for through traffic, and over, from,
338 or to which owners or occupants of abutting land or other
339 persons have no right or easement of access, light, air, or view
340 by reason of the fact that their property abuts upon such
341 limited access facility or for any other reason. Such highways
342 or streets may be facilities from which trucks, buses, and other
343 commercial vehicles are excluded; or they may be facilities open
344 to use by all customary forms of street and highway traffic.

345 (13)~~(14)~~ "Local governmental entity" means a unit of
346 government with less than statewide jurisdiction, or any
347 officially designated public agency or authority of such a unit
348 of government, that has the responsibility for planning,
349 construction, operation, or maintenance of, or jurisdiction
350 over, a transportation facility; the term includes, but is not
351 limited to, a county, an incorporated municipality, a
352 metropolitan planning organization, an expressway or
353 transportation authority, a road and bridge district, a special
354 road and bridge district, and a regional governmental unit.

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

359 (14)~~(16)~~ "Metropolitan area" means a geographic region
360 comprising as a minimum the existing urbanized area and the
361 contiguous area projected to become urbanized within a 20-year
362 forecast period. The boundaries of a metropolitan area may be
363 designated so as to encompass a metropolitan statistical area or

CS/CS/HB 1363

2011

364 a consolidated metropolitan statistical area. If a metropolitan
365 area, or any part thereof, is located within a nonattainment
366 area, the boundaries of the metropolitan area must be designated
367 so as to include the boundaries of the entire nonattainment
368 area, unless otherwise provided by agreement between the
369 applicable metropolitan planning organization and the Governor.

370 (15)~~(17)~~ "Metropolitan statistical area" means an area
371 that includes a municipality of 50,000 persons or more, or an
372 urbanized area of at least 50,000 persons as defined by the
373 United States Bureau of the Census, provided that the component
374 county or counties have a total population of at least 100,000.

375 (16)~~(18)~~ "Nonattainment area" means an area designated by
376 the United States Environmental Protection Agency, pursuant to
377 federal law, as exceeding national primary or secondary ambient
378 air quality standards for the pollutants carbon monoxide or
379 ozone.

380 (17)~~(19)~~ "Periodic maintenance" means activities that are
381 large in scope and require a major work effort to restore
382 deteriorated components of the transportation system to a safe
383 and serviceable condition, including, but not limited to, the
384 repair of large bridge structures, major repairs to bridges and
385 bridge systems, and the mineral sealing of lengthy sections of
386 roadway.

387 (18)~~(20)~~ "Person" means any person described in s. 1.01 or
388 any unit of government in or outside the state.

389 (19)~~(21)~~ "Right of access" means the right of ingress to a
390 highway from abutting land and egress from a highway to abutting
391 land.

392 ~~(20)-(22)~~ "Right-of-way" means land in which the state, the
 393 department, a county, or a municipality owns the fee or has an
 394 easement devoted to or required for use as a transportation
 395 facility.

396 ~~(21)-(23)~~ "Road" means a way open to travel by the public,
 397 including, but not limited to, a street, highway, or alley. The
 398 term includes associated sidewalks, the roadbed, the right-of-
 399 way, and all culverts, drains, sluices, ditches, water storage
 400 areas, waterways, embankments, slopes, retaining walls, bridges,
 401 tunnels, and viaducts necessary for the maintenance of travel
 402 and all ferries used in connection therewith.

403 ~~(22)-(24)~~ "Routine maintenance" means minor repairs and
 404 associated tasks necessary to maintain a safe and efficient
 405 transportation system. The term includes: pavement patching;
 406 shoulder repair; cleaning and repair of drainage ditches,
 407 traffic signs, and structures; mowing; bridge inspection and
 408 maintenance; pavement striping; litter cleanup; and other
 409 similar activities.

410 ~~(23)-(25)~~ "State Highway System" means ~~the following, which~~
 411 ~~shall be facilities to which access is regulated:~~

412 ~~(a)~~ the interstate system and all other roads within the
 413 state which were under the jurisdiction of the state on June 10,
 414 1995, and roads constructed by an agency of the state for the
 415 State Highway System, and roads transferred to the state's
 416 jurisdiction after that date by mutual consent with another
 417 governmental entity, but not roads so transferred from the
 418 state's jurisdiction. Such facilities shall be facilities to
 419 which access is regulated. †

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

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

423 ~~(d) The urban minor arterial mileage on the existing State~~
424 ~~Highway System as of July 1, 1987, plus additional mileage to~~
425 ~~comply with the 2 percent requirement as described below.~~
426

427 ~~However, not less than 2 percent of the public road mileage of~~
428 ~~each urbanized area on record as of June 30, 1986, shall be~~
429 ~~included as minor arterials in the State Highway System.~~

430 ~~Urbanized areas not meeting the foregoing minimum requirement~~
431 ~~shall have transferred to the State Highway System additional~~
432 ~~minor arterials of the highest significance in which case the~~
433 ~~total minor arterials in the State Highway System from any~~
434 ~~urbanized area shall not exceed 2.5 percent of that area's total~~
435 ~~public urban road mileage.~~

436 (24)~~(26)~~ "State Park Road System" means roads embraced
437 within the boundaries of state parks and state roads leading to
438 state parks, other than roads of the State Highway System, the
439 county road systems, or the city street systems.

440 (25)~~(27)~~ "State road" means a street, road, highway, or
441 other way open to travel by the public generally and dedicated
442 to the public use according to law or by prescription and
443 designated by the department, as provided by law, as part of the
444 State Highway System.

445 (26)~~(28)~~ "Structure" means a bridge, viaduct, tunnel,
446 causeway, approach, ferry slip, culvert, toll plaza, gate, or
447 other similar facility used in connection with a transportation

448 facility.

449 (27)~~(29)~~ "Sufficiency rating" means the objective rating
 450 of a road or section of a road for the purpose of determining
 451 its capability to serve properly the actual or anticipated
 452 volume of traffic using the road.

453 (28)~~(30)~~ "Transportation corridor" means any land area
 454 designated by the state, a county, or a municipality which is
 455 between two geographic points and which area is used or suitable
 456 for the movement of people and goods by one or more modes of
 457 transportation, including areas necessary for management of
 458 access and securing applicable approvals and permits.

459 Transportation corridors shall contain, but are not limited to,
 460 the following:

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

462 (b) All property or property interests necessary for
 463 future transportation facilities, including rights of access,
 464 air, view, and light, whether public or private, for the purpose
 465 of securing and utilizing future transportation rights-of-way,
 466 including, but not limited to, any lands reasonably necessary
 467 now or in the future for securing applicable approvals and
 468 permits, borrow pits, drainage ditches, water retention areas,
 469 rest areas, replacement access for landowners whose access could
 470 be impaired due to the construction of a future facility, and
 471 replacement rights-of-way for relocation of rail and utility
 472 facilities.

473 (29)~~(31)~~ "Transportation facility" means any means for the
 474 transportation of people or property from place to place which
 475 is constructed, operated, or maintained in whole or in part from

CS/CS/HB 1363

2011

476 public funds. The term includes the property or property rights,
 477 both real and personal, which have been or may be established by
 478 public bodies for the transportation of people or property from
 479 place to place.

480 (30)~~(32)~~ "Urban area" means a geographic region comprising
 481 as a minimum the area inside the United States Bureau of the
 482 Census boundary of an urban place with a population of 5,000 or
 483 more persons, expanded to include adjacent developed areas as
 484 provided for by Federal Highway Administration regulations.

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

491 (31)~~(34)~~ "Urban place" means a geographic region composed
 492 of one or more contiguous census tracts that have been found by
 493 the United States Bureau of the Census to contain a population
 494 density of at least 1,000 persons per square mile.

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

501 (32)~~(36)~~ "Urbanized area" means a geographic region
 502 comprising as a minimum the area inside an urban place of 50,000
 503 or more persons, as designated by the United States Bureau of

CS/CS/HB 1363

2011

504 the Census, expanded to include adjacent developed areas as
 505 provided for by Federal Highway Administration regulations.
 506 Urban areas with a population of fewer than 50,000 persons which
 507 are located within the expanded boundary of an urbanized area
 508 are not separately recognized.

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

511 334.044 Department; powers and duties.—The department
 512 shall have the following general powers and duties:

513 (11) To establish a numbering system for public roads, and
 514 to functionally classify such roads, ~~and to assign~~
 515 ~~jurisdictional responsibility.~~

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

519 Section 7. Section 334.047, Florida Statutes, is amended
 520 to read:

521 334.047 Prohibition.—Notwithstanding any other provision
 522 of law to the contrary, the Department of Transportation may not
 523 establish a cap on the number of miles in the State Highway
 524 System ~~or a maximum number of miles of urban principal arterial~~
 525 ~~roads, as defined in s. 334.03, within a district or county.~~

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

528 336.021 County transportation system; levy of ninth-cent
 529 fuel tax on motor fuel and diesel fuel.—

530 (5) All impositions of the tax shall be levied before
 531 October 1 ~~July 1~~ of each year to be effective January 1 of the

CS/CS/HB 1363

2011

532 following year. However, levies of the tax which were in effect
533 on July 1, 2002, and which expire on August 31 of any year may
534 be reimposed at the current authorized rate to be effective
535 September 1 of the year of expiration. All impositions shall be
536 required to end on December 31 of a year. A decision to rescind
537 the tax shall not take effect on any date other than December 31
538 and shall require a minimum of 60 days' notice to the department
539 of such decision.

540 Section 9. Paragraphs (a) and (b) of subsection (1),
541 paragraph (a) of subsection (5), and paragraphs (d) and (e) of
542 subsection (7) of section 336.025, Florida Statutes, are amended
543 to read:

544 336.025 County transportation system; levy of local option
545 fuel tax on motor fuel and diesel fuel.—

546 (1)(a) In addition to other taxes allowed by law, there
547 may be levied as provided in ss. 206.41(1)(e) and 206.87(1)(c) a
548 1-cent, 2-cent, 3-cent, 4-cent, 5-cent, or 6-cent local option
549 fuel tax upon every gallon of motor fuel and diesel fuel sold in
550 a county and taxed under the provisions of part I or part II of
551 chapter 206.

552 1. All impositions and rate changes of the tax shall be
553 levied before October 1 ~~July 1~~ to be effective January 1 of the
554 following year for a period not to exceed 30 years, and the
555 applicable method of distribution shall be established pursuant
556 to subsection (3) or subsection (4). However, levies of the tax
557 which were in effect on July 1, 2002, and which expire on August
558 31 of any year may be reimposed at the current authorized rate
559 effective September 1 of the year of expiration. Upon

560 expiration, the tax may be relieved provided that a
 561 redetermination of the method of distribution is made as
 562 provided in this section.

563 2. County and municipal governments shall utilize moneys
 564 received pursuant to this paragraph only for transportation
 565 expenditures.

566 3. Any tax levied pursuant to this paragraph may be
 567 extended on a majority vote of the governing body of the county.
 568 A redetermination of the method of distribution shall be
 569 established pursuant to subsection (3) or subsection (4), if,
 570 after July 1, 1986, the tax is extended or the tax rate changed,
 571 for the period of extension or for the additional tax.

572 (b) In addition to other taxes allowed by law, there may
 573 be levied as provided in s. 206.41(1)(e) a 1-cent, 2-cent, 3-
 574 cent, 4-cent, or 5-cent local option fuel tax upon every gallon
 575 of motor fuel sold in a county and taxed under the provisions of
 576 part I of chapter 206. The tax shall be levied by an ordinance
 577 adopted by a majority plus one vote of the membership of the
 578 governing body of the county or by referendum.

579 1. All impositions and rate changes of the tax shall be
 580 levied before October 1 ~~July 1~~, to be effective January 1 of the
 581 following year. However, levies of the tax which were in effect
 582 on July 1, 2002, and which expire on August 31 of any year may
 583 be reimposed at the current authorized rate effective September
 584 1 of the year of expiration.

585 2. The county may, prior to levy of the tax, establish by
 586 interlocal agreement with one or more municipalities located
 587 therein, representing a majority of the population of the

588 incorporated area within the county, a distribution formula for
589 dividing the entire proceeds of the tax among county government
590 and all eligible municipalities within the county. If no
591 interlocal agreement is adopted before the effective date of the
592 tax, tax revenues shall be distributed pursuant to the
593 provisions of subsection (4). If no interlocal agreement exists,
594 a new interlocal agreement may be established prior to June 1 of
595 any year pursuant to this subparagraph. However, any interlocal
596 agreement agreed to under this subparagraph after the initial
597 levy of the tax or change in the tax rate authorized in this
598 section shall under no circumstances materially or adversely
599 affect the rights of holders of outstanding bonds which are
600 backed by taxes authorized by this paragraph, and the amounts
601 distributed to the county government and each municipality shall
602 not be reduced below the amount necessary for the payment of
603 principal and interest and reserves for principal and interest
604 as required under the covenants of any bond resolution
605 outstanding on the date of establishment of the new interlocal
606 agreement.

607 3. County and municipal governments shall use moneys
608 received pursuant to this paragraph for transportation
609 expenditures needed to meet the requirements of the capital
610 improvements element of an adopted comprehensive plan or for
611 expenditures needed to meet immediate local transportation
612 problems and for other transportation-related expenditures that
613 are critical for building comprehensive roadway networks by
614 local governments. For purposes of this paragraph, expenditures
615 for the construction of new roads, the reconstruction or

616 resurfacing of existing paved roads, or the paving of existing
 617 graded roads shall be deemed to increase capacity and such
 618 projects shall be included in the capital improvements element
 619 of an adopted comprehensive plan. Expenditures for purposes of
 620 this paragraph shall not include routine maintenance of roads.

621 (5) (a) By October 1 ~~July 1~~ of each year, the county shall
 622 notify the Department of Revenue of the rate of the taxes levied
 623 pursuant to paragraphs (1) (a) and (b), and of its decision to
 624 rescind or change the rate of a tax, if applicable, and shall
 625 provide the department with a certified copy of the interlocal
 626 agreement established under subparagraph (1) (b)2. or
 627 subparagraph (3) (a)1. with distribution proportions established
 628 by such agreement or pursuant to subsection (4), if applicable.
 629 A decision to rescind a tax shall not take effect on any date
 630 other than December 31 and shall require a minimum of 60 days'
 631 notice to the Department of Revenue of such decision.

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

636 (d) Street lighting installation, operation, and
 637 maintenance.

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

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

642 337.111 Contracting for monuments and memorials to
 643 military veterans at rest areas.—The Department of

CS/CS/HB 1363

2011

644 Transportation is authorized to enter into contract with any
645 not-for-profit group or organization that has been operating for
646 not less than 2 years for the installation of monuments and
647 memorials honoring Florida's military veterans at highway rest
648 areas around the state pursuant to the provisions of this
649 section.

650 (4) The group or organization making the proposal shall
651 provide a 10-year bond, an annual renewable bond, an irrevocable
652 letter of credit, or other form of security as approved by the
653 department's comptroller, for the purpose of securing the cost
654 of removal of the monument and any modifications made to the
655 site as part of the placement of the monument should the
656 Department of Transportation determine it necessary to remove or
657 relocate the monument. Such removal or relocation shall be
658 approved by the committee described in subsection (1). ~~Prior to~~
659 ~~expiration, the bond shall be renewed for another 10-year period~~
660 ~~if the memorial is to remain in place.~~

661 Section 11. Section 337.403, Florida Statutes, is amended
662 to read:

663 337.403 Interference caused by Relocation of utility;
664 expenses.—

665 (1) When a Any utility ~~heretofore or hereafter~~ placed
666 upon, under, over, or along any public road or publicly owned
667 rail corridor ~~that~~ is found by the authority to be unreasonably
668 interfering in any way with the convenient, safe, or continuous
669 use, or the maintenance, improvement, extension, or expansion,
670 of such public road or publicly owned rail corridor, the utility
671 owner shall, upon 30 days' written notice to the utility or its

672 agent by the authority, initiate the work necessary to alleviate
 673 the interference ~~be removed or relocated by such utility~~ at its
 674 own expense except as provided in paragraphs (a)-(f). The work
 675 shall be completed within such time as stated in the notice or
 676 such time as agreed to by the authority and the utility owner.

677 (a) If the relocation of utility facilities, as referred
 678 to in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.
 679 627 of the 84th Congress, is necessitated by the construction of
 680 a project on the federal-aid interstate system, including
 681 extensions thereof within urban areas, and the cost of the
 682 project is eligible and approved for reimbursement by the
 683 Federal Government to the extent of 90 percent or more under the
 684 Federal Aid Highway Act, or any amendment thereof, then in that
 685 event the utility owning or operating such facilities shall
 686 perform any necessary work ~~relocate the facilities~~ upon notice
 687 from ~~order of~~ the department, and the state shall pay the entire
 688 expense properly attributable to such work ~~relocation~~ after
 689 deducting therefrom any increase in the value of any ~~the~~ new
 690 facility and any salvage value derived from any ~~the~~ old
 691 facility.

692 (b) When a joint agreement between the department and the
 693 utility is executed for utility ~~improvement, relocation, or~~
 694 ~~removal~~ work to be accomplished as part of a contract for
 695 construction of a transportation facility, the department may
 696 participate in those utility work ~~improvement, relocation, or~~
 697 ~~removal~~ costs that exceed the department's official estimate of
 698 the cost of the work by more than 10 percent. The amount of such
 699 participation shall be limited to the difference between the

CS/CS/HB 1363

2011

700 official estimate of all the work in the joint agreement plus 10
 701 percent and the amount awarded for this work in the construction
 702 contract for such work. The department may not participate in
 703 any utility work ~~improvement, relocation, or removal~~ costs that
 704 occur as a result of changes or additions during the course of
 705 the contract.

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

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

719 (e) If, under an agreement between a utility and the
 720 authority entered into after July 1, 2009, the utility conveys,
 721 subordinates, or relinquishes a compensable property right to
 722 the authority for the purpose of accommodating the acquisition
 723 or use of the right-of-way by the authority, without the
 724 agreement expressly addressing future responsibility for the
 725 cost of necessary utility work ~~removing or relocating the~~
 726 ~~utility~~, the authority shall bear the cost of removal or
 727 relocation. This paragraph does not impair or restrict, and may

728 | not be used to interpret, the terms of any such agreement
 729 | entered into before July 1, 2009.

730 | (f) If the utility is an electric facility being relocated
 731 | underground in order to enhance vehicular, bicycle, and
 732 | pedestrian safety and in which ownership of the electric
 733 | facility to be placed underground has been transferred from a
 734 | private to a public utility within the past 5 years, the
 735 | department shall incur all costs of the necessary utility work
 736 | ~~relocation~~.

737 | (2) If such utility work ~~removal or relocation~~ is
 738 | incidental to work to be done on such road or publicly owned
 739 | rail corridor, the notice shall be given at the same time the
 740 | contract for the work is advertised for bids, or no less than 30
 741 | days prior to the commencement of such work by the authority,
 742 | whichever is greater.

743 | (3) Whenever the notice from an order ~~of~~ the authority
 744 | requires such utility work ~~removal or change in the location of~~
 745 | ~~any utility from the right-of-way of a public road or publicly~~
 746 | ~~owned rail corridor,~~ and the owner thereof fails perform the
 747 | work to remove or change the same at his or her own expense ~~to~~
 748 | ~~conform to the order~~ within the time stated in the notice or
 749 | such other time as agreed to by the authority and the utility
 750 | owner, the authority shall proceed to cause the utility work to
 751 | be performed ~~to be removed~~. The expense thereby incurred shall
 752 | be paid out of any money available therefor, and such expense
 753 | shall, except as provided in subsection (1), be charged against
 754 | the owner and levied and collected and paid into the fund from
 755 | which the expense of such relocation was paid.

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

758 337.404 Removal or relocation of utility facilities;
 759 notice and order; court review.—

760 (1) Whenever it shall become necessary for the authority
 761 to perform utility work ~~remove or relocate any utility~~ as
 762 provided in s. 337.403 ~~the preceding section~~, the owner of the
 763 utility, or the owner's chief agent, shall be given notice that
 764 the authority will perform ~~of such work removal or relocation~~
 765 and, after the work is complete, shall be given an order
 766 requiring the payment of the cost thereof, and a ~~shall be given~~
 767 reasonable time, which shall not be less than 20 nor more than
 768 30 days, in which to appear before the authority to contest the
 769 reasonableness of the order. Should the owner or the owner's
 770 representative not appear, the determination of the cost to the
 771 owner shall be final. Authorities considered agencies for the
 772 purposes of chapter 120 shall adjudicate removal or relocation
 773 of utilities pursuant to chapter 120.

774 Section 13. Subsections (1) and (4) of section 337.408,
 775 Florida Statutes, are amended to read:

776 337.408 Regulation of bus stops, benches, transit
 777 shelters, street light poles, waste disposal receptacles, and
 778 modular news racks within rights-of-way.—

779 (1) Benches or transit shelters, including advertising
 780 displayed on benches or transit shelters, may be installed
 781 within the right-of-way limits of any municipal, county, or
 782 state road, except a limited access highway, provided that such
 783 benches or transit shelters are for the comfort or convenience

784 of the general public or are at designated stops on official bus
 785 routes and provided that written authorization has been given to
 786 a qualified private supplier of such service by the municipal
 787 government within whose incorporated limits such benches or
 788 transit shelters are installed or by the county government
 789 within whose unincorporated limits such benches or transit
 790 shelters are installed. A municipality or county may authorize
 791 the installation, without public bid, of benches and transit
 792 shelters together with advertising displayed thereon within the
 793 right-of-way limits of such roads. All installations shall be in
 794 compliance with all applicable laws and rules, including,
 795 without limitation, the Americans with Disabilities Act.
 796 Municipalities or counties shall indemnify, defend, and hold
 797 harmless the department from any suits, actions, proceedings,
 798 claims, losses, costs, charges, expenses, damages, liabilities,
 799 attorney fees, and court costs relating to the installation,
 800 removal, or relocation of such installations. Any contract for
 801 the installation of benches or transit shelters or advertising
 802 on benches or transit shelters which was entered into before
 803 April 8, 1992, without public bidding is ratified and affirmed.
 804 Such benches or transit shelters may not interfere with right-
 805 of-way preservation and maintenance. Any bench or transit
 806 shelter located on a sidewalk within the right-of-way limits of
 807 any road on the State Highway System or the county road system
 808 shall be located so as to leave at least 36 inches of clearance
 809 for pedestrians and persons in wheelchairs. Such clearance shall
 810 be measured in a direction perpendicular to the centerline of
 811 the road.

CS/CS/HB 1363

2011

812 (4) The department has the authority to direct the
813 immediate relocation or removal of any bus stop, bench, transit
814 shelter, waste disposal receptacle, public pay telephone, or
815 modular news rack that endangers life or property, or that is
816 otherwise not in compliance with applicable laws and rules,
817 except that transit bus benches that were placed in service
818 before April 1, 1992, are not required to comply with bench size
819 and advertising display size requirements established by the
820 department before March 1, 1992. If a municipality or county
821 fails to comply with the department's direction, the department
822 shall remove the noncompliant installation, charge the cost of
823 the removal to the municipality or county, and may deduct or
824 offset such cost from any other funding available to the
825 municipality or county from the department. ~~Any transit bus~~
826 ~~bench that was in service before April 1, 1992, may be replaced~~
827 ~~with a bus bench of the same size or smaller, if the bench is~~
828 ~~damaged or destroyed or otherwise becomes unusable.~~ The
829 department may adopt rules relating to the regulation of bench
830 size and advertising display size requirements. If a
831 municipality or county within which a bench is to be located has
832 adopted an ordinance or other applicable regulation that
833 establishes bench size or advertising display sign requirements
834 different from requirements specified in department rule, the
835 local government requirement applies within the respective
836 municipality or county. Placement of any bench or advertising
837 display on the National Highway System under a local ordinance
838 or regulation adopted under this subsection is subject to
839 approval of the Federal Highway Administration.

CS/CS/HB 1363

2011

840 Section 14. Chapter 338, Florida Statutes, is retitled
841 "LIMITED ACCESS AND TOLL FACILITIES."

842 Section 15. Section 338.001, Florida Statutes, is
843 repealed.

844 Section 16. Subsections (1) through (6) of section 338.01,
845 Florida Statutes, are renumbered as subsections (2) through (7),
846 respectively, and a new subsection (1) is added to that section
847 to read:

848 338.01 Authority to establish and regulate limited access
849 facilities.—

850 (1) The department is authorized to establish limited
851 access facilities as provided in s. 335.02. The primary function
852 of such limited access facilities is to allow high-speed and
853 high-volume traffic movements within the state. Access to
854 abutting land is subordinate to this function, and such access
855 must be prohibited or highly regulated.

856 Section 17. Section 339.155, Florida Statutes, is amended
857 to read:

858 339.155 Transportation planning.—

859 (1) THE FLORIDA TRANSPORTATION PLAN.—The department shall
860 develop ~~and annually update~~ a statewide transportation plan, to
861 be known as the Florida Transportation Plan. The plan shall be
862 designed so as to be easily read and understood by the general
863 public. The purpose of the Florida Transportation Plan is to
864 establish and define the state's long-range transportation goals
865 and objectives to be accomplished over a period of at least 20
866 years within the context of the State Comprehensive Plan, and
867 any other statutory mandates and authorizations and based upon

CS/CS/HB 1363

2011

868 the prevailing principles of: preserving the existing
869 transportation infrastructure; enhancing Florida's economic
870 competitiveness; and improving travel choices to ensure
871 mobility. The Florida Transportation Plan shall consider the
872 needs of the entire state transportation system and examine the
873 use of all modes of transportation to effectively and
874 efficiently meet such needs.

875 (2) SCOPE OF PLANNING PROCESS.—The department shall carry
876 out a transportation planning process in conformance with s.
877 334.046(1) and 23 U.S.C. s. 135. ~~which provides for~~
878 ~~consideration of projects and strategies that will:~~

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

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

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

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

888 ~~(e) Enhance the integration and connectivity of the~~
889 ~~transportation system, across and between modes throughout~~
890 ~~Florida, for people and freight;~~

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

892 ~~(g) Emphasize the preservation of the existing~~
893 ~~transportation system.~~

894 (3) FORMAT, SCHEDULE, AND REVIEW.—The Florida
895 Transportation Plan shall be a unified, concise planning

896 document that clearly defines the state's long-range
 897 transportation goals and objectives ~~and documents the~~
 898 ~~department's short-range objectives developed to further such~~
 899 ~~goals and objectives.~~ The plan shall:

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

904 (b) ~~(a)~~ Document ~~A long-range component documenting the~~
 905 goals and long-term objectives ~~necessary to implement the~~
 906 ~~results of the~~ department consistent with ~~department's findings~~
 907 ~~from its examination of the criteria listed in subsection (2)~~
 908 ~~and s. 334.046(1) and 23 U.S.C. s. 135.~~ ~~The long-range component~~
 909 ~~must~~

910 (c) Be developed in cooperation with the metropolitan
 911 planning organizations and reconciled, to the maximum extent
 912 feasible, with the long-range plans developed by metropolitan
 913 planning organizations pursuant to s. 339.175. ~~The plan must~~
 914 ~~also~~

915 (d) Be developed in consultation with affected local
 916 officials in nonmetropolitan areas and with any affected Indian
 917 tribal governments. ~~The plan must~~

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

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

924 ~~(b) A short-range component documenting the short-term~~
925 ~~objectives and strategies necessary to implement the goals and~~
926 ~~long-term objectives contained in the long-range component. The~~
927 ~~short-range component must define the relationship between the~~
928 ~~long-range goals and the short-range objectives, specify those~~
929 ~~objectives against which the department's achievement of such~~
930 ~~goals will be measured, and identify transportation strategies~~
931 ~~necessary to efficiently achieve the goals and objectives in the~~
932 ~~plan. It must provide a policy framework within which the~~
933 ~~department's legislative budget request, the strategic~~
934 ~~information resource management plan, and the work program are~~
935 ~~developed. The short-range component shall serve as the~~
936 ~~department's annual agency strategic plan pursuant to s.~~
937 ~~186.021. The short-range component shall be developed consistent~~
938 ~~with available and forecasted state and federal funds. The~~
939 ~~short-range component shall also be submitted to the Florida~~
940 ~~Transportation Commission.~~

941 ~~(4) ANNUAL PERFORMANCE REPORT. The department shall~~
942 ~~develop an annual performance report evaluating the operation of~~
943 ~~the department for the preceding fiscal year. The report shall~~
944 ~~also include a summary of the financial operations of the~~
945 ~~department and shall annually evaluate how well the adopted work~~
946 ~~program meets the short-term objectives contained in the short-~~
947 ~~range component of the Florida Transportation Plan. This~~
948 ~~performance report shall be submitted to the Florida~~
949 ~~Transportation Commission and the legislative appropriations and~~
950 ~~transportation committees.~~

951 (4)-~~(5)~~ ADDITIONAL TRANSPORTATION PLANS.-

952 (a) Upon request by local governmental entities, the
953 department may in its discretion develop and design
954 transportation corridors, arterial and collector streets,
955 vehicular parking areas, and other support facilities which are
956 consistent with the plans of the department for major
957 transportation facilities. The department may render to local
958 governmental entities or their planning agencies such technical
959 assistance and services as are necessary so that local plans and
960 facilities are coordinated with the plans and facilities of the
961 department.

962 (b) Each regional planning council, as provided for in s.
963 186.504, or any successor agency thereto, shall develop, as an
964 element of its strategic regional policy plan, transportation
965 goals and policies. The transportation goals and policies must
966 be prioritized to comply with the prevailing principles provided
967 in subsection (2) and s. 334.046(1). The transportation goals
968 and policies shall be consistent, to the maximum extent
969 feasible, with the goals and policies of the metropolitan
970 planning organization and the Florida Transportation Plan. The
971 transportation goals and policies of the regional planning
972 council will be advisory only and shall be submitted to the
973 department and any affected metropolitan planning organization
974 for their consideration and comments. Metropolitan planning
975 organization plans and other local transportation plans shall be
976 developed consistent, to the maximum extent feasible, with the
977 regional transportation goals and policies. The regional
978 planning council shall review urbanized area transportation
979 plans and any other planning products stipulated in s. 339.175

CS/CS/HB 1363

2011

980 and provide the department and respective metropolitan planning
981 organizations with written recommendations which the department
982 and the metropolitan planning organizations shall take under
983 advisement. Further, the regional planning councils shall
984 directly assist local governments which are not part of a
985 metropolitan area transportation planning process in the
986 development of the transportation element of their comprehensive
987 plans as required by s. 163.3177.

988 (c) Regional transportation plans may be developed in
989 regional transportation areas in accordance with an interlocal
990 agreement entered into pursuant to s. 163.01 by two or more
991 contiguous metropolitan planning organizations; one or more
992 metropolitan planning organizations and one or more contiguous
993 counties, none of which is a member of a metropolitan planning
994 organization; a multicounty regional transportation authority
995 created by or pursuant to law; two or more contiguous counties
996 that are not members of a metropolitan planning organization; or
997 metropolitan planning organizations comprised of three or more
998 counties.

999 (d) The interlocal agreement must, at a minimum, identify
1000 the entity that will coordinate the development of the regional
1001 transportation plan; delineate the boundaries of the regional
1002 transportation area; provide the duration of the agreement and
1003 specify how the agreement may be terminated, modified, or
1004 rescinded; describe the process by which the regional
1005 transportation plan will be developed; and provide how members
1006 of the entity will resolve disagreements regarding
1007 interpretation of the interlocal agreement or disputes relating

CS/CS/HB 1363

2011

1008 | to the development or content of the regional transportation
 1009 | plan. Such interlocal agreement shall become effective upon its
 1010 | recordation in the official public records of each county in the
 1011 | regional transportation area.

1012 | (e) The regional transportation plan developed pursuant to
 1013 | this section must, at a minimum, identify regionally significant
 1014 | transportation facilities located within a regional
 1015 | transportation area and contain a prioritized list of regionally
 1016 | significant projects. The level-of-service standards for
 1017 | facilities to be funded under this subsection shall be adopted
 1018 | by the appropriate local government in accordance with s.
 1019 | 163.3180(10). The projects shall be adopted into the capital
 1020 | improvements schedule of the local government comprehensive plan
 1021 | pursuant to s. 163.3177(3).

1022 | (5)~~(6)~~ PROCEDURES FOR PUBLIC PARTICIPATION IN
 1023 | TRANSPORTATION PLANNING.—

1024 | (a) During the development of the ~~long range component of~~
 1025 | ~~the~~ Florida Transportation Plan and prior to substantive
 1026 | revisions, the department shall provide citizens, affected
 1027 | public agencies, representatives of transportation agency
 1028 | employees, other affected employee representatives, private
 1029 | providers of transportation, and other known interested parties
 1030 | with an opportunity to comment on the proposed plan or
 1031 | revisions. These opportunities shall include, at a minimum,
 1032 | publishing a notice in the Florida Administrative Weekly and
 1033 | within a newspaper of general circulation within the area of
 1034 | each department district office.

1035 | (b) During development of major transportation

CS/CS/HB 1363

2011

1036 improvements, such as those increasing the capacity of a
1037 facility through the addition of new lanes or providing new
1038 access to a limited or controlled access facility or
1039 construction of a facility in a new location, the department
1040 shall hold one or more hearings prior to the selection of the
1041 facility to be provided; prior to the selection of the site or
1042 corridor of the proposed facility; and prior to the selection of
1043 and commitment to a specific design proposal for the proposed
1044 facility. Such public hearings shall be conducted so as to
1045 provide an opportunity for effective participation by interested
1046 persons in the process of transportation planning and site and
1047 route selection and in the specific location and design of
1048 transportation facilities. The various factors involved in the
1049 decision or decisions and any alternative proposals shall be
1050 clearly presented so that the persons attending the hearing may
1051 present their views relating to the decision or decisions which
1052 will be made.

1053 (c) Opportunity for design hearings:

1054 1. The department, prior to holding a design hearing,
1055 shall duly notify all affected property owners of record, as
1056 recorded in the property appraiser's office, by mail at least 20
1057 days prior to the date set for the hearing. The affected
1058 property owners shall be:

1059 a. Those whose property lies in whole or in part within
1060 300 feet on either side of the centerline of the proposed
1061 facility.

1062 b. Those whom the department determines will be
1063 substantially affected environmentally, economically, socially,

1064 or safetywise.

1065 2. For each subsequent hearing, the department shall
 1066 publish notice prior to the hearing date in a newspaper of
 1067 general circulation for the area affected. These notices must be
 1068 published twice, with the first notice appearing at least 15
 1069 days, but no later than 30 days, before the hearing.

1070 3. A copy of the notice of opportunity for the hearing
 1071 must be furnished to the United States Department of
 1072 Transportation and to the appropriate departments of the state
 1073 government at the time of publication.

1074 4. The opportunity for another hearing shall be afforded
 1075 in any case when proposed locations or designs are so changed
 1076 from those presented in the notices specified above or at a
 1077 hearing as to have a substantially different social, economic,
 1078 or environmental effect.

1079 5. The opportunity for a hearing shall be afforded in each
 1080 case in which the department is in doubt as to whether a hearing
 1081 is required.

1082 Section 18. Section 339.62, Florida Statutes, is amended
 1083 to read:

1084 339.62 System components.—The Strategic Intermodal System
 1085 shall consist of appropriate components of:

1086 (1) Highway corridors ~~The Florida Intrastate Highway~~
 1087 ~~System~~ established under s. 339.65 ~~s. 338.001~~.

1088 (2) The National Highway System.

1089 (3) Airport, seaport, and spaceport facilities.

1090 (4) Rail lines and rail facilities.

1091 (5) Selected intermodal facilities; passenger and freight

CS/CS/HB 1363

2011

1092 terminals; and appropriate components of the State Highway
 1093 System, county road system, city street system, inland
 1094 waterways, and local public transit systems that serve as
 1095 existing or planned connectors between the components listed in
 1096 subsections (1)-(4).

1097 (6) Other existing or planned corridors that serve a
 1098 statewide or interregional purpose.

1099 Section 19. Subsection (2) of section 339.63, Florida
 1100 Statutes, is amended to read:

1101 339.63 System facilities designated; additions and
 1102 deletions.—

1103 (2) The Strategic Intermodal System and the Emerging
 1104 Strategic Intermodal System include four ~~three~~ different types
 1105 of facilities that each form one component of an interconnected
 1106 transportation system which types include:

1107 (a) Existing or planned hubs that are ports and terminals
 1108 including airports, seaports, spaceports, passenger terminals,
 1109 and rail terminals serving to move goods or people between
 1110 Florida regions or between Florida and other markets in the
 1111 United States and the rest of the world;

1112 (b) Existing or planned corridors that are highways, rail
 1113 lines, waterways, and other exclusive-use facilities connecting
 1114 major markets within Florida or between Florida and other states
 1115 or nations; and

1116 (c) Existing or planned intermodal connectors that are
 1117 highways, rail lines, waterways or local public transit systems
 1118 serving as connectors between the components listed in
 1119 paragraphs (a) and (b).

1120 (d) Existing or planned military access facilities that
 1121 are highways or rail lines linking Strategic Intermodal System
 1122 corridors to the state's strategic military installations.

1123 Section 20. Section 339.64, Florida Statutes, is amended
 1124 to read:

1125 339.64 Strategic Intermodal System Plan.—

1126 (1) The department shall develop, in cooperation with
 1127 metropolitan planning organizations, regional planning councils,
 1128 local governments, ~~the Statewide Intermodal Transportation~~
 1129 ~~Advisory Council~~ and other transportation providers, a Strategic
 1130 Intermodal System Plan. The plan shall be consistent with the
 1131 Florida Transportation Plan developed pursuant to s. 339.155 and
 1132 shall be updated at least once every 5 years, subsequent to
 1133 updates of the Florida Transportation Plan.

1134 (2) In association with the continued development of the
 1135 Strategic Intermodal System Plan, the Florida Transportation
 1136 Commission, as part of its work program review process, shall
 1137 conduct an annual assessment of the progress that the department
 1138 and its transportation partners have made in realizing the goals
 1139 of economic development, improved mobility, and increased
 1140 intermodal connectivity of the Strategic Intermodal System. The
 1141 Florida Transportation Commission shall coordinate with the
 1142 department, ~~the Statewide Intermodal Transportation Advisory~~
 1143 ~~Council~~, and other appropriate entities when developing this
 1144 assessment. The Florida Transportation Commission shall deliver
 1145 a report to the Governor and Legislature no later than 14 days
 1146 after the regular session begins, with recommendations as
 1147 necessary to fully implement the Strategic Intermodal System.

1148 (3) (a) During the development of updates to the Strategic
 1149 Intermodal System Plan, the department shall provide
 1150 metropolitan planning organizations, regional planning councils,
 1151 local governments, transportation providers, affected public
 1152 agencies, and citizens with an opportunity to participate in and
 1153 comment on the development of the update.

1154 (b) The department also shall coordinate with federal,
 1155 regional, and local partners the planning for the Strategic
 1156 Highway Network and the Strategic Rail Corridor Network
 1157 transportation facilities that either are included in the
 1158 Strategic Intermodal System or that provide a direct connection
 1159 between military installations and the Strategic Intermodal
 1160 System. In addition, the department shall coordinate with
 1161 regional and local partners to determine whether the road and
 1162 other transportation infrastructure that connect military
 1163 installations to the Strategic Intermodal System, the Strategic
 1164 Highway Network, or the Strategic Rail Corridor is regionally
 1165 significant and should be included in the Strategic Intermodal
 1166 System Plan.

1167 (4) The Strategic Intermodal System Plan shall include the
 1168 following:

1169 (a) A needs assessment.

1170 (b) A project prioritization process.

1171 (c) A map of facilities designated as Strategic Intermodal
 1172 System facilities; facilities that are emerging in importance
 1173 and that are likely to become part of the system in the future;
 1174 and planned facilities that will meet the established criteria.

1175 (d) A finance plan based on reasonable projections of

1176 anticipated revenues, including both 10-year and at least 20-
 1177 year cost-feasible components.

1178 (e) An assessment of the impacts of proposed improvements
 1179 to Strategic Intermodal System corridors on military
 1180 installations that are either located directly on the Strategic
 1181 Intermodal System or located on the Strategic Highway Network or
 1182 Strategic Rail Corridor Network.

1183 ~~(5) STATEWIDE INTERMODAL TRANSPORTATION ADVISORY COUNCIL.~~

1184 ~~(a) The Statewide Intermodal Transportation Advisory~~
 1185 ~~Council is created to advise and make recommendations to the~~
 1186 ~~Legislature and the department on policies, planning, and~~
 1187 ~~funding of intermodal transportation projects. The council's~~
 1188 ~~responsibilities shall include:~~

1189 ~~1. Advising the department on the policies, planning, and~~
 1190 ~~implementation of strategies related to intermodal~~
 1191 ~~transportation.~~

1192 ~~2. Providing advice and recommendations to the Legislature~~
 1193 ~~on funding for projects to move goods and people in the most~~
 1194 ~~efficient and effective manner for the State of Florida.~~

1195 ~~(b) MEMBERSHIP. Members of the Statewide Intermodal~~
 1196 ~~Transportation Advisory Council shall consist of the following:~~

1197 ~~1. Six intermodal industry representatives selected by the~~
 1198 ~~Governor as follows:~~

1199 ~~a. One representative from an airport involved in the~~
 1200 ~~movement of freight and people from their airport facility to~~
 1201 ~~another transportation mode.~~

1202 ~~b. One individual representing a fixed route, local-~~
 1203 ~~government transit system.~~

1204 ~~e. One representative from an intercity bus company~~
 1205 ~~providing regularly scheduled bus travel as determined by~~
 1206 ~~federal regulations.~~

1207 ~~d. One representative from a spaceport.~~

1208 ~~e. One representative from intermodal trucking companies.~~

1209 ~~f. One representative having command responsibilities of a~~
 1210 ~~major military installation.~~

1211 ~~2. Three intermodal industry representatives selected by~~
 1212 ~~the President of the Senate as follows:~~

1213 ~~a. One representative from major-line railroads.~~

1214 ~~b. One representative from seaports listed in s. 311.09(1)~~
 1215 ~~from the Atlantic Coast.~~

1216 ~~e. One representative from an airport involved in the~~
 1217 ~~movement of freight and people from their airport facility to~~
 1218 ~~another transportation mode.~~

1219 ~~3. Three intermodal industry representatives selected by~~
 1220 ~~the Speaker of the House of Representatives as follows:~~

1221 ~~a. One representative from short-line railroads.~~

1222 ~~b. One representative from seaports listed in s. 311.09(1)~~
 1223 ~~from the Gulf Coast.~~

1224 ~~e. One representative from intermodal trucking companies.~~
 1225 ~~In no event may this representative be employed by the same~~
 1226 ~~company that employs the intermodal trucking company~~
 1227 ~~representative selected by the Governor.~~

1228 ~~(c) Initial appointments to the council must be made no~~
 1229 ~~later than 30 days after the effective date of this section.~~

1230 ~~1. The initial appointments made by the President of the~~
 1231 ~~Senate and the Speaker of the House of Representatives shall~~

1232 ~~serve terms concurrent with those of the respective appointing~~
 1233 ~~officer. Beginning January 15, 2005, and for all subsequent~~
 1234 ~~appointments, council members appointed by the President of the~~
 1235 ~~Senate and the Speaker of the House of Representatives shall~~
 1236 ~~serve 2-year terms, concurrent with the term of the respective~~
 1237 ~~appointing officer.~~

1238 ~~2. The initial appointees, and all subsequent appointees,~~
 1239 ~~made by the Governor shall serve 2-year terms.~~

1240 ~~3. Vacancies on the council shall be filled in the same~~
 1241 ~~manner as the initial appointments.~~

1242 ~~(d) Each member of the council shall be allowed one vote.~~
 1243 ~~The council shall select a chair from among its membership.~~
 1244 ~~Meetings shall be held at the call of the chair, but not less~~
 1245 ~~frequently than quarterly. The members of the council shall be~~
 1246 ~~reimbursed for per diem and travel expenses as provided in s.~~
 1247 ~~112.061.~~

1248 ~~(e) The department shall provide administrative staff~~
 1249 ~~support and shall ensure that council meetings are~~
 1250 ~~electronically recorded. Such recordings and all documents~~
 1251 ~~received, prepared for, or used by the council in conducting its~~
 1252 ~~business shall be preserved pursuant to chapters 119 and 257.~~

1253 Section 21. Section 339.65, Florida Statutes, is created
 1254 to read:

1255 339.65 Strategic Intermodal System highway corridors.—

1256 (1) The department shall plan and develop Strategic
 1257 Intermodal System highway corridors, including limited and
 1258 controlled access facilities, allowing for high-speed and high-
 1259 volume traffic movements within the state. The primary function

1260 of these corridors is to provide such traffic movements. Access
 1261 to abutting land is subordinate to this function, and such
 1262 access must be prohibited or highly regulated.

1263 (2) Strategic Intermodal System highway corridors shall
 1264 include facilities from the following components of the State
 1265 Highway System that meet the criteria adopted by the department
 1266 pursuant to s. 339.63:

1267 (a) Interstate highways.

1268 (b) The Florida Turnpike System.

1269 (c) Interregional and intercity limited access facilities.

1270 (d) Existing interregional and intercity arterial highways
 1271 previously upgraded or upgraded in the future to limited access
 1272 or controlled access facility standards.

1273 (e) New limited access facilities necessary to complete a
 1274 balanced statewide system.

1275 (3) The department shall adhere to the following policy
 1276 guidelines in the development of Strategic Intermodal System
 1277 highway corridors:

1278 (a) Make capacity improvements to existing facilities
 1279 where feasible to minimize costs and environmental impacts.

1280 (b) Identify appropriate arterial highways in major
 1281 transportation corridors for inclusion in a program to bring
 1282 these facilities up to limited access or controlled access
 1283 facility standards.

1284 (c) Coordinate proposed projects with appropriate limited
 1285 access projects undertaken by expressway authorities and local
 1286 governmental entities.

1287 (d) Maximize the use of limited access facility standards
 1288 when constructing new arterial highways.

1289 (e) Identify appropriate new limited access highways for
 1290 inclusion as a part of the Florida Turnpike System.

1291 (f) To the maximum extent feasible, ensure that proposed
 1292 projects are consistent with approved local government
 1293 comprehensive plans of the local jurisdictions in which such
 1294 facilities are to be located and with the transportation
 1295 improvement program of any metropolitan planning organization in
 1296 which such facilities are to be located.

1297 (4) The department shall develop and maintain a plan of
 1298 Strategic Intermodal System highway corridor projects that are
 1299 anticipated to be let to contract for construction within a time
 1300 period of at least 20 years. The plan shall also identify when
 1301 segments of the corridor will meet the standards and criteria
 1302 developed pursuant to subsection (5).

1303 (5) The department shall establish the standards and
 1304 criteria for the functional characteristics and design of
 1305 facilities proposed as part of Strategic Intermodal System
 1306 highway corridors.

1307 (6) For the purposes of developing the proposed Strategic
 1308 Intermodal System highway corridors, beginning in fiscal year
 1309 2003-2004 and for each fiscal year thereafter, the minimum
 1310 amount allocated shall be based on the fiscal year 2003-2004
 1311 allocation of \$450 million adjusted annually by the change in
 1312 the Consumer Price Index for the prior fiscal year compared to
 1313 the Consumer Price Index for fiscal year 2003-2004.

CS/CS/HB 1363

2011

1314 (7) Any project to be constructed as part of a Strategic
1315 Intermodal System highway corridor shall be included in the
1316 department's adopted work program. Any Strategic Intermodal
1317 System highway corridor projects that are added to or deleted
1318 from the previous adopted work program, or any modification to
1319 Strategic Intermodal System highway corridor projects contained
1320 in the previous adopted work program, shall be specifically
1321 identified and submitted as a separate part of the tentative
1322 work program.

1323 Section 22. Section 479.075, Florida Statutes, is created
1324 to read:

1325 479.075 Sign permit fee limitations.-

1326 (1) As used in this section, the term:

1327 (a) "Sign" means any sign, wall mural, or media tower as
1328 defined in s. 479.01 or as defined by a local government
1329 agreement, resolution, or ordinance.

1330 (b) "Sign permit fee" means any payment required as a
1331 condition for building, erecting, inspecting, renewing,
1332 maintaining, operating, relocating, or reconstructing a sign or
1333 required pursuant to any agreement, ordinance, or resolution
1334 that includes any provision relating to the issuance of a sign
1335 permit or otherwise authorizing the building, erection,
1336 inspection, renewal, maintenance, operation, relocation, or
1337 reconstruction of a sign.

1338 (2) A local government may establish by agreement,
1339 resolution, or ordinance a sign permit fee schedule and may
1340 assess fees for sign permits. The fee schedule must be based on

CS/CS/HB 1363

2011

1341 the actual costs of administering its sign permitting program,
 1342 but may not exceed \$500 per sign per year.

1343 (3) This section does not affect the validity of any other
 1344 aspect of any agreement, resolution, or ordinance regarding
 1345 signs or require the removal of any sign or repayment of any
 1346 fees already paid. A local government that requires the removal
 1347 of a sign as the result of the adoption of this section must
 1348 adhere to the provision of s. 70.20(2).

1349 Section 23. Section 479.106, Florida Statutes, is amended
 1350 to read:

1351 479.106 Vegetation management.—

1352 (1) The removal, cutting, or trimming of trees or
 1353 vegetation on public right-of-way to make visible or to ensure
 1354 future visibility of the facing of a proposed sign or previously
 1355 permitted sign shall be performed only with the written
 1356 permission of the department in accordance with the provisions
 1357 of this section.

1358 (2) Any person desiring to engage in the removal, cutting,
 1359 or trimming of trees or vegetation for the purposes herein
 1360 described shall apply for an appropriate permit by ~~make~~ written
 1361 application to the department. The application for a permit
 1362 shall include, at the election of the applicant, one of the
 1363 following:

1364 (a) A vegetation management plan consisting of a property
 1365 sketch indicating the onsite location of the vegetation or
 1366 individual trees to be removed, cut, or trimmed and describing
 1367 the existing conditions and proposed work to be accomplished.

1368 (b) Mitigation contribution to the Federal Grants Trust

CS/CS/HB 1363

2011

1369 Fund pursuant to s. 589.277(2) using values of a wholesale plant
 1370 nursery registered with the Division of Plant Industry of the
 1371 Department of Agriculture and Consumer Services.

1372 (c) A combination of both a vegetation management plan and
 1373 mitigation contribution ~~the applicant's plan for the removal,~~
 1374 ~~cutting, or trimming and for the management of any vegetation~~
 1375 ~~planted as part of a mitigation plan.~~

1376 (3) In evaluating a vegetation management plan or
 1377 mitigation contribution, the department ~~As a condition of any~~
 1378 ~~removal of trees or vegetation, and where the department deems~~
 1379 ~~appropriate as a condition of any cutting or trimming, the~~
 1380 ~~department may require a vegetation management plan, approved by~~
 1381 ~~the department, which considers conservation and mitigation, or~~
 1382 ~~contribution to a plan of mitigation, for the replacement of~~
 1383 ~~such vegetation. Each plan or contribution shall reasonably~~
 1384 evaluate the application as it relates ~~relate~~ to the vegetation
 1385 being affected by the application, taking into consideration the
 1386 condition of such vegetation, and, where appropriate, require a
 1387 vegetation management plan to consider conservation and
 1388 mitigation, or a contribution to a plan of mitigation, for the
 1389 cutting or removal of such vegetation. The department may
 1390 approve ~~shall include plantings that which~~ will allow reasonable
 1391 visibility of sign facings while screening sign structural
 1392 supports. Only herbicides approved by the Department of
 1393 Agriculture and Consumer Services may be used in the removal of
 1394 vegetation. The department shall act on the application for
 1395 approval of vegetation management plans, or approval of
 1396 mitigation contribution, within 30 days after receipt of such

1397 application. A permit issued in response to such application is
 1398 valid for 5 years, may be renewed for an additional 5 years by
 1399 payment of the applicable application fee, and is binding upon
 1400 the department. The department may establish special mitigation
 1401 programs for the beautification and aesthetic improvement of
 1402 designated areas and permit individual applicants to contribute
 1403 to such programs as a part or in lieu of other mitigation
 1404 requirements.

1405 (4) The department may establish an application fee not to
 1406 exceed \$25 for each individual application to defer the costs of
 1407 processing such application and a fee not to exceed \$200 to
 1408 defer the costs of processing an application for multiple sites.

1409 (5) The department may only grant a permit pursuant to s.
 1410 479.07 for a new sign which requires the removal, cutting, or
 1411 trimming of existing trees or vegetation on public right-of-way
 1412 for the sign face to be visible from the highway when the sign
 1413 owner has removed one ~~at least two~~ nonconforming sign ~~signs~~ of
 1414 approximate comparable size and surrendered the permits for the
 1415 nonconforming signs to the department for cancellation. For
 1416 signs originally permitted after July 1, 1996, no permit for the
 1417 removal, cutting, or trimming of trees or vegetation shall be
 1418 granted where such trees or vegetation are part of a
 1419 beautification project implemented prior to the date of the
 1420 original sign permit application, when the beautification
 1421 project is specifically identified in the department's
 1422 construction plans, permitted landscape projects, or agreements.

1423 (6) As a minimum, view zones shall be established along
 1424 the public rights-of-way of interstate highways, expressways,

CS/CS/HB 1363

2011

1425 federal-aid primary highways, and the State Highway System in
1426 the state, excluding privately or other publicly owned property,
1427 as follows:

1428 (a) A view zone of 350 feet for posted speed limits of 35
1429 miles per hour or less.

1430 (b) A view zone of 500 feet for posted speed limits of
1431 more than 35 miles per hour.

1432
1433 The established view zone shall be within the first 1,000 feet
1434 measured along the edge of the pavement in the direction of
1435 approaching traffic from a point on the edge of the pavement
1436 perpendicular to the edge of the sign facing nearest the highway
1437 and shall be continuous unless interrupted by vegetation that
1438 has established historical significance, is protected by state
1439 law, or has a circumference, measured at 4 and 1/2 feet above
1440 grade, equal to or greater than 70 percent of the circumference
1441 of the Florida Champion of the same species as listed in the
1442 Florida Register of Big Trees of the Florida Native Plant
1443 Society. The sign owner may designate the specific location of
1444 the view zone for each sign facing. In the absence of such
1445 designation, the established view zone shall be measured from
1446 the sign along the edge of the pavement in the direction of
1447 approaching traffic as provided in this subsection.

1448 (7) ~~(6)~~ Beautification projects, trees, or other vegetation
1449 shall not be planted or located in the view zone of legally
1450 erected and permitted outdoor advertising signs which have been
1451 permitted prior to the date of the beautification project or
1452 other planting, where such planting will, at the time of

1453 planting or after future growth, screen such sign from view. The
 1454 department shall provide written notice to the owner not less
 1455 than 90 days before commencing a beautification project or other
 1456 vegetation planting that may affect a sign, allowing such owner
 1457 not less than 60 days to designate the specific location of the
 1458 view zone of such affected sign. A sign owner is not required to
 1459 prepare a vegetation management plan or secure a vegetation
 1460 management permit for the implementation of beautification
 1461 projects.

1462 ~~(a) View zones are established along the public rights-of-~~
 1463 ~~way of interstate highways, expressways, federal-aid primary~~
 1464 ~~highways, and the State Highway System in the state, excluding~~
 1465 ~~privately or other publicly owned property, as follows:~~

1466 ~~1. A view zone of 350 feet for posted speed limits of 35~~
 1467 ~~miles per hour or less.~~

1468 ~~2. A view zone of 500 feet for posted speed limits of over~~
 1469 ~~35 miles per hour.~~

1470 ~~(b) The established view zone shall be within the first~~
 1471 ~~1,000 feet measured along the edge of the pavement in the~~
 1472 ~~direction of approaching traffic from a point on the edge of the~~
 1473 ~~pavement perpendicular to the edge of the sign facing nearest~~
 1474 ~~the highway and shall be continuous unless interrupted by~~
 1475 ~~existing, naturally occurring vegetation. The department and the~~
 1476 ~~sign owner may enter into an agreement identifying the specific~~
 1477 ~~location of the view zone for each sign facing. In the absence~~
 1478 ~~of such agreement, the established view zone shall be measured~~
 1479 ~~from the sign along the edge of the pavement in the direction of~~
 1480 ~~approaching traffic as provided in this subsection.~~

CS/CS/HB 1363

2011

1481 (a)~~(e)~~ If a sign owner alleges any governmental entity or
1482 other party has violated this subsection, the sign owner must
1483 provide 90 days' written notice to the governmental entity or
1484 other party allegedly violating this subsection. If the alleged
1485 violation is not cured by the governmental entity or other party
1486 within the 90-day period, the sign owner may file a claim in the
1487 circuit court where the sign is located. A copy of such
1488 complaint shall be served contemporaneously upon the
1489 governmental entity or other party. If the circuit court
1490 determines a violation of this subsection has occurred, the
1491 court shall award a claim for compensation equal to the lesser
1492 of the revenue from the sign lost during the time of screening
1493 or the fair market value of the sign, and the governmental
1494 entity or other party shall pay the award of compensation
1495 subject to available appeal. Any modification or removal of
1496 material within a beautification project or other planting by
1497 the governmental entity or other party to cure an alleged
1498 violation shall not require the issuance of a permit from the
1499 Department of Transportation provided not less than 48 hours'
1500 notice is provided to the department of the modification or
1501 removal of the material. A natural person, private corporation,
1502 or private partnership licensed under part II of chapter 481
1503 providing design services for beautification or other projects
1504 shall not be subject to a claim of compensation under this
1505 section when the initial project design meets the requirements
1506 of this section.

1507 (b)~~(d)~~ This subsection shall not apply to the provisions
1508 of any existing written agreement executed before July 1, 2006,

1509 between any local government and the owner of an outdoor
 1510 advertising sign.

1511 ~~(8)-(7)~~ Any person engaging in removal, cutting, or
 1512 trimming of trees or vegetation in violation of this section or
 1513 benefiting from such actions shall be subject to an
 1514 administrative penalty of up to \$1,000 and required to mitigate
 1515 for the unauthorized removal, cutting, or trimming in such
 1516 manner and in such amount as may be required under the rules of
 1517 the department.

1518 ~~(9)-(8)~~ The intent of this section is to create partnering
 1519 relationships which will have the effect of improving the
 1520 appearance of Florida's highways and creating a net increase in
 1521 the vegetative habitat along the roads. Department rules shall
 1522 encourage the use of plants which are low maintenance and native
 1523 to the general region in which they are planted.

1524 Section 24. Subsections (16) and (17) are added to section
 1525 479.16, Florida Statutes, to read:

1526 479.16 Signs for which permits are not required.—The
 1527 following signs are exempt from the requirement that a permit
 1528 for a sign be obtained under the provisions of this chapter but
 1529 are required to comply with the provisions of s. 479.11(4)-(8):

1530 (16) Signs erected under the local tourist-oriented
 1531 commerce program signs pilot program under s. 479.263.

1532 (17) Signs not in excess of 32 square feet placed
 1533 temporarily during harvest season of a farm operation for a
 1534 period of no more than 4 months at a road junction with the
 1535 State Highway System denoting only the distance or direction of
 1536 the farm operation. The temporary farm operation harvest sign

1537 provision under this subsection may not be implemented if the
 1538 Federal Government notifies the department that implementation
 1539 will adversely affect the allocation of federal funds to the
 1540 department.

1541 Section 25. Section 479.263, Florida Statutes, is created
 1542 to read:

1543 479.263 Tourist-oriented commerce signs pilot program.—The
 1544 local tourist-oriented commerce signs pilot program is created
 1545 in rural areas of critical economic concern as defined by s.
 1546 288.0656(2)(d) and (e). Signs erected under this program do not
 1547 require a permit under this chapter.

1548 (1) A local tourist-oriented business that is a small
 1549 business as defined in s. 288.703 may erect a sign that meets
 1550 the following criteria:

1551 (a) The signs are not more than 8 square feet in size or
 1552 more than 4 feet in height.

1553 (b) The signs are located only in rural areas along
 1554 highways that are not limited access highways.

1555 (c) The signs are located within 2 miles of the business
 1556 location and not less than 500 feet apart.

1557 (d) The advertising copy on the signs consists only of the
 1558 name of the business or the principal or accessory merchandise
 1559 or services sold or furnished on the premises of the business.

1560 (2) A business placing such signs under this section:

1561 (a) Must be a minimum of 4 miles from any other business
 1562 placing signs under this program.

1563 (b) May not participate in the logo sign program
 1564 authorized under s. 479.261 or the tourist-oriented directional

1565 sign program authorized under s. 479.262.

1566 (3) Businesses that are conducted in a building

1567 principally used as a residence are not eligible to participate.

1568 (4) Each business utilizing this program shall notify the

1569 department in writing of its intent to do so prior to placing

1570 signs. The department shall maintain statistics of the

1571 businesses participating in the program. This program shall not

1572 take effect if the Federal Highway Administration advises the

1573 department in writing that implementation constitutes a loss of

1574 effective control of outdoor advertising.

1575 (5) This section expires June 30, 2016.

1576 Section 26. Edna S. Hargrett-Thrower Avenue designated;

1577 Department of Transportation to erect suitable markers.-

1578 (1) That portion of Orange Blossom Trail between W. Gore

1579 Street and W. Church Street in Orange County is designated as

1580 "Edna S. Hargrett-Thrower Avenue."

1581 (2) The Department of Transportation is directed to erect

1582 suitable markers designating Edna S. Hargrett-Thrower Avenue as

1583 described in subsection (1).

1584 Section 27. SP4 Thomas Berry Corbin Memorial Highway

1585 designated; Department of Transportation to erect suitable

1586 markers.-

1587 (1) That portion of U.S. Highway 19/27A/98/State Road 55

1588 between the Suwannee River Bridge and N.E. 592nd Street/Chavous

1589 Road/Kate Green Road in Dixie County is designated as "SP4

1590 Thomas Berry Corbin Memorial Highway."

1591 (2) The Department of Transportation is directed to erect
 1592 suitable markers designating SP4 Thomas Berry Corbin Memorial
 1593 Highway as described in subsection (1).

1594 Section 28. U.S. Navy BMC Samuel Calhoun Chavous, Jr.
 1595 Memorial Highway designated; Department of Transportation to
 1596 erect suitable markers.-

1597 (1) That portion of U.S. Highway 19/98/State Road 55
 1598 between N.E. 592nd Street/Chavous Road/Kate Green Road and N.E.
 1599 170th Street in Dixie County is designated as "U.S. Navy BMC
 1600 Samuel Calhoun Chavous, Jr. Memorial Highway."

1601 (2) The Department of Transportation is directed to erect
 1602 suitable markers designating U.S. Navy BMC Samuel Calhoun
 1603 Chavous, Jr. Memorial Highway as described in subsection (1).

1604 Section 29. Marine Lance Corporal Brian R. Buesing
 1605 Memorial Highway designated; Department of Transportation to
 1606 erect suitable markers.-

1607 (1) That portion of State Road 24 between County Road 347
 1608 and Bridge Number 340053 in Levy County is designated as "Marine
 1609 Lance Corporal Brian R. Buesing Memorial Highway."

1610 (2) The Department of Transportation is directed to erect
 1611 suitable markers designating Marine Lance Corporal Brian R.
 1612 Buesing Memorial Highway as described in subsection (1).

1613 Section 30. United States Army Sergeant Karl A. Campbell
 1614 Memorial Highway designated; Department of Transportation to
 1615 erect suitable markers.-

1616 (1) That portion of U.S. Highway 19/98/State Road 55/S.
 1617 Main Street between N.W. 1st Avenue and S.E. 2nd Avenue in Levy

1618 County is designated as "United States Army Sergeant Karl A.
 1619 Campbell Memorial Highway."

1620 (2) The Department of Transportation is directed to erect
 1621 suitable markers designating United States Army Sergeant Karl A.
 1622 Campbell Memorial Highway as described in subsection (1).

1623 Section 31. U.S. Army SPC James A. Page Memorial Highway
 1624 designated; Department of Transportation to erect suitable
 1625 markers.-

1626 (1) That portion of U.S. Highway 27A/State Road
 1627 500/Hathaway Avenue between State Road 24/Thrasher Drive and
 1628 Town Court in Levy County is designated as "U.S. Army SPC James
 1629 A. Page Memorial Highway."

1630 (2) The Department of Transportation is directed to erect
 1631 suitable markers designating U.S. Army SPC James A. Page
 1632 Memorial Highway as described in subsection (1).

1633 Section 32. Veterans Memorial Highway designated;
 1634 Department of Transportation to erect suitable markers.-

1635 (1) That portion of State Road 19 between U.S. Highway
 1636 17/State Road 15 and Carriage Drive in the City of Palatka in
 1637 Putnam County is designated as "Veterans Memorial Highway."

1638 (2) The Department of Transportation is directed to erect
 1639 suitable markers designating Veterans Memorial Highway as
 1640 described in subsection (1).

1641 Section 33. Ben G. Watts Highway designated; Department of
 1642 Transportation to erect suitable markers.-

1643 (1) That portion of U.S. Highway 90 in Washington County
 1644 between the Jackson County line and the Holmes County line at
 1645 the Holmes Creek Bridge is designated as "Ben G. Watts Highway."

CS/CS/HB 1363

2011

1646 (2) The Department of Transportation is directed to erect
 1647 suitable markers designating Ben G. Watts Highway as described
 1648 in subsection (1).

1649 Section 34. Mardi Gras Way designated; Department of
 1650 Transportation to erect suitable markers.-

1651 (1) That portion of State Road 824 between Interstate 95
 1652 and U.S. Highway 1 in Broward County is designated as "Mardi
 1653 Gras Way."

1654 (2) The Department of Transportation is directed to erect
 1655 suitable markers designating Mardi Gras Way as described in
 1656 subsection (1).

1657 Section 35. West Park Boulevard designated; Department of
 1658 Transportation to erect suitable markers.-

1659 (1) That portion of State Road 7 between Pembroke Road and
 1660 County Line Road in Broward County is designated as "West Park
 1661 Boulevard."

1662 (2) The Department of Transportation is directed to erect
 1663 suitable markers designating West Park Boulevard as described in
 1664 subsection (1).

1665 Section 36. Pembroke Park Boulevard designated; Department
 1666 of Transportation to erect suitable markers.-

1667 (1) That portion of State Road 858/Hallandale Beach
 1668 Boulevard between Interstate 95 and U.S. Highway 441/State Road
 1669 7 in Broward County is designated as "Pembroke Park Boulevard."

1670 (2) The Department of Transportation is directed to erect
 1671 suitable markers designating Pembroke Park Boulevard as
 1672 described in subsection (1).

1673 Section 37. Stark Memorial Drive designated; Department of
 1674 Transportation to erect suitable markers.-

1675 (1) That portion of State Road 101/Mayport Road between
 1676 State Road A1A and Wonderwood Connector in Duval County is
 1677 designated as "Stark Memorial Drive."

1678 (2) The Department of Transportation is directed to erect
 1679 suitable markers designating Stark Memorial Drive as described
 1680 in subsection (1).

1681 Section 38. Duval County Law Enforcement Memorial Overpass
 1682 designated; Department of Transportation to erect suitable
 1683 markers.-

1684 (1) The Interstate 295/State Road 9A overpass (Bridge Nos.
 1685 720256 and 720347) over Interstate 10/State Road 8 in Duval
 1686 County is designated as "Duval County Law Enforcement Memorial
 1687 Overpass."

1688 (2) The Department of Transportation is directed to erect
 1689 suitable markers designating Duval County Law Enforcement
 1690 Memorial Overpass as described in subsection (1).

1691 Section 39. Verna Bell Way designated; Department of
 1692 Transportation to erect suitable markers.-

1693 (1) That portion of State Road 200 between Lime Street and
 1694 Beech Street in the City of Fernandina Beach in Nassau County is
 1695 designated as "Verna Bell Way."

1696 (2) The Department of Transportation is directed to erect
 1697 suitable markers designating Verna Bell Way as described in
 1698 subsection (1).

CS/CS/HB 1363

2011

1699 Section 40. Deputy Hal P. Croft and Deputy Ronald Jackson
 1700 Memorial Highway designated; Department of Transportation to
 1701 erect suitable markers.-

1702 (1) That portion of State Road 100 East between the
 1703 Bradford County line and the Columbia County line in Union
 1704 County is designated as "Deputy Hal P. Croft and Deputy Ronald
 1705 Jackson Memorial Highway."

1706 (2) The Department of Transportation is directed to erect
 1707 suitable markers designating Deputy Hal P. Croft and Deputy
 1708 Ronald Jackson Memorial Highway as described in subsection (1).

1709 Section 41. Dr. Oscar Elias Biscet Boulevard designated;
 1710 Department of Transportation to erect suitable markers.-

1711 (1) That portion of Coral Way between S.W. 32nd Avenue and
 1712 S.W. 37th Avenue in Miami-Dade County is designated as "Dr.
 1713 Oscar Elias Biscet Boulevard."

1714 (2) The Department of Transportation is directed to erect
 1715 suitable markers designating Dr. Oscar Elias Biscet Boulevard as
 1716 described in subsection (1).

1717 Section 42. Alma Lee Loy Bridge designated; Department of
 1718 Transportation to erect suitable markers.-

1719 (1) The bridge on State Road 656 in Indian River County
 1720 between State Road A1A and Indian River Boulevard in Vero Beach
 1721 is designated as "Alma Lee Loy Bridge."

1722 (2) The Department of Transportation is directed to erect
 1723 suitable markers designating Alma Lee Loy Bridge as described
 1724 subsection (1).

1725 Section 43. Section 24 of chapter 2010-230, Laws of
 1726 Florida, is amended to read:

CS/CS/HB 1363

2011

1727 Section 24. Miss Lillie Williams Boulevard designated;
 1728 Department of Transportation to erect suitable markers.—

1729 (1) That portion of N.W. 79th Street between N.W. 6th
 1730 Avenue and N.W. 7th E.~~12th~~ Avenue in Miami-Dade County is
 1731 designated as "Miss Lillie Williams Boulevard."

1732 (2) The Department of Transportation is directed to erect
 1733 suitable markers designating Miss Lillie Williams Boulevard as
 1734 described in subsection (1).

1735 Section 44. Section 45 of chapter 2010-230, Laws of
 1736 Florida, is amended to read:

1737 Section 45. Father Gerard Jean-Juste Street designated;
 1738 Department of Transportation to erect suitable markers.—

1739 (1) That portion of N.W. 54th Street in Miami-Dade County
 1740 between N.W. 2nd Avenue and N.E.~~N.W.~~ 3rd Avenue in Little Haiti
 1741 is designated "Father Gerard Jean-Juste Street."

1742 (2) The Department of Transportation is directed to erect
 1743 suitable markers designating Father Gerard Jean-Juste Street as
 1744 described in subsection (1).

1745 Section 45. Paragraph (a) of subsection (12) of section
 1746 163.3180, Florida Statutes, is amended to read:

1747 163.3180 Concurrency.—

1748 (12) (a) A development of regional impact may satisfy the
 1749 transportation concurrency requirements of the local
 1750 comprehensive plan, the local government's concurrency
 1751 management system, and s. 380.06 by payment of a proportionate-
 1752 share contribution for local and regionally significant traffic
 1753 impacts, if:

1754 1. The development of regional impact which, based on its

1755 location or mix of land uses, is designed to encourage
 1756 pedestrian or other nonautomotive modes of transportation;

1757 2. The proportionate-share contribution for local and
 1758 regionally significant traffic impacts is sufficient to pay for
 1759 one or more required mobility improvements that will benefit a
 1760 regionally significant transportation facility;

1761 3. The owner and developer of the development of regional
 1762 impact pays or assures payment of the proportionate-share
 1763 contribution; and

1764 4. If the regionally significant transportation facility
 1765 to be constructed or improved is under the maintenance authority
 1766 of a governmental entity, as defined by s. 334.03~~(12)~~, other
 1767 than the local government with jurisdiction over the development
 1768 of regional impact, the developer is required to enter into a
 1769 binding and legally enforceable commitment to transfer funds to
 1770 the governmental entity having maintenance authority or to
 1771 otherwise assure construction or improvement of the facility.

1772
 1773 The proportionate-share contribution may be applied to any
 1774 transportation facility to satisfy the provisions of this
 1775 subsection and the local comprehensive plan, but, for the
 1776 purposes of this subsection, the amount of the proportionate-
 1777 share contribution shall be calculated based upon the cumulative
 1778 number of trips from the proposed development expected to reach
 1779 roadways during the peak hour from the complete buildout of a
 1780 stage or phase being approved, divided by the change in the peak
 1781 hour maximum service volume of roadways resulting from
 1782 construction of an improvement necessary to maintain the adopted

CS/CS/HB 1363

2011

1783 level of service, multiplied by the construction cost, at the
1784 time of developer payment, of the improvement necessary to
1785 maintain the adopted level of service. For purposes of this
1786 subsection, "construction cost" includes all associated costs of
1787 the improvement. Proportionate-share mitigation shall be limited
1788 to ensure that a development of regional impact meeting the
1789 requirements of this subsection mitigates its impact on the
1790 transportation system but is not responsible for the additional
1791 cost of reducing or eliminating backlogs. This subsection also
1792 applies to Florida Quality Developments pursuant to s. 380.061
1793 and to detailed specific area plans implementing optional sector
1794 plans pursuant to s. 163.3245.

1795 Section 46. Paragraph (k) of subsection (1) of section
1796 163.3187, Florida Statutes, is amended to read:

1797 163.3187 Amendment of adopted comprehensive plan.—

1798 (1) Amendments to comprehensive plans adopted pursuant to
1799 this part may be made not more than two times during any
1800 calendar year, except:

1801 (k) A local comprehensive plan amendment directly related
1802 to providing transportation improvements to enhance life safety
1803 on controlled access major arterial highways identified in the
1804 Strategic Intermodal System ~~Florida Intrastate Highway System~~,
1805 in counties as defined in s. 125.011, where such roadways have a
1806 high incidence of traffic accidents resulting in serious injury
1807 or death. Any such amendment shall not include any amendment
1808 modifying the designation on a comprehensive development plan
1809 land use map nor any amendment modifying the allowable densities
1810 or intensities of any land.

1811 Section 47. Subsection (3) of section 288.063, Florida
 1812 Statutes, is amended to read:
 1813 288.063 Contracts for transportation projects.—
 1814 (3) With respect to any contract executed pursuant to this
 1815 section, the term "transportation project" means a
 1816 transportation facility as defined in s. 334.03~~(31)~~ which is
 1817 necessary in the judgment of the Office of Tourism, Trade, and
 1818 Economic Development to facilitate the economic development and
 1819 growth of the state. Except for applications received prior to
 1820 July 1, 1996, such transportation projects shall be approved
 1821 only as a consideration to attract new employment opportunities
 1822 to the state or expand or retain employment in existing
 1823 companies operating within the state, or to allow for the
 1824 construction or expansion of a state or federal correctional
 1825 facility in a county with a population of 75,000 or less that
 1826 creates new employment opportunities or expands or retains
 1827 employment in the county. The Office of Tourism, Trade, and
 1828 Economic Development shall institute procedures to ensure that
 1829 small and minority businesses have equal access to funding
 1830 provided under this section. Funding for approved transportation
 1831 projects may include any expenses, other than administrative
 1832 costs and equipment purchases specified in the contract,
 1833 necessary for new, or improvement to existing, transportation
 1834 facilities. Funds made available pursuant to this section may
 1835 not be expended in connection with the relocation of a business
 1836 from one community to another community in this state unless the
 1837 Office of Tourism, Trade, and Economic Development determines
 1838 that without such relocation the business will move outside this

1839 state or determines that the business has a compelling economic
 1840 rationale for the relocation which creates additional jobs.
 1841 Subject to appropriation for projects under this section, any
 1842 appropriation greater than \$10 million shall be allocated to
 1843 each of the districts of the Department of Transportation to
 1844 ensure equitable geographical distribution. Such allocated funds
 1845 that remain uncommitted by the third quarter of the fiscal year
 1846 shall be reallocated among the districts based on pending
 1847 project requests.

1848 Section 48. Paragraph (b) of subsection (3) of section
 1849 311.07, Florida Statutes, is amended to read:

1850 311.07 Florida seaport transportation and economic
 1851 development funding.—

1852 (3)

1853 (b) Projects eligible for funding by grants under the
 1854 program are limited to the following port facilities or port
 1855 transportation projects:

1856 1. Transportation facilities within the jurisdiction of
 1857 the port.

1858 2. The dredging or deepening of channels, turning basins,
 1859 or harbors.

1860 3. The construction or rehabilitation of wharves, docks,
 1861 structures, jetties, piers, storage facilities, cruise
 1862 terminals, automated people mover systems, or any facilities
 1863 necessary or useful in connection with any of the foregoing.

1864 4. The acquisition of vessel tracking systems, container
 1865 cranes, or other mechanized equipment used in the movement of
 1866 cargo or passengers in international commerce.

CS/CS/HB 1363

2011

1867 5. The acquisition of land to be used for port purposes.

1868 6. The acquisition, improvement, enlargement, or extension
1869 of existing port facilities.

1870 7. Environmental protection projects which are necessary
1871 because of requirements imposed by a state agency as a condition
1872 of a permit or other form of state approval; which are necessary
1873 for environmental mitigation required as a condition of a state,
1874 federal, or local environmental permit; which are necessary for
1875 the acquisition of spoil disposal sites and improvements to
1876 existing and future spoil sites; or which result from the
1877 funding of eligible projects listed in this paragraph.

1878 8. Transportation facilities as defined in s. 334.03~~(31)~~
1879 which are not otherwise part of the Department of
1880 Transportation's adopted work program.

1881 9. Seaport intermodal access projects identified in the 5-
1882 year Florida Seaport Mission Plan as provided in s. 311.09(3).

1883 10. Construction or rehabilitation of port facilities as
1884 defined in s. 315.02, excluding any park or recreational
1885 facilities, in ports listed in s. 311.09(1) with operating
1886 revenues of \$5 million or less, provided that such projects
1887 create economic development opportunities, capital improvements,
1888 and positive financial returns to such ports.

1889 Section 49. Subsection (7) of section 311.09, Florida
1890 Statutes, is amended to read:

1891 311.09 Florida Seaport Transportation and Economic
1892 Development Council.—

1893 (7) The Department of Transportation shall review the list
1894 of projects approved by the council for consistency with the

1895 Florida Transportation Plan and the department's adopted work
 1896 program. In evaluating the consistency of a project, the
 1897 department shall determine whether the transportation impact of
 1898 the proposed project is adequately handled by existing state-
 1899 owned transportation facilities or by the construction of
 1900 additional state-owned transportation facilities as identified
 1901 in the Florida Transportation Plan and the department's adopted
 1902 work program. In reviewing for consistency a transportation
 1903 facility project as defined in s. 334.03(31) which is not
 1904 otherwise part of the department's work program, the department
 1905 shall evaluate whether the project is needed to provide for
 1906 projected movement of cargo or passengers from the port to a
 1907 state transportation facility or local road. If the project is
 1908 needed to provide for projected movement of cargo or passengers,
 1909 the project shall be approved for consistency as a consideration
 1910 to facilitate the economic development and growth of the state
 1911 in a timely manner. The Department of Transportation shall
 1912 identify those projects which are inconsistent with the Florida
 1913 Transportation Plan and the adopted work program and shall
 1914 notify the council of projects found to be inconsistent.

1915 Section 50. Section 316.2122, Florida Statutes, is amended
 1916 to read:

1917 316.2122 Operation of a low-speed vehicle or mini truck on
 1918 certain roadways.—The operation of a low-speed vehicle as
 1919 defined in s. 320.01(42) or a mini truck as defined in s.
 1920 320.01(45) on any road ~~as defined in s. 334.03(15) or (33)~~ is
 1921 authorized with the following restrictions:

1922 (1) A low-speed vehicle or mini truck may be operated only

CS/CS/HB 1363

2011

1923 on streets where the posted speed limit is 35 miles per hour or
 1924 less. This does not prohibit a low-speed vehicle or mini truck
 1925 from crossing a road or street at an intersection where the road
 1926 or street has a posted speed limit of more than 35 miles per
 1927 hour.

1928 (2) A low-speed vehicle must be equipped with headlamps,
 1929 stop lamps, turn signal lamps, taillamps, reflex reflectors,
 1930 parking brakes, rearview mirrors, windshields, seat belts, and
 1931 vehicle identification numbers.

1932 (3) A low-speed vehicle or mini truck must be registered
 1933 and insured in accordance with s. 320.02 and titled pursuant to
 1934 chapter 319.

1935 (4) Any person operating a low-speed vehicle or mini truck
 1936 must have in his or her possession a valid driver's license.

1937 (5) A county or municipality may prohibit the operation of
 1938 low-speed vehicles or mini trucks on any road under its
 1939 jurisdiction if the governing body of the county or municipality
 1940 determines that such prohibition is necessary in the interest of
 1941 safety.

1942 (6) The Department of Transportation may prohibit the
 1943 operation of low-speed vehicles or mini trucks on any road under
 1944 its jurisdiction if it determines that such prohibition is
 1945 necessary in the interest of safety.

1946 Section 51. Section 318.12, Florida Statutes, is amended
 1947 to read:

1948 318.12 Purpose.—It is the legislative intent in the
 1949 adoption of this chapter to decriminalize certain violations of
 1950 chapter 316, the Florida Uniform Traffic Control Law; chapter

CS/CS/HB 1363

2011

1951 320, Motor Vehicle Licenses; chapter 322, Drivers' Licenses;
 1952 chapter 338, Limited Access ~~Florida Intrastate Highway System~~
 1953 and Toll Facilities; and chapter 1006, Support of Learning,
 1954 thereby facilitating the implementation of a more uniform and
 1955 expeditious system for the disposition of traffic infractions.

1956 Section 52. Subsection (3) of section 335.02, Florida
 1957 Statutes, is amended to read:

1958 335.02 Authority to designate transportation facilities
 1959 and rights-of-way and establish lanes; procedure for
 1960 redesignation and relocation; application of local regulations.-

1961 (3) The department may establish standards for lanes on
 1962 the State Highway System, including the Strategic Intermodal
 1963 System highway corridors ~~Florida Intrastate Highway System~~
 1964 established pursuant to s. 339.65 ~~338.001~~. In determining the
 1965 number of lanes for any regional corridor or section of highway
 1966 on the State Highway System to be funded by the department with
 1967 state or federal funds, the department shall evaluate all
 1968 alternatives and seek to achieve the highest degree of efficient
 1969 mobility for corridor users. In conducting the analysis, the
 1970 department must give consideration to the following factors
 1971 consistent with sound engineering principles:

1972 (a) Overall economic importance of the corridor as a trade
 1973 or tourism corridor.

1974 (b) Safety of corridor users, including the importance of
 1975 the corridor for evacuation purposes.

1976 (c) Cost-effectiveness of alternative methods of
 1977 increasing the mobility of corridor users.

1978 (d) Current and projected traffic volumes on the corridor.

1979 (e) Multimodal alternatives.

1980 (f) Use of intelligent transportation technology in
 1981 increasing the efficiency of the corridor.

1982 (g) Compliance with state and federal policies related to
 1983 clean air, environmental impacts, growth management, livable
 1984 communities, and energy conservation.

1985 (h) Addition of special use lanes, such as exclusive truck
 1986 lanes, high-occupancy-vehicle toll lanes, and exclusive
 1987 interregional traffic lanes.

1988 (i) Availability and cost of rights-of-way, including
 1989 associated costs, and the most effective use of existing rights-
 1990 of-way.

1991 (j) Regional economic and transportation objectives, where
 1992 articulated.

1993 (k) The future land use plan element of local government
 1994 comprehensive plans, as appropriate, including designated urban
 1995 infill and redevelopment areas.

1996 (l) The traffic circulation element, if applicable, of
 1997 local government comprehensive plans, including designated
 1998 transportation corridors and public transportation corridors.

1999 (m) The approved metropolitan planning organization's
 2000 long-range transportation plan, as appropriate.

2001

2002 This subsection does not preclude a number of lanes in excess of
 2003 10 lanes, but an additional factor that must be considered
 2004 before the department may determine that the number of lanes
 2005 should be more than 10 is the capacity to accommodate in the
 2006 future alternative forms of transportation within existing or

CS/CS/HB 1363

2011

2007 potential rights-of-way.

2008 Section 53. Section 336.01, Florida Statutes, is amended
2009 to read:

2010 336.01 Designation of county road system.—The county road
2011 system shall be as defined in s. 334.03~~(8)~~.

2012 Section 54. Subsection (2) of section 338.222, Florida
2013 Statutes, is amended to read:

2014 338.222 Department of Transportation sole governmental
2015 entity to acquire, construct, or operate turnpike projects;
2016 exception.—

2017 (2) The department may contract with any local
2018 governmental entity as defined in s. 334.03(13)~~(14)~~ for the
2019 design, right-of-way acquisition, or construction of any
2020 turnpike project which the Legislature has approved. Local
2021 governmental entities may negotiate with the department for the
2022 design, right-of-way acquisition, and construction of any
2023 section of the turnpike project within areas of their respective
2024 jurisdictions or within counties with which they have interlocal
2025 agreements.

2026 Section 55. Paragraph (b) of subsection (1) of section
2027 338.223, Florida Statutes, is amended to read:

2028 338.223 Proposed turnpike projects.—

2029 (1)

2030 (b) Any proposed turnpike project or improvement shall be
2031 developed in accordance with the Florida Transportation Plan and
2032 the work program pursuant to s. 339.135. Turnpike projects that
2033 add capacity, alter access, affect feeder roads, or affect the
2034 operation of the local transportation system shall be included

2035 in the transportation improvement plan of the affected
 2036 metropolitan planning organization. If such turnpike project
 2037 does not fall within the jurisdiction of a metropolitan planning
 2038 organization, the department shall notify the affected county
 2039 and provide for public hearings in accordance with s.
 2040 339.155(5) ~~(6)~~ (c).

2041 Section 56. Subsection (4) of section 338.227, Florida
 2042 Statutes, is amended to read:

2043 338.227 Turnpike revenue bonds.—

2044 (4) The Department of Transportation and the Department of
 2045 Management Services shall create and implement an outreach
 2046 program designed to enhance the participation of minority
 2047 persons and minority business enterprises in all contracts
 2048 entered into by their respective departments for services
 2049 related to the financing of department projects for the
 2050 Strategic Intermodal System Plan developed pursuant to s. 339.64
 2051 ~~Florida Intrastate Highway System Plan~~. These services shall
 2052 include, but not be limited to, bond counsel and bond
 2053 underwriters.

2054 Section 57. Subsection (2) of section 338.2275, Florida
 2055 Statutes, is amended to read:

2056 338.2275 Approved turnpike projects.—

2057 (2) The department is authorized to use turnpike revenues,
 2058 the State Transportation Trust Fund moneys allocated for
 2059 turnpike projects pursuant to s. 339.65 ~~s. 338.001~~, federal
 2060 funds, and bond proceeds, and shall use the most cost-efficient
 2061 combination of such funds, in developing a financial plan for
 2062 funding turnpike projects. The department must submit a report

CS/CS/HB 1363

2011

2063 of the estimated cost for each ongoing turnpike project and for
2064 each planned project to the Legislature 14 days before the
2065 convening of the regular legislative session. Verification of
2066 economic feasibility and statements of environmental feasibility
2067 for individual turnpike projects must be based on the entire
2068 project as approved. Statements of environmental feasibility are
2069 not required for those projects listed in s. 12, chapter 90-136,
2070 Laws of Florida, for which the Project Development and
2071 Environmental Reports were completed by July 1, 1990. All
2072 required environmental permits must be obtained before the
2073 department may advertise for bids for contracts for the
2074 construction of any turnpike project.

2075 Section 58. Section 338.228, Florida Statutes, is amended
2076 to read:

2077 338.228 Bonds not debts or pledges of credit of state.—
2078 Turnpike revenue bonds issued under the provisions of ss.
2079 338.22-338.241 are not debts of the state or pledges of the
2080 faith and credit of the state. Such bonds are payable
2081 exclusively from revenues pledged for their payment. All such
2082 bonds shall contain a statement on their face that the state is
2083 not obligated to pay the same or the interest thereon, except
2084 from the revenues pledged for their payment, and that the faith
2085 and credit of the state is not pledged to the payment of the
2086 principal or interest of such bonds. The issuance of turnpike
2087 revenue bonds under the provisions of ss. 338.22-338.241 does
2088 not directly, indirectly, or contingently obligate the state to
2089 levy or to pledge any form of taxation whatsoever, or to make
2090 any appropriation for their payment. Except as provided in ss.

CS/CS/HB 1363

2011

2091 ~~338.001,~~ 338.223, ~~and~~ 338.2275, and 339.65, no state funds shall
 2092 be used on any turnpike project or to pay the principal or
 2093 interest of any bonds issued to finance or refinance any portion
 2094 of the turnpike system, and all such bonds shall contain a
 2095 statement on their face to this effect.

2096 Section 59. Subsection (2) of section 338.234, Florida
 2097 Statutes, is amended to read:

2098 338.234 Granting concessions or selling along the turnpike
 2099 system; immunity from taxation.—

2100 (2) The effectuation of the authorized purposes of the
 2101 Strategic Intermodal System, created under ss. 339.61-339.65,
 2102 ~~Florida Intrastate Highway System~~ and Florida Turnpike
 2103 Enterprise, created under this chapter, is for the benefit of
 2104 the people of the state, for the increase of their commerce and
 2105 prosperity, and for the improvement of their health and living
 2106 conditions; and, because the system and enterprise perform
 2107 essential government functions in effectuating such purposes,
 2108 neither the turnpike enterprise nor any nongovernment lessee or
 2109 licensee renting, leasing, or licensing real property from the
 2110 turnpike enterprise, pursuant to an agreement authorized by this
 2111 section, are required to pay any commercial rental tax imposed
 2112 under s. 212.031 on any capital improvements constructed,
 2113 improved, acquired, installed, or used for such purposes.

2114 Section 60. Subsections (1) and (3) of section 339.2819,
 2115 Florida Statutes, are amended to read:

2116 339.2819 Transportation Regional Incentive Program.—

2117 (1) There is created within the Department of
 2118 Transportation a Transportation Regional Incentive Program for

CS/CS/HB 1363

2011

2119 | the purpose of providing funds to improve regionally significant
 2120 | transportation facilities in regional transportation areas
 2121 | created pursuant to s. 339.155 (4) ~~(5)~~.

2122 | (3) The department shall allocate funding available for
 2123 | the Transportation Regional Incentive Program to the districts
 2124 | based on a factor derived from equal parts of population and
 2125 | motor fuel collections for eligible counties in regional
 2126 | transportation areas created pursuant to s. 339.155 (4) ~~(5)~~.

2127 | Section 61. Subsection (6) of section 339.285, Florida
 2128 | Statutes, is amended to read:

2129 | 339.285 Enhanced Bridge Program for Sustainable
 2130 | Transportation.—

2131 | (6) Preference shall be given to bridge projects located
 2132 | on corridors that connect to the Strategic Intermodal System,
 2133 | created under s. 339.64, and that have been identified as
 2134 | regionally significant in accordance with s. 339.155 (4) ~~(5)~~ (c),
 2135 | (d), and (e).

2136 | Section 62. Subsection (2) of section 341.053, Florida
 2137 | Statutes, is amended to read:

2138 | 341.053 Intermodal Development Program; administration;
 2139 | eligible projects; limitations.—

2140 | (2) In recognition of the department's role in the
 2141 | economic development of this state, the department shall develop
 2142 | a proposed intermodal development plan to connect Florida's
 2143 | airports, deepwater seaports, rail systems serving both
 2144 | passenger and freight, and major intermodal connectors to the
 2145 | Strategic Intermodal System highway corridors ~~Florida Intrastate~~
 2146 | ~~Highway System~~ facilities as the primary system for the movement

CS/CS/HB 1363

2011

2147 of people and freight in this state in order to make the
 2148 intermodal development plan a fully integrated and
 2149 interconnected system. The intermodal development plan must:

2150 (a) Define and assess the state's freight intermodal
 2151 network, including airports, seaports, rail lines and terminals,
 2152 intercity bus lines and terminals, and connecting highways.

2153 (b) Prioritize statewide infrastructure investments,
 2154 including the acceleration of current projects, which are found
 2155 by the Freight Stakeholders Task Force to be priority projects
 2156 for the efficient movement of people and freight.

2157 (c) Be developed in a manner that will assure maximum use
 2158 of existing facilities and optimum integration and coordination
 2159 of the various modes of transportation, including both
 2160 government-owned and privately owned resources, in the most
 2161 cost-effective manner possible.

2162 Section 63. Subsection (2) of section 341.8225, Florida
 2163 Statutes, is amended to read:

2164 341.8225 Department of Transportation sole governmental
 2165 entity to acquire, construct, or operate high-speed rail
 2166 projects; exception.—

2167 (2) Local governmental entities, as defined in s.
 2168 334.03 (13) ~~(14)~~, may negotiate with the department for the
 2169 design, right-of-way acquisition, and construction of any
 2170 component of the high-speed rail system within areas of their
 2171 respective jurisdictions or within counties with which they have
 2172 interlocal agreements.

2173 Section 64. Paragraph (a) of subsection (2) of section
 2174 403.7211, Florida Statutes, is amended to read:

CS/CS/HB 1363

2011

2175 403.7211 Hazardous waste facilities managing hazardous
 2176 wastes generated offsite; federal facilities managing hazardous
 2177 waste.—

2178 (2) The department shall not issue any permit under s.
 2179 403.722 for the construction, initial operation, or substantial
 2180 modification of a facility for the disposal, storage, or
 2181 treatment of hazardous waste generated offsite which is proposed
 2182 to be located in any of the following locations:

2183 (a) Any area where life-threatening concentrations of
 2184 hazardous substances could accumulate at any residence or
 2185 residential subdivision as the result of a catastrophic event at
 2186 the proposed facility, unless each such residence or residential
 2187 subdivision is served by at least one arterial road or urban
 2188 minor arterial road, as determined under the procedures
 2189 referenced in s. 334.03(9) ~~defined in s. 334.03~~, which provides
 2190 safe and direct egress by land to an area where such life-
 2191 threatening concentrations of hazardous substances could not
 2192 accumulate in a catastrophic event. Egress by any road leading
 2193 from any residence or residential subdivision to any point
 2194 located within 1,000 yards of the proposed facility is unsafe
 2195 for the purposes of this paragraph. In determining whether
 2196 egress proposed by the applicant is safe and direct, the
 2197 department shall also consider, at a minimum, the following
 2198 factors:

2199 1. Natural barriers such as water bodies, and whether any
 2200 road in the proposed evacuation route is impaired by a natural
 2201 barrier such as a water body;

2202 2. Potential exposure during egress and potential

CS/CS/HB 1363

2011

2203 increases in the duration of exposure;

2204 3. Whether any road in a proposed evacuation route passes
2205 in close proximity to the facility; and

2206 4. Whether any portion of the evacuation route is
2207 inherently directed toward the facility.

2208

2209 For the purposes of this subsection, all distances shall be
2210 measured from the outer limit of the active hazardous waste
2211 management area. "Substantial modification" includes: any
2212 physical change in, change in the operations of, or addition to
2213 a facility which could increase the potential offsite impact, or
2214 risk of impact, from a release at that facility; and any change
2215 in permit conditions which is reasonably expected to lead to
2216 greater potential impacts or risks of impacts, from a release at
2217 that facility. "Substantial modification" does not include a
2218 change in operations, structures, or permit conditions which
2219 does not substantially increase either the potential impact
2220 from, or the risk of, a release. Physical or operational changes
2221 to a facility related solely to the management of nonhazardous
2222 waste at the facility shall not be considered a substantial
2223 modification. The department shall, by rule, adopt criteria to
2224 determine whether a facility has been substantially modified.
2225 "Initial operation" means the initial commencement of operations
2226 at the facility.

2227 Section 65. Subsection (27) of section 479.01, Florida
2228 Statutes, is amended to read:

2229 479.01 Definitions.—As used in this chapter, the term:

2230 (27) "Urban area" has the same meaning as defined in s.

CS/CS/HB 1363

2011

2231 | 334.03~~(29)~~.

2232 | Section 66. Subsection (1) of section 479.07, Florida
2233 | Statutes, is amended to read:

2234 | 479.07 Sign permits.—

2235 | (1) Except as provided in ss. 479.105(1)(e) and 479.16, a
2236 | person may not erect, operate, use, or maintain, or cause to be
2237 | erected, operated, used, or maintained, any sign on the State
2238 | Highway System outside an urban area, as defined in s.

2239 | 334.03~~(32)~~, or on any portion of the interstate or federal-aid
2240 | primary highway system without first obtaining a permit for the
2241 | sign from the department and paying the annual fee as provided
2242 | in this section. As used in this section, the term "on any
2243 | portion of the State Highway System, interstate, or federal-aid
2244 | primary system" means a sign located within the controlled area
2245 | which is visible from any portion of the main-traveled way of
2246 | such system.

2247 | Section 67. Subsection (5) of section 479.261, Florida
2248 | Statutes, is amended to read:

2249 | 479.261 Logo sign program.—

2250 | (5) At a minimum, permit fees for businesses that
2251 | participate in the program must be established in an amount
2252 | sufficient to offset the total cost to the department for the
2253 | program, including contract costs. The department shall provide
2254 | the services in the most efficient and cost-effective manner
2255 | through department staff or by contracting for some or all of
2256 | the services. The department shall adopt rules that set
2257 | reasonable rates based upon factors such as population, traffic
2258 | volume, market demand, and costs for annual permit fees.

CS/CS/HB 1363

2011

2259 However, annual permit fees for sign locations inside an urban
 2260 area, as defined in s. 334.03~~(32)~~, may not exceed \$3,500, and
 2261 annual permit fees for sign locations outside an urban area, as
 2262 defined in s. 334.03~~(32)~~, may not exceed \$2,000. After
 2263 recovering program costs, the proceeds from the annual permit
 2264 fees shall be deposited into the State Transportation Trust Fund
 2265 and used for transportation purposes.

2266 Section 68. Paragraph (c) of subsection (5) of section
 2267 316.515, Florida Statutes, is amended to read:

2268 316.515 Maximum width, height, length.—

2269 (5) IMPLEMENTS OF HUSBANDRY AND FARM EQUIPMENT;
 2270 AGRICULTURAL TRAILERS; FORESTRY EQUIPMENT; SAFETY REQUIREMENTS.—

2271 (c) The width and height limitations of this section do
 2272 not apply to farming or agricultural equipment, whether self-
 2273 propelled, pulled, or hauled, when temporarily operated during
 2274 daylight hours upon a public road that is not a limited access
 2275 facility as defined in s. 334.03~~(13)~~, and the width and height
 2276 limitations may be exceeded by such equipment without a permit.
 2277 To be eligible for this exemption, the equipment shall be
 2278 operated within a radius of 50 miles of the real property owned,
 2279 rented, or leased by the equipment owner. However, equipment
 2280 being delivered by a dealer to a purchaser is not subject to the
 2281 50-mile limitation. Farming or agricultural equipment greater
 2282 than 174 inches in width must have one warning lamp mounted on
 2283 each side of the equipment to denote the width and must have a
 2284 slow-moving vehicle sign. Warning lamps required by this
 2285 paragraph must be visible from the front and rear of the vehicle
 2286 and must be visible from a distance of at least 1,000 feet.

CS/CS/HB 1363

2011

2287

Section 69. This act shall take effect July 1, 2011.