

1                   A bill to be entitled  
2           An act relating to transportation; amending s. 120.80,  
3           F.S., relating to rulemaking; exempting the adjustment of  
4           tolls under specified provisions from provisions requiring  
5           a statement of estimated regulatory costs and a  
6           requirement for legislative ratification; amending s.  
7           316.091, F.S.; prohibiting use of human-powered vehicles  
8           on limited access highways and bridges; requiring the  
9           Department of Transportation to establish a pilot program  
10          to open certain limited access highways and bridges to  
11          bicycles and other human-powered vehicles; providing  
12          requirements for the pilot program; authorizing the  
13          department to continue or expand the program after the end  
14          of the pilot period; requiring a report to the Governor  
15          and the Legislature; amending s. 316.302, F.S.; exempting  
16          operators of farm labor vehicles from certain safety  
17          regulations under certain circumstances; amending s.  
18          331.303, F.S.; defining "spaceport launch support  
19          facilities"; amending s. 334.03, F.S.; revising  
20          definitions for purposes of the Florida Transportation  
21          Code; amending s. 334.044, F.S.; revising the powers and  
22          duties of the department relating to jurisdictional  
23          responsibility and designating facilities; revising the  
24          types of transportation projects for which landscaping  
25          materials must be purchased; limiting the amount of funds  
26          that may be allocated for such purchases; revising the  
27          department's duties related to agreements with Space  
28          Florida; amending s. 334.047, F.S.; removing a provision

29 prohibiting the department from establishing a maximum  
30 number of miles of urban principal arterial roads within a  
31 district or county; amending s. 336.021, F.S.; revising  
32 the date when imposition of the ninth-cent fuel tax is to  
33 be levied; amending s. 336.025, F.S.; revising the dates  
34 when impositions or rate changes of the local option fuel  
35 tax are to be levied and when counties must notify the  
36 Department of Revenue of such rates or rate changes;  
37 revising the definition of "transportation expenditures";  
38 amending s. 337.111, F.S.; providing additional forms of  
39 security for the cost of removal of monuments or memorials  
40 or modifications to an installation site at highway rest  
41 areas; removing a provision requiring renewal of a bond;  
42 amending ss. 337.403 and 337.404, F.S.; revising  
43 provisions for alleviation of interference with a public  
44 road or publically owned rail corridor caused by a utility  
45 facility; requiring the utility owner to initiate and  
46 complete the work necessary within a certain time period;  
47 providing for notice to the utility; revising provisions  
48 for payment of costs; revising provisions for completion  
49 of work when the utility owner does not perform the work;  
50 amending s. 337.408, F.S.; revising provisions for certain  
51 facilities installed within the right-of-way limits of  
52 roads; requiring counties and municipalities to indemnify  
53 the department from certain claims relating to the  
54 installation, removal, or relocation of a noncompliant  
55 bench or shelter; authorizing the department to direct a  
56 county or municipality to remove or relocate a bus stop,

57 | bench, transit shelter, waste disposal receptacle, public  
58 | pay telephone, or modular news rack that is not in  
59 | compliance with applicable laws or rules; directing the  
60 | department to remove or relocate such installation and  
61 | charge the cost to the county or municipality; authorizing  
62 | the department to deduct the cost from funding available  
63 | to the municipality or county from the department;  
64 | removing a provision for the replacement of an unusable  
65 | transit bus bench that was in service before a certain  
66 | date; revising the title of chapter 338, F.S.; repealing  
67 | s. 338.001, F.S., relating to provisions for the Florida  
68 | Intrastate Highway System Plan; amending s. 338.01, F.S.;  
69 | including authority of the department in provisions for  
70 | the establishment of limited access facilities; amending  
71 | s. 339.155, F.S.; revising provisions for statewide  
72 | transportation planning by the department; providing for  
73 | federally required transportation planning factors;  
74 | revising provisions for the Florida Transportation Plan;  
75 | removing requirements that the plan include a long-range  
76 | component and a short-range component; removing certain  
77 | reporting requirements; revising requirements for public  
78 | participation in the planning process; amending s.  
79 | 339.175, F.S.; providing that representatives of the  
80 | department shall serve as nonvoting advisers to a  
81 | metropolitan planning organization; authorizing the  
82 | appointment of additional nonvoting advisers; amending s.  
83 | 339.63, F.S.; providing for inclusion of certain access  
84 | facilities in the Strategic Intermodal System and the

85 Emerging Strategic Intermodal System; amending s. 339.64,  
86 F.S.; revising provisions for development of the Strategic  
87 Intermodal System Plan; removing the Statewide Intermodal  
88 Transportation Advisory Council; creating s. 339.65, F.S.;  
89 providing for the department to plan and develop Strategic  
90 Intermodal System highway corridors; providing for  
91 allocations of funds on a specified basis; providing for  
92 corridor projects to be included in the department's  
93 adopted work program and changes to be a separate part of  
94 the tentative work program; amending s. 341.302, F.S.;  
95 providing for construction of safety measures along  
96 passenger rail corridors and improvements at intermodal  
97 stations; amending s. 348.0003, F.S.; revising financial  
98 disclosure requirements for certain transportation  
99 authorities; amending s. 349.03, F.S.; providing for  
100 financial disclosure requirements for the Jacksonville  
101 Transportation Authority; amending s. 349.04, F.S.;  
102 providing that the Jacksonville Transportation Authority  
103 may conduct meetings and workshops using communications  
104 media technology; providing that certain actions may not  
105 be taken unless a quorum is present in person; providing  
106 that members must be physically present to vote on any  
107 item; amending s. 373.413, F.S.; providing legislative  
108 intent regarding flexibility in the permitting of  
109 stormwater management systems; requiring the cost of  
110 stormwater treatment for a transportation project to be  
111 balanced with benefits to the public; absolving the  
112 Department of Transportation of responsibility for the

113 abatement of pollutants entering its stormwater facilities  
114 from offsite sources and from updating permits for  
115 adjacent lands impacted by right-of-way acquisition;  
116 authorizing the water management districts and the  
117 Department of Environmental Protection to adopt rules;  
118 creating s. 479.075, F.S.; defining the terms "sign" and  
119 "sign permit fee"; establishing limitations on fees  
120 charged for sign permits; requiring a fee schedule to be  
121 based on actual costs; providing for effect with respect  
122 to any agreement, resolution, or ordinance; requiring  
123 removal of a sign to adhere to specified provisions;  
124 amending s. 479.106, F.S.; revising requirements for an  
125 application for a permit to remove, cut, or trim trees or  
126 vegetation around a sign; requiring that the application  
127 include a vegetation management plan, a mitigation  
128 contribution to a trust fund, or a combination of both;  
129 providing certain evaluation criteria; providing criteria  
130 for the use of herbicides; providing a time limit within  
131 which the Department of Transportation must act; providing  
132 that the permit is valid for 5 years; providing for an  
133 extension of the permit; reducing the number of  
134 nonconforming signs that must be removed before a permit  
135 may be issued for certain signs; providing criteria for  
136 view zones; requiring the department to provide notice to  
137 the sign owner of beautification projects or vegetation  
138 planting; amending s. 28, ch. 2008-174, Laws of Florida;  
139 revising the expiration of a pilot program that authorizes  
140 the Palm Beach County school district to recognize its

141 business partners by displaying such business partners'  
 142 names on school district property in unincorporated areas;  
 143 designating Edna S. Hargrett-Thrower Avenue in Orange  
 144 County; designating SP4 Thomas Berry Corbin Memorial  
 145 Highway and U.S. Navy BMC Samuel Calhoun Chavous, Jr.  
 146 Memorial Highway in Dixie County; designating Marine Lance  
 147 Corporal Brian R. Buesing Memorial Highway, United States  
 148 Army Sergeant Karl A. Campbell Memorial Highway, and U.S.  
 149 Army SPC James A. Page Memorial Highway in Levy County;  
 150 designating Veterans Memorial Highway in Putnam County;  
 151 designating Ben G. Watts Highway in Washington County;  
 152 designating Mardi Gras Way, West Park Boulevard, and  
 153 Pembroke Park Boulevard in Broward County; designating  
 154 Stark Memorial Drive and Duval County Law Enforcement  
 155 Memorial Overpass in Duval County; designating Verna Bell  
 156 Way in Nassau County; designating Deputy Hal P. Croft and  
 157 Deputy Ronald Jackson Memorial Highway in Union County;  
 158 designating Dr. Oscar Elias Biscet Boulevard in Miami-Dade  
 159 County; designating Alma Lee Loy Bridge in Indian River  
 160 County; amending ss. 24 and 45, ch. 2010-230, Laws of  
 161 Florida; revising the designation for Miss Lillie Williams  
 162 Boulevard and Father Gerard Jean-Juste Street in Miami-  
 163 Dade County; directing the Department of Transportation to  
 164 erect suitable markers; amending ss. 163.3180, 288.063,  
 165 311.07, 311.09, 316.2122, 316.515, 336.01, 338.222,  
 166 338.223, 338.2275, 338.228, 339.2819, 339.285, 341.8225,  
 167 479.01, 479.07, and 479.261, F.S., relating to  
 168 transportation concurrency, contracts, port facilities,

169 Florida Seaport Transportation and Economic Development  
 170 Council, low-speed vehicles and mini trucks, width and  
 171 height limitations, the county road system, turnpike  
 172 projects, revenue bonds, Transportation Regional Incentive  
 173 Program, Enhanced Bridge Program for Sustainable  
 174 Transportation, high-speed rail projects, outdoor  
 175 advertising, sign permits, and the Logo sign program,  
 176 respectively; revising cross-references; amending ss.  
 177 163.3187, 318.12, 335.02, 338.227, 338.234, 339.62,  
 178 341.053, and 403.7211, F.S., relating to comprehensive  
 179 plans, traffic infractions, standards for lanes, services  
 180 related to the financing of projects, concessions along  
 181 the turnpike, components of the Strategic Intermodal  
 182 System, Intermodal Development Program, and hazardous  
 183 waste facilities, respectively; revising references to  
 184 conform to the incorporation of the Florida Intrastate  
 185 Highway System into the Strategic Intermodal System and to  
 186 changes made by the act; providing effective dates.

187  
 188 Be It Enacted by the Legislature of the State of Florida:

189  
 190 Section 1. Subsection (17) is added to section 120.80,  
 191 Florida Statutes, to read:

192 120.80 Exceptions and special requirements; agencies.—

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

196 Section 2. Subsection (4) of section 316.091, Florida  
 197 Statutes, is amended, present subsection (5) of that section is  
 198 renumbered as subsection (6), and a new subsection (5) is added  
 199 to that section, to read:

200 316.091 Limited access facilities; interstate highways;  
 201 use restricted.—

202 (4) No person shall operate a bicycle or other human-  
 203 powered vehicle on the roadway or along the shoulder of a  
 204 limited access highway, including bridges, unless official signs  
 205 and a designated marked bicycle lane are present at the entrance  
 206 of the section of highway indicating that such use is permitted  
 207 pursuant to a pilot program of the Department of Transportation  
 208 an interstate highway.

209 (5) The Department of Transportation shall establish a 2-  
 210 year pilot program, in three separate urban areas, in which it  
 211 shall erect signs and designate marked bicycle lanes indicating  
 212 highway approaches and bridge segments of limited access  
 213 highways as open to use by operators of bicycles and other  
 214 human-powered vehicles, under the following conditions:

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

220 (b) The Department of Transportation, with the concurrence  
 221 of the Federal Highway Administration on the interstate  
 222 facilities, shall establish the three highway approaches and  
 223 bridge segments for the pilot project by October 1, 2011. In



224 selecting the highway approaches and bridge segments, the  
225 Department of Transportation shall consider, without limitation,  
226 a minimum size of population in the urban area within 5 miles of  
227 the highway approach and bridge segment, the lack of bicycle  
228 access by other means, cost, safety, and operational impacts.

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

235 (d) The Department of Transportation shall conduct the  
236 pilot program for a minimum of 2 years following the  
237 implementation date. The department may continue to provide  
238 bicycle access on the highway approaches and bridge segments  
239 chosen for the pilot program or initiate bicycle access on other  
240 limited access facilities after the end of the program.

241 (e) The Department of Transportation shall submit a report  
242 of its findings and recommendations from the pilot program to  
243 the Governor, the President of the Senate, and the Speaker of  
244 the House of Representatives by September 1, 2014. The report  
245 shall include, at a minimum, bicycle crash data occurring in the  
246 designated segments of the pilot program, usage by operators of  
247 bicycles and other human-powered vehicles, enforcement issues,  
248 operational impacts, and the cost of the pilot program.

249 Section 3. Paragraph (b) of subsection (2) of section  
250 316.302, Florida Statutes, is amended to read:

251 316.302 Commercial motor vehicles; safety regulations;  
 252 transporters and shippers of hazardous materials; enforcement.-

253 (2)

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

258 1. More than 12 hours following 10 consecutive hours off  
 259 duty; or

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

262

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

267 Section 4. Subsection (17) of section 331.303, Florida  
 268 Statutes, is amended to read:

269 331.303 Definitions.-

270 (17) "Spaceport launch support facilities" means  
 271 industrial facilities as described in s. 380.0651(3)(c) and  
 272 includes include any launch pad, launch control center, ~~and~~  
 273 fixed launch-support equipment, facilities located at launch  
 274 sites or launch ranges that are required to support launch  
 275 activities, including launch vehicle assembly, launch vehicle  
 276 operations and control, communications, flight safety functions,  
 277 and payload operations, control, and processing, as defined in  
 278 chapter 84 of Title 15 of the United States Code, Commercial

279 Space Competitiveness, 15 U.S.C. s. 5802, launch support  
 280 infrastructure, and transportation infrastructure necessary to  
 281 support space launch activities.

282 Section 5. Section 334.03, Florida Statutes, is amended to  
 283 read:

284 334.03 Definitions.—When used in the Florida  
 285 Transportation Code, the term:

286 (1)~~(37)~~ "511" or "511 services" means three-digit  
 287 telecommunications dialing to access interactive voice response  
 288 telephone traveler information services provided in the state as  
 289 defined by the Federal Communications Commission in FCC Order  
 290 No. 00-256, July 31, 2000.

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

296 (2)~~(2)~~ "Bridge" means a structure, including supports,  
 297 erected over a depression or an obstruction, such as water or a  
 298 highway or railway, and having a track or passageway for  
 299 carrying traffic as defined in chapter 316 or other moving  
 300 loads.

301 (3) "City street system" means all ~~local~~ roads within a  
 302 municipality that were under the jurisdiction of that  
 303 municipality on June 10, 1995; roads constructed by a  
 304 municipality for that municipality's street system; roads  
 305 completely within an area annexed by the municipality, unless  
 306 otherwise provided by mutual consent; and roads transferred to

307 the municipality's jurisdiction after June 10, 1995, by mutual  
 308 consent with another governmental entity, but not roads so  
 309 transferred from the municipality's jurisdiction, ~~and all~~  
 310 ~~collector roads inside that municipality, which are not in the~~  
 311 ~~county road system.~~

312 ~~(4) "Collector road" means a route providing service which~~  
 313 ~~is of relatively moderate average traffic volume, moderately~~  
 314 ~~average trip length, and moderately average operating speed.~~  
 315 ~~Such a route also collects and distributes traffic between local~~  
 316 ~~roads or arterial roads and serves as a linkage between land~~  
 317 ~~access and mobility needs.~~

318 ~~(4)~~(5) "Commissioners" means the governing body of a  
 319 county.

320 ~~(5)~~(6) "Consolidated metropolitan statistical area" means  
 321 two or more metropolitan statistical areas that are socially and  
 322 economically interrelated as defined by the United States Bureau  
 323 of the Census.

324 ~~(6)~~(7) "Controlled access facility" means a street or  
 325 highway to which the right of access is highly regulated by the  
 326 governmental entity having jurisdiction over the facility in  
 327 order to maximize the operational efficiency and safety of the  
 328 high-volume through traffic utilizing the facility. Owners or  
 329 occupants of abutting lands and other persons have a right of  
 330 access to or from such facility at such points only and in such  
 331 manner as may be determined by the governmental entity.

332 ~~(7)~~(8) "County road system" means all roads within a  
 333 county that were under the jurisdiction of that county on June  
 334 10, 1995; roads constructed by a county for that county's road

335 system; and roads transferred to the county's jurisdiction after  
 336 June 10, 1995, by mutual consent with another governmental  
 337 entity, but, except as otherwise provided by mutual consent, not  
 338 roads transferred from the county's jurisdiction by mutual  
 339 consent or roads that are completely within an area annexed by a  
 340 municipality collector roads in the unincorporated areas of a  
 341 county and all extensions of such collector roads into and  
 342 through any incorporated areas, all local roads in the  
 343 unincorporated areas, and all urban minor arterial roads not in  
 344 the State Highway System.

345 (8)~~(9)~~ "Department" means the Department of  
 346 Transportation.

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

351 (9)~~(11)~~ "Functional classification" means the assignment  
 352 of roads into systems according to the character of service they  
 353 provide in relation to the total road network using procedures  
 354 developed by the Federal Highway Administration. Basic  
 355 functional categories include arterial roads, collector roads,  
 356 and local roads which may be subdivided into principal, major,  
 357 or minor levels. Those levels may be additionally divided into  
 358 rural and urban categories.

359 (10)~~(12)~~ "Governmental entity" means a unit of government,  
 360 or any officially designated public agency or authority of a  
 361 unit of government, that has the responsibility for planning,  
 362 construction, operation, or maintenance or jurisdiction over

363 transportation facilities; the term includes the Federal  
 364 Government, the state government, a county, an incorporated  
 365 municipality, a metropolitan planning organization, an  
 366 expressway or transportation authority, a road and bridge  
 367 district, a special road and bridge district, and a regional  
 368 governmental unit.

369 (11)~~(38)~~ "Interactive voice response" means a software  
 370 application that accepts a combination of voice telephone input  
 371 and touch-tone keypad selection and provides appropriate  
 372 responses in the form of voice, fax, callback, e-mail, and other  
 373 media.

374 (12)~~(13)~~ "Limited access facility" means a street or  
 375 highway especially designed for through traffic, and over, from,  
 376 or to which owners or occupants of abutting land or other  
 377 persons have no right or easement of access, light, air, or view  
 378 by reason of the fact that their property abuts upon such  
 379 limited access facility or for any other reason. Such highways  
 380 or streets may be facilities from which trucks, buses, and other  
 381 commercial vehicles are excluded; or they may be facilities open  
 382 to use by all customary forms of street and highway traffic.

383 (13)~~(14)~~ "Local governmental entity" means a unit of  
 384 government with less than statewide jurisdiction, or any  
 385 officially designated public agency or authority of such a unit  
 386 of government, that has the responsibility for planning,  
 387 construction, operation, or maintenance of, or jurisdiction  
 388 over, a transportation facility; the term includes, but is not  
 389 limited to, a county, an incorporated municipality, a  
 390 metropolitan planning organization, an expressway or

391 transportation authority, a road and bridge district, a special  
 392 road and bridge district, and a regional governmental unit.

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

397 (14)~~(16)~~ "Metropolitan area" means a geographic region  
 398 comprising as a minimum the existing urbanized area and the  
 399 contiguous area projected to become urbanized within a 20-year  
 400 forecast period. The boundaries of a metropolitan area may be  
 401 designated so as to encompass a metropolitan statistical area or  
 402 a consolidated metropolitan statistical area. If a metropolitan  
 403 area, or any part thereof, is located within a nonattainment  
 404 area, the boundaries of the metropolitan area must be designated  
 405 so as to include the boundaries of the entire nonattainment  
 406 area, unless otherwise provided by agreement between the  
 407 applicable metropolitan planning organization and the Governor.

408 (15)~~(17)~~ "Metropolitan statistical area" means an area  
 409 that includes a municipality of 50,000 persons or more, or an  
 410 urbanized area of at least 50,000 persons as defined by the  
 411 United States Bureau of the Census, provided that the component  
 412 county or counties have a total population of at least 100,000.

413 (16)~~(18)~~ "Nonattainment area" means an area designated by  
 414 the United States Environmental Protection Agency, pursuant to  
 415 federal law, as exceeding national primary or secondary ambient  
 416 air quality standards for the pollutants carbon monoxide or  
 417 ozone.

418        (17)~~(19)~~ "Periodic maintenance" means activities that are  
 419 large in scope and require a major work effort to restore  
 420 deteriorated components of the transportation system to a safe  
 421 and serviceable condition, including, but not limited to, the  
 422 repair of large bridge structures, major repairs to bridges and  
 423 bridge systems, and the mineral sealing of lengthy sections of  
 424 roadway.

425        (18)~~(20)~~ "Person" means any person described in s. 1.01 or  
 426 any unit of government in or outside the state.

427        (19)~~(21)~~ "Right of access" means the right of ingress to a  
 428 highway from abutting land and egress from a highway to abutting  
 429 land.

430        (20)~~(22)~~ "Right-of-way" means land in which the state, the  
 431 department, a county, or a municipality owns the fee or has an  
 432 easement devoted to or required for use as a transportation  
 433 facility.

434        (21)~~(23)~~ "Road" means a way open to travel by the public,  
 435 including, but not limited to, a street, highway, or alley. The  
 436 term includes associated sidewalks, the roadbed, the right-of-  
 437 way, and all culverts, drains, sluices, ditches, water storage  
 438 areas, waterways, embankments, slopes, retaining walls, bridges,  
 439 tunnels, and viaducts necessary for the maintenance of travel  
 440 and all ferries used in connection therewith.

441        (22)~~(24)~~ "Routine maintenance" means minor repairs and  
 442 associated tasks necessary to maintain a safe and efficient  
 443 transportation system. The term includes: pavement patching;  
 444 shoulder repair; cleaning and repair of drainage ditches,  
 445 traffic signs, and structures; mowing; bridge inspection and



446 maintenance; pavement striping; litter cleanup; and other  
 447 similar activities.

448 ~~(23)-(25) "State Highway System" means the following, which~~  
 449 ~~shall be facilities to which access is regulated:~~

450 ~~(a) the interstate system and all other roads within the~~  
 451 ~~state which were under the jurisdiction of the state on June 10,~~  
 452 ~~1995, and roads constructed by an agency of the state for the~~  
 453 ~~State Highway System, and roads transferred to the state's~~  
 454 ~~jurisdiction after that date by mutual consent with another~~  
 455 ~~governmental entity, but not roads so transferred from the~~  
 456 ~~state's jurisdiction. Such facilities shall be facilities to~~  
 457 ~~which access is regulated.~~

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

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

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

464  
 465 ~~However, not less than 2 percent of the public road mileage of~~  
 466 ~~each urbanized area on record as of June 30, 1986, shall be~~  
 467 ~~included as minor arterials in the State Highway System.~~

468 ~~Urbanized areas not meeting the foregoing minimum requirement~~  
 469 ~~shall have transferred to the State Highway System additional~~  
 470 ~~minor arterials of the highest significance in which case the~~  
 471 ~~total minor arterials in the State Highway System from any~~  
 472 ~~urbanized area shall not exceed 2.5 percent of that area's total~~  
 473 ~~public urban road mileage.~~

474        (24)~~(26)~~ "State Park Road System" means roads embraced  
475 within the boundaries of state parks and state roads leading to  
476 state parks, other than roads of the State Highway System, the  
477 county road systems, or the city street systems.

478        (25)~~(27)~~ "State road" means a street, road, highway, or  
479 other way open to travel by the public generally and dedicated  
480 to the public use according to law or by prescription and  
481 designated by the department, as provided by law, as part of the  
482 State Highway System.

483        (26)~~(28)~~ "Structure" means a bridge, viaduct, tunnel,  
484 causeway, approach, ferry slip, culvert, toll plaza, gate, or  
485 other similar facility used in connection with a transportation  
486 facility.

487        (27)~~(29)~~ "Sufficiency rating" means the objective rating  
488 of a road or section of a road for the purpose of determining  
489 its capability to serve properly the actual or anticipated  
490 volume of traffic using the road.

491        (28)~~(30)~~ "Transportation corridor" means any land area  
492 designated by the state, a county, or a municipality which is  
493 between two geographic points and which area is used or suitable  
494 for the movement of people and goods by one or more modes of  
495 transportation, including areas necessary for management of  
496 access and securing applicable approvals and permits.  
497 Transportation corridors shall contain, but are not limited to,  
498 the following:

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

500            (b) All property or property interests necessary for  
501 future transportation facilities, including rights of access,

502 air, view, and light, whether public or private, for the purpose  
 503 of securing and utilizing future transportation rights-of-way,  
 504 including, but not limited to, any lands reasonably necessary  
 505 now or in the future for securing applicable approvals and  
 506 permits, borrow pits, drainage ditches, water retention areas,  
 507 rest areas, replacement access for landowners whose access could  
 508 be impaired due to the construction of a future facility, and  
 509 replacement rights-of-way for relocation of rail and utility  
 510 facilities.

511 (29)~~(31)~~ "Transportation facility" means any means for the  
 512 transportation of people or property from place to place which  
 513 is constructed, operated, or maintained in whole or in part from  
 514 public funds. The term includes the property or property rights,  
 515 both real and personal, which have been or may be established by  
 516 public bodies for the transportation of people or property from  
 517 place to place.

518 (30)~~(32)~~ "Urban area" means a geographic region comprising  
 519 as a minimum the area inside the United States Bureau of the  
 520 Census boundary of an urban place with a population of 5,000 or  
 521 more persons, expanded to include adjacent developed areas as  
 522 provided for by Federal Highway Administration regulations.

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

529        (31)~~(34)~~ "Urban place" means a geographic region composed  
 530 of one or more contiguous census tracts that have been found by  
 531 the United States Bureau of the Census to contain a population  
 532 density of at least 1,000 persons per square mile.

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

539        (32)~~(36)~~ "Urbanized area" means a geographic region  
 540 comprising as a minimum the area inside an urban place of 50,000  
 541 or more persons, as designated by the United States Bureau of  
 542 the Census, expanded to include adjacent developed areas as  
 543 provided for by Federal Highway Administration regulations.  
 544 Urban areas with a population of fewer than 50,000 persons which  
 545 are located within the expanded boundary of an urbanized area  
 546 are not separately recognized.

547        Section 6. Subsections (11), (13), (26), and (33) of  
 548 section 334.044, Florida Statutes, are amended to read:

549        334.044 Department; powers and duties.—The department  
 550 shall have the following general powers and duties:

551        (11) To establish a numbering system for public roads, and  
 552 to functionally classify such roads, ~~and to assign~~  
 553 ~~jurisdictional responsibility.~~

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

CS/CS/CS/HB 1363

2011

557 (26) To provide for the enhancement of environmental  
558 benefits, including air and water quality; to prevent roadside  
559 erosion; to conserve the natural roadside growth and scenery;  
560 and to provide for the implementation and maintenance of  
561 roadside conservation, enhancement, and stabilization programs.  
562 No more ~~less~~ than 1.5 percent of the amount contracted for  
563 construction projects that add capacity to the existing system  
564 shall be allocated by the department for the purchase of plant  
565 materials. ~~with~~ To the greatest extent practical, a minimum of  
566 50 percent of these funds shall be allocated for large plant  
567 materials and the remaining funds for other plant materials. All  
568 such plant materials shall be purchased from Florida commercial  
569 nursery stock in this state on a uniform competitive bid basis.  
570 The department will develop grades and standards for landscaping  
571 materials purchased through this process. To accomplish these  
572 activities, the department may contract with nonprofit  
573 organizations having the primary purpose of developing youth  
574 employment opportunities.

575 (33) To enter into agreement with Space Florida to  
576 coordinate and cooperate in the development of spaceport  
577 infrastructure as defined in s. 331.303(10) and (17) and related  
578 transportation facilities contained in the Strategic Intermodal  
579 System Plan and, where appropriate, encourage the cooperation  
580 and integration of airports and spaceports in order to meet  
581 transportation-related needs.

582 Section 7. Section 334.047, Florida Statutes, is amended  
583 to read:

584           334.047 Prohibition.—Notwithstanding any other provision  
 585 of law to the contrary, the Department of Transportation may not  
 586 establish a cap on the number of miles in the State Highway  
 587 System ~~or a maximum number of miles of urban principal arterial~~  
 588 ~~roads, as defined in s. 334.03, within a district or county.~~

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

591           336.021 County transportation system; levy of ninth-cent  
 592 fuel tax on motor fuel and diesel fuel.—

593           (5) All impositions of the tax shall be levied before  
 594 October 1 ~~July 1~~ of each year to be effective January 1 of the  
 595 following year. However, levies of the tax which were in effect  
 596 on July 1, 2002, and which expire on August 31 of any year may  
 597 be reimposed at the current authorized rate to be effective  
 598 September 1 of the year of expiration. All impositions shall be  
 599 required to end on December 31 of a year. A decision to rescind  
 600 the tax shall not take effect on any date other than December 31  
 601 and shall require a minimum of 60 days' notice to the department  
 602 of such decision.

603           Section 9. Paragraphs (a) and (b) of subsection (1),  
 604 paragraph (a) of subsection (5), and paragraphs (d) and (e) of  
 605 subsection (7) of section 336.025, Florida Statutes, are amended  
 606 to read:

607           336.025 County transportation system; levy of local option  
 608 fuel tax on motor fuel and diesel fuel.—

609           (1)(a) In addition to other taxes allowed by law, there  
 610 may be levied as provided in ss. 206.41(1)(e) and 206.87(1)(c) a  
 611 1-cent, 2-cent, 3-cent, 4-cent, 5-cent, or 6-cent local option

612 fuel tax upon every gallon of motor fuel and diesel fuel sold in  
 613 a county and taxed under the provisions of part I or part II of  
 614 chapter 206.

615 1. All impositions and rate changes of the tax shall be  
 616 levied before October 1 ~~July 1~~ to be effective January 1 of the  
 617 following year for a period not to exceed 30 years, and the  
 618 applicable method of distribution shall be established pursuant  
 619 to subsection (3) or subsection (4). However, levies of the tax  
 620 which were in effect on July 1, 2002, and which expire on August  
 621 31 of any year may be reimposed at the current authorized rate  
 622 effective September 1 of the year of expiration. Upon  
 623 expiration, the tax may be relieved provided that a  
 624 redetermination of the method of distribution is made as  
 625 provided in this section.

626 2. County and municipal governments shall utilize moneys  
 627 received pursuant to this paragraph only for transportation  
 628 expenditures.

629 3. Any tax levied pursuant to this paragraph may be  
 630 extended on a majority vote of the governing body of the county.  
 631 A redetermination of the method of distribution shall be  
 632 established pursuant to subsection (3) or subsection (4), if,  
 633 after July 1, 1986, the tax is extended or the tax rate changed,  
 634 for the period of extension or for the additional tax.

635 (b) In addition to other taxes allowed by law, there may  
 636 be levied as provided in s. 206.41(1)(e) a 1-cent, 2-cent, 3-  
 637 cent, 4-cent, or 5-cent local option fuel tax upon every gallon  
 638 of motor fuel sold in a county and taxed under the provisions of  
 639 part I of chapter 206. The tax shall be levied by an ordinance

640 adopted by a majority plus one vote of the membership of the  
 641 governing body of the county or by referendum.

642 1. All impositions and rate changes of the tax shall be  
 643 levied before October 1 ~~July 1~~, to be effective January 1 of the  
 644 following year. However, levies of the tax which were in effect  
 645 on July 1, 2002, and which expire on August 31 of any year may  
 646 be reimposed at the current authorized rate effective September  
 647 1 of the year of expiration.

648 2. The county may, prior to levy of the tax, establish by  
 649 interlocal agreement with one or more municipalities located  
 650 therein, representing a majority of the population of the  
 651 incorporated area within the county, a distribution formula for  
 652 dividing the entire proceeds of the tax among county government  
 653 and all eligible municipalities within the county. If no  
 654 interlocal agreement is adopted before the effective date of the  
 655 tax, tax revenues shall be distributed pursuant to the  
 656 provisions of subsection (4). If no interlocal agreement exists,  
 657 a new interlocal agreement may be established prior to June 1 of  
 658 any year pursuant to this subparagraph. However, any interlocal  
 659 agreement agreed to under this subparagraph after the initial  
 660 levy of the tax or change in the tax rate authorized in this  
 661 section shall under no circumstances materially or adversely  
 662 affect the rights of holders of outstanding bonds which are  
 663 backed by taxes authorized by this paragraph, and the amounts  
 664 distributed to the county government and each municipality shall  
 665 not be reduced below the amount necessary for the payment of  
 666 principal and interest and reserves for principal and interest  
 667 as required under the covenants of any bond resolution



668 outstanding on the date of establishment of the new interlocal  
669 agreement.

670 3. County and municipal governments shall use moneys  
671 received pursuant to this paragraph for transportation  
672 expenditures needed to meet the requirements of the capital  
673 improvements element of an adopted comprehensive plan or for  
674 expenditures needed to meet immediate local transportation  
675 problems and for other transportation-related expenditures that  
676 are critical for building comprehensive roadway networks by  
677 local governments. For purposes of this paragraph, expenditures  
678 for the construction of new roads, the reconstruction or  
679 resurfacing of existing paved roads, or the paving of existing  
680 graded roads shall be deemed to increase capacity and such  
681 projects shall be included in the capital improvements element  
682 of an adopted comprehensive plan. Expenditures for purposes of  
683 this paragraph shall not include routine maintenance of roads.

684 (5) (a) By October 1 ~~July 1~~ of each year, the county shall  
685 notify the Department of Revenue of the rate of the taxes levied  
686 pursuant to paragraphs (1) (a) and (b), and of its decision to  
687 rescind or change the rate of a tax, if applicable, and shall  
688 provide the department with a certified copy of the interlocal  
689 agreement established under subparagraph (1) (b)2. or  
690 subparagraph (3) (a)1. with distribution proportions established  
691 by such agreement or pursuant to subsection (4), if applicable.  
692 A decision to rescind a tax shall not take effect on any date  
693 other than December 31 and shall require a minimum of 60 days'  
694 notice to the Department of Revenue of such decision.

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

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

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

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

706 337.111 Contracting for monuments and memorials to  
 707 military veterans at rest areas.—The Department of  
 708 Transportation is authorized to enter into contract with any  
 709 not-for-profit group or organization that has been operating for  
 710 not less than 2 years for the installation of monuments and  
 711 memorials honoring Florida's military veterans at highway rest  
 712 areas around the state pursuant to the provisions of this  
 713 section.

714 (4) The group or organization making the proposal shall  
 715 provide a 10-year bond, an annual renewable bond, an irrevocable  
 716 letter of credit, or other form of security as approved by the  
 717 department's comptroller, for the purpose of securing the cost  
 718 of removal of the monument and any modifications made to the  
 719 site as part of the placement of the monument should the  
 720 Department of Transportation determine it necessary to remove or  
 721 relocate the monument. Such removal or relocation shall be  
 722 approved by the committee described in subsection (1). ~~Prior to~~

723 ~~expiration, the bond shall be renewed for another 10-year period~~  
 724 ~~if the memorial is to remain in place.~~

725 Section 11. Section 337.403, Florida Statutes, is amended  
 726 to read:

727 337.403 Interference caused by Relocation of utility;  
 728 expenses.-

729 (1) When a ~~Any utility heretofore or hereafter~~ placed  
 730 upon, under, over, or along any public road or publicly owned  
 731 rail corridor ~~that~~ is found by the authority to be unreasonably  
 732 interfering in any way with the convenient, safe, or continuous  
 733 use, or the maintenance, improvement, extension, or expansion,  
 734 of such public road or publicly owned rail corridor, the utility  
 735 owner shall, upon 30 days' written notice to the utility or its  
 736 agent by the authority, initiate the work necessary to alleviate  
 737 the interference be removed or relocated by such utility at its  
 738 own expense except as provided in paragraphs (a)-(f). The work  
 739 shall be completed within such reasonable time as stated in the  
 740 notice or such time as agreed to by the authority and the  
 741 utility owner.

742 (a) If the relocation of utility facilities, as referred  
 743 to in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.  
 744 627 of the 84th Congress, is necessitated by the construction of  
 745 a project on the federal-aid interstate system, including  
 746 extensions thereof within urban areas, and the cost of the  
 747 project is eligible and approved for reimbursement by the  
 748 Federal Government to the extent of 90 percent or more under the  
 749 Federal Aid Highway Act, or any amendment thereof, then in that  
 750 event the utility owning or operating such facilities shall

751 perform any necessary work ~~relocate the facilities~~ upon notice  
752 from ~~order of~~ the department, and the state shall pay the entire  
753 expense properly attributable to such work ~~relocation~~ after  
754 deducting therefrom any increase in the value of any ~~the~~ new  
755 facility and any salvage value derived from any ~~the~~ old  
756 facility.

757 (b) When a joint agreement between the department and the  
758 utility is executed for utility ~~improvement, relocation, or~~  
759 ~~removal~~ work to be accomplished as part of a contract for  
760 construction of a transportation facility, the department may  
761 participate in those utility work ~~improvement, relocation, or~~  
762 ~~removal~~ costs that exceed the department's official estimate of  
763 the cost of the work by more than 10 percent. The amount of such  
764 participation shall be limited to the difference between the  
765 official estimate of all the work in the joint agreement plus 10  
766 percent and the amount awarded for this work in the construction  
767 contract for such work. The department may not participate in  
768 any utility work ~~improvement, relocation, or removal~~ costs that  
769 occur as a result of changes or additions during the course of  
770 the contract.

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

776 (d) If the utility facility involved ~~being removed or~~  
777 ~~relocated~~ was initially installed to exclusively serve the  
778 department, its tenants, or both, the department shall bear the

779 costs of the utility work ~~removing or relocating that utility~~  
780 ~~facility~~. However, the department is not responsible for bearing  
781 the cost of utility work related to ~~removing or relocating~~ any  
782 subsequent additions to that facility for the purpose of serving  
783 others.

784 (e) If, under an agreement between a utility and the  
785 authority entered into after July 1, 2009, the utility conveys,  
786 subordinates, or relinquishes a compensable property right to  
787 the authority for the purpose of accommodating the acquisition  
788 or use of the right-of-way by the authority, without the  
789 agreement expressly addressing future responsibility for the  
790 cost of necessary utility work ~~removing or relocating the~~  
791 ~~utility~~, the authority shall bear the cost of removal or  
792 relocation. This paragraph does not impair or restrict, and may  
793 not be used to interpret, the terms of any such agreement  
794 entered into before July 1, 2009.

795 (f) If the utility is an electric facility being relocated  
796 underground in order to enhance vehicular, bicycle, and  
797 pedestrian safety and in which ownership of the electric  
798 facility to be placed underground has been transferred from a  
799 private to a public utility within the past 5 years, the  
800 department shall incur all costs of the necessary utility work  
801 ~~relocation~~.

802 (2) If such utility work ~~removal or relocation~~ is  
803 incidental to work to be done on such road or publicly owned  
804 rail corridor, the notice shall be given at the same time the  
805 contract for the work is advertised for bids, or no less than 30

806 days prior to the commencement of such work by the authority,  
 807 whichever is greater.

808 (3) Whenever the notice from ~~an order of~~ the authority  
 809 requires such utility work ~~removal or change in the location of~~  
 810 ~~any utility from the right-of-way of a public road or publicly~~  
 811 ~~owned rail corridor,~~ and the owner thereof fails perform the  
 812 work to remove or change the same at his or her own expense ~~to~~  
 813 ~~conform to the order~~ within the time stated in the notice or  
 814 such other time as agreed to by the authority and the utility  
 815 owner, the authority shall proceed to cause the utility work to  
 816 be performed ~~to be removed.~~ The expense thereby incurred shall  
 817 be paid out of any money available therefor, and such expense  
 818 shall, except as provided in subsection (1), be charged against  
 819 the owner and levied and collected and paid into the fund from  
 820 which the expense of such relocation was paid.

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

823 337.404 Removal or relocation of utility facilities;  
 824 notice and order; court review.-

825 (1) Whenever it shall become necessary for the authority  
 826 to perform utility work ~~remove or relocate any utility~~ as  
 827 provided in s. 337.403 ~~the preceding section,~~ the owner of the  
 828 utility, or the owner's chief agent, shall be given notice that  
 829 the authority will perform ~~of such work removal or relocation~~  
 830 and, after the work is complete, shall be given an order  
 831 requiring the payment of the cost thereof, and a ~~shall be given~~  
 832 reasonable time, which shall not be less than 20 nor more than  
 833 30 days, in which to appear before the authority to contest the

834 | reasonably of the order. Should the owner or the owner's  
 835 | representative not appear, the determination of the cost to the  
 836 | owner shall be final. Authorities considered agencies for the  
 837 | purposes of chapter 120 shall adjudicate removal or relocation  
 838 | of utilities pursuant to chapter 120.

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

841 |       337.408 Regulation of bus stops, benches, transit  
 842 | shelters, street light poles, waste disposal receptacles, and  
 843 | modular news racks within rights-of-way.—

844 |       (1) Benches or transit shelters, including advertising  
 845 | displayed on benches or transit shelters, may be installed  
 846 | within the right-of-way limits of any municipal, county, or  
 847 | state road, except a limited access highway, provided that such  
 848 | benches or transit shelters are for the comfort or convenience  
 849 | of the general public or are at designated stops on official bus  
 850 | routes and provided that written authorization has been given to  
 851 | a qualified private supplier of such service by the municipal  
 852 | government within whose incorporated limits such benches or  
 853 | transit shelters are installed or by the county government  
 854 | within whose unincorporated limits such benches or transit  
 855 | shelters are installed. A municipality or county may authorize  
 856 | the installation, without public bid, of benches and transit  
 857 | shelters together with advertising displayed thereon within the  
 858 | right-of-way limits of such roads. All installations shall be in  
 859 | compliance with all applicable laws and rules, including,  
 860 | without limitation, the Americans with Disabilities Act.  
 861 | Municipalities or counties shall indemnify, defend, and hold

862 harmless the department from any suits, actions, proceedings,  
863 claims, losses, costs, charges, expenses, damages, liabilities,  
864 attorney fees, and court costs relating to the installation,  
865 removal, or relocation of such installations. Any contract for  
866 the installation of benches or transit shelters or advertising  
867 on benches or transit shelters which was entered into before  
868 April 8, 1992, without public bidding is ratified and affirmed.  
869 Such benches or transit shelters may not interfere with right-  
870 of-way preservation and maintenance. Any bench or transit  
871 shelter located on a sidewalk within the right-of-way limits of  
872 any road on the State Highway System or the county road system  
873 shall be located so as to leave at least 36 inches of clearance  
874 for pedestrians and persons in wheelchairs. Such clearance shall  
875 be measured in a direction perpendicular to the centerline of  
876 the road.

877 (4) The department has the authority to direct the  
878 immediate relocation or removal of any bus stop, bench, transit  
879 shelter, waste disposal receptacle, public pay telephone, or  
880 modular news rack that endangers life or property, or that is  
881 otherwise not in compliance with applicable laws and rules,  
882 except that transit bus benches that were placed in service  
883 before April 1, 1992, are not required to comply with bench size  
884 and advertising display size requirements established by the  
885 department before March 1, 1992. If a municipality or county  
886 fails to comply with the department's direction, the department  
887 shall remove the noncompliant installation, charge the cost of  
888 the removal to the municipality or county, and may deduct or  
889 offset such cost from any other funding available to the



890 municipality or county from the department. ~~Any transit bus~~  
891 ~~bench that was in service before April 1, 1992, may be replaced~~  
892 ~~with a bus bench of the same size or smaller, if the bench is~~  
893 ~~damaged or destroyed or otherwise becomes unusable.~~ The  
894 department may adopt rules relating to the regulation of bench  
895 size and advertising display size requirements. If a  
896 municipality or county within which a bench is to be located has  
897 adopted an ordinance or other applicable regulation that  
898 establishes bench size or advertising display sign requirements  
899 different from requirements specified in department rule, the  
900 local government requirement applies within the respective  
901 municipality or county. Placement of any bench or advertising  
902 display on the National Highway System under a local ordinance  
903 or regulation adopted under this subsection is subject to  
904 approval of the Federal Highway Administration.

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

907 Section 15. Section 338.001, Florida Statutes, is  
908 repealed.

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

913 338.01 Authority to establish and regulate limited access  
914 facilities.—

915 (1) The department is authorized to establish limited  
916 access facilities as provided in s. 335.02. The primary function  
917 of such limited access facilities is to allow high-speed and

918 high-volume traffic movements within the state. Access to  
 919 abutting land is subordinate to this function, and such access  
 920 must be prohibited or highly regulated.

921 Section 17. Section 339.155, Florida Statutes, is amended  
 922 to read:

923 339.155 Transportation planning.—

924 (1) THE FLORIDA TRANSPORTATION PLAN.—The department shall  
 925 develop ~~and annually update~~ a statewide transportation plan, to  
 926 be known as the Florida Transportation Plan. The plan shall be  
 927 designed so as to be easily read and understood by the general  
 928 public. The purpose of the Florida Transportation Plan is to  
 929 establish and define the state's long-range transportation goals  
 930 and objectives to be accomplished over a period of at least 20  
 931 years within the context of the State Comprehensive Plan, and  
 932 any other statutory mandates and authorizations and based upon  
 933 the prevailing principles of: preserving the existing  
 934 transportation infrastructure; enhancing Florida's economic  
 935 competitiveness; and improving travel choices to ensure  
 936 mobility. The Florida Transportation Plan shall consider the  
 937 needs of the entire state transportation system and examine the  
 938 use of all modes of transportation to effectively and  
 939 efficiently meet such needs.

940 (2) SCOPE OF PLANNING PROCESS.—The department shall carry  
 941 out a transportation planning process in conformance with s.  
 942 334.046(1) and 23 U.S.C. s. 135. ~~which provides for~~  
 943 ~~consideration of projects and strategies that will:~~

- 944 ~~(a) Support the economic vitality of the United States,~~
- 945 ~~Florida, and the metropolitan areas, especially by enabling~~
- 946 ~~global competitiveness, productivity, and efficiency;~~
- 947 ~~(b) Increase the safety and security of the transportation~~
- 948 ~~system for motorized and nonmotorized users;~~
- 949 ~~(c) Increase the accessibility and mobility options~~
- 950 ~~available to people and for freight;~~
- 951 ~~(d) Protect and enhance the environment, promote energy~~
- 952 ~~conservation, and improve quality of life;~~
- 953 ~~(e) Enhance the integration and connectivity of the~~
- 954 ~~transportation system, across and between modes throughout~~
- 955 ~~Florida, for people and freight;~~
- 956 ~~(f) Promote efficient system management and operation; and~~
- 957 ~~(g) Emphasize the preservation of the existing~~
- 958 ~~transportation system.~~

959 (3) FORMAT, SCHEDULE, AND REVIEW.—The Florida  
 960 Transportation Plan shall be a unified, concise planning  
 961 document that clearly defines the state's long-range  
 962 transportation goals and objectives ~~and documents the~~  
 963 ~~department's short-range objectives developed to further such~~  
 964 ~~goals and objectives.~~ The plan shall:

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

969 (b)-(a) Document A long-range component documenting the  
 970 goals and long-term objectives ~~necessary to implement the~~  
 971 ~~results of the~~ department consistent with department's findings

972 ~~from its examination of the criteria listed in subsection (2)~~  
 973 ~~and s. 334.046(1) and 23 U.S.C. s. 135. The long-range component~~  
 974 ~~must~~

975 (c) Be developed in cooperation with the metropolitan  
 976 planning organizations and reconciled, to the maximum extent  
 977 feasible, with the long-range plans developed by metropolitan  
 978 planning organizations pursuant to s. 339.175. ~~The plan must~~  
 979 ~~also~~

980 (d) Be developed in consultation with affected local  
 981 officials in nonmetropolitan areas and with any affected Indian  
 982 tribal governments. ~~The plan must~~

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

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

989 ~~(b) A short-range component documenting the short-term~~  
 990 ~~objectives and strategies necessary to implement the goals and~~  
 991 ~~long-term objectives contained in the long-range component. The~~  
 992 ~~short-range component must define the relationship between the~~  
 993 ~~long-range goals and the short-range objectives, specify those~~  
 994 ~~objectives against which the department's achievement of such~~  
 995 ~~goals will be measured, and identify transportation strategies~~  
 996 ~~necessary to efficiently achieve the goals and objectives in the~~  
 997 ~~plan. It must provide a policy framework within which the~~  
 998 ~~department's legislative budget request, the strategic~~  
 999 ~~information resource management plan, and the work program are~~

1000 ~~developed. The short-range component shall serve as the~~  
 1001 ~~department's annual agency strategic plan pursuant to s.~~  
 1002 ~~186.021. The short-range component shall be developed consistent~~  
 1003 ~~with available and forecasted state and federal funds. The~~  
 1004 ~~short-range component shall also be submitted to the Florida~~  
 1005 ~~Transportation Commission.~~

1006 ~~(4) ANNUAL PERFORMANCE REPORT. The department shall~~  
 1007 ~~develop an annual performance report evaluating the operation of~~  
 1008 ~~the department for the preceding fiscal year. The report shall~~  
 1009 ~~also include a summary of the financial operations of the~~  
 1010 ~~department and shall annually evaluate how well the adopted work~~  
 1011 ~~program meets the short-term objectives contained in the short-~~  
 1012 ~~range component of the Florida Transportation Plan. This~~  
 1013 ~~performance report shall be submitted to the Florida~~  
 1014 ~~Transportation Commission and the legislative appropriations and~~  
 1015 ~~transportation committees.~~

1016 (4) ~~(5)~~ ADDITIONAL TRANSPORTATION PLANS.—

1017 (a) Upon request by local governmental entities, the  
 1018 department may in its discretion develop and design  
 1019 transportation corridors, arterial and collector streets,  
 1020 vehicular parking areas, and other support facilities which are  
 1021 consistent with the plans of the department for major  
 1022 transportation facilities. The department may render to local  
 1023 governmental entities or their planning agencies such technical  
 1024 assistance and services as are necessary so that local plans and  
 1025 facilities are coordinated with the plans and facilities of the  
 1026 department.

1027 (b) Each regional planning council, as provided for in s.  
1028 186.504, or any successor agency thereto, shall develop, as an  
1029 element of its strategic regional policy plan, transportation  
1030 goals and policies. The transportation goals and policies must  
1031 be prioritized to comply with the prevailing principles provided  
1032 in subsection (2) and s. 334.046(1). The transportation goals  
1033 and policies shall be consistent, to the maximum extent  
1034 feasible, with the goals and policies of the metropolitan  
1035 planning organization and the Florida Transportation Plan. The  
1036 transportation goals and policies of the regional planning  
1037 council will be advisory only and shall be submitted to the  
1038 department and any affected metropolitan planning organization  
1039 for their consideration and comments. Metropolitan planning  
1040 organization plans and other local transportation plans shall be  
1041 developed consistent, to the maximum extent feasible, with the  
1042 regional transportation goals and policies. The regional  
1043 planning council shall review urbanized area transportation  
1044 plans and any other planning products stipulated in s. 339.175  
1045 and provide the department and respective metropolitan planning  
1046 organizations with written recommendations which the department  
1047 and the metropolitan planning organizations shall take under  
1048 advisement. Further, the regional planning councils shall  
1049 directly assist local governments which are not part of a  
1050 metropolitan area transportation planning process in the  
1051 development of the transportation element of their comprehensive  
1052 plans as required by s. 163.3177.

1053 (c) Regional transportation plans may be developed in  
1054 regional transportation areas in accordance with an interlocal

1055 agreement entered into pursuant to s. 163.01 by two or more  
1056 contiguous metropolitan planning organizations; one or more  
1057 metropolitan planning organizations and one or more contiguous  
1058 counties, none of which is a member of a metropolitan planning  
1059 organization; a multicounty regional transportation authority  
1060 created by or pursuant to law; two or more contiguous counties  
1061 that are not members of a metropolitan planning organization; or  
1062 metropolitan planning organizations comprised of three or more  
1063 counties.

1064 (d) The interlocal agreement must, at a minimum, identify  
1065 the entity that will coordinate the development of the regional  
1066 transportation plan; delineate the boundaries of the regional  
1067 transportation area; provide the duration of the agreement and  
1068 specify how the agreement may be terminated, modified, or  
1069 rescinded; describe the process by which the regional  
1070 transportation plan will be developed; and provide how members  
1071 of the entity will resolve disagreements regarding  
1072 interpretation of the interlocal agreement or disputes relating  
1073 to the development or content of the regional transportation  
1074 plan. Such interlocal agreement shall become effective upon its  
1075 recordation in the official public records of each county in the  
1076 regional transportation area.

1077 (e) The regional transportation plan developed pursuant to  
1078 this section must, at a minimum, identify regionally significant  
1079 transportation facilities located within a regional  
1080 transportation area and contain a prioritized list of regionally  
1081 significant projects. The level-of-service standards for  
1082 facilities to be funded under this subsection shall be adopted

1083 by the appropriate local government in accordance with s.  
 1084 163.3180(10). The projects shall be adopted into the capital  
 1085 improvements schedule of the local government comprehensive plan  
 1086 pursuant to s. 163.3177(3).

1087 (5)~~(6)~~ PROCEDURES FOR PUBLIC PARTICIPATION IN  
 1088 TRANSPORTATION PLANNING.—

1089 (a) During the development of the ~~long range component of~~  
 1090 ~~the~~ Florida Transportation Plan and prior to substantive  
 1091 revisions, the department shall provide citizens, affected  
 1092 public agencies, representatives of transportation agency  
 1093 employees, other affected employee representatives, private  
 1094 providers of transportation, and other known interested parties  
 1095 with an opportunity to comment on the proposed plan or  
 1096 revisions. These opportunities shall include, at a minimum,  
 1097 publishing a notice in the Florida Administrative Weekly and  
 1098 within a newspaper of general circulation within the area of  
 1099 each department district office.

1100 (b) During development of major transportation  
 1101 improvements, such as those increasing the capacity of a  
 1102 facility through the addition of new lanes or providing new  
 1103 access to a limited or controlled access facility or  
 1104 construction of a facility in a new location, the department  
 1105 shall hold one or more hearings prior to the selection of the  
 1106 facility to be provided; prior to the selection of the site or  
 1107 corridor of the proposed facility; and prior to the selection of  
 1108 and commitment to a specific design proposal for the proposed  
 1109 facility. Such public hearings shall be conducted so as to  
 1110 provide an opportunity for effective participation by interested



CS/CS/CS/HB 1363

2011

1111 persons in the process of transportation planning and site and  
1112 route selection and in the specific location and design of  
1113 transportation facilities. The various factors involved in the  
1114 decision or decisions and any alternative proposals shall be  
1115 clearly presented so that the persons attending the hearing may  
1116 present their views relating to the decision or decisions which  
1117 will be made.

1118 (c) Opportunity for design hearings:

1119 1. The department, prior to holding a design hearing,  
1120 shall duly notify all affected property owners of record, as  
1121 recorded in the property appraiser's office, by mail at least 20  
1122 days prior to the date set for the hearing. The affected  
1123 property owners shall be:

1124 a. Those whose property lies in whole or in part within  
1125 300 feet on either side of the centerline of the proposed  
1126 facility.

1127 b. Those whom the department determines will be  
1128 substantially affected environmentally, economically, socially,  
1129 or safetywise.

1130 2. For each subsequent hearing, the department shall  
1131 publish notice prior to the hearing date in a newspaper of  
1132 general circulation for the area affected. These notices must be  
1133 published twice, with the first notice appearing at least 15  
1134 days, but no later than 30 days, before the hearing.

1135 3. A copy of the notice of opportunity for the hearing  
1136 must be furnished to the United States Department of  
1137 Transportation and to the appropriate departments of the state  
1138 government at the time of publication.

1139           4. The opportunity for another hearing shall be afforded  
 1140 in any case when proposed locations or designs are so changed  
 1141 from those presented in the notices specified above or at a  
 1142 hearing as to have a substantially different social, economic,  
 1143 or environmental effect.

1144           5. The opportunity for a hearing shall be afforded in each  
 1145 case in which the department is in doubt as to whether a hearing  
 1146 is required.

1147           Section 18. Paragraph (a) of subsection (4) of section  
 1148 339.175, Florida Statutes, is amended to read:

1149           339.175 Metropolitan planning organization.—

1150           (4) APPORTIONMENT.—

1151           (a) The Governor shall, with the agreement of the affected  
 1152 units of general-purpose local government as required by federal  
 1153 rules and regulations, apportion the membership on the  
 1154 applicable M.P.O. among the various governmental entities within  
 1155 the area. At the request of a majority of the affected units of  
 1156 general-purpose local government comprising an M.P.O., the  
 1157 Governor and a majority of units of general-purpose local  
 1158 government serving on an M.P.O. shall cooperatively agree upon  
 1159 and prescribe who may serve as an alternate member and a method  
 1160 for appointing alternate members who may vote at any M.P.O.  
 1161 meeting that an alternate member attends in place of a regular  
 1162 member. The method shall be set forth as a part of the  
 1163 interlocal agreement describing the M.P.O.'s membership or in  
 1164 the M.P.O.'s operating procedures and bylaws. The governmental  
 1165 entity so designated shall appoint the appropriate number of  
 1166 members to the M.P.O. from eligible officials. Representatives

1167 of the department shall serve as nonvoting advisers to ~~members~~  
 1168 ~~of~~ the M.P.O. governing board. Additional nonvoting advisers may  
 1169 be appointed by the M.P.O. as deemed necessary; however, to the  
 1170 maximum extent feasible, each M.P.O. shall seek to appoint  
 1171 nonvoting representatives of various multimodal forms of  
 1172 transportation not otherwise represented by voting members of  
 1173 the M.P.O. An M.P.O. shall appoint nonvoting advisers  
 1174 representing major military installations located within the  
 1175 jurisdictional boundaries of the M.P.O. upon the request of the  
 1176 aforesaid major military installations and subject to the  
 1177 agreement of the M.P.O. All nonvoting advisers may attend and  
 1178 participate fully in governing board meetings but shall not have  
 1179 a vote and shall not be members of the governing board. The  
 1180 Governor shall review the composition of the M.P.O. membership  
 1181 in conjunction with the decennial census as prepared by the  
 1182 United States Department of Commerce, Bureau of the Census, and  
 1183 reapportion it as necessary to comply with subsection (3).

1184 Section 19. Subsection (2) of section 339.63, Florida  
 1185 Statutes, is amended to read:

1186 339.63 System facilities designated; additions and  
 1187 deletions.—

1188 (2) The Strategic Intermodal System and the Emerging  
 1189 Strategic Intermodal System include four ~~three~~ different types  
 1190 of facilities that each form one component of an interconnected  
 1191 transportation system which types include:

1192 (a) Existing or planned hubs that are ports and terminals  
 1193 including airports, seaports, spaceports, passenger terminals,  
 1194 and rail terminals serving to move goods or people between

1195 Florida regions or between Florida and other markets in the  
 1196 United States and the rest of the world.†

1197 (b) Existing or planned corridors that are highways, rail  
 1198 lines, waterways, and other exclusive-use facilities connecting  
 1199 major markets within Florida or between Florida and other states  
 1200 or nations.†~~and~~

1201 (c) Existing or planned intermodal connectors that are  
 1202 highways, rail lines, waterways or local public transit systems  
 1203 serving as connectors between the components listed in  
 1204 paragraphs (a) and (b).

1205 (d) Existing or planned military access facilities that  
 1206 are highways or rail lines linking Strategic Intermodal System  
 1207 corridors to the state's strategic military installations.

1208 Section 20. Section 339.64, Florida Statutes, is amended  
 1209 to read:

1210 339.64 Strategic Intermodal System Plan.—

1211 (1) The department shall develop, in cooperation with  
 1212 metropolitan planning organizations, regional planning councils,  
 1213 local governments, ~~the Statewide Intermodal Transportation~~  
 1214 ~~Advisory Council~~ and other transportation providers, a Strategic  
 1215 Intermodal System Plan. The plan shall be consistent with the  
 1216 Florida Transportation Plan developed pursuant to s. 339.155 and  
 1217 shall be updated at least once every 5 years, subsequent to  
 1218 updates of the Florida Transportation Plan.

1219 (2) In association with the continued development of the  
 1220 Strategic Intermodal System Plan, the Florida Transportation  
 1221 Commission, as part of its work program review process, shall  
 1222 conduct an annual assessment of the progress that the department

1223 and its transportation partners have made in realizing the goals  
 1224 of economic development, improved mobility, and increased  
 1225 intermodal connectivity of the Strategic Intermodal System. The  
 1226 Florida Transportation Commission shall coordinate with the  
 1227 department, ~~the Statewide Intermodal Transportation Advisory~~  
 1228 ~~Council~~, and other appropriate entities when developing this  
 1229 assessment. The Florida Transportation Commission shall deliver  
 1230 a report to the Governor and Legislature no later than 14 days  
 1231 after the regular session begins, with recommendations as  
 1232 necessary to fully implement the Strategic Intermodal System.

1233 (3) (a) During the development of updates to the Strategic  
 1234 Intermodal System Plan, the department shall provide  
 1235 metropolitan planning organizations, regional planning councils,  
 1236 local governments, transportation providers, affected public  
 1237 agencies, and citizens with an opportunity to participate in and  
 1238 comment on the development of the update.

1239 (b) The department also shall coordinate with federal,  
 1240 regional, and local partners the planning for the Strategic  
 1241 Highway Network and the Strategic Rail Corridor Network  
 1242 transportation facilities that either are included in the  
 1243 Strategic Intermodal System or that provide a direct connection  
 1244 between military installations and the Strategic Intermodal  
 1245 System. In addition, the department shall coordinate with  
 1246 regional and local partners to determine whether the road and  
 1247 other transportation infrastructure that connect military  
 1248 installations to the Strategic Intermodal System, the Strategic  
 1249 Highway Network, or the Strategic Rail Corridor is regionally

1250 significant and should be included in the Strategic Intermodal  
 1251 System Plan.

1252 (4) The Strategic Intermodal System Plan shall include the  
 1253 following:

1254 (a) A needs assessment.

1255 (b) A project prioritization process.

1256 (c) A map of facilities designated as Strategic Intermodal  
 1257 System facilities; facilities that are emerging in importance  
 1258 and that are likely to become part of the system in the future;  
 1259 and planned facilities that will meet the established criteria.

1260 (d) A finance plan based on reasonable projections of  
 1261 anticipated revenues, including both 10-year and at least 20-  
 1262 year cost-feasible components.

1263 (e) An assessment of the impacts of proposed improvements  
 1264 to Strategic Intermodal System corridors on military  
 1265 installations that are either located directly on the Strategic  
 1266 Intermodal System or located on the Strategic Highway Network or  
 1267 Strategic Rail Corridor Network.

1268 ~~(5) STATEWIDE INTERMODAL TRANSPORTATION ADVISORY COUNCIL.~~

1269 ~~(a) The Statewide Intermodal Transportation Advisory  
 1270 Council is created to advise and make recommendations to the  
 1271 Legislature and the department on policies, planning, and  
 1272 funding of intermodal transportation projects. The council's  
 1273 responsibilities shall include:~~

1274 ~~1. Advising the department on the policies, planning, and  
 1275 implementation of strategies related to intermodal  
 1276 transportation.~~

1277 ~~2. Providing advice and recommendations to the Legislature~~  
 1278 ~~on funding for projects to move goods and people in the most~~  
 1279 ~~efficient and effective manner for the State of Florida.~~

1280 ~~(b) MEMBERSHIP. Members of the Statewide Intermodal~~  
 1281 ~~Transportation Advisory Council shall consist of the following:~~

1282 ~~1. Six intermodal industry representatives selected by the~~  
 1283 ~~Governor as follows:~~

1284 ~~a. One representative from an airport involved in the~~  
 1285 ~~movement of freight and people from their airport facility to~~  
 1286 ~~another transportation mode.~~

1287 ~~b. One individual representing a fixed-route, local-~~  
 1288 ~~government transit system.~~

1289 ~~c. One representative from an intercity bus company~~  
 1290 ~~providing regularly scheduled bus travel as determined by~~  
 1291 ~~federal regulations.~~

1292 ~~d. One representative from a spaceport.~~

1293 ~~e. One representative from intermodal trucking companies.~~

1294 ~~f. One representative having command responsibilities of a~~  
 1295 ~~major military installation.~~

1296 ~~2. Three intermodal industry representatives selected by~~  
 1297 ~~the President of the Senate as follows:~~

1298 ~~a. One representative from major-line railroads.~~

1299 ~~b. One representative from seaports listed in s. 311.09(1)~~  
 1300 ~~from the Atlantic Coast.~~

1301 ~~e. One representative from an airport involved in the~~  
 1302 ~~movement of freight and people from their airport facility to~~  
 1303 ~~another transportation mode.~~

1304 ~~3. Three intermodal industry representatives selected by~~  
 1305 ~~the Speaker of the House of Representatives as follows:~~  
 1306 ~~a. One representative from short-line railroads.~~  
 1307 ~~b. One representative from seaports listed in s. 311.09(1)~~  
 1308 ~~from the Gulf Coast.~~  
 1309 ~~e. One representative from intermodal trucking companies.~~  
 1310 ~~In no event may this representative be employed by the same~~  
 1311 ~~company that employs the intermodal trucking company~~  
 1312 ~~representative selected by the Governor.~~  
 1313 ~~(c) Initial appointments to the council must be made no~~  
 1314 ~~later than 30 days after the effective date of this section.~~  
 1315 ~~1. The initial appointments made by the President of the~~  
 1316 ~~Senate and the Speaker of the House of Representatives shall~~  
 1317 ~~serve terms concurrent with those of the respective appointing~~  
 1318 ~~officer. Beginning January 15, 2005, and for all subsequent~~  
 1319 ~~appointments, council members appointed by the President of the~~  
 1320 ~~Senate and the Speaker of the House of Representatives shall~~  
 1321 ~~serve 2-year terms, concurrent with the term of the respective~~  
 1322 ~~appointing officer.~~  
 1323 ~~2. The initial appointees, and all subsequent appointees,~~  
 1324 ~~made by the Governor shall serve 2-year terms.~~  
 1325 ~~3. Vacancies on the council shall be filled in the same~~  
 1326 ~~manner as the initial appointments.~~  
 1327 ~~(d) Each member of the council shall be allowed one vote.~~  
 1328 ~~The council shall select a chair from among its membership.~~  
 1329 ~~Meetings shall be held at the call of the chair, but not less~~  
 1330 ~~frequently than quarterly. The members of the council shall be~~



1331 ~~reimbursed for per diem and travel expenses as provided in s.~~  
 1332 ~~112.061.~~

1333 ~~(c) The department shall provide administrative staff~~  
 1334 ~~support and shall ensure that council meetings are~~  
 1335 ~~electronically recorded. Such recordings and all documents~~  
 1336 ~~received, prepared for, or used by the council in conducting its~~  
 1337 ~~business shall be preserved pursuant to chapters 119 and 257.~~

1338 Section 21. Section 339.65, Florida Statutes, is created  
 1339 to read:

1340 339.65 Strategic Intermodal System highway corridors.—

1341 (1) The department shall plan and develop Strategic  
 1342 Intermodal System highway corridors, including limited and  
 1343 controlled access facilities, allowing for high-speed and high-  
 1344 volume traffic movements within the state. The primary function  
 1345 of these corridors is to provide such traffic movements. Access  
 1346 to abutting land is subordinate to this function, and such  
 1347 access must be prohibited or highly regulated.

1348 (2) Strategic Intermodal System highway corridors shall  
 1349 include facilities from the following components of the State  
 1350 Highway System that meet the criteria adopted by the department  
 1351 pursuant to s. 339.63:

1352 (a) Interstate highways.

1353 (b) The Florida Turnpike System.

1354 (c) Interregional and intercity limited access facilities.

1355 (d) Existing interregional and intercity arterial highways  
 1356 previously upgraded or upgraded in the future to limited access  
 1357 or controlled access facility standards.

1358 (e) New limited access facilities necessary to complete a  
 1359 balanced statewide system.

1360 (3) The department shall adhere to the following policy  
 1361 guidelines in the development of Strategic Intermodal System  
 1362 highway corridors:

1363 (a) Make capacity improvements to existing facilities  
 1364 where feasible to minimize costs and environmental impacts.

1365 (b) Identify appropriate arterial highways in major  
 1366 transportation corridors for inclusion in a program to bring  
 1367 these facilities up to limited access or controlled access  
 1368 facility standards.

1369 (c) Coordinate proposed projects with appropriate limited  
 1370 access projects undertaken by expressway authorities and local  
 1371 governmental entities.

1372 (d) Maximize the use of limited access facility standards  
 1373 when constructing new arterial highways.

1374 (e) Identify appropriate new limited access highways for  
 1375 inclusion as a part of the Florida Turnpike System.

1376 (f) To the maximum extent feasible, ensure that proposed  
 1377 projects are consistent with approved local government  
 1378 comprehensive plans of the local jurisdictions in which such  
 1379 facilities are to be located and with the transportation  
 1380 improvement program of any metropolitan planning organization in  
 1381 which such facilities are to be located.

1382 (4) The department shall develop and maintain a plan of  
 1383 Strategic Intermodal System highway corridor projects that are  
 1384 anticipated to be let to contract for construction within a time  
 1385 period of at least 20 years. The plan shall also identify when

1386 segments of the corridor will meet the standards and criteria  
1387 developed pursuant to subsection (5).

1388 (5) The department shall establish the standards and  
1389 criteria for the functional characteristics and design of  
1390 facilities proposed as part of Strategic Intermodal System  
1391 highway corridors.

1392 (6) For the purposes of developing the proposed Strategic  
1393 Intermodal System highway corridors, beginning in fiscal year  
1394 2003-2004 and for each fiscal year thereafter, the minimum  
1395 amount allocated shall be based on the fiscal year 2003-2004  
1396 allocation of \$450 million adjusted annually by the change in  
1397 the Consumer Price Index for the prior fiscal year compared to  
1398 the Consumer Price Index for fiscal year 2003-2004.

1399 (7) Any project to be constructed as part of a Strategic  
1400 Intermodal System highway corridor shall be included in the  
1401 department's adopted work program. Any Strategic Intermodal  
1402 System highway corridor projects that are added to or deleted  
1403 from the previous adopted work program, or any modification to  
1404 Strategic Intermodal System highway corridor projects contained  
1405 in the previous adopted work program, shall be specifically  
1406 identified and submitted as a separate part of the tentative  
1407 work program.

1408 Section 22. Subsection (3) of section 341.302, Florida  
1409 Statutes, is amended to read:

1410 341.302 Rail program; duties and responsibilities of the  
1411 department.—The department, in conjunction with other  
1412 governmental entities, including the rail enterprise and the  
1413 private sector, shall develop and implement a rail program of

1414 statewide application designed to ensure the proper maintenance,  
 1415 safety, revitalization, and expansion of the rail system to  
 1416 assure its continued and increased availability to respond to  
 1417 statewide mobility needs. Within the resources provided pursuant  
 1418 to chapter 216, and as authorized under federal law, the  
 1419 department shall:

1420 (3) Develop and periodically update the rail system plan,  
 1421 on the basis of an analysis of statewide transportation needs.

1422 (a) The plan may contain detailed regional components,  
 1423 consistent with regional transportation plans, as needed to  
 1424 ensure connectivity within the state's regions, and it shall be  
 1425 consistent with the Florida Transportation Plan developed  
 1426 pursuant to s. 339.155. The rail system plan shall include an  
 1427 identification of priorities, programs, and funding levels  
 1428 required to meet statewide and regional needs. The rail system  
 1429 plan shall be developed in a manner that will assure the maximum  
 1430 use of existing facilities and the optimum integration and  
 1431 coordination of the various modes of transportation, public and  
 1432 private, in the most cost-effective manner possible. The rail  
 1433 system plan shall be updated no later than January 1, 2011, and  
 1434 at least every 5 years thereafter, and include plans for both  
 1435 passenger rail service and freight rail service, accompanied by  
 1436 a report to the Legislature regarding the status of the plan.

1437 (b) In recognition of the department's role in the  
 1438 enhancement of the state's rail system to improve freight and  
 1439 passenger mobility, the department shall:

1440 1. Work closely with all affected communities along an  
 1441 impacted freight rail corridor to identify and address

1442 anticipated impacts associated with an increase in freight rail  
 1443 traffic due to implementation of passenger rail.

1444 2. In coordination with the affected local governments and  
 1445 CSX Transportation, Inc., finalize all viable alternatives from  
 1446 the department's Rail Traffic Evaluation Study to identify and  
 1447 develop an alternative route for through freight rail traffic  
 1448 moving through Central Florida, including the counties of Polk  
 1449 and Hillsborough, which would address, to the extent  
 1450 practicable, the effects of commuter rail.

1451 3. Provide technical assistance to a coalition of local  
 1452 governments in Central Florida, including the counties of  
 1453 Brevard, Citrus, Hernando, Hillsborough, Lake, Marion, Orange,  
 1454 Osceola, Pasco, Pinellas, Polk, Manatee, Sarasota, Seminole,  
 1455 Sumter, and Volusia, and the municipalities within those  
 1456 counties, to develop a regional rail system plan that addresses  
 1457 passenger and freight opportunities in the region, is consistent  
 1458 with the Florida Rail System Plan, and incorporates appropriate  
 1459 elements of the Tampa Bay Area Regional Authority Master Plan,  
 1460 the Metroplan Orlando Regional Transit System Concept Plan,  
 1461 including the SunRail project, and the Florida Department of  
 1462 Transportation Alternate Rail Traffic Evaluation.

1463 4. Provide for, to the extent funds are available and  
 1464 funding for high hazard grade crossing safety projects is not  
 1465 adversely affected:

1466 a. Construction of supplemental safety measures, known as  
 1467 quadrant gates, as authorized by the Federal Railroad  
 1468 Administration for quiet zone crossings, at any rail crossing  
 1469 located along a passenger rail corridor and giving priority to

CS/CS/CS/HB 1363

2011

1470 such projects in areas where a one-to-one local match is  
 1471 available; and  
 1472 b. Improvements at multimodal transportation centers, only  
 1473 for the period of time that the passenger rail system is  
 1474 operated and maintained by the department, that serve more than  
 1475 one transportation mode, including, but not limited to, buses,  
 1476 bicycles, and passenger rail, in an effort to maximize the  
 1477 benefits of a passenger rail system. Priority shall be given to  
 1478 multimodal transportation centers that have established the  
 1479 regulatory framework for transit-oriented development in and  
 1480 around its downtown service area.

1481 Section 23. Paragraph (c) of subsection (4) of section  
 1482 348.0003, Florida Statutes, is amended to read:

1483 348.0003 Expressway authority; formation; membership.—  
 1484 (4)

1485 (c) Members of each expressway authority, transportation  
 1486 authority, bridge authority, or toll authority, created pursuant  
 1487 to this chapter, chapter 343, ~~or chapter 349~~ or any other  
 1488 general legislative enactment shall comply with the applicable  
 1489 financial disclosure requirements of s. 8, Art. II of the State  
 1490 Constitution. This paragraph does not subject any statutorily  
 1491 created authority, other than an expressway authority created  
 1492 under this part, to any other requirement of this part except  
 1493 the requirement of this paragraph.

1494 Section 24. Subsection (3) of section 349.03, Florida  
 1495 Statutes, is amended to read:

1496 349.03 Jacksonville Transportation Authority.—

1497           (3) (a) The terms of appointed members shall be for 4 years  
1498 deemed to have commenced on June 1 of the year in which they are  
1499 appointed. Each member shall hold office until a successor has  
1500 been appointed and has qualified. A vacancy during a term shall  
1501 be filled by the respective appointing authority only for the  
1502 balance of the unexpired term. Any member appointed to the  
1503 authority for two consecutive full terms shall not be eligible  
1504 for appointment to the next succeeding term. One of the members  
1505 so appointed shall be designated annually by the members as  
1506 chair of the authority, one member shall be designated annually  
1507 as the vice chair of the authority, one member shall be  
1508 designated annually as the secretary of the authority, and one  
1509 member shall be designated annually as the treasurer of the  
1510 authority. The members of the authority shall not be entitled to  
1511 compensation, but shall be reimbursed for travel expenses or  
1512 other expenses actually incurred in their duties as provided by  
1513 law. Four voting members of the authority shall constitute a  
1514 quorum, and no resolution adopted by the authority shall become  
1515 effective unless with the affirmative vote of at least four  
1516 members. Members of the authority shall file as their mandatory  
1517 financial disclosure a statement of financial interest with the  
1518 Commission on Ethics as provided in s. 112.3145(2)(b).

1519           (b) The authority shall employ an executive director, and  
1520 the executive director may hire such staff, permanent or  
1521 temporary, as he or she may determine and may organize the staff  
1522 of the authority into such departments and units as he or she  
1523 may determine. The executive director may appoint department  
1524 directors, deputy directors, division chiefs, and staff

CS/CS/CS/HB 1363

2011

1525 assistants to the executive director, as he or she may  
1526 determine. In so appointing the executive director, the  
1527 authority may fix the compensation of such appointee, who shall  
1528 serve at the pleasure of the authority. All employees of the  
1529 authority shall be exempt from the provisions of part II of  
1530 chapter 110. The authority may employ such financial advisers  
1531 and consultants, technical experts, engineers, and agents and  
1532 employees, permanent or temporary, as it may require and may fix  
1533 the compensation and qualifications of such persons, firms, or  
1534 corporations. The authority may delegate to one or more of its  
1535 agents or employees such of its powers as it shall deem  
1536 necessary to carry out the purposes of this chapter, subject  
1537 always to the supervision and control of the governing body of  
1538 the authority.

1539 Section 25. Subsection (8) is added to section 349.04,  
1540 Florida Statutes, to read:

1541 349.04 Purposes and powers.—

1542 (8) The authority may conduct public meetings and  
1543 workshops by means of communications media technology, as  
1544 provided in s. 120.54(5). However, a resolution, rule, or formal  
1545 action is not binding unless a quorum is physically present at  
1546 the noticed meeting location, and only members physically  
1547 present may vote on any item.

1548 Section 26. Subsection (6) is added to section 373.413,  
1549 Florida Statutes, to read:

1550 373.413 Permits for construction or alteration.—

1551 (6) It is the intent of the Legislature that the governing  
1552 board or department exercise flexibility in the permitting of



1553 stormwater management systems associated with the construction  
 1554 or alteration of systems serving state transportation projects  
 1555 and facilities. Because of the unique limitations of linear  
 1556 facilities, the governing board or department shall balance the  
 1557 expenditure of public funds for stormwater treatment for state  
 1558 transportation projects and facilities with the benefits to the  
 1559 public in providing the most cost efficient and effective method  
 1560 of achieving the treatment objectives. In consideration thereof,  
 1561 the governing board or department shall allow alternatives to  
 1562 onsite treatment, including, but not limited to, regional  
 1563 stormwater treatment systems. The Department of Transportation  
 1564 is responsible for treating stormwater generated from state  
 1565 transportation projects but is not responsible for the abatement  
 1566 of pollutants and flows entering its stormwater management  
 1567 systems from offsite. However, this subsection does not prohibit  
 1568 the Department of Transportation from receiving and managing  
 1569 such pollutants and flows when it is found to be cost-effective  
 1570 and prudent. Further, in association with rights-of-way  
 1571 acquisition for state transportation projects, the Department of  
 1572 Transportation is responsible for providing stormwater treatment  
 1573 and attenuation for additional rights-of-way, but is not  
 1574 responsible for modifying permits of adjacent lands when it is  
 1575 not the permittee. To accomplish this, the governing board or  
 1576 department shall adopt rules for these activities.

1577 Section 27. Section 479.075, Florida Statutes, is created  
 1578 to read:

1579 479.075 Sign permit fee limitations.-  
 1580 (1) As used in this section, the term:

1581 (a) "Sign" means any sign, wall mural, or media tower as  
 1582 defined in s. 479.01 or as defined by a local government  
 1583 agreement, resolution, or ordinance.

1584 (b) "Sign permit fee" means any payment required as a  
 1585 condition for building, erecting, inspecting, renewing,  
 1586 maintaining, operating, relocating, or reconstructing a sign or  
 1587 required pursuant to any agreement, ordinance, or resolution  
 1588 that includes any provision relating to the issuance of a sign  
 1589 permit or otherwise authorizing the building, erection,  
 1590 inspection, renewal, maintenance, operation, relocation, or  
 1591 reconstruction of a sign.

1592 (2) A local government may establish by agreement,  
 1593 resolution, or ordinance a sign permit fee schedule and may  
 1594 assess fees for sign permits. The fee schedule must be based on  
 1595 the actual costs of administering its sign permitting program,  
 1596 but may not exceed \$500 per sign per year.

1597 (3) This section does not affect the validity of any other  
 1598 aspect of any agreement, resolution, or ordinance regarding  
 1599 signs or require the removal of any sign or repayment of any  
 1600 fees already paid. A local government that requires the removal  
 1601 of a sign as the result of the adoption of this section must  
 1602 adhere to the provision of s. 70.20(2).

1603 Section 28. Section 479.106, Florida Statutes, is amended  
 1604 to read:

1605 479.106 Vegetation management.—

1606 (1) The removal, cutting, or trimming of trees or  
 1607 vegetation on public right-of-way to make visible or to ensure  
 1608 future visibility of the facing of a proposed sign or previously

1609 permitted sign shall be performed only with the written  
 1610 permission of the department in accordance with the provisions  
 1611 of this section.

1612 (2) Any person desiring to engage in the removal, cutting,  
 1613 or trimming of trees or vegetation for the purposes herein  
 1614 described shall apply for an appropriate permit by ~~make~~ written  
 1615 application to the department. The application for a permit  
 1616 shall include, at the election of the applicant, one of the  
 1617 following:

1618 (a) A vegetation management plan consisting of a property  
 1619 sketch indicating the onsite location of the vegetation or  
 1620 individual trees to be removed, cut, or trimmed and describing  
 1621 the existing conditions and proposed work to be accomplished.

1622 (b) Mitigation contribution to the Federal Grants Trust  
 1623 Fund pursuant to s. 589.277(2) using values of a wholesale plant  
 1624 nursery registered with the Division of Plant Industry of the  
 1625 Department of Agriculture and Consumer Services.

1626 (c) A combination of both a vegetation management plan and  
 1627 mitigation contribution ~~the applicant's plan for the removal,~~  
 1628 ~~cutting, or trimming and for the management of any vegetation~~  
 1629 ~~planted as part of a mitigation plan.~~

1630 (3) In evaluating a vegetation management plan or  
 1631 mitigation contribution, the department ~~As a condition of any~~  
 1632 ~~removal of trees or vegetation, and where the department deems~~  
 1633 ~~appropriate as a condition of any cutting or trimming, the~~  
 1634 ~~department may require a vegetation management plan, approved by~~  
 1635 ~~the department, which considers conservation and mitigation, or~~  
 1636 ~~contribution to a plan of mitigation, for the replacement of~~

CS/CS/CS/HB 1363

2011

1637 ~~such vegetation. Each plan or contribution~~ shall reasonably  
1638 evaluate the application as it relates ~~relate~~ to the vegetation  
1639 being affected by the application, taking into consideration the  
1640 condition of such vegetation, and, where appropriate, require a  
1641 vegetation management plan to consider conservation and  
1642 mitigation, or a contribution to a plan of mitigation, for the  
1643 cutting or removal of such vegetation. The department may  
1644 approve ~~shall include~~ plantings that ~~which~~ will allow reasonable  
1645 visibility of sign facings while screening sign structural  
1646 supports. Only herbicides approved by the Department of  
1647 Agriculture and Consumer Services may be used in the removal of  
1648 vegetation. The department shall act on the application for  
1649 approval of vegetation management plans, or approval of  
1650 mitigation contribution, within 30 days after receipt of such  
1651 application. A permit issued in response to such application is  
1652 valid for 5 years, may be renewed for an additional 5 years by  
1653 payment of the applicable application fee, and is binding upon  
1654 the department. The department may establish special mitigation  
1655 programs for the beautification and aesthetic improvement of  
1656 designated areas and permit individual applicants to contribute  
1657 to such programs as a part or in lieu of other mitigation  
1658 requirements.

1659 (4) The department may establish an application fee not to  
1660 exceed \$25 for each individual application to defer the costs of  
1661 processing such application and a fee not to exceed \$200 to  
1662 defer the costs of processing an application for multiple sites.

1663 (5) The department may only grant a permit pursuant to s.  
1664 479.07 for a new sign which requires the removal, cutting, or

CS/CS/CS/HB 1363

2011

1665 trimming of existing trees or vegetation on public right-of-way  
1666 for the sign face to be visible from the highway when the sign  
1667 owner has removed one ~~at least two~~ nonconforming sign ~~signs~~ of  
1668 approximate comparable size and surrendered the permits for the  
1669 nonconforming signs to the department for cancellation. For  
1670 signs originally permitted after July 1, 1996, no permit for the  
1671 removal, cutting, or trimming of trees or vegetation shall be  
1672 granted where such trees or vegetation are part of a  
1673 beautification project implemented prior to the date of the  
1674 original sign permit application, when the beautification  
1675 project is specifically identified in the department's  
1676 construction plans, permitted landscape projects, or agreements.

1677 (6) As a minimum, view zones shall be established along  
1678 the public rights-of-way of interstate highways, expressways,  
1679 federal-aid primary highways, and the State Highway System in  
1680 the state, excluding privately or other publicly owned property,  
1681 as follows:

1682 (a) A view zone of 350 feet for posted speed limits of 35  
1683 miles per hour or less.

1684 (b) A view zone of 500 feet for posted speed limits of  
1685 more than 35 miles per hour.

1686  
1687 The established view zone shall be within the first 1,000 feet  
1688 measured along the edge of the pavement in the direction of  
1689 approaching traffic from a point on the edge of the pavement  
1690 perpendicular to the edge of the sign facing nearest the highway  
1691 and shall be continuous unless interrupted by vegetation that  
1692 has established historical significance, is protected by state

1693 law, or has a circumference, measured at 4 and 1/2 feet above  
 1694 grade, equal to or greater than 70 percent of the circumference  
 1695 of the Florida Champion of the same species as listed in the  
 1696 Florida Register of Big Trees of the Florida Native Plant  
 1697 Society. The sign owner may designate the specific location of  
 1698 the view zone for each sign facing. In the absence of such  
 1699 designation, the established view zone shall be measured from  
 1700 the sign along the edge of the pavement in the direction of  
 1701 approaching traffic as provided in this subsection.

1702 (7)(6) Beautification projects, trees, or other vegetation  
 1703 shall not be planted or located in the view zone of legally  
 1704 erected and permitted outdoor advertising signs which have been  
 1705 permitted prior to the date of the beautification project or  
 1706 other planting, where such planting will, at the time of  
 1707 planting or after future growth, screen such sign from view. The  
 1708 department shall provide written notice to the owner not less  
 1709 than 90 days before commencing a beautification project or other  
 1710 vegetation planting that may affect a sign, allowing such owner  
 1711 not less than 60 days to designate the specific location of the  
 1712 view zone of such affected sign. A sign owner is not required to  
 1713 prepare a vegetation management plan or secure a vegetation  
 1714 management permit for the implementation of beautification  
 1715 projects.

1716 ~~(a) View zones are established along the public rights-of-~~  
 1717 ~~way of interstate highways, expressways, federal-aid primary~~  
 1718 ~~highways, and the State Highway System in the state, excluding~~  
 1719 ~~privately or other publicly owned property, as follows:~~

1720           1. ~~A view zone of 350 feet for posted speed limits of 35~~  
 1721 ~~miles per hour or less.~~

1722           2. ~~A view zone of 500 feet for posted speed limits of over~~  
 1723 ~~35 miles per hour.~~

1724           (b) ~~The established view zone shall be within the first~~  
 1725 ~~1,000 feet measured along the edge of the pavement in the~~  
 1726 ~~direction of approaching traffic from a point on the edge of the~~  
 1727 ~~pavement perpendicular to the edge of the sign facing nearest~~  
 1728 ~~the highway and shall be continuous unless interrupted by~~  
 1729 ~~existing, naturally occurring vegetation. The department and the~~  
 1730 ~~sign owner may enter into an agreement identifying the specific~~  
 1731 ~~location of the view zone for each sign facing. In the absence~~  
 1732 ~~of such agreement, the established view zone shall be measured~~  
 1733 ~~from the sign along the edge of the pavement in the direction of~~  
 1734 ~~approaching traffic as provided in this subsection.~~

1735           (a) ~~(e)~~ If a sign owner alleges any governmental entity or  
 1736 other party has violated this subsection, the sign owner must  
 1737 provide 90 days' written notice to the governmental entity or  
 1738 other party allegedly violating this subsection. If the alleged  
 1739 violation is not cured by the governmental entity or other party  
 1740 within the 90-day period, the sign owner may file a claim in the  
 1741 circuit court where the sign is located. A copy of such  
 1742 complaint shall be served contemporaneously upon the  
 1743 governmental entity or other party. If the circuit court  
 1744 determines a violation of this subsection has occurred, the  
 1745 court shall award a claim for compensation equal to the lesser  
 1746 of the revenue from the sign lost during the time of screening  
 1747 or the fair market value of the sign, and the governmental

1748 entity or other party shall pay the award of compensation  
 1749 subject to available appeal. Any modification or removal of  
 1750 material within a beautification project or other planting by  
 1751 the governmental entity or other party to cure an alleged  
 1752 violation shall not require the issuance of a permit from the  
 1753 Department of Transportation provided not less than 48 hours'  
 1754 notice is provided to the department of the modification or  
 1755 removal of the material. A natural person, private corporation,  
 1756 or private partnership licensed under part II of chapter 481  
 1757 providing design services for beautification or other projects  
 1758 shall not be subject to a claim of compensation under this  
 1759 section when the initial project design meets the requirements  
 1760 of this section.

1761 (b)~~(d)~~ This subsection shall not apply to the provisions  
 1762 of any existing written agreement executed before July 1, 2006,  
 1763 between any local government and the owner of an outdoor  
 1764 advertising sign.

1765 (8)~~(7)~~ Any person engaging in removal, cutting, or  
 1766 trimming of trees or vegetation in violation of this section or  
 1767 benefiting from such actions shall be subject to an  
 1768 administrative penalty of up to \$1,000 and required to mitigate  
 1769 for the unauthorized removal, cutting, or trimming in such  
 1770 manner and in such amount as may be required under the rules of  
 1771 the department.

1772 (9)~~(8)~~ The intent of this section is to create partnering  
 1773 relationships which will have the effect of improving the  
 1774 appearance of Florida's highways and creating a net increase in  
 1775 the vegetative habitat along the roads. Department rules shall



1776 encourage the use of plants which are low maintenance and native  
 1777 to the general region in which they are planted.

1778 Section 29. Effective upon this act becoming a law,  
 1779 section 3 of chapter 2008-174, Laws of Florida, is amended to  
 1780 read:

1781 Section 3. (1) School districts are encouraged to enter  
 1782 into partnerships with local businesses for purposes of  
 1783 mentorship opportunities, the development of employment options  
 1784 and additional funding sources, and other mutual benefits.

1785 (2) As a pilot program through June 30, 2013 ~~2011~~, the  
 1786 Palm Beach County school district may recognize its business  
 1787 partners by publicly displaying such business partners' names on  
 1788 school district property in the unincorporated areas. "Project  
 1789 Graduation" and athletic sponsorships are examples of  
 1790 appropriate recognition. The district shall make every effort to  
 1791 display its business partners' names in a manner that is  
 1792 consistent with the county standards for uniformity in size,  
 1793 color, and placement of signs. If the provisions of this section  
 1794 are inconsistent with the county ordinances or regulations  
 1795 relating to signs in the unincorporated areas or inconsistent  
 1796 with chapter 125, chapter 166, or chapter 479, Florida Statutes,  
 1797 the provisions of this section prevail.

1798 Section 30. Edna S. Hargrett-Thrower Avenue designated;  
 1799 Department of Transportation to erect suitable markers.-

1800 (1) That portion of Orange Blossom Trail between Gore  
 1801 Street and Church Street in Orange County is designated as "Edna  
 1802 S. Hargrett-Thrower Avenue."

1803           (2) The Department of Transportation is directed to erect  
 1804 suitable markers designating Edna S. Hargrett-Thrower Avenue as  
 1805 described in subsection (1).

1806           Section 31. SP4 Thomas Berry Corbin Memorial Highway  
 1807 designated; Department of Transportation to erect suitable  
 1808 markers.-

1809           (1) That portion of U.S. Highway 19/27A/98/State Road 55  
 1810 between the Suwannee River Bridge and N.E. 592nd Street/Chavous  
 1811 Road/Kate Green Road in Dixie County is designated as "SP4  
 1812 Thomas Berry Corbin Memorial Highway."

1813           (2) The Department of Transportation is directed to erect  
 1814 suitable markers designating SP4 Thomas Berry Corbin Memorial  
 1815 Highway as described in subsection (1).

1816           Section 32. U.S. Navy BMC Samuel Calhoun Chavous, Jr.  
 1817 Memorial Highway designated; Department of Transportation to  
 1818 erect suitable markers.-

1819           (1) That portion of U.S. Highway 19/98/State Road 55  
 1820 between N.E. 592nd Street/Chavous Road/Kate Green Road and N.E.  
 1821 170th Street in Dixie County is designated as "U.S. Navy BMC  
 1822 Samuel Calhoun Chavous, Jr. Memorial Highway."

1823           (2) The Department of Transportation is directed to erect  
 1824 suitable markers designating U.S. Navy BMC Samuel Calhoun  
 1825 Chavous, Jr. Memorial Highway as described in subsection (1).

1826           Section 33. Marine Lance Corporal Brian R. Buesing  
 1827 Memorial Highway designated; Department of Transportation to  
 1828 erect suitable markers.-

1829           (1) That portion of State Road 24 between County Road 347  
 1830 and Bridge Number 340053 in Levy County is designated as "Marine  
 1831 Lance Corporal Brian R. Buesing Memorial Highway."

1832           (2) The Department of Transportation is directed to erect  
 1833 suitable markers designating Marine Lance Corporal Brian R.  
 1834 Buesing Memorial Highway as described in subsection (1).

1835           Section 34. United States Army Sergeant Karl A. Campbell  
 1836 Memorial Highway designated; Department of Transportation to  
 1837 erect suitable markers.—

1838           (1) That portion of U.S. Highway 19/98/State Road 55/S.  
 1839 Main Street between N.W. 1st Avenue and S.E. 2nd Avenue in Levy  
 1840 County is designated as "United States Army Sergeant Karl A.  
 1841 Campbell Memorial Highway."

1842           (2) The Department of Transportation is directed to erect  
 1843 suitable markers designating United States Army Sergeant Karl A.  
 1844 Campbell Memorial Highway as described in subsection (1).

1845           Section 35. U.S. Army SPC James A. Page Memorial Highway  
 1846 designated; Department of Transportation to erect suitable  
 1847 markers.—

1848           (1) That portion of U.S. Highway 27A/State Road  
 1849 500/Hathaway Avenue between State Road 24/Thrasher Drive and  
 1850 Town Court in Levy County is designated as "U.S. Army SPC James  
 1851 A. Page Memorial Highway."

1852           (2) The Department of Transportation is directed to erect  
 1853 suitable markers designating U.S. Army SPC James A. Page  
 1854 Memorial Highway as described in subsection (1).

1855           Section 36. Veterans Memorial Highway designated;  
 1856 Department of Transportation to erect suitable markers.—

CS/CS/CS/HB 1363

2011

1857           (1) That portion of State Road 19 between U.S. Highway  
 1858 17/State Road 15 and Carriage Drive in the City of Palatka in  
 1859 Putnam County is designated as "Veterans Memorial Highway."

1860           (2) The Department of Transportation is directed to erect  
 1861 suitable markers designating Veterans Memorial Highway as  
 1862 described in subsection (1).

1863           Section 37. Ben G. Watts Highway designated; Department of  
 1864 Transportation to erect suitable markers.-

1865           (1) That portion of U.S. Highway 90/State Road 10 between  
 1866 the Holmes County line and the Jackson County line in Washington  
 1867 County is designated as "Ben G. Watts Highway."

1868           (2) The Department of Transportation is directed to erect  
 1869 suitable markers designating Ben G. Watts Highway as described  
 1870 in subsection (1).

1871           Section 38. Mardi Gras Way designated; Department of  
 1872 Transportation to erect suitable markers.-

1873           (1) That portion of State Road 824 between Interstate 95  
 1874 and U.S. Highway 1 in Broward County is designated as "Mardi  
 1875 Gras Way."

1876           (2) The Department of Transportation is directed to erect  
 1877 suitable markers designating Mardi Gras Way as described in  
 1878 subsection (1).

1879           Section 39. West Park Boulevard designated; Department of  
 1880 Transportation to erect suitable markers.-

1881           (1) That portion of State Road 7 between Pembroke Road and  
 1882 County Line Road in Broward County is designated as "West Park  
 1883 Boulevard."

1884           (2) The Department of Transportation is directed to erect  
 1885 suitable markers designating West Park Boulevard as described in  
 1886 subsection (1).

1887           Section 40. Pembroke Park Boulevard designated; Department  
 1888 of Transportation to erect suitable markers.-

1889           (1) That portion of State Road 858/Hallandale Beach  
 1890 Boulevard between Interstate 95 and U.S. Highway 441/State Road  
 1891 7 in Broward County is designated as "Pembroke Park Boulevard."

1892           (2) The Department of Transportation is directed to erect  
 1893 suitable markers designating Pembroke Park Boulevard as  
 1894 described in subsection (1).

1895           Section 41. Stark Memorial Drive designated; Department of  
 1896 Transportation to erect suitable markers.-

1897           (1) That portion of State Road 101/Mayport Road between  
 1898 State Road A1A and Wonderwood Connector in Duval County is  
 1899 designated as "Stark Memorial Drive."

1900           (2) The Department of Transportation is directed to erect  
 1901 suitable markers designating Stark Memorial Drive as described  
 1902 in subsection (1).

1903           Section 42. Duval County Law Enforcement Memorial Overpass  
 1904 designated; Department of Transportation to erect suitable  
 1905 markers.-

1906           (1) The Interstate 295/State Road 9A overpass (Bridge  
 1907 Numbers 720256 and 720347) over Interstate 10/State Road 8 in  
 1908 Duval County is designated as "Duval County Law Enforcement  
 1909 Memorial Overpass."

1910           (2) The Department of Transportation is directed to erect  
 1911 suitable markers designating Duval County Law Enforcement  
 1912 Memorial Overpass as described in subsection (1).

1913           Section 43. Verna Bell Way designated; Department of  
 1914 Transportation to erect suitable markers.-

1915           (1) That portion of State Road 200 between Lime Street and  
 1916 Beech Street in the City of Fernandina Beach in Nassau County is  
 1917 designated as "Verna Bell Way."

1918           (2) The Department of Transportation is directed to erect  
 1919 suitable markers designating Verna Bell Way as described in  
 1920 subsection (1).

1921           Section 44. Deputy Hal P. Croft and Deputy Ronald Jackson  
 1922 Memorial Highway designated; Department of Transportation to  
 1923 erect suitable markers.-

1924           (1) That portion of State Road 100 East in Union County  
 1925 between the Bradford County line and the Columbia County line is  
 1926 designated as "Deputy Hal P. Croft and Deputy Ronald Jackson  
 1927 Memorial Highway."

1928           (2) The Department of Transportation is directed to erect  
 1929 suitable markers designating Deputy Hal P. Croft and Deputy  
 1930 Ronald Jackson Memorial Highway as described in subsection (1).

1931           Section 45. Dr. Oscar Elias Biscet Boulevard designated;  
 1932 Department of Transportation to erect suitable markers.-

1933           (1) That portion of Coral Way between S.W. 32nd Avenue and  
 1934 S.W. 37th Avenue in Miami-Dade County is designated as "Dr.  
 1935 Oscar Elias Biscet Boulevard."

1936           (2) The Department of Transportation is directed to erect  
 1937 suitable markers designating Dr. Oscar Elias Biscet Boulevard as  
 1938 described in subsection (1).

1939           Section 46. Alma Lee Loy Bridge designated; Department of  
 1940 Transportation to erect suitable markers.-

1941           (1) Bridge Number 880077 on State Road 656 between State  
 1942 Road 1A and Indian River Boulevard in the City of Vero Beach in  
 1943 Indian River County is designated as "Alma Lee Loy Bridge."

1944           (2) The Department of Transportation is directed to erect  
 1945 suitable markers designating Alma Lee Loy Bridge as described  
 1946 subsection (1).

1947           Section 47. Section 24 of chapter 2010-230, Laws of  
 1948 Florida, is amended to read:

1949           Section 24. Miss Lillie Williams Boulevard designated;  
 1950 Department of Transportation to erect suitable markers.-

1951           (1) That portion of N.W. 79th Street between N.W. 6th  
 1952 Avenue and N.W. 7th ~~E. 12th~~ Avenue in Miami-Dade County is  
 1953 designated as "Miss Lillie Williams Boulevard."

1954           (2) The Department of Transportation is directed to erect  
 1955 suitable markers designating Miss Lillie Williams Boulevard as  
 1956 described in subsection (1).

1957           Section 48. Section 45 of chapter 2010-230, Laws of  
 1958 Florida, is amended to read:

1959           Section 45. Father Gerard Jean-Juste Street designated;  
 1960 Department of Transportation to erect suitable markers.-

1961           (1) That portion of N.W. 54th Street in Miami-Dade County  
 1962 between N.W. 2nd Avenue and N.E. ~~N.W.~~ 3rd Avenue in Little Haiti  
 1963 is designated "Father Gerard Jean-Juste Street."

1964 (2) The Department of Transportation is directed to erect  
 1965 suitable markers designating Father Gerard Jean-Juste Street as  
 1966 described in subsection (1).

1967 Section 49. Paragraph (a) of subsection (12) of section  
 1968 163.3180, Florida Statutes, is amended to read:

1969 163.3180 Concurrency.—

1970 (12) (a) A development of regional impact may satisfy the  
 1971 transportation concurrency requirements of the local  
 1972 comprehensive plan, the local government's concurrency  
 1973 management system, and s. 380.06 by payment of a proportionate-  
 1974 share contribution for local and regionally significant traffic  
 1975 impacts, if:

1976 1. The development of regional impact which, based on its  
 1977 location or mix of land uses, is designed to encourage  
 1978 pedestrian or other nonautomotive modes of transportation;

1979 2. The proportionate-share contribution for local and  
 1980 regionally significant traffic impacts is sufficient to pay for  
 1981 one or more required mobility improvements that will benefit a  
 1982 regionally significant transportation facility;

1983 3. The owner and developer of the development of regional  
 1984 impact pays or assures payment of the proportionate-share  
 1985 contribution; and

1986 4. If the regionally significant transportation facility  
 1987 to be constructed or improved is under the maintenance authority  
 1988 of a governmental entity, as defined by s. 334.03~~(12)~~, other  
 1989 than the local government with jurisdiction over the development  
 1990 of regional impact, the developer is required to enter into a  
 1991 binding and legally enforceable commitment to transfer funds to



1992 | the governmental entity having maintenance authority or to  
 1993 | otherwise assure construction or improvement of the facility.  
 1994 |  
 1995 | The proportionate-share contribution may be applied to any  
 1996 | transportation facility to satisfy the provisions of this  
 1997 | subsection and the local comprehensive plan, but, for the  
 1998 | purposes of this subsection, the amount of the proportionate-  
 1999 | share contribution shall be calculated based upon the cumulative  
 2000 | number of trips from the proposed development expected to reach  
 2001 | roadways during the peak hour from the complete buildout of a  
 2002 | stage or phase being approved, divided by the change in the peak  
 2003 | hour maximum service volume of roadways resulting from  
 2004 | construction of an improvement necessary to maintain the adopted  
 2005 | level of service, multiplied by the construction cost, at the  
 2006 | time of developer payment, of the improvement necessary to  
 2007 | maintain the adopted level of service. For purposes of this  
 2008 | subsection, "construction cost" includes all associated costs of  
 2009 | the improvement. Proportionate-share mitigation shall be limited  
 2010 | to ensure that a development of regional impact meeting the  
 2011 | requirements of this subsection mitigates its impact on the  
 2012 | transportation system but is not responsible for the additional  
 2013 | cost of reducing or eliminating backlogs. This subsection also  
 2014 | applies to Florida Quality Developments pursuant to s. 380.061  
 2015 | and to detailed specific area plans implementing optional sector  
 2016 | plans pursuant to s. 163.3245.  
 2017 |       Section 50. Paragraph (k) of subsection (1) of section  
 2018 | 163.3187, Florida Statutes, is amended to read:  
 2019 |       163.3187 Amendment of adopted comprehensive plan.—

2020 (1) Amendments to comprehensive plans adopted pursuant to  
 2021 this part may be made not more than two times during any  
 2022 calendar year, except:

2023 (k) A local comprehensive plan amendment directly related  
 2024 to providing transportation improvements to enhance life safety  
 2025 on controlled access major arterial highways identified in the  
 2026 Strategic Intermodal System ~~Florida Intrastate Highway System~~,  
 2027 in counties as defined in s. 125.011, where such roadways have a  
 2028 high incidence of traffic accidents resulting in serious injury  
 2029 or death. Any such amendment shall not include any amendment  
 2030 modifying the designation on a comprehensive development plan  
 2031 land use map nor any amendment modifying the allowable densities  
 2032 or intensities of any land.

2033 Section 51. Subsection (3) of section 288.063, Florida  
 2034 Statutes, is amended to read:

2035 288.063 Contracts for transportation projects.—

2036 (3) With respect to any contract executed pursuant to this  
 2037 section, the term "transportation project" means a  
 2038 transportation facility as defined in s. 334.03~~(31)~~ which is  
 2039 necessary in the judgment of the Office of Tourism, Trade, and  
 2040 Economic Development to facilitate the economic development and  
 2041 growth of the state. Except for applications received prior to  
 2042 July 1, 1996, such transportation projects shall be approved  
 2043 only as a consideration to attract new employment opportunities  
 2044 to the state or expand or retain employment in existing  
 2045 companies operating within the state, or to allow for the  
 2046 construction or expansion of a state or federal correctional  
 2047 facility in a county with a population of 75,000 or less that

2048 creates new employment opportunities or expands or retains  
 2049 employment in the county. The Office of Tourism, Trade, and  
 2050 Economic Development shall institute procedures to ensure that  
 2051 small and minority businesses have equal access to funding  
 2052 provided under this section. Funding for approved transportation  
 2053 projects may include any expenses, other than administrative  
 2054 costs and equipment purchases specified in the contract,  
 2055 necessary for new, or improvement to existing, transportation  
 2056 facilities. Funds made available pursuant to this section may  
 2057 not be expended in connection with the relocation of a business  
 2058 from one community to another community in this state unless the  
 2059 Office of Tourism, Trade, and Economic Development determines  
 2060 that without such relocation the business will move outside this  
 2061 state or determines that the business has a compelling economic  
 2062 rationale for the relocation which creates additional jobs.  
 2063 Subject to appropriation for projects under this section, any  
 2064 appropriation greater than \$10 million shall be allocated to  
 2065 each of the districts of the Department of Transportation to  
 2066 ensure equitable geographical distribution. Such allocated funds  
 2067 that remain uncommitted by the third quarter of the fiscal year  
 2068 shall be reallocated among the districts based on pending  
 2069 project requests.

2070 Section 52. Paragraph (b) of subsection (3) of section  
 2071 311.07, Florida Statutes, is amended to read:

2072 311.07 Florida seaport transportation and economic  
 2073 development funding.—

2074 (3)

2075 (b) Projects eligible for funding by grants under the  
 2076 program are limited to the following port facilities or port  
 2077 transportation projects:

2078 1. Transportation facilities within the jurisdiction of  
 2079 the port.

2080 2. The dredging or deepening of channels, turning basins,  
 2081 or harbors.

2082 3. The construction or rehabilitation of wharves, docks,  
 2083 structures, jetties, piers, storage facilities, cruise  
 2084 terminals, automated people mover systems, or any facilities  
 2085 necessary or useful in connection with any of the foregoing.

2086 4. The acquisition of vessel tracking systems, container  
 2087 cranes, or other mechanized equipment used in the movement of  
 2088 cargo or passengers in international commerce.

2089 5. The acquisition of land to be used for port purposes.

2090 6. The acquisition, improvement, enlargement, or extension  
 2091 of existing port facilities.

2092 7. Environmental protection projects which are necessary  
 2093 because of requirements imposed by a state agency as a condition  
 2094 of a permit or other form of state approval; which are necessary  
 2095 for environmental mitigation required as a condition of a state,  
 2096 federal, or local environmental permit; which are necessary for  
 2097 the acquisition of spoil disposal sites and improvements to  
 2098 existing and future spoil sites; or which result from the  
 2099 funding of eligible projects listed in this paragraph.

2100 8. Transportation facilities as defined in s. 334.03~~(31)~~  
 2101 which are not otherwise part of the Department of  
 2102 Transportation's adopted work program.

CS/CS/CS/HB 1363

2011

2103 9. Seaport intermodal access projects identified in the 5-  
 2104 year Florida Seaport Mission Plan as provided in s. 311.09(3).

2105 10. Construction or rehabilitation of port facilities as  
 2106 defined in s. 315.02, excluding any park or recreational  
 2107 facilities, in ports listed in s. 311.09(1) with operating  
 2108 revenues of \$5 million or less, provided that such projects  
 2109 create economic development opportunities, capital improvements,  
 2110 and positive financial returns to such ports.

2111 Section 53. Subsection (7) of section 311.09, Florida  
 2112 Statutes, is amended to read:

2113 311.09 Florida Seaport Transportation and Economic  
 2114 Development Council.—

2115 (7) The Department of Transportation shall review the list  
 2116 of projects approved by the council for consistency with the  
 2117 Florida Transportation Plan and the department's adopted work  
 2118 program. In evaluating the consistency of a project, the  
 2119 department shall determine whether the transportation impact of  
 2120 the proposed project is adequately handled by existing state-  
 2121 owned transportation facilities or by the construction of  
 2122 additional state-owned transportation facilities as identified  
 2123 in the Florida Transportation Plan and the department's adopted  
 2124 work program. In reviewing for consistency a transportation  
 2125 facility project as defined in s. 334.03~~(31)~~ which is not  
 2126 otherwise part of the department's work program, the department  
 2127 shall evaluate whether the project is needed to provide for  
 2128 projected movement of cargo or passengers from the port to a  
 2129 state transportation facility or local road. If the project is  
 2130 needed to provide for projected movement of cargo or passengers,

2131 the project shall be approved for consistency as a consideration  
 2132 to facilitate the economic development and growth of the state  
 2133 in a timely manner. The Department of Transportation shall  
 2134 identify those projects which are inconsistent with the Florida  
 2135 Transportation Plan and the adopted work program and shall  
 2136 notify the council of projects found to be inconsistent.

2137 Section 54. Section 316.2122, Florida Statutes, is amended  
 2138 to read:

2139 316.2122 Operation of a low-speed vehicle or mini truck on  
 2140 certain roadways.—The operation of a low-speed vehicle as  
 2141 defined in s. 320.01(42) or a mini truck as defined in s.  
 2142 320.01(45) on any road ~~as defined in s. 334.03(15) or (33)~~ is  
 2143 authorized with the following restrictions:

2144 (1) A low-speed vehicle or mini truck may be operated only  
 2145 on streets where the posted speed limit is 35 miles per hour or  
 2146 less. This does not prohibit a low-speed vehicle or mini truck  
 2147 from crossing a road or street at an intersection where the road  
 2148 or street has a posted speed limit of more than 35 miles per  
 2149 hour.

2150 (2) A low-speed vehicle must be equipped with headlamps,  
 2151 stop lamps, turn signal lamps, taillamps, reflex reflectors,  
 2152 parking brakes, rearview mirrors, windshields, seat belts, and  
 2153 vehicle identification numbers.

2154 (3) A low-speed vehicle or mini truck must be registered  
 2155 and insured in accordance with s. 320.02 and titled pursuant to  
 2156 chapter 319.

2157 (4) Any person operating a low-speed vehicle or mini truck  
 2158 must have in his or her possession a valid driver's license.

CS/CS/CS/HB 1363

2011

2159 (5) A county or municipality may prohibit the operation of  
 2160 low-speed vehicles or mini trucks on any road under its  
 2161 jurisdiction if the governing body of the county or municipality  
 2162 determines that such prohibition is necessary in the interest of  
 2163 safety.

2164 (6) The Department of Transportation may prohibit the  
 2165 operation of low-speed vehicles or mini trucks on any road under  
 2166 its jurisdiction if it determines that such prohibition is  
 2167 necessary in the interest of safety.

2168 Section 55. Paragraph (c) of subsection (5) of section  
 2169 316.515, Florida Statutes, is amended to read:

2170 316.515 Maximum width, height, length.—

2171 (5) IMPLEMENTS OF HUSBANDRY AND FARM EQUIPMENT;  
 2172 AGRICULTURAL TRAILERS; FORESTRY EQUIPMENT; SAFETY REQUIREMENTS.—

2173 (c) The width and height limitations of this section do  
 2174 not apply to farming or agricultural equipment, whether self-  
 2175 propelled, pulled, or hauled, when temporarily operated during  
 2176 daylight hours upon a public road that is not a limited access  
 2177 facility as defined in s. 334.03~~(13)~~, and the width and height  
 2178 limitations may be exceeded by such equipment without a permit.  
 2179 To be eligible for this exemption, the equipment shall be  
 2180 operated within a radius of 50 miles of the real property owned,  
 2181 rented, or leased by the equipment owner. However, equipment  
 2182 being delivered by a dealer to a purchaser is not subject to the  
 2183 50-mile limitation. Farming or agricultural equipment greater  
 2184 than 174 inches in width must have one warning lamp mounted on  
 2185 each side of the equipment to denote the width and must have a  
 2186 slow-moving vehicle sign. Warning lamps required by this

2187 paragraph must be visible from the front and rear of the vehicle  
 2188 and must be visible from a distance of at least 1,000 feet.

2189 Section 56. Section 318.12, Florida Statutes, is amended  
 2190 to read:

2191 318.12 Purpose.—It is the legislative intent in the  
 2192 adoption of this chapter to decriminalize certain violations of  
 2193 chapter 316, the Florida Uniform Traffic Control Law; chapter  
 2194 320, Motor Vehicle Licenses; chapter 322, Drivers' Licenses;  
 2195 chapter 338, Limited Access ~~Florida Intrastate Highway System~~  
 2196 and Toll Facilities; and chapter 1006, Support of Learning,  
 2197 thereby facilitating the implementation of a more uniform and  
 2198 expeditious system for the disposition of traffic infractions.

2199 Section 57. Subsection (3) of section 335.02, Florida  
 2200 Statutes, is amended to read:

2201 335.02 Authority to designate transportation facilities  
 2202 and rights-of-way and establish lanes; procedure for  
 2203 redesignation and relocation; application of local regulations.—

2204 (3) The department may establish standards for lanes on  
 2205 the State Highway System, including the Strategic Intermodal  
 2206 System highway corridors ~~Florida Intrastate Highway System~~  
 2207 established pursuant to s. 339.65 ~~338.001~~. In determining the  
 2208 number of lanes for any regional corridor or section of highway  
 2209 on the State Highway System to be funded by the department with  
 2210 state or federal funds, the department shall evaluate all  
 2211 alternatives and seek to achieve the highest degree of efficient  
 2212 mobility for corridor users. In conducting the analysis, the  
 2213 department must give consideration to the following factors  
 2214 consistent with sound engineering principles:



2215 (a) Overall economic importance of the corridor as a trade  
 2216 or tourism corridor.

2217 (b) Safety of corridor users, including the importance of  
 2218 the corridor for evacuation purposes.

2219 (c) Cost-effectiveness of alternative methods of  
 2220 increasing the mobility of corridor users.

2221 (d) Current and projected traffic volumes on the corridor.

2222 (e) Multimodal alternatives.

2223 (f) Use of intelligent transportation technology in  
 2224 increasing the efficiency of the corridor.

2225 (g) Compliance with state and federal policies related to  
 2226 clean air, environmental impacts, growth management, livable  
 2227 communities, and energy conservation.

2228 (h) Addition of special use lanes, such as exclusive truck  
 2229 lanes, high-occupancy-vehicle toll lanes, and exclusive  
 2230 interregional traffic lanes.

2231 (i) Availability and cost of rights-of-way, including  
 2232 associated costs, and the most effective use of existing rights-  
 2233 of-way.

2234 (j) Regional economic and transportation objectives, where  
 2235 articulated.

2236 (k) The future land use plan element of local government  
 2237 comprehensive plans, as appropriate, including designated urban  
 2238 infill and redevelopment areas.

2239 (l) The traffic circulation element, if applicable, of  
 2240 local government comprehensive plans, including designated  
 2241 transportation corridors and public transportation corridors.

2242 (m) The approved metropolitan planning organization's  
 2243 long-range transportation plan, as appropriate.

2244  
 2245 This subsection does not preclude a number of lanes in excess of  
 2246 10 lanes, but an additional factor that must be considered  
 2247 before the department may determine that the number of lanes  
 2248 should be more than 10 is the capacity to accommodate in the  
 2249 future alternative forms of transportation within existing or  
 2250 potential rights-of-way.

2251 Section 58. Section 336.01, Florida Statutes, is amended  
 2252 to read:

2253 336.01 Designation of county road system.—The county road  
 2254 system shall be as defined in s. 334.03~~(8)~~.

2255 Section 59. Subsection (2) of section 338.222, Florida  
 2256 Statutes, is amended to read:

2257 338.222 Department of Transportation sole governmental  
 2258 entity to acquire, construct, or operate turnpike projects;  
 2259 exception.—

2260 (2) The department may contract with any local  
 2261 governmental entity as defined in s. 334.03(13)~~(14)~~ for the  
 2262 design, right-of-way acquisition, or construction of any  
 2263 turnpike project which the Legislature has approved. Local  
 2264 governmental entities may negotiate with the department for the  
 2265 design, right-of-way acquisition, and construction of any  
 2266 section of the turnpike project within areas of their respective  
 2267 jurisdictions or within counties with which they have interlocal  
 2268 agreements.

2269 Section 60. Paragraph (b) of subsection (1) of section  
 2270 338.223, Florida Statutes, is amended to read:

2271 338.223 Proposed turnpike projects.—

2272 (1)

2273 (b) Any proposed turnpike project or improvement shall be  
 2274 developed in accordance with the Florida Transportation Plan and  
 2275 the work program pursuant to s. 339.135. Turnpike projects that  
 2276 add capacity, alter access, affect feeder roads, or affect the  
 2277 operation of the local transportation system shall be included  
 2278 in the transportation improvement plan of the affected  
 2279 metropolitan planning organization. If such turnpike project  
 2280 does not fall within the jurisdiction of a metropolitan planning  
 2281 organization, the department shall notify the affected county  
 2282 and provide for public hearings in accordance with s.  
 2283 339.155(5)~~(6)~~(c).

2284 Section 61. Subsection (4) of section 338.227, Florida  
 2285 Statutes, is amended to read:

2286 338.227 Turnpike revenue bonds.—

2287 (4) The Department of Transportation and the Department of  
 2288 Management Services shall create and implement an outreach  
 2289 program designed to enhance the participation of minority  
 2290 persons and minority business enterprises in all contracts  
 2291 entered into by their respective departments for services  
 2292 related to the financing of department projects for the  
 2293 Strategic Intermodal System Plan developed pursuant to s. 339.64  
 2294 ~~Florida Intrastate Highway System Plan~~. These services shall  
 2295 include, but not be limited to, bond counsel and bond  
 2296 underwriters.

2297 Section 62. Subsection (2) of section 338.2275, Florida  
 2298 Statutes, is amended to read:

2299 338.2275 Approved turnpike projects.—

2300 (2) The department is authorized to use turnpike revenues,  
 2301 the State Transportation Trust Fund moneys allocated for  
 2302 turnpike projects pursuant to s. 339.65 ~~s. 338.001~~, federal  
 2303 funds, and bond proceeds, and shall use the most cost-efficient  
 2304 combination of such funds, in developing a financial plan for  
 2305 funding turnpike projects. The department must submit a report  
 2306 of the estimated cost for each ongoing turnpike project and for  
 2307 each planned project to the Legislature 14 days before the  
 2308 convening of the regular legislative session. Verification of  
 2309 economic feasibility and statements of environmental feasibility  
 2310 for individual turnpike projects must be based on the entire  
 2311 project as approved. Statements of environmental feasibility are  
 2312 not required for those projects listed in s. 12, chapter 90-136,  
 2313 Laws of Florida, for which the Project Development and  
 2314 Environmental Reports were completed by July 1, 1990. All  
 2315 required environmental permits must be obtained before the  
 2316 department may advertise for bids for contracts for the  
 2317 construction of any turnpike project.

2318 Section 63. Section 338.228, Florida Statutes, is amended  
 2319 to read:

2320 338.228 Bonds not debts or pledges of credit of state.—  
 2321 Turnpike revenue bonds issued under the provisions of ss.  
 2322 338.22-338.241 are not debts of the state or pledges of the  
 2323 faith and credit of the state. Such bonds are payable  
 2324 exclusively from revenues pledged for their payment. All such

2325 | bonds shall contain a statement on their face that the state is  
 2326 | not obligated to pay the same or the interest thereon, except  
 2327 | from the revenues pledged for their payment, and that the faith  
 2328 | and credit of the state is not pledged to the payment of the  
 2329 | principal or interest of such bonds. The issuance of turnpike  
 2330 | revenue bonds under the provisions of ss. 338.22-338.241 does  
 2331 | not directly, indirectly, or contingently obligate the state to  
 2332 | levy or to pledge any form of taxation whatsoever, or to make  
 2333 | any appropriation for their payment. Except as provided in ss.  
 2334 | ~~338.001,~~ 338.223, ~~and~~ 338.2275, and 339.65, no state funds shall  
 2335 | be used on any turnpike project or to pay the principal or  
 2336 | interest of any bonds issued to finance or refinance any portion  
 2337 | of the turnpike system, and all such bonds shall contain a  
 2338 | statement on their face to this effect.

2339 |       Section 64. Subsection (2) of section 338.234, Florida  
 2340 | Statutes, is amended to read:

2341 |       338.234 Granting concessions or selling along the turnpike  
 2342 | system; immunity from taxation.—

2343 |       (2) The effectuation of the authorized purposes of the  
 2344 | Strategic Intermodal System, created under ss. 339.61-339.65,  
 2345 | ~~Florida Intrastate Highway System~~ and Florida Turnpike  
 2346 | Enterprise, created under this chapter, is for the benefit of  
 2347 | the people of the state, for the increase of their commerce and  
 2348 | prosperity, and for the improvement of their health and living  
 2349 | conditions; and, because the system and enterprise perform  
 2350 | essential government functions in effectuating such purposes,  
 2351 | neither the turnpike enterprise nor any nongovernment lessee or  
 2352 | licensee renting, leasing, or licensing real property from the

2353 | turnpike enterprise, pursuant to an agreement authorized by this  
 2354 | section, are required to pay any commercial rental tax imposed  
 2355 | under s. 212.031 on any capital improvements constructed,  
 2356 | improved, acquired, installed, or used for such purposes.

2357 |       Section 65. Subsections (1) and (3) of section 339.2819,  
 2358 | Florida Statutes, are amended to read:

2359 |           339.2819 Transportation Regional Incentive Program.—

2360 |       (1) There is created within the Department of  
 2361 | Transportation a Transportation Regional Incentive Program for  
 2362 | the purpose of providing funds to improve regionally significant  
 2363 | transportation facilities in regional transportation areas  
 2364 | created pursuant to s. 339.155(4)~~(5)~~.

2365 |       (3) The department shall allocate funding available for  
 2366 | the Transportation Regional Incentive Program to the districts  
 2367 | based on a factor derived from equal parts of population and  
 2368 | motor fuel collections for eligible counties in regional  
 2369 | transportation areas created pursuant to s. 339.155(4)~~(5)~~.

2370 |       Section 66. Subsection (6) of section 339.285, Florida  
 2371 | Statutes, is amended to read:

2372 |           339.285 Enhanced Bridge Program for Sustainable  
 2373 | Transportation.—

2374 |       (6) Preference shall be given to bridge projects located  
 2375 | on corridors that connect to the Strategic Intermodal System,  
 2376 | created under s. 339.64, and that have been identified as  
 2377 | regionally significant in accordance with s. 339.155(4)~~(5)~~(c),  
 2378 | (d), and (e).

2379 |       Section 67. Section 339.62, Florida Statutes, is amended  
 2380 | to read:

2381 339.62 System components.—The Strategic Intermodal System  
 2382 shall consist of appropriate components of:

2383 (1) Highway corridors ~~The Florida Intrastate Highway~~  
 2384 ~~System~~ established under s. 339.65 ~~s. 338.001~~.

2385 (2) The National Highway System.

2386 (3) Airport, seaport, and spaceport facilities.

2387 (4) Rail lines and rail facilities.

2388 (5) Selected intermodal facilities; passenger and freight  
 2389 terminals; and appropriate components of the State Highway  
 2390 System, county road system, city street system, inland  
 2391 waterways, and local public transit systems that serve as  
 2392 existing or planned connectors between the components listed in  
 2393 subsections (1)-(4).

2394 (6) Other existing or planned corridors that serve a  
 2395 statewide or interregional purpose.

2396 Section 68. Subsection (2) of section 341.053, Florida  
 2397 Statutes, is amended to read:

2398 341.053 Intermodal Development Program; administration;  
 2399 eligible projects; limitations.—

2400 (2) In recognition of the department's role in the  
 2401 economic development of this state, the department shall develop  
 2402 a proposed intermodal development plan to connect Florida's  
 2403 airports, deepwater seaports, rail systems serving both  
 2404 passenger and freight, and major intermodal connectors to the  
 2405 Strategic Intermodal System highway corridors ~~Florida Intrastate~~  
 2406 ~~Highway System facilities~~ as the primary system for the movement  
 2407 of people and freight in this state in order to make the

2408 intermodal development plan a fully integrated and  
 2409 interconnected system. The intermodal development plan must:  
 2410 (a) Define and assess the state's freight intermodal  
 2411 network, including airports, seaports, rail lines and terminals,  
 2412 intercity bus lines and terminals, and connecting highways.

2413 (b) Prioritize statewide infrastructure investments,  
 2414 including the acceleration of current projects, which are found  
 2415 by the Freight Stakeholders Task Force to be priority projects  
 2416 for the efficient movement of people and freight.

2417 (c) Be developed in a manner that will assure maximum use  
 2418 of existing facilities and optimum integration and coordination  
 2419 of the various modes of transportation, including both  
 2420 government-owned and privately owned resources, in the most  
 2421 cost-effective manner possible.

2422 Section 69. Subsection (2) of section 341.8225, Florida  
 2423 Statutes, is amended to read:

2424 341.8225 Department of Transportation sole governmental  
 2425 entity to acquire, construct, or operate high-speed rail  
 2426 projects; exception.—

2427 (2) Local governmental entities, as defined in s.  
 2428 334.03 (13) ~~(14)~~, may negotiate with the department for the  
 2429 design, right-of-way acquisition, and construction of any  
 2430 component of the high-speed rail system within areas of their  
 2431 respective jurisdictions or within counties with which they have  
 2432 interlocal agreements.

2433 Section 70. Paragraph (a) of subsection (2) of section  
 2434 403.7211, Florida Statutes, is amended to read:



2435 403.7211 Hazardous waste facilities managing hazardous  
 2436 wastes generated offsite; federal facilities managing hazardous  
 2437 waste.—

2438 (2) The department shall not issue any permit under s.  
 2439 403.722 for the construction, initial operation, or substantial  
 2440 modification of a facility for the disposal, storage, or  
 2441 treatment of hazardous waste generated offsite which is proposed  
 2442 to be located in any of the following locations:

2443 (a) Any area where life-threatening concentrations of  
 2444 hazardous substances could accumulate at any residence or  
 2445 residential subdivision as the result of a catastrophic event at  
 2446 the proposed facility, unless each such residence or residential  
 2447 subdivision is served by at least one arterial road or urban  
 2448 minor arterial road, as determined under the procedures  
 2449 referenced in s. 334.03(9) ~~defined in s. 334.03~~, which provides  
 2450 safe and direct egress by land to an area where such life-  
 2451 threatening concentrations of hazardous substances could not  
 2452 accumulate in a catastrophic event. Egress by any road leading  
 2453 from any residence or residential subdivision to any point  
 2454 located within 1,000 yards of the proposed facility is unsafe  
 2455 for the purposes of this paragraph. In determining whether  
 2456 egress proposed by the applicant is safe and direct, the  
 2457 department shall also consider, at a minimum, the following  
 2458 factors:

2459 1. Natural barriers such as water bodies, and whether any  
 2460 road in the proposed evacuation route is impaired by a natural  
 2461 barrier such as a water body;

- 2462           2. Potential exposure during egress and potential
- 2463 increases in the duration of exposure;
- 2464           3. Whether any road in a proposed evacuation route passes
- 2465 in close proximity to the facility; and
- 2466           4. Whether any portion of the evacuation route is
- 2467 inherently directed toward the facility.

2468

2469 For the purposes of this subsection, all distances shall be

2470 measured from the outer limit of the active hazardous waste

2471 management area. "Substantial modification" includes: any

2472 physical change in, change in the operations of, or addition to

2473 a facility which could increase the potential offsite impact, or

2474 risk of impact, from a release at that facility; and any change

2475 in permit conditions which is reasonably expected to lead to

2476 greater potential impacts or risks of impacts, from a release at

2477 that facility. "Substantial modification" does not include a

2478 change in operations, structures, or permit conditions which

2479 does not substantially increase either the potential impact

2480 from, or the risk of, a release. Physical or operational changes

2481 to a facility related solely to the management of nonhazardous

2482 waste at the facility shall not be considered a substantial

2483 modification. The department shall, by rule, adopt criteria to

2484 determine whether a facility has been substantially modified.

2485 "Initial operation" means the initial commencement of operations

2486 at the facility.

2487           Section 71. Subsection (27) of section 479.01, Florida

2488 Statutes, is amended to read:

2489           479.01 Definitions.—As used in this chapter, the term:

2490 (27) "Urban area" has the same meaning as defined in s.  
 2491 334.03~~(29)~~.

2492 Section 72. Subsection (1) of section 479.07, Florida  
 2493 Statutes, is amended to read:

2494 479.07 Sign permits.—

2495 (1) Except as provided in ss. 479.105(1)(e) and 479.16, a  
 2496 person may not erect, operate, use, or maintain, or cause to be  
 2497 erected, operated, used, or maintained, any sign on the State  
 2498 Highway System outside an urban area, as defined in s.  
 2499 334.03~~(32)~~, or on any portion of the interstate or federal-aid  
 2500 primary highway system without first obtaining a permit for the  
 2501 sign from the department and paying the annual fee as provided  
 2502 in this section. As used in this section, the term "on any  
 2503 portion of the State Highway System, interstate, or federal-aid  
 2504 primary system" means a sign located within the controlled area  
 2505 which is visible from any portion of the main-traveled way of  
 2506 such system.

2507 Section 73. Subsection (5) of section 479.261, Florida  
 2508 Statutes, is amended to read:

2509 479.261 Logo sign program.—

2510 (5) At a minimum, permit fees for businesses that  
 2511 participate in the program must be established in an amount  
 2512 sufficient to offset the total cost to the department for the  
 2513 program, including contract costs. The department shall provide  
 2514 the services in the most efficient and cost-effective manner  
 2515 through department staff or by contracting for some or all of  
 2516 the services. The department shall adopt rules that set  
 2517 reasonable rates based upon factors such as population, traffic

CS/CS/CS/HB 1363

2011

2518 volume, market demand, and costs for annual permit fees.  
2519 However, annual permit fees for sign locations inside an urban  
2520 area, as defined in s. 334.03~~(32)~~, may not exceed \$3,500, and  
2521 annual permit fees for sign locations outside an urban area, as  
2522 defined in s. 334.03~~(32)~~, may not exceed \$2,000. After  
2523 recovering program costs, the proceeds from the annual permit  
2524 fees shall be deposited into the State Transportation Trust Fund  
2525 and used for transportation purposes.

2526 Section 74. Except as otherwise expressly provided in this  
2527 act and except for this section, which shall take effect upon  
2528 this act becoming a law, this act shall take effect July 1,  
2529 2011.