

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
2 Representative Brandes offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

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

8 20.23 Department of Transportation.—There is created a
9 Department of Transportation which shall be a decentralized
10 agency.

11 (5) (a) The operations of the department shall be organized
12 into seven districts, each headed by a district secretary, and a
13 turnpike enterprise and a rail enterprise, each enterprise
14 headed by an executive director. The district secretaries and
15 the executive directors shall be registered professional
16 engineers in accordance with the provisions of chapter 471 or
17 the laws of another state, or, in lieu of professional engineer
18 registration, a district secretary or executive director may
19 hold an advanced degree in an appropriate related discipline,

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Published On: 2/23/2012 8:14:54 PM

Amendment No. 1

20 such as a Master of Business Administration. The headquarters of
21 the districts shall be located in Polk, Columbia, Washington,
22 Broward, Volusia, Miami-Dade, and Hillsborough Counties. The
23 headquarters of the turnpike enterprise shall be located in
24 Orange County. The headquarters of the rail enterprise shall be
25 located in Leon County. In order to provide for efficient
26 operations and to expedite the decisionmaking process, the
27 department shall provide for maximum decentralization to the
28 districts.

29 (b) Each district secretary may appoint up to three
30 district directors ~~or, until July 1, 2005, each district~~
31 ~~secretary may appoint up to four district directors.~~ These
32 positions are exempt from part II of chapter 110.

33 Section 2. Paragraph (c) of subsection (4) of section
34 206.41, Florida Statutes, is amended to read:

35 206.41 State taxes imposed on motor fuel.-

36 (4)

37 (c)1. Any person who uses any motor fuel for agricultural,
38 aquacultural, commercial fishing, or commercial aviation
39 purposes on which fuel the tax imposed by paragraph (1)(e),
40 paragraph (1)(f), or paragraph (1)(g) has been paid is entitled
41 to a refund of such tax.

42 2. For the purposes of this paragraph, "agricultural and
43 aquacultural purposes" means motor fuel used in any tractor,
44 vehicle, or other farm equipment which is used exclusively on a
45 farm or for processing farm products on the farm, and no part of
46 which fuel is used in any vehicle or equipment driven or
47 operated upon the public highways of this state. This

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Published On: 2/23/2012 8:14:54 PM

Amendment No. 1

48 restriction does not apply to the movement of a farm vehicle, ~~or~~
49 farm equipment, citrus harvesting equipment, or citrus fruit
50 loaders between farms. The transporting of bees by water and the
51 operating of equipment used in the apiary of a beekeeper shall
52 be also deemed an agricultural purpose.

53 3. For the purposes of this paragraph, "commercial fishing
54 and aquacultural purposes" means motor fuel used in the
55 operation of boats, vessels, or equipment used exclusively for
56 the taking of fish, crayfish, oysters, shrimp, or sponges from
57 salt or fresh waters under the jurisdiction of the state for
58 resale to the public, and no part of which fuel is used in any
59 vehicle or equipment driven or operated upon the highways of
60 this state; however, the term may in no way be construed to
61 include fuel used for sport or pleasure fishing.

62 4. For the purposes of this paragraph, "commercial
63 aviation purposes" means motor fuel used in the operation of
64 aviation ground support vehicles or equipment, no part of which
65 fuel is used in any vehicle or equipment driven or operated upon
66 the public highways of this state.

67 Section 3. Chapter 311, Florida Statutes, is retitled
68 "SEAPORT PROGRAMS AND FACILITIES."

69 Section 4. Section 311.07, Florida Statutes, is amended to
70 read:

71 311.07 Florida seaport transportation and economic
72 development funding.—

73 (1) There is created the Florida Seaport Transportation
74 and Economic Development Program within the Department of
75 Transportation to finance port transportation or port facilities

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

Amendment No. 1

76 projects that will improve the movement and intermodal
77 transportation of cargo or passengers in commerce and trade and
78 ~~that will~~ support the interests, purposes, and requirements of
79 all ports listed in s. 311.09 located in this state.

80 (2) A minimum of \$15 ~~\$8~~ million per year shall be made
81 available from the State Transportation Trust Fund to fund the
82 Florida Seaport Transportation and Economic Development Program.
83 The Florida Seaport Transportation and Economic Development
84 Council created in s. 311.09 shall develop guidelines for
85 project funding. Council staff, the Department of
86 Transportation, and the Department of Economic Opportunity shall
87 work in cooperation to review projects and allocate funds in
88 accordance with the schedule required for the Department of
89 Transportation to include these projects in the tentative work
90 program developed pursuant to s. 339.135(4).

91 (3) (a) Florida Seaport Transportation and Economic
92 Development Program funds shall be used to fund approved
93 projects on a 50-50 matching basis with any of the deepwater
94 ports, as listed in s. 311.09 ~~s. 403.021(9)(b)~~, which is
95 governed by a public body or any other deepwater port which is
96 governed by a public body and which complies with the water
97 quality provisions of s. 403.061, the comprehensive master plan
98 requirements of s. 163.3178(2)(k), and the local financial
99 management and reporting provisions of part III of chapter 218.
100 However, program funds used to fund projects that involve the
101 rehabilitation of wharves, docks, berths, bulkheads, or similar
102 structures shall require a 25-percent match of funds. Program
103 funds also may be used by the Seaport Transportation and

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Published On: 2/23/2012 8:14:54 PM

Amendment No. 1

104 Economic Development Council for data and analysis that to
105 ~~develop trade data information products which~~ will assist
106 Florida's seaports and international trade.

107 (b) Projects eligible for funding by grants under the
108 program are limited to the following port facilities or port
109 transportation projects:

110 1. Transportation facilities within the jurisdiction of
111 the port.

112 2. The dredging or deepening of channels, turning basins,
113 or harbors.

114 3. The construction or rehabilitation of wharves, docks,
115 structures, jetties, piers, storage facilities, cruise
116 terminals, automated people mover systems, or any facilities
117 necessary or useful in connection with any of the foregoing.

118 4. The acquisition of vessel tracking systems, container
119 cranes, or other mechanized equipment used in the movement of
120 cargo or passengers in international commerce.

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

122 6. The acquisition, improvement, enlargement, or extension
123 of existing port facilities.

124 7. Environmental protection projects which are necessary
125 because of requirements imposed by a state agency as a condition
126 of a permit or other form of state approval; which are necessary
127 for environmental mitigation required as a condition of a state,
128 federal, or local environmental permit; which are necessary for
129 the acquisition of spoil disposal sites and improvements to
130 existing and future spoil sites; or which result from the
131 funding of eligible projects listed in this paragraph.

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1399 (2012)

Amendment No. 1

132 8. Transportation facilities as defined in s. 334.03(30)
133 ~~s. 334.03(31)~~ which are not otherwise part of the Department of
134 Transportation's adopted work program.

135 9. ~~Seaport Intermodal access projects identified in the 5-~~
136 ~~year Florida Seaport Mission Plan as provided in s. 311.09(3).~~

137 10. Construction or rehabilitation of port facilities as
138 defined in s. 315.02, excluding any park or recreational
139 facilities, in ports listed in s. 311.09(1) with operating
140 revenues of \$5 million or less, provided that such projects
141 create economic development opportunities, capital improvements,
142 and positive financial returns to such ports.

143 11. Seaport master plan or strategic plan development or
144 updates, including the purchase of data to support such plans.

145 (c) To be eligible for consideration by the council
146 pursuant to this section, a project must be consistent with the
147 port comprehensive master plan which is incorporated as part of
148 the approved local government comprehensive plan as required by
149 s. 163.3178(2)(k) or other provisions of the Community Planning
150 Act, part II of chapter 163.

151 ~~(4) A port eligible for matching funds under the program~~
152 ~~may receive a distribution of not more than \$7 million during~~
153 ~~any 1 calendar year and a distribution of not more than \$30~~
154 ~~million during any 5 calendar year period.~~

155 (4)(5) Any port which receives funding under the program
156 shall institute procedures to ensure that jobs created as a
157 result of the state funding shall be subject to equal
158 opportunity hiring practices in the manner provided in s.
159 110.112.

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

Amendment No. 1

160 ~~(5)(6)~~ The Department of Transportation may ~~shall~~ subject
161 any project that receives funds pursuant to this section and s.
162 320.20 to a final audit. The department may adopt rules and
163 perform such other acts as are necessary or convenient to ensure
164 that the final audits are conducted and that any deficiency or
165 questioned costs noted by the audit are resolved.

166 Section 5. Subsections (4) through (13) of section 311.09,
167 Florida Statutes, are amended to read:

168 311.09 Florida Seaport Transportation and Economic
169 Development Council.—

170 (4) The council shall adopt rules for evaluating projects
171 which may be funded under ss. 311.07 and 320.20. The rules shall
172 provide criteria for evaluating the potential project,
173 including, but not limited to, such factors as consistency with
174 appropriate plans, economic benefit, readiness for construction,
175 noncompetition with other Florida ports, and capacity within the
176 seaport system economic benefit of the project, measured by the
177 potential for the proposed project to maintain or increase cargo
178 flow, cruise passenger movement, international commerce, port
179 revenues, and the number of jobs for the port's local community.

180 (5) The council shall review and approve or disapprove
181 each project eligible to be funded pursuant to the Florida
182 Seaport Transportation and Economic Development Program. The
183 council shall annually submit to the Secretary of Transportation
184 and the executive director of the Department of Economic
185 Opportunity, or his or her designee, a list of projects which
186 have been approved by the council. The list shall specify the
187 recommended funding level for each project; and, if staged

Amendment No. 1

188 implementation of the project is appropriate, the funding
189 requirements for each stage shall be specified.

190 ~~(6) The Department of Community Affairs shall review the~~
191 ~~list of projects approved by the council to determine~~
192 ~~consistency with approved local government comprehensive plans~~
193 ~~of the units of local government in which the port is located~~
194 ~~and consistency with the port master plan. The Department of~~
195 ~~Community Affairs shall identify and notify the council of those~~
196 ~~projects which are not consistent, to the maximum extent~~
197 ~~feasible, with such comprehensive plans and port master plans.~~

198 (6) ~~(7)~~ The Department of Transportation shall review the
199 list of project applications ~~projects~~ approved by the council
200 for consistency with the Florida Transportation Plan, the
201 Statewide Seaport and Waterways System Plan, and the
202 department's adopted work program. In evaluating the consistency
203 of a project, the department shall assess the transportation
204 impacts and economic benefits for each project ~~determine whether~~
205 ~~the transportation impact of the proposed project is adequately~~
206 ~~handled by existing state-owned transportation facilities or by~~
207 ~~the construction of additional state-owned transportation~~
208 ~~facilities as identified in the Florida Transportation Plan and~~
209 ~~the department's adopted work program. In reviewing for~~
210 ~~consistency a transportation facility project as defined in s.~~
211 ~~334.03(31) which is not otherwise part of the department's work~~
212 ~~program, the department shall evaluate whether the project is~~
213 ~~needed to provide for projected movement of cargo or passengers~~
214 ~~from the port to a state transportation facility or local road.~~
215 ~~If the project is needed to provide for projected movement of~~

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

Amendment No. 1

216 ~~cargo or passengers, the project shall be approved for~~
217 ~~consistency as a consideration to facilitate the economic~~
218 ~~development and growth of the state in a timely manner.~~ The
219 Department of Transportation shall identify those projects which
220 are inconsistent with the Florida Transportation Plan, the
221 Statewide Seaport and Waterways System Plan, or ~~and~~ the adopted
222 work program and shall notify the council of projects found to
223 be inconsistent.

224 ~~(7)(8)~~ The Department of Economic Opportunity shall review
225 the list of project applications ~~projects~~ approved by the
226 council to evaluate the economic benefit of the project and to
227 determine whether the project is consistent with the Florida
228 Seaport Mission Plan and with state economic development goals
229 and policies. The Department of Economic Opportunity shall
230 review the proposed project's consistency with state, regional,
231 and local plans, as appropriate, and the economic benefits of
232 each project based upon the rules adopted pursuant to subsection
233 (4). The Department of Economic Opportunity shall identify those
234 projects which it has determined do not offer an economic
235 benefit to the state, are not consistent with an appropriate
236 plan, or are not consistent with the Florida Seaport Mission
237 Plan or state economic development goals and policies and shall
238 notify the council of its findings.

239 ~~(8)(9)~~ The council shall review the findings of the
240 Department of Economic Opportunity and the Department of
241 Transportation. Projects found to be inconsistent pursuant to
242 subsections (6), or (7), ~~and~~ (8) or ~~and~~ projects which have been
243 determined not to offer an economic benefit to the state

Amendment No. 1

244 pursuant to subsection (7) ~~(8)~~ may ~~shall~~ not be included in the
245 list of projects to be funded.

246 (9) ~~(10)~~ The Department of Transportation shall include no
247 less than \$15 million per year in its annual legislative budget
248 request for the a Florida Seaport Transportation and Economic
249 Development ~~grant~~ Program funded under s. 311.07 ~~for expenditure~~
250 ~~of funds of not less than \$8 million per year~~. Such budget shall
251 include funding for projects approved by the council which have
252 been determined by each agency to be consistent ~~and which have~~
253 ~~been determined by the Department of Economic Opportunity to be~~
254 ~~economically beneficial~~. The department shall include the
255 specific approved Florida Seaport Transportation and Economic
256 Development Program ~~seaport~~ projects to be funded under s.
257 311.07 ~~this section~~ during the ensuing fiscal year in the
258 tentative work program developed pursuant to s. 339.135(4). The
259 total amount of funding to be allocated to Florida Seaport
260 Transportation and Economic Development Program ~~seaport~~ projects
261 under s. 311.07 during the successive 4 fiscal years shall also
262 be included in the tentative work program developed pursuant to
263 s. 339.135(4). The council may submit to the department a list
264 of approved projects that could be made production-ready within
265 the next 2 years. The list shall be submitted by the department
266 as part of the needs and project list prepared pursuant to s.
267 339.135(2) (b). However, the department shall, upon written
268 request of the Florida Seaport Transportation and Economic
269 Development Council, submit work program amendments pursuant to
270 s. 339.135(7) to the Governor within 10 days after the later of
271 the date the request is received by the department or the

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Published On: 2/23/2012 8:14:54 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1399 (2012)

Amendment No. 1

272 effective date of the amendment, termination, or closure of the
273 applicable funding agreement between the department and the
274 affected seaport, as required to release the funds from the
275 existing commitment. Notwithstanding s. 339.135(7)(c), any work
276 program amendment to transfer prior year funds from one approved
277 seaport project to another seaport project is subject to the
278 procedures in s. 339.135(7)(d). Notwithstanding any provision of
279 law to the contrary, the department may transfer unexpended
280 budget between the seaport projects as identified in the
281 approved work program amendments.

282 ~~(10)-(11)~~ The council shall meet at the call of its
283 chairperson, at the request of a majority of its membership, or
284 at such times as may be prescribed in its bylaws. However, the
285 council must meet at least semiannually. A majority of voting
286 members of the council constitutes a quorum for the purpose of
287 transacting the business of the council. All members of the
288 council are voting members. A vote of the majority of the voting
289 members present is sufficient for any action of the council,
290 except that a member representing the Department of
291 Transportation or the Department of Economic Opportunity may
292 vote to overrule any action of the council approving a project
293 pursuant to subsection (5). The bylaws of the council may
294 require a greater vote for a particular action.

295 ~~(11)-(12)~~ Members of the council shall serve without
296 compensation but are entitled to receive reimbursement for per
297 diem and travel expenses as provided in s. 112.061. The council
298 may elect to provide an administrative staff to provide services
299 to the council on matters relating to the Florida Seaport

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1399 (2012)

Amendment No. 1

300 Transportation and Economic Development Program and the council.
301 The cost for such administrative services shall be paid by all
302 ports that receive funding from the Florida Seaport
303 Transportation and Economic Development Program, based upon a
304 pro rata formula measured by each recipient's share of the funds
305 as compared to the total funds disbursed to all recipients
306 during the year. The share of costs for administrative services
307 shall be paid in its total amount by the recipient port upon
308 execution by the port and the Department of Transportation of a
309 joint participation agreement for each council-approved project,
310 and such payment is in addition to the matching funds required
311 to be paid by the recipient port. Except as otherwise exempted
312 by law, all moneys derived from the Florida Seaport
313 Transportation and Economic Development Program shall be
314 expended in accordance with the provisions of s. 287.057.
315 Seaports subject to competitive negotiation requirements of a
316 local governing body shall abide by the provisions of s.
317 287.055.

318 ~~(12)-(13)~~ Until July 1, 2014, Citrus County may apply for a
319 grant through the Florida Seaport Transportation and Economic
320 Development Council to perform a feasibility study regarding the
321 establishment of a port in Citrus County. The council shall
322 evaluate such application pursuant to subsections ~~(5)-(8)~~ ~~(5)-~~
323 ~~(9)~~ and, if approved, the Department of Transportation shall
324 include the feasibility study in its budget request pursuant to
325 subsection ~~(9)~~ ~~(10)~~. If the study determines that a port in
326 Citrus County is not feasible, the membership of Port Citrus on
327 the council shall terminate.

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

Amendment No. 1

328 Section 6. Section 311.10, Florida Statutes, is created to
329 read:

330 311.10 Strategic Port Investment Initiative.-

331 (1) There is created the Strategic Port Investment
332 Initiative within the Department of Transportation. Beginning in
333 fiscal year 2012-2013, a minimum of \$35 million annually shall
334 be made available from the State Transportation Trust Fund to
335 fund the Strategic Port Investment Initiative. The Department of
336 Transportation shall work with the deepwater ports listed in s.
337 311.09 to develop and maintain a priority list of strategic
338 investment projects. Project selection shall be based on
339 projects that meet the state's economic development goal of
340 becoming a hub for trade, logistics, and export-oriented
341 activities by:

342 (a) Providing important access and major on-port capacity
343 improvements;

344 (b) Providing capital improvements to strategically
345 position the state to maximize opportunities in international
346 trade, logistics, or the cruise industry;

347 (c) Achieving state goals of an integrated intermodal
348 transportation system; and

349 (d) Demonstrating the feasibility and availability of
350 matching funds through local or private partners.

351 (2) Prior to making final project allocations, the
352 Department of Transportation shall schedule a publicly noticed
353 workshop with the Department of Economic Opportunity and the
354 deepwater ports listed in s. 311.09 to review the proposed
355 projects. After considering the comments received, the

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

Amendment No. 1

356 Department of Transportation shall finalize a prioritized list
357 of potential projects.

358 (3) The Department of Transportation shall, to the maximum
359 extent feasible, include the seaport projects proposed to be
360 funded under this section in the tentative work program
361 developed under s. 339.135(4).

362 Section 7. Section 311.101, Florida Statutes, is created
363 to read:

364 311.101 Intermodal Logistics Center Infrastructure Support
365 Program.—

366 (1) There is created within the Department of
367 Transportation the Intermodal Logistics Center Infrastructure
368 Support Program. The purpose of the program is to provide funds
369 for roads, rail facilities, or other means for the conveyance or
370 shipment of goods through a seaport, thereby enabling the state
371 to respond to private sector market demands and meet the state's
372 economic development goal of becoming a hub for trade,
373 logistics, and export-oriented activities. The department may
374 provide funds to assist with local government projects or
375 projects performed by private entities that meet the public
376 purpose of enhancing transportation facilities for the
377 conveyance or shipment of goods through a seaport to or from an
378 intermodal logistics center.

379 (2) For the purposes of this section, "intermodal
380 logistics center," including, but not limited to, an "inland
381 port," means a facility or group of facilities serving as a
382 point of intermodal transfer of freight in a specific area
383 physically separated from a seaport where activities relating to

Amendment No. 1

384 transport, logistics, goods distribution, consolidation, or
385 value-added activities are carried out and whose activities and
386 services are designed to support or be supported by conveyance
387 or shipping through one or more seaports, listed in s. 311.09.

388 (3) The department must consider, but is not limited to,
389 the following criteria when evaluating projects for Intermodal
390 Logistics Center Infrastructure Support Program assistance:

391 (a) The ability of the project to serve a strategic state
392 interest.

393 (b) The ability of the project to facilitate the cost-
394 effective and efficient movement of goods.

395 (c) The extent to which the project contributes to
396 economic activity, including job creation, increased wages, and
397 revenues.

398 (d) The extent to which the project efficiently interacts
399 with and supports the transportation network.

400 (e) A commitment of a funding match.

401 (f) The amount of investment or commitments made by the
402 owner or developer of the existing or proposed facility.

403 (g) The extent to which the owner has commitments,
404 including memorandums of understanding or memorandums of
405 agreements, with private sector businesses planning to locate
406 operations at the intermodal logistics center.

407 (h) Demonstrated local financial support and commitment to
408 the project.

409 (4) The department shall coordinate and consult with the
410 Department of Economic Opportunity in the selection of projects
411 to be funded by this program.

Amendment No. 1

412 (5) The department is authorized to administer contracts
413 on behalf of the entity selected to receive funding for a
414 project under this section.

415 (6) The department shall provide up to 50 percent of
416 project costs for eligible projects.

417 (7) Beginning in fiscal year 2012-2013, up to \$5 million
418 per year shall be made available from the State Transportation
419 Trust Fund for the program. The Department of Transportation
420 shall include projects proposed to be funded under this section
421 in the tentative work program developed pursuant so s.
422 339.135(4).

423 (8) The Department of Transportation is authorized to
424 adopt rules to implement this section.

425 Section 8. Section 311.106, Florida Statutes, is created
426 to read:

427 311.106 Seaport stormwater permitting and mitigation.—A
428 seaport listed in s. 403.021(9)(b) is authorized to provide for
429 onsite or offsite stormwater treatment for water quality impacts
430 caused by a proposed port activity that requires a permit and
431 that causes or contributes to pollution from stormwater runoff.
432 Offsite stormwater treatment may occur outside of the
433 established boundaries of the port, but must be within the same
434 drainage basin in which the port activity occurs. A port offsite
435 stormwater treatment project must be constructed and maintained
436 by the seaport or by the seaport in conjunction with an adjacent
437 local government. In order to limit stormwater treatment from
438 individual parcels within a port, a seaport may provide for a
439 regional stormwater treatment facility that must be constructed

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

Amendment No. 1

440 and maintained by the seaport or by the seaport in conjunction
441 with an adjacent local government.

442 Section 9. Section 311.14, Florida Statutes, is amended to
443 read:

444 311.14 Seaport planning.—

445 (1) The Department of Transportation shall develop, in
446 coordination with the ports listed in s. 311.09(1) and other
447 partners, a Statewide Seaport and Waterways System Plan. This
448 plan shall be consistent with the goals of the Florida
449 Transportation Plan developed pursuant to s. 339.155 and shall
450 consider needs identified in individual port master plans and
451 those from the seaport strategic plans required under this
452 section. The plan will identify 5-year, 10-year, and 20-year
453 needs for the seaport system and will include seaport, waterway,
454 road, and rail projects that are needed to ensure the success of
455 the transportation system as a whole in supporting state
456 economic development goals ~~The Florida Seaport Transportation~~
457 ~~and Economic Development Council, in cooperation with the Office~~
458 ~~of the State Public Transportation Administrator within the~~
459 ~~Department of Transportation, shall develop freight mobility and~~
460 ~~trade-corridor plans to assist in making freight mobility~~
461 ~~investments that contribute to the economic growth of the state.~~
462 ~~Such plans should enhance the integration and connectivity of~~
463 ~~the transportation system across and between transportation~~
464 ~~modes throughout Florida for people and freight.~~

465 ~~(2) The Office of the State Public Transportation~~
466 ~~Administrator shall act to integrate freight mobility and trade-~~
467 ~~corridor plans into the Florida Transportation Plan developed~~

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

Amendment No. 1

468 ~~pursuant to s. 339.155 and into the plans and programs of~~
469 ~~metropolitan planning organizations as provided in s. 339.175.~~
470 ~~The office may also provide assistance in expediting the~~
471 ~~transportation permitting process relating to the construction~~
472 ~~of seaport freight mobility projects located outside the~~
473 ~~physical borders of seaports. The Department of Transportation~~
474 ~~may contract, as provided in s. 334.044, with any port listed in~~
475 ~~s. 311.09(1) or any such other statutorily authorized seaport~~
476 ~~entity to act as an agent in the construction of seaport~~
477 ~~freight mobility projects.~~

478 (2) ~~(3)~~ Each port shall develop a strategic plan with a 10-
479 year horizon. Each plan must include the following:

480 (a) An economic development component that identifies
481 targeted business opportunities for increasing business and
482 attracting new business for which a particular facility has a
483 strategic advantage over its competitors, identifies financial
484 resources and other inducements to encourage growth of existing
485 business and acquisition of new business, and provides a
486 projected schedule for attainment of the plan's goals.

487 (b) An infrastructure development and improvement
488 component that identifies all projected infrastructure
489 improvements within the plan area which require improvement,
490 expansion, or development in order for a port to attain a
491 strategic advantage for competition with national and
492 international competitors.

493 (c) A component that identifies all intermodal
494 transportation facilities, including sea, air, rail, or road
495 facilities, which are available or have potential, with

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

Amendment No. 1

496 improvements, to be available for necessary national and
497 international commercial linkages and provides a plan for the
498 integration of port, airport, and railroad activities with
499 existing and planned transportation infrastructure.

500 (d) A component that identifies physical, environmental,
501 and regulatory barriers to achievement of the plan's goals and
502 provides recommendations for overcoming those barriers.

503 (e) An intergovernmental coordination component that
504 specifies modes and methods to coordinate plan goals and
505 missions with the missions of the Department of Transportation,
506 other state agencies, and affected local, general-purpose
507 governments.

508
509 To the extent feasible, the port strategic plan must be
510 consistent with the local government comprehensive plans of the
511 units of local government in which the port is located. Upon
512 approval of a plan by the port's board, the plan shall be
513 submitted to the Florida Seaport Transportation and Economic
514 Development Council.

515 ~~(3)-(4)~~ The Florida Seaport Transportation and Economic
516 Development Council shall review the strategic plans submitted
517 by each port and prioritize strategic needs for inclusion in the
518 Florida Seaport Mission Plan prepared pursuant to s. 311.09(3).

519 Section 10. Subsection (21) of section 316.003, Florida
520 Statutes, is amended to read:

521 316.003 Definitions.—The following words and phrases, when
522 used in this chapter, shall have the meanings respectively

Amendment No. 1

523 ascribed to them in this section, except where the context
524 otherwise requires:

525 (21) MOTOR VEHICLE.—Except when used in s. 316.1001, any
526 self-propelled vehicle not operated upon rails or guideway, but
527 not including any bicycle, motorized scooter, electric personal
528 assistive mobility device, or moped. For purposes of s.
529 316.1001, "motor vehicle" has the same meaning as in s.
530 320.01(1)(a).

531 Section 11. Subsection (4) of section 316.091, Florida
532 Statutes, is amended, subsection (5) is renumbered as subsection
533 (7), and new subsections (5) and (6) are added to that section,
534 to read:

535 316.091 Limited access facilities; interstate highways;
536 use restricted.—

537 (4) No person shall operate a bicycle or other human-
538 powered vehicle on the roadway or along the shoulder of a
539 limited access highway, including bridges, unless official signs
540 and a designated, marked bicycle lane are present at the
541 entrance of the section of highway indicating that such use is
542 permitted pursuant to a pilot program of the Department of
543 Transportation an interstate highway.

544 (5) The Department of Transportation and expressway
545 authorities are authorized to designate use of shoulders of
546 limited access facilities and interstate highways under their
547 jurisdiction for such vehicular traffic determined to improve
548 safety, reliability, and transportation system efficiency.
549 Appropriate traffic signs or dynamic lane control signals shall
550 be erected along those portions of the facility affected to give

Amendment No. 1

551 notice to the public of the action to be taken, clearly
552 indicating when the shoulder is open to designated vehicular
553 traffic. This section may not be deemed to authorize such
554 designation in violation of any federal law or any covenant
555 established in a resolution or trust indenture relating to the
556 issuance of turnpike bonds, expressway authority bonds, or other
557 bonds.

558 (6) The Department of Transportation shall establish a 2-
559 year pilot program, in three separate urban areas, in which it
560 shall erect signs and designate marked bicycle lanes indicating
561 highway approaches and bridge segments of limited access
562 highways as open to use by operators of bicycles and other
563 human-powered vehicles, under the following conditions:

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

569 (b) The Department of Transportation, with the concurrence
570 of the Federal Highway Administration on the interstate
571 facilities, shall establish the three highway approaches and
572 bridge segments for the pilot project by October 1, 2012. In
573 selecting the highway approaches and bridge segments, the
574 Department of Transportation shall consider, without limitation,
575 a minimum size of population in the urban area within 5 miles of
576 the highway approach and bridge segment, the lack of bicycle
577 access by other means, cost, safety, and operational impacts.

Amendment No. 1

578 (c) The Department of Transportation shall begin the pilot
579 program by erecting signs and designating marked bicycle lanes
580 indicating highway approaches and bridge segments of limited
581 access highways, as qualified by the conditions described in
582 this subsection, as open to use by operators of bicycles and
583 other human-powered vehicles no later than March 1, 2013.

584 (d) The Department of Transportation shall conduct the
585 pilot program for a minimum of 2 years following the
586 implementation date.

587 (e) The Department of Transportation shall submit a report
588 of its findings and recommendations from the pilot program to
589 the Governor, the President of the Senate, and the Speaker of
590 the House of Representatives by September 1, 2015. The report
591 shall include, at a minimum, bicycle crash data occurring in the
592 designated segments of the pilot program, usage by operators of
593 bicycles and other human-powered vehicles, enforcement issues,
594 operational impacts, and the cost of the pilot program.

595 Section 12. Paragraph (b) of subsection (2) of section
596 316.1001, Florida Statutes, is amended to read:

597 316.1001 Payment of toll on toll facilities required;
598 penalties.—

599 (2)

600 (b) A citation issued under this subsection may be issued
601 by mailing the citation by first-class mail or by certified
602 mail, return receipt requested, to the address of the registered
603 owner of the motor vehicle involved in the violation. Mailing
604 Receipt of the citation to such address constitutes
605 notification. In the case of joint ownership of a motor vehicle,

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Published On: 2/23/2012 8:14:54 PM

Amendment No. 1

606 the traffic citation must be mailed to the first name appearing
607 on the registration, unless the first name appearing on the
608 registration is a business organization, in which case the
609 second name appearing on the registration may be used. A
610 citation issued under this paragraph must be mailed to the
611 registered owner of the motor vehicle involved in the violation
612 within 14 days after the date of issuance of the citation. In
613 addition to the citation, notification must be sent to the
614 registered owner of the motor vehicle involved in the violation
615 specifying remedies available under ss. 318.14(12) and
616 318.18(7).

617 Section 13. Paragraph (a) of subsection (3) and paragraphs
618 (a) and (c) of subsection (5) of section 316.515, Florida
619 Statutes, are amended to read:

620 316.515 Maximum width, height, length.—

621 (3) LENGTH LIMITATION.—Except as otherwise provided in
622 this section, length limitations apply solely to a semitrailer
623 or trailer, and not to a truck tractor or to the overall length
624 of a combination of vehicles. No combination of commercial motor
625 vehicles coupled together and operating on the public roads may
626 consist of more than one truck tractor and two trailing units.
627 Unless otherwise specifically provided for in this section, a
628 combination of vehicles not qualifying as commercial motor
629 vehicles may consist of no more than two units coupled together;
630 such nonqualifying combination of vehicles may not exceed a
631 total length of 65 feet, inclusive of the load carried thereon,
632 but exclusive of safety and energy conservation devices approved
633 by the department for use on vehicles using public roads.

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

Amendment No. 1

634 Notwithstanding any other provision of this section, a truck
635 tractor-semitrailer combination engaged in the transportation of
636 automobiles or boats may transport motor vehicles or boats on
637 part of the power unit; and, except as may otherwise be mandated
638 under federal law, an automobile or boat transporter semitrailer
639 may not exceed 50 feet in length, exclusive of the load;
640 however, the load may extend up to an additional 6 feet beyond
641 the rear of the trailer. The 50-foot length limitation does not
642 apply to non-stinger-steered automobile or boat transporters
643 that are 65 feet or less in overall length, exclusive of the
644 load carried thereon, or to stinger-steered automobile or boat
645 transporters that are 75 feet or less in overall length,
646 exclusive of the load carried thereon. For purposes of this
647 subsection, a "stinger-steered automobile or boat transporter"
648 is an automobile or boat transporter configured as a semitrailer
649 combination wherein the fifth wheel is located on a drop frame
650 located behind and below the rearmost axle of the power unit.
651 Notwithstanding paragraphs (a) and (b), any straight truck or
652 truck tractor-semitrailer combination engaged in the
653 transportation of horticultural trees may allow the load to
654 extend up to an additional 10 feet beyond the rear of the
655 vehicle, provided said trees are resting against a retaining bar
656 mounted above the truck bed so that the root balls of the trees
657 rest on the floor and to the front of the truck bed and the tops
658 of the trees extend up over and to the rear of the truck bed,
659 and provided the overhanging portion of the load is covered with
660 protective fabric.

Amendment No. 1

661 (a) Straight trucks.—~~A No~~ straight truck may not exceed a
662 length of 40 feet in extreme overall dimension, exclusive of
663 safety and energy conservation devices approved by the
664 department for use on vehicles using public roads. A straight
665 truck may tow no more than one trailer, and the overall length
666 of the truck-trailer combination may not exceed 68 feet ~~such~~
667 ~~trailer may not exceed a length of 28 feet. However, such~~
668 ~~trailer limitation does not apply if the overall length of the~~
669 ~~truck-trailer combination is 65 feet or less, including the load~~
670 ~~thereon. Notwithstanding any other provisions of this section, a~~
671 ~~truck-trailer combination engaged in the transportation of~~
672 ~~boats, or boat trailers whose design dictates a front-to-rear~~
673 ~~stacking method~~ may shall not exceed the length limitations of
674 this paragraph exclusive of the load; however, the load may
675 extend up to an additional 6 feet beyond the rear of the
676 trailer.

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

679 (a) Notwithstanding any other provisions of law, straight
680 trucks, agricultural tractors, citrus harvesting equipment,
681 citrus fruit loaders, and cotton module movers, not exceeding 50
682 feet in length, or any combination of up to and including three
683 implements of husbandry, including the towing power unit, and
684 any single agricultural trailer with a load thereon or any
685 agricultural implements attached to a towing power unit, or a
686 self-propelled agricultural implement or an agricultural
687 tractor, is authorized for the purpose of transporting peanuts,
688 grains, soybeans, citrus, cotton, hay, straw, or other

Amendment No. 1

689 perishable farm products from their point of production to the
690 first point of change of custody or of long-term storage, and
691 for the purpose of returning to such point of production, or for
692 the purpose of moving such tractors, movers, and implements from
693 one point of agricultural production to another, by a person
694 engaged in the production of any such product or custom hauler,
695 if such vehicle or combination of vehicles otherwise complies
696 with this section. The Department of Transportation may issue
697 overlength permits for cotton module movers greater than 50 feet
698 but not more than 55 feet in overall length. Such vehicles shall
699 be operated in accordance with all safety requirements
700 prescribed by law and rules of the Department of Transportation.

701 (c) The width and height limitations of this section do
702 not apply to farming or agricultural equipment, whether self-
703 propelled, pulled, or hauled, when temporarily operated during
704 daylight hours upon a public road that is not a limited access
705 facility as defined in s. 334.03(12) ~~s. 334.03(13)~~, and the
706 width and height limitations may be exceeded by such equipment
707 without a permit. To be eligible for this exemption, the
708 equipment shall be operated within a radius of 50 miles of the
709 real property owned, rented, or leased by the equipment owner.
710 However, equipment being delivered by a dealer to a purchaser is
711 not subject to the 50-mile limitation. Farming or agricultural
712 equipment greater than 174 inches in width must have one warning
713 lamp mounted on each side of the equipment to denote the width
714 and must have a slow-moving vehicle sign. Warning lamps required
715 by this paragraph must be visible from the front and rear of the

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1399 (2012)

Amendment No. 1

716 vehicle and must be visible from a distance of at least 1,000
717 feet.

718 Section 14. Subsection (42) of section 320.01, Florida
719 Statutes, is amended to read:

720 320.01 Definitions, general.—As used in the Florida
721 Statutes, except as otherwise provided, the term:

722 (42) "Low-speed vehicle" means any four-wheeled ~~electric~~
723 vehicle whose top speed is greater than 20 miles per hour but
724 not greater than 25 miles per hour, including, but not limited
725 to, neighborhood electric vehicles. Low-speed vehicles must
726 comply with the safety standards in 49 C.F.R. s. 571.500 and s.
727 316.2122.

728 Section 15. Section 332.08, Florida Statutes, is amended
729 to read:

730 332.08 Additional powers.—

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

737 (a)~~(1)~~ To vest authority for the construction,
738 enlargement, improvement, maintenance, equipment, operation, and
739 regulation thereof in an officer, a board or body of such
740 municipality by ordinance or resolution which shall prescribe
741 the powers and duties of such officer, board or body. The
742 expense of such construction, enlargement, improvement,

Amendment No. 1

743 maintenance, equipment, operation, and regulation shall be a
744 responsibility of the municipality.

745 (b)1.(2)(a) To adopt and amend all needful rules,
746 regulations, and ordinances for the management, government, and
747 use of any properties under its control, whether within or
748 without the territorial limits of the municipality; to appoint
749 airport guards or police, with full police powers; to fix by
750 ordinance or resolution, as may be appropriate, penalties for
751 the violation of such ~~said~~ rules, regulations, and ordinances,
752 and enforce such ~~said~~ penalties in the same manner in which
753 penalties prescribed by other rules, regulations, and ordinances
754 of the municipality are enforced.

755 2.(b) ~~Provided,~~ Where a county operates one or more
756 airports, its regulations for the government thereof shall be by
757 resolution of the board of county commissioners, ~~shall be~~
758 recorded in the minutes of the board, and promulgated by posting
759 a copy at the courthouse and at every such airport for 4
760 consecutive weeks or by publication once a week in a newspaper
761 published in the county for the same period. Such regulations
762 shall be enforced as are the criminal laws. Violation thereof
763 shall be a misdemeanor of the second degree, punishable as
764 provided in s. 775.082 or s. 775.083.

765 (c)(3) To lease for a term not exceeding 30 years such
766 airports or other air navigation facilities, or real property
767 acquired or set apart for airport purposes, to private parties,
768 any municipal or state government or the national government, or
769 any department of either thereof, for operation; to lease or
770 assign for a term not exceeding 30 years to private parties, any

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Amendment No. 1

771 municipal or state government or the national government, or any
772 department of either thereof, for operation or use consistent
773 with the purposes of ss. 332.01-332.12, space, area,
774 improvements, or equipment on such airports; to sell any part of
775 such airports, other air navigation facilities, or real property
776 to any municipal or state government, or the United States or
777 any department or instrumentality thereof, for aeronautical
778 purposes or purposes incidental thereto, and to confer the
779 privileges of concessions of supplying upon its airports goods,
780 commodities, things, services, and facilities; provided, that in
781 each case in so doing the public is not deprived of its rightful
782 equal and uniform use thereof.

783 ~~(d)(4)~~ To sell or lease any property, real or personal,
784 acquired for airport purposes and belonging to the municipality,
785 which, in the judgment of its governing body, may not be
786 required for aeronautic purposes, in accordance with the laws of
787 this state, or the provisions of the charter of the
788 municipality, governing the sale or leasing of similar
789 municipally owned property.

790 ~~(e)(5)~~ To exercise all powers necessarily incidental to
791 the exercise of the general and special powers herein granted,
792 and is specifically authorized to assess and shall assess
793 against and collect from the owner or operator of each and every
794 airplane using such airports a sufficient fee or service charge
795 to cover the cost of the service furnished airplanes using such
796 airports, including the liquidation of bonds or other
797 indebtedness for construction and improvements.

Amendment No. 1

798 (2) Notwithstanding any other provision of this section, a
799 municipality participating in the Federal Aviation
800 Administration's Airport Privatization Pilot Program pursuant to
801 49 U.S.C. s. 47134 may lease or sell an airport or other air
802 navigation facility or real property, together with improvements
803 and equipment, acquired or set apart for airport purposes to a
804 private party under such terms and conditions as negotiated by
805 the municipality. If state funds were provided to the
806 municipality pursuant to s. 332.007, the municipality must
807 obtain approval of the agreement from the Department of
808 Transportation, which is authorized to approve the agreement if
809 it determines the state's investment has been adequately
810 considered and protected consistent with the applicable
811 conditions specified in 49 U.S.C. s. 47134.

812 Section 16. Subsections (11) through (37) of section
813 334.03, Florida Statutes, are renumbered as subsections (10)
814 through (36), respectively, and present subsections (10), (11),
815 and (25) of that section are amended to read:

816 334.03 Definitions.—When used in the Florida
817 Transportation Code, the term:

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

822 (10) ~~(11)~~ "Functional classification" means the assignment
823 of roads into systems according to the character of service they
824 provide in relation to the total road network using procedures
825 developed by the Federal Highway Administration. Basic

Amendment No. 1

826 ~~functional categories include arterial roads, collector roads,~~
827 ~~and local roads which may be subdivided into principal, major,~~
828 ~~or minor levels. Those levels may be additionally divided into~~
829 ~~rural and urban categories.~~

830 ~~(24)(25) "State Highway System" means the following, which~~
831 ~~shall be facilities to which access is regulated:~~

832 ~~(a) the interstate system and all other roads within the~~
833 ~~state which were under the jurisdiction of the state on June 10,~~
834 ~~1995, and roads constructed by an agency of the state for the~~
835 ~~State Highway System, plus roads transferred to the state's~~
836 ~~jurisdiction after that date by mutual consent with another~~
837 ~~governmental entity, but not including roads so transferred from~~
838 ~~the state's jurisdiction. These facilities shall be facilities~~
839 ~~to which access is regulated.~~

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

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

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

846
847 ~~However, not less than 2 percent of the public road mileage of~~
848 ~~each urbanized area on record as of June 30, 1986, shall be~~
849 ~~included as minor arterials in the State Highway System.~~

850 ~~Urbanized areas not meeting the foregoing minimum requirement~~
851 ~~shall have transferred to the State Highway System additional~~
852 ~~minor arterials of the highest significance in which case the~~
853 ~~total minor arterials in the State Highway System from any~~

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Published On: 2/23/2012 8:14:54 PM

Amendment No. 1

854 ~~urbanized area shall not exceed 2.5 percent of that area's total~~
855 ~~public urban road mileage.~~

856 Section 17. Subsections (11), (13), and (26) of section
857 334.044, Florida Statutes, are amended, and subsection (33) is
858 added to that section, to read:

859 334.044 Department; powers and duties.—The department
860 shall have the following general powers and duties:

861 (11) To establish a numbering system for public roads, and
862 ~~to functionally classify such roads, and to assign~~
863 ~~jurisdictional responsibility.~~

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

867 (26) To provide for the enhancement of environmental
868 benefits, including air and water quality; to prevent roadside
869 erosion; to conserve the natural roadside growth and scenery;
870 and to provide for the implementation and maintenance of
871 roadside conservation, enhancement, and stabilization programs.
872 No less than 1.5 percent of the amount contracted for
873 construction projects that add capacity or provide significant
874 enhancements to the existing system shall be allocated by the
875 department for the purchase of plant materials. Department
876 districts may not expend funds for landscaping in connection
877 with any project that is limited to resurfacing existing lanes
878 unless the expenditure has been approved by the department's
879 secretary or the secretary's designee. ~~with,~~ To the greatest
880 extent practical, a minimum of 50 percent of these funds shall
881 be allocated for large plant materials and the remaining funds

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

Amendment No. 1

882 for other plant materials. All such plant materials shall be
883 purchased from Florida commercial nursery stock in this state on
884 a uniform competitive bid basis. The department will develop
885 grades and standards for landscaping materials purchased through
886 this process. To accomplish these activities, the department may
887 contract with nonprofit organizations having the primary purpose
888 of developing youth employment opportunities.

889 (33) To develop, in coordination with its partners,
890 freight mobility and trade plans to assist in making freight
891 mobility investments that contribute to the economic growth of
892 the state. Such plans should enhance the integration and
893 connectivity of the transportation system across and between
894 transportation modes throughout the state for people and
895 freight. Freight issues and needs shall be given emphasis in all
896 appropriate transportation plans, including the Florida
897 Transportation Plan and the Strategic Intermodal System Plan.

898 Section 18. Section 334.047, Florida Statutes, is amended
899 to read:

900 334.047 Prohibition.—Notwithstanding any other provision
901 of law to the contrary, the Department of Transportation may not
902 establish a cap on the number of miles in the State Highway
903 System ~~or a maximum number of miles of urban principal arterial~~
904 ~~roads, as defined in s. 334.03, within a district or county.~~

905 Section 19. Subsection (5) is added to section 335.074,
906 Florida Statutes, to read:

907 335.074 Safety inspection of bridges.—

908 (5) Upon receipt of an inspection report that recommends
909 reducing the weight, size, or speed limit on a bridge, the

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1399 (2012)

Amendment No. 1

910 governmental entity having maintenance responsibility for the
911 bridge must reduce the maximum limits for the bridge in
912 accordance with the inspection report and post the limits in
913 accordance with s. 316.555. The governmental entity must, within
914 30 days after receipt of an inspection report recommending lower
915 limits, notify the department that the limitations have been
916 implemented and the bridge has been posted accordingly. If the
917 required actions are not taken within 30 days after receipt of
918 an inspection report, the department shall post the bridge in
919 accordance with the recommendations in the inspection report.
920 All costs incurred by the department in connection with
921 providing notice of the bridge's limitations or restrictions
922 shall be assessed against and collected from the governmental
923 entity having maintenance responsibility for the bridge. If an
924 inspection report recommends closure of a bridge, the bridge
925 shall be immediately closed. If the governmental entity does not
926 close the bridge immediately upon receipt of an inspection
927 report recommending closure, the department shall close the
928 bridge. All costs incurred by the department in connection with
929 the bridge closure shall be assessed against and collected from
930 the governmental entity having maintenance responsibility for
931 the bridge. Nothing herein shall be construed as altering
932 existing jurisdictional responsibilities for the operation and
933 maintenance of bridges.

934 Section 20. Subsections (1) and (2) of section 335.17,
935 Florida Statutes, are amended to read:

936 335.17 State highway construction; means of noise
937 abatement.—

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

Amendment No. 1

938 (1) The department shall make use of noise-control methods
939 as part of highway construction projects involving new location
940 or capacity expansion ~~in the construction of all new state~~
941 ~~highways~~, with particular emphasis on those highways located in
942 or near urban-residential developments which abut such highway
943 rights-of-way.

944 (2) All highway projects by the department, regardless of
945 funding source, shall be developed in conformity with federal
946 standards for noise abatement as contained in 23 C.F.R. 772 as
947 such regulations existed on July 13, 2011 ~~March 1, 1989~~. The
948 department shall, at a minimum, comply with federal requirements
949 in the following areas:

950 (a) Analysis of traffic noise impacts and abatement
951 measures;

952 (b) Noise abatement;

953 (c) Information for local officials;

954 (d) Traffic noise prediction; and

955 (e) Construction noise.

956 Section 21. Subsection (5) of section 336.021, Florida
957 Statutes, is amended to read:

958 336.021 County transportation system; levy of ninth-cent
959 fuel tax on motor fuel and diesel fuel.—

960 (5) All impositions of the tax shall be levied before
961 October ~~July~~ 1 of each year to be effective January 1 of the
962 following year. However, levies of the tax which were in effect
963 on July 1, 2002, and which expire on August 31 of any year may
964 be reimposed at the current authorized rate to be effective
965 September 1 of the year of expiration. All impositions shall be

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

Amendment No. 1

966 required to end on December 31 of a year. A decision to rescind
967 the tax shall not take effect on any date other than December 31
968 and shall require a minimum of 60 days' notice to the department
969 of such decision.

970 Section 22. Paragraphs (a) and (b) of subsection (1),
971 paragraph (a) of subsection (5), and subsection (7) of section
972 336.025, Florida Statutes, are amended to read:

973 336.025 County transportation system; levy of local option
974 fuel tax on motor fuel and diesel fuel.—

975 (1) (a) In addition to other taxes allowed by law, there
976 may be levied as provided in ss. 206.41(1)(e) and 206.87(1)(c) a
977 1-cent, 2-cent, 3-cent, 4-cent, 5-cent, or 6-cent local option
978 fuel tax upon every gallon of motor fuel and diesel fuel sold in
979 a county and taxed under the provisions of part I or part II of
980 chapter 206.

981 1. All impositions and rate changes of the tax shall be
982 levied before October ~~July~~ 1 to be effective January 1 of the
983 following year for a period not to exceed 30 years, and the
984 applicable method of distribution shall be established pursuant
985 to subsection (3) or subsection (4). However, levies of the tax
986 which were in effect on July 1, 2002, and which expire on August
987 31 of any year may be reimposed at the current authorized rate
988 effective September 1 of the year of expiration. Upon
989 expiration, the tax may be relieved provided that a
990 redetermination of the method of distribution is made as
991 provided in this section.

Amendment No. 1

992 2. County and municipal governments shall utilize moneys
993 received pursuant to this paragraph only for transportation
994 expenditures.

995 3. Any tax levied pursuant to this paragraph may be
996 extended on a majority vote of the governing body of the county.
997 A redetermination of the method of distribution shall be
998 established pursuant to subsection (3) or subsection (4), if,
999 after July 1, 1986, the tax is extended or the tax rate changed,
1000 for the period of extension or for the additional tax.

1001 (b) In addition to other taxes allowed by law, there may
1002 be levied as provided in s. 206.41(1)(e) a 1-cent, 2-cent, 3-
1003 cent, 4-cent, or 5-cent local option fuel tax upon every gallon
1004 of motor fuel sold in a county and taxed under the provisions of
1005 part I of chapter 206. The tax shall be levied by an ordinance
1006 adopted by a majority plus one vote of the membership of the
1007 governing body of the county or by referendum.

1008 1. All impositions and rate changes of the tax shall be
1009 levied before October ~~July~~ 1, to be effective January 1 of the
1010 following year. However, levies of the tax which were in effect
1011 on July 1, 2002, and which expire on August 31 of any year may
1012 be reimposed at the current authorized rate effective September
1013 1 of the year of expiration.

1014 2. The county may, prior to levy of the tax, establish by
1015 interlocal agreement with one or more municipalities located
1016 therein, representing a majority of the population of the
1017 incorporated area within the county, a distribution formula for
1018 dividing the entire proceeds of the tax among county government
1019 and all eligible municipalities within the county. If no

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

Amendment No. 1

1020 interlocal agreement is adopted before the effective date of the
1021 tax, tax revenues shall be distributed pursuant to the
1022 provisions of subsection (4). If no interlocal agreement exists,
1023 a new interlocal agreement may be established prior to June 1 of
1024 any year pursuant to this subparagraph. However, any interlocal
1025 agreement agreed to under this subparagraph after the initial
1026 levy of the tax or change in the tax rate authorized in this
1027 section shall under no circumstances materially or adversely
1028 affect the rights of holders of outstanding bonds which are
1029 backed by taxes authorized by this paragraph, and the amounts
1030 distributed to the county government and each municipality shall
1031 not be reduced below the amount necessary for the payment of
1032 principal and interest and reserves for principal and interest
1033 as required under the covenants of any bond resolution
1034 outstanding on the date of establishment of the new interlocal
1035 agreement.

1036 3. County and municipal governments shall use moneys
1037 received pursuant to this paragraph for transportation
1038 expenditures needed to meet the requirements of the capital
1039 improvements element of an adopted comprehensive plan or for
1040 expenditures needed to meet immediate local transportation
1041 problems and for other transportation-related expenditures that
1042 are critical for building comprehensive roadway networks by
1043 local governments. For purposes of this paragraph, expenditures
1044 for the construction of new roads, the reconstruction or
1045 resurfacing of existing paved roads, or the paving of existing
1046 graded roads shall be deemed to increase capacity and such
1047 projects shall be included in the capital improvements element

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1399 (2012)

Amendment No. 1

1048 of an adopted comprehensive plan. Expenditures for purposes of
1049 this paragraph shall not include routine maintenance of roads.

1050 (5) (a) By October ~~July~~ 1 of each year, the county shall
1051 notify the Department of Revenue of the rate of the taxes levied
1052 pursuant to paragraphs (1) (a) and (b), and of its decision to
1053 rescind or change the rate of a tax, if applicable, and shall
1054 provide the department with a certified copy of the interlocal
1055 agreement established under subparagraph (1) (b)2. or
1056 subparagraph (3) (a)1. with distribution proportions established
1057 by such agreement or pursuant to subsection (4), if applicable.
1058 A decision to rescind a tax may ~~shall~~ not take effect on any
1059 date other than December 31 and requires ~~shall require~~ a minimum
1060 of 60 days' notice to the Department of Revenue of such
1061 decision.

1062 (7) For the purposes of this section, "transportation
1063 expenditures" means expenditures by the local government from
1064 local or state shared revenue sources, excluding expenditures of
1065 bond proceeds, for the following programs:

1066 (a) Public transportation operations and maintenance.

1067 (b) Roadway and right-of-way maintenance and equipment and
1068 structures used primarily for the storage and maintenance of
1069 such equipment.

1070 (c) Roadway and right-of-way drainage.

1071 (d) Street lighting installation, operation, maintenance,
1072 and repair.

1073 (e) Traffic signs, traffic engineering, signalization, and
1074 pavement markings, installation, operation, maintenance, and
1075 repair.

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1399 (2012)

Amendment No. 1

1076 (f) Bridge maintenance and operation.

1077 (g) Debt service and current expenditures for
1078 transportation capital projects in the foregoing program areas,
1079 including construction or reconstruction of roads and sidewalks.

1080 Section 23. Effective January 1, 2015, paragraph (a) of
1081 subsection (3) of section 337.11, Florida Statutes, is amended
1082 to read:

1083 337.11 Contracting authority of department; bids;
1084 emergency repairs, supplemental agreements, and change orders;
1085 combined design and construction contracts; progress payments;
1086 records; requirements of vehicle registration.—

1087 (3) (a) On all construction contracts of \$250,000 or less,
1088 and any construction contract of less than \$500,000 for which
1089 the department has waived prequalification under s. 337.14, the
1090 department shall advertise for bids on the department's Internet
1091 website for ~~in a newspaper having general circulation in the~~
1092 ~~county where the proposed work is located. Publication shall be~~
1093 ~~at least once a week for no less than 2 consecutive weeks, and~~
1094 ~~the first publication shall be no less than 14 consecutive~~ days
1095 prior to the date on which bids are to be received.

1096 Section 24. Subsection (4) of section 337.111, Florida
1097 Statutes, is amended to read:

1098 337.111 Contracting for monuments and memorials to
1099 military veterans at rest areas.—The Department of
1100 Transportation is authorized to enter into contract with any
1101 not-for-profit group or organization that has been operating for
1102 not less than 2 years for the installation of monuments and
1103 memorials honoring Florida's military veterans at highway rest

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

Amendment No. 1

1104 areas around the state pursuant to the provisions of this
1105 section.

1106 (4) The group or organization making the proposal shall
1107 provide an annual renewable a 10-year bond, an irrevocable
1108 letter of credit, or another form of security as approved by the
1109 department's comptroller, for the purpose of securing the cost
1110 of removal of the monument and any modifications made to the
1111 site as part of the placement of the monument should the
1112 Department of Transportation determine it necessary to remove or
1113 relocate the monument. Such removal or relocation shall be
1114 approved by the committee described in subsection (1). ~~Prior to~~
1115 ~~expiration, the bond shall be renewed for another 10-year period~~
1116 ~~if the memorial is to remain in place.~~

1117 Section 25. Subsection (1) of section 337.125, Florida
1118 Statutes, is amended to read:

1119 337.125 Socially and economically disadvantaged business
1120 enterprises; notice requirements.-

1121 (1) When contract goals are established, in order to
1122 document that a subcontract is with a certified socially and
1123 economically disadvantaged business enterprise, the prime
1124 contractor must either submit a disadvantaged business
1125 enterprise utilization form which has been signed by the
1126 socially and economically disadvantaged business enterprise and
1127 the prime contractor, or submit the written or oral quotation of
1128 the socially and economically disadvantaged business enterprise,
1129 and information contained in the quotation must be confirmed as
1130 determined by the department by rule.

Amendment No. 1

1131 Section 26. Section 337.137, Florida Statutes, is
1132 repealed.

1133 Section 27. Section 337.139, Florida Statutes, is amended
1134 to read:

1135 337.139 Efforts to encourage awarding contracts to
1136 disadvantaged business enterprises.—In implementing chapter 90-
1137 136, Laws of Florida, the Department of Transportation shall
1138 institute procedures to encourage the awarding of contracts for
1139 professional services and construction to disadvantaged business
1140 enterprises. For the purposes of this section, the term
1141 "disadvantaged business enterprise" means a small business
1142 concern certified by the Department of Transportation to be
1143 owned and controlled by socially and economically disadvantaged
1144 individuals as defined by the Safe, Accountable, Flexible,
1145 Efficient Transportation Equity Act: A Legacy for Users
1146 (SAFETEA-LU) ~~Surface Transportation and Uniform Relocation Act~~
1147 ~~of 1987~~. The Department of Transportation shall develop and
1148 implement activities to encourage the participation of
1149 disadvantaged business enterprises in the contracting process.
1150 Such efforts may include:

1151 (1) Presolicitation or prebid meetings for the purpose of
1152 informing disadvantaged business enterprises of contracting
1153 opportunities.

1154 (2) Written notice to disadvantaged business enterprises
1155 of contract opportunities for commodities or contractual and
1156 construction services which the disadvantaged business provides.

Amendment No. 1

1157 (3) Provision of adequate information to disadvantaged
1158 business enterprises about the plans, specifications, and
1159 requirements of contracts or the availability of jobs.

1160 (4) Breaking large contracts into several single-purpose
1161 contracts of a size which may be obtained by certified
1162 disadvantaged business enterprises.

1163 Section 28. Subsection (1) of section 337.14, Florida
1164 Statutes, is amended to read:

1165 337.14 Application for qualification; certificate of
1166 qualification; restrictions; request for hearing.—

1167 (1) Any person desiring to bid for the performance of any
1168 construction contract in excess of \$250,000 which the department
1169 proposes to let must first be certified by the department as
1170 qualified pursuant to this section and rules of the department.
1171 The rules of the department shall address the qualification of
1172 persons to bid on construction contracts in excess of \$250,000
1173 and shall include requirements with respect to the equipment,
1174 past record, experience, financial resources, and organizational
1175 personnel of the applicant necessary to perform the specific
1176 class of work for which the person seeks certification. The
1177 department may ~~is authorized to~~ limit the dollar amount of any
1178 contract upon which a person is qualified to bid or the
1179 aggregate total dollar volume of contracts such person is
1180 allowed to have under contract at any one time. Each applicant
1181 seeking qualification to bid on construction contracts in excess
1182 of \$250,000 shall furnish the department a statement under oath,
1183 on such forms as the department may prescribe, setting forth
1184 detailed information as required on the application. Each

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1399 (2012)

Amendment No. 1

1185 application for certification shall be accompanied by the latest
1186 annual financial statement of the applicant completed within the
1187 last 12 months. If the application or the annual financial
1188 statement shows the financial condition of the applicant more
1189 than 4 months prior to the date on which the application is
1190 received by the department, then an interim financial statement
1191 must be submitted and be accompanied by an updated application.
1192 The interim financial statement must cover the period from the
1193 end date of the annual statement and must show the financial
1194 condition of the applicant no more than 4 months prior to the
1195 date the interim financial statement is received by the
1196 department. However, upon request by the applicant, an
1197 application and accompanying annual or interim financial
1198 statement received by the department within 15 days after either
1199 4-month period under this subsection shall be considered timely.
1200 Each required annual or interim financial statement must be
1201 audited and accompanied by the opinion of a certified public
1202 accountant ~~or a public accountant approved by the department.~~ An
1203 applicant desiring to bid exclusively for the performance of
1204 construction contracts with proposed budget estimates of less
1205 than \$1 million may submit reviewed annual or reviewed interim
1206 financial statements prepared by a certified public accountant.
1207 The information required by this subsection is confidential and
1208 exempt from the provisions of s. 119.07(1). The department shall
1209 act upon the application for qualification within 30 days after
1210 the department determines that the application is complete. The
1211 department may waive the requirements of this subsection for
1212 projects having a contract price of \$500,000 or less if the

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1399 (2012)

Amendment No. 1

1213 department determines that the project is of a noncritical
1214 nature and the waiver will not endanger public health, safety,
1215 or property.

1216 Section 29. Subsection (3) of section 337.29, Florida
1217 Statutes, is amended to read:

1218 337.29 Vesting of title to roads; liability for torts.—

1219 (3) Title to all roads transferred in accordance with the
1220 provisions of s. 335.0415 shall be in the governmental entity to
1221 which such roads have been transferred, upon the recording of a
1222 deed or a right-of-way map by the appropriate governmental
1223 entity in the public land records of the county or counties in
1224 which such rights-of-way are located. To the extent that
1225 sovereign immunity has been waived, liability for torts shall be
1226 in the governmental entity having operation and maintenance
1227 responsibility as provided in s. 335.0415. Except as otherwise
1228 provided by law, a municipality shall have the same
1229 governmental, corporate, and proprietary powers with relation to
1230 any public road or right-of-way within the municipality which
1231 has been transferred to another governmental entity pursuant to
1232 s. 335.0415 that the municipality has with relation to other
1233 public roads and rights-of-way within the municipality.

1234 Section 30. Section 337.403, Florida Statutes, is amended
1235 to read:

1236 337.403 Interference caused by ~~relocation of~~ utility;
1237 expenses.—

1238 (1) When a ~~Any~~ utility ~~heretofore or hereafter~~ placed
1239 upon, under, over, or along any public road or publicly owned
1240 rail corridor ~~that~~ is found by the authority to be unreasonably

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

Amendment No. 1

1241 interfering in any way with the convenient, safe, or continuous
1242 use, or the maintenance, improvement, extension, or expansion,
1243 of such public road or publicly owned rail corridor, the utility
1244 owner shall, upon 30 days' written notice to the utility or its
1245 agent by the authority, initiate the work necessary to alleviate
1246 the interference ~~be removed or relocated by such utility~~ at its
1247 own expense except as provided in paragraphs (a)-(f). The work
1248 shall be completed within such time as stated in the notice or
1249 such time as agreed to by the authority and the utility owner.

1250 (a) If the relocation of utility facilities, as referred
1251 to in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.
1252 627 of the 84th Congress, is necessitated by the construction of
1253 a project on the federal-aid interstate system, including
1254 extensions thereof within urban areas, and the cost of the
1255 project is eligible and approved for reimbursement by the
1256 Federal Government to the extent of 90 percent or more under the
1257 Federal Aid Highway Act, or any amendment thereof, then in that
1258 event the utility owning or operating such facilities shall
1259 perform any necessary work ~~relocate the facilities~~ upon notice
1260 from ~~order of~~ the department, and the state shall pay the entire
1261 expense properly attributable to such work ~~relocation~~ after
1262 deducting therefrom any increase in the value of any ~~the~~ new
1263 facility and any salvage value derived from any ~~the~~ old
1264 facility.

1265 (b) When a joint agreement between the department and the
1266 utility is executed for utility ~~improvement, relocation, or~~
1267 ~~removal~~ work to be accomplished as part of a contract for
1268 construction of a transportation facility, the department may

Amendment No. 1

1269 participate in those utility work ~~improvement, relocation, or~~
1270 ~~removal~~ costs that exceed the department's official estimate of
1271 the cost of the work by more than 10 percent. The amount of such
1272 participation shall be limited to the difference between the
1273 official estimate of all the work in the joint agreement plus 10
1274 percent and the amount awarded for this work in the construction
1275 contract for such work. The department may not participate in
1276 any utility work ~~improvement, relocation, or removal~~ costs that
1277 occur as a result of changes or additions during the course of
1278 the contract.

1279 (c) When an agreement between the department and utility
1280 is executed for utility ~~improvement, relocation, or removal~~ work
1281 to be accomplished in advance of a contract for construction of
1282 a transportation facility, the department may participate in the
1283 cost of clearing and grubbing necessary to perform such work.

1284 (d) If the utility facility involved ~~being removed or~~
1285 ~~relocated~~ was initially installed to exclusively serve the
1286 department, its tenants, or both, the department shall bear the
1287 costs of the utility work ~~removing or relocating that utility~~
1288 ~~facility~~. However, the department is not responsible for bearing
1289 the cost of utility work related to ~~removing or relocating~~ any
1290 subsequent additions to that facility for the purpose of serving
1291 others.

1292 (e) If, under an agreement between a utility and the
1293 authority entered into after July 1, 2009, the utility conveys,
1294 subordinates, or relinquishes a compensable property right to
1295 the authority for the purpose of accommodating the acquisition
1296 or use of the right-of-way by the authority, without the

Amendment No. 1

1297 agreement expressly addressing future responsibility for the
1298 cost of necessary utility work ~~removing or relocating the~~
1299 ~~utility~~, the authority shall bear the cost of ~~removal or~~
1300 ~~relocation~~. This paragraph does not impair or restrict, and may
1301 not be used to interpret, the terms of any such agreement
1302 entered into before July 1, 2009.

1303 (f) If the utility is an electric facility being relocated
1304 underground in order to enhance vehicular, bicycle, and
1305 pedestrian safety and in which ownership of the electric
1306 facility to be placed underground has been transferred from a
1307 private to a public utility within the past 5 years, the
1308 department shall incur all costs of the necessary utility work
1309 ~~relocation~~.

1310 (2) If such utility work ~~removal or relocation~~ is
1311 incidental to work to be done on such road or publicly owned
1312 rail corridor, the notice shall be given at the same time the
1313 contract for the work is advertised for bids, or no less than 30
1314 days prior to the commencement of such work by the authority,
1315 whichever is greater.

1316 (3) Whenever the notice from an order of the authority
1317 requires such utility work ~~removal or change in the location of~~
1318 ~~any utility from the right of way of a public road or publicly~~
1319 ~~owned rail corridor~~, and the owner thereof fails to perform the
1320 work ~~remove or change the same~~ at his or her own expense ~~to~~
1321 ~~conform to the order~~ within the time stated in the notice or
1322 such other time as agreed to by the authority and the utility
1323 owner, the authority shall proceed to cause the utility work to
1324 be performed ~~to be removed~~. The expense thereby incurred shall

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1399 (2012)

Amendment No. 1

1325 be paid out of any money available therefor, and such expense
1326 shall, except as provided in subsection (1), be charged against
1327 the owner and levied and collected and paid into the fund from
1328 which the expense of such relocation was paid.

1329 Section 31. Subsection (1) of section 337.404, Florida
1330 Statutes, is amended to read:

1331 337.404 Removal or relocation of utility facilities;
1332 notice and order; court review.-

1333 (1) Whenever it becomes ~~shall become~~ necessary for the
1334 authority to perform utility work ~~remove or relocate any utility~~
1335 as provided in s. 337.403 ~~the preceding section~~, the owner of
1336 the utility~~,~~ or the owner's chief agent~~,~~ shall be given notice
1337 that the authority will perform of such work ~~removal or~~
1338 relocation and, after the work is complete, given an order
1339 requiring the payment of the cost thereof~~,~~ and a ~~shall be given~~
1340 reasonable time, which may ~~shall~~ not be less than 20 or ~~not~~ more
1341 than 30 days, in which to appear before the authority to contest
1342 the reasonableness of the order. Should the owner or the owner's
1343 representative not appear, the determination of the cost to the
1344 owner shall be final. Authorities considered agencies for the
1345 purposes of chapter 120 shall adjudicate removal or relocation
1346 of utilities pursuant to chapter 120.

1347 Section 32. Subsections (1), (4), and (5) of section
1348 337.408, Florida Statutes, are amended to read:

1349 337.408 Regulation of bus stops, benches, transit
1350 shelters, street light poles, waste disposal receptacles, and
1351 modular news racks within rights-of-way.-

Amendment No. 1

1352 (1) Benches or transit shelters, including advertising
1353 displayed on benches or transit shelters, may be installed
1354 within the right-of-way limits of any municipal, county, or
1355 state road, except a limited access highway, provided that such
1356 benches or transit shelters are for the comfort or convenience
1357 of the general public or are at designated stops on official bus
1358 routes and provided that written authorization has been given to
1359 a qualified private supplier of such service by the municipal
1360 government within whose incorporated limits such benches or
1361 transit shelters are installed or by the county government
1362 within whose unincorporated limits such benches or transit
1363 shelters are installed. A municipality or county may authorize
1364 the installation, without public bid, of benches and transit
1365 shelters together with advertising displayed thereon within the
1366 right-of-way limits of such roads. All installations shall be in
1367 compliance with all applicable laws and rules, including,
1368 without limitation, the Americans with Disabilities Act.
1369 Municipalities and counties that authorize or have authorized a
1370 bench or transit shelter to be installed within the right-of-way
1371 limits of any road on the State Highway System shall be
1372 responsible for ensuring that the bench or transit shelter
1373 complies with all applicable laws and rules, including without
1374 limitation, the Americans with Disabilities Act, or shall remove
1375 the bench or transit shelter. The department shall have no
1376 liability for any claims, losses, costs, charges, expenses,
1377 damages, liabilities, attorney fees, or court costs relating to
1378 the installation, removal, or relocation of any benches or
1379 transit shelters authorized by a municipality or county. On and

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1399 (2012)

Amendment No. 1

1380 after July 1, 2012, a municipality or county that authorizes a
1381 bench or transit shelter to be installed within the right-of-way
1382 limits of any road on the State Highway System will require the
1383 qualified private supplier, or any other person under contract
1384 to install the bench or transit shelter, to indemnify, defend,
1385 and hold harmless the department from any suits, actions,
1386 proceedings, claims, losses, costs, charges, expenses, damages,
1387 liabilities, attorney fees, and court costs relating to the
1388 installation, removal, or relocation of such installations, and
1389 shall annually certify to the department in a notarized signed
1390 statement that this requirement has been met. The certification
1391 shall include the name and address of each person responsible
1392 for indemnifying the department for an authorized installation.
1393 Municipalities and counties that have authorized the
1394 installation of benches or transit shelters within the right-of-
1395 way limits of any road on the State Highway System must remove
1396 or relocate, or cause the removal or relocation of, the
1397 installation at no cost to the department, within 30 days after
1398 written notice by the department that the installation is
1399 unreasonably interfering in any way with the convenient, safe,
1400 or continuous use, or the maintenance, improvement, extension,
1401 or expansion of the State Highway System road. Any contract for
1402 the installation of benches or transit shelters or advertising
1403 on benches or transit shelters which was entered into before
1404 April 8, 1992, without public bidding is ratified and affirmed.
1405 Such benches or transit shelters may not interfere with right-
1406 of-way preservation and maintenance. Any bench or transit
1407 shelter located on a sidewalk within the right-of-way limits of

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

Amendment No. 1

1408 any road on the State Highway System or the county road system
1409 shall be located so as to leave at least 36 inches of clearance
1410 for pedestrians and persons in wheelchairs. Such clearance shall
1411 be measured in a direction perpendicular to the centerline of
1412 the road.

1413 (4) The department has the authority to direct the
1414 immediate relocation or removal of any bus stop, bench, transit
1415 shelter, waste disposal receptacle, public pay telephone, or
1416 modular news rack that endangers life or property or that is
1417 otherwise not in compliance with applicable laws and rules,
1418 except that transit bus benches that were placed in service
1419 before April 1, 1992, are not required to comply with bench size
1420 and advertising display size requirements established by the
1421 department before March 1, 1992. ~~Any transit bus bench that was~~
1422 ~~in service before April 1, 1992, may be replaced with a bus~~
1423 ~~bench of the same size or smaller, if the bench is damaged or~~
1424 ~~destroyed or otherwise becomes unusable.~~ The department may
1425 adopt rules relating to the regulation of bench size and
1426 advertising display size requirements. If a municipality or
1427 county within which a bench is to be located has adopted an
1428 ordinance or other applicable regulation that establishes bench
1429 size or advertising display sign requirements different from
1430 requirements specified in department rule, the local government
1431 requirement applies within the respective municipality or
1432 county. Placement of any bench or advertising display on the
1433 National Highway System under a local ordinance or regulation
1434 adopted under this subsection is subject to approval of the
1435 Federal Highway Administration.

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

Amendment No. 1

1436 (5) A bus stop, bench, transit shelter, waste disposal
1437 receptacle, public pay telephone, or modular news rack, or
1438 advertising thereon, may not be erected or placed on the right-
1439 of-way of any road in a manner that conflicts with the
1440 requirements of federal law, regulations, or safety standards,
1441 thereby causing the state or any political subdivision the loss
1442 of federal funds. Competition among persons seeking to provide
1443 bus stop, bench, transit shelter, waste disposal receptacle,
1444 public pay telephone, or modular news rack services or
1445 advertising on such benches, shelters, receptacles, public pay
1446 telephone, or news racks may be regulated, restricted, or denied
1447 by the appropriate local government entity consistent with this
1448 section.

1449 Section 33. Chapter 338, Florida Statutes, is retitled
1450 "LIMITED ACCESS AND TOLL FACILITIES."

1451 Section 34. Section 338.001, Florida Statutes, is
1452 repealed.

1453 Section 35. Present subsections (1) through (6) of section
1454 338.01, Florida Statutes, are renumbered as subsections (2)
1455 through (7), respectively, and new subsections (1) and (8) are
1456 added to that section to read:

1457 338.01 Authority to establish and regulate limited access
1458 facilities.-

1459 (1) The department may establish limited access facilities
1460 as provided in s. 335.02. The primary function of such limited
1461 access facilities shall be to allow high-speed and high-volume
1462 traffic movements within the state. Access to abutting land is

Amendment No. 1

1463 subordinate to this function, and such access must be prohibited
1464 or highly regulated.

1465 (8) The department, or other governmental entity
1466 responsible for the collection of tolls, may pursue the
1467 collection of unpaid tolls and associated fees and other amounts
1468 to which it is entitled by contracting with a private attorney
1469 who is a member in good standing with The Florida Bar or a
1470 collection agent who is registered and in good standing pursuant
1471 to chapter 559. A collection fee in an amount that is reasonable
1472 within the collection industry, including any reasonable
1473 attorney fees, may be added to the delinquent amount collected
1474 by any attorney or collection agent retained by the department
1475 or other governmental entity. The requirements of s. 287.059 do
1476 not apply to private attorney services procured under this
1477 section.

1478 Section 36. Section 338.151, Florida Statutes, is created
1479 to read:

1480 338.151 Authority of the department to establish tolls on
1481 the State Highway System.—Notwithstanding s. 338.165(8), the
1482 department may establish tolls on new limited access facilities
1483 on the State Highway System, lanes added to existing limited
1484 access facilities on the State Highway System, new major bridges
1485 on the State Highway System over waterways, and replacements for
1486 existing major bridges on the State Highway System over
1487 waterways to pay, fully or partially, for the cost of such
1488 projects. Except for high-occupancy vehicle lanes, express
1489 lanes, the turnpike system, and as otherwise authorized by law,
1490 the department may not establish tolls on lanes of limited

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

Amendment No. 1

1491 access facilities that exist on July 1, 2012, unless tolls were
1492 in effect for the lanes prior to that date. The authority
1493 provided in this section is in addition to the authority
1494 provided under the Florida Turnpike Enterprise Law and s.
1495 338.166.

1496 Section 37. Subsection (1) of section 338.155, Florida
1497 Statutes, is amended to read:

1498 338.155 Payment of toll on toll facilities required;
1499 exemptions.—

1500 (1) A person may not ~~No persons are permitted to~~ use any
1501 toll facility without payment of tolls, except employees of the
1502 agency operating the toll project when using the toll facility
1503 on official state business, state military personnel while on
1504 official military business, handicapped persons as provided in
1505 this section, persons exempt from toll payment by the
1506 authorizing resolution for bonds issued to finance the facility,
1507 and persons exempt on a temporary basis where use of such toll
1508 facility is required as a detour route. Any law enforcement
1509 officer operating a marked official vehicle is exempt from toll
1510 payment when on official law enforcement business. Any person
1511 operating a fire vehicle when on official business or a rescue
1512 vehicle when on official business is exempt from toll payment.
1513 Any person participating in the funeral procession of a law
1514 enforcement officer or firefighter killed in the line of duty is
1515 exempt from toll payment. The secretary~~7~~ or the secretary's
1516 designee~~7~~ may suspend the payment of tolls on a toll facility
1517 when necessary to assist in emergency evacuation. The failure to
1518 pay a prescribed toll constitutes a noncriminal traffic

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

Amendment No. 1

1519 | infraction, punishable as a moving violation as provided in
1520 | ~~pursuant to~~ s. 318.18. The department may ~~is authorized to~~ adopt
1521 | rules relating to the payment, collection, and enforcement of
1522 | tolls, as authorized in chapters 316, 318, 320, 322, and 338,
1523 | including, but not limited to, rules for the implementation of
1524 | video or other image billing and variable pricing. With respect
1525 | to toll facilities managed by the department, the revenues of
1526 | which are not pledged to repayment of bonds, the department may
1527 | by rule allow the use of such facilities by public transit
1528 | vehicles or by vehicles participating in a funeral procession
1529 | for an active-duty military service member without the payment
1530 | of tolls.

1531 | Section 38. Paragraph (c) is added to subsection (3) of
1532 | section 338.161, Florida Statutes, to read:

1533 | 338.161 Authority of department or toll agencies to
1534 | advertise and promote electronic toll collection; expanded uses
1535 | of electronic toll collection system; studies authorized;
1536 | authority of department to collect tolls, fares, and fees for
1537 | private and public entities.-

1538 | (3)

1539 | (c) If the department finds that it can increase nontoll
1540 | revenues or add convenience or other value for its customers,
1541 | the department is authorized to enter into agreements with
1542 | private or public entities for the department's use of its
1543 | electronic toll collection and video billing systems to collect
1544 | tolls, fares, administrative fees, and other applicable charges
1545 | imposed in connection with transportation facilities of the
1546 | private or public entities that become interoperable with the

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Published On: 2/23/2012 8:14:54 PM

Amendment No. 1

1547 department's electronic toll collection system. The department
1548 may modify its rules regarding toll collection procedures and
1549 the imposition of administrative charges to be applicable to
1550 toll facilities that are not part of the turnpike system or
1551 otherwise owned by the department. This paragraph may not be
1552 construed to limit the authority of the department under any
1553 other provision of law or under any agreement entered into prior
1554 to July 1, 2012.

1555 Section 39. Subsections (1) and (3) of section 338.166,
1556 Florida Statutes, are amended to read:

1557 338.166 High-occupancy toll lanes or express lanes.—

1558 (1) Under s. 11, Art. VII of the State Constitution, the
1559 department may request the Division of Bond Finance to issue
1560 bonds secured by toll revenues collected on high-occupancy toll
1561 lanes or express lanes established on facilities owned by the
1562 department located on Interstate 95 in Miami-Dade and Broward
1563 Counties.

1564 (3) Any remaining toll revenue from the high-occupancy
1565 toll lanes or express lanes shall be used by the department for
1566 the construction, maintenance, or improvement of any road on the
1567 State Highway System within the county or counties in which the
1568 toll revenues were collected or to support express bus service
1569 on the facility where the toll revenues were collected.

1570 Section 40. Paragraph (a) of subsection (8) of section
1571 338.221, Florida Statutes, is amended to read:

1572 338.221 ~~Definitions of terms used in ss. 338.22-338.241.—~~

1573 As used in ss. 338.22-338.241, the following words and terms

Amendment No. 1

1574 have the following meanings, unless the context indicates
1575 another or different meaning or intent:

1576 (8) "Economically feasible" means:

1577 (a) For a proposed turnpike project, that, as determined
1578 by the department before the issuance of revenue bonds for the
1579 project, the estimated net revenues of the proposed turnpike
1580 project, excluding feeder roads and turnpike improvements, will
1581 be sufficient to pay at least 50 percent of the annual debt
1582 service on the bonds associated with the project by the end of
1583 the 12th year of operation and to pay at least 100 percent of
1584 the debt service on the bonds by the end of the 30th ~~22nd~~ year
1585 of operation. In implementing this paragraph, up to 50 percent
1586 of the adopted work program costs of the project may be funded
1587 from turnpike revenues.

1588
1589 This subsection does not prohibit the pledging of revenues from
1590 the entire turnpike system to bonds issued to finance or
1591 refinance a turnpike project or group of turnpike projects.

1592 Section 41. Paragraphs (a) and (b) of subsection (1) of
1593 section 338.223, Florida Statutes, are amended to read:

1594 338.223 Proposed turnpike projects.—

1595 (1) (a) Any proposed project to be constructed or acquired
1596 as part of the turnpike system and any turnpike improvement
1597 shall be included in the tentative work program. A ~~No~~ proposed
1598 project or group of proposed projects may not ~~shall~~ be added to
1599 the turnpike system unless such project or projects are
1600 determined to be economically feasible and a statement of
1601 environmental feasibility has been completed for such project or

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Published On: 2/23/2012 8:14:54 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1399 (2012)

Amendment No. 1

1602 projects and such projects are determined to be consistent, to
1603 the maximum extent feasible, with approved local government
1604 comprehensive plans of the local governments in which such
1605 projects are located. The department may authorize engineering
1606 studies, traffic studies, environmental studies, and other
1607 expert studies of the location, costs, economic feasibility, and
1608 practicality of proposed turnpike projects throughout the state
1609 and may proceed with the design phase of such projects. The
1610 department may ~~shall~~ not request legislative approval of a
1611 proposed turnpike project until the design phase of that project
1612 is at least 30 ~~60~~ percent complete. If a proposed project or
1613 group of proposed projects is found to be economically feasible,
1614 consistent, to the maximum extent feasible, with approved local
1615 government comprehensive plans of the local governments in which
1616 such projects are located, and a favorable statement of
1617 environmental feasibility has been completed, the department,
1618 with the approval of the Legislature, shall, after the receipt
1619 of all necessary permits, construct, maintain, and operate such
1620 turnpike projects.

1621 (b) Any proposed turnpike project or improvement shall be
1622 developed in accordance with the Florida Transportation Plan and
1623 the work program pursuant to s. 339.135. Turnpike projects that
1624 add capacity, alter access, affect feeder roads, or affect the
1625 operation of the local transportation system shall be included
1626 in the transportation improvement plan of the affected
1627 metropolitan planning organization. If such turnpike project
1628 does not fall within the jurisdiction of a metropolitan planning
1629 organization, the department shall notify the affected county

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Published On: 2/23/2012 8:14:54 PM

Amendment No. 1

1630 and provide for public hearings in accordance with s.

1631 339.155(5)(c) ~~s. 339.155(6)(e)~~.

1632 Section 42. Subsection (4) of section 338.227, Florida
1633 Statutes, is amended to read:

1634 338.227 Turnpike revenue bonds.—

1635 (4) The Department of Transportation and the Department of
1636 Management Services shall create and implement an outreach
1637 program designed to enhance the participation of minority
1638 persons and minority business enterprises in all contracts
1639 entered into by their respective departments for services
1640 related to the financing of department projects for the
1641 Strategic Intermodal System Plan developed pursuant to s. 339.64
1642 ~~Florida Intrastate Highway System Plan~~. These services shall
1643 include, but are not ~~be~~ limited to, bond counsel and bond
1644 underwriters.

1645 Section 43. Subsection (2) of section 338.2275, Florida
1646 Statutes, is amended to read:

1647 338.2275 Approved turnpike projects.—

1648 (2) The department may ~~is authorized to~~ use turnpike
1649 revenues, the State Transportation Trust Fund moneys allocated
1650 for turnpike projects pursuant to s. 339.65 ~~s. 338.001~~, federal
1651 funds, and bond proceeds, and shall use the most cost-efficient
1652 combination of such funds, in developing a financial plan for
1653 funding turnpike projects. The department must submit a report
1654 of the estimated cost for each ongoing turnpike project and for
1655 each planned project to the Legislature 14 days before the
1656 convening of the regular legislative session. Verification of
1657 economic feasibility and statements of environmental feasibility

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1399 (2012)

Amendment No. 1

1658 for individual turnpike projects must be based on the entire
1659 project as approved. Statements of environmental feasibility are
1660 not required for those projects listed in s. 12, chapter 90-136,
1661 Laws of Florida, for which the Project Development and
1662 Environmental Reports were completed by July 1, 1990. All
1663 required environmental permits must be obtained before the
1664 department may advertise for bids for contracts for the
1665 construction of any turnpike project.

1666 Section 44. Section 338.228, Florida Statutes, is amended
1667 to read:

1668 338.228 Bonds not debts or pledges of credit of state.—
1669 Turnpike revenue bonds issued under the provisions of ss.
1670 338.22-338.241 are not debts of the state or pledges of the
1671 faith and credit of the state. Such bonds are payable
1672 exclusively from revenues pledged for their payment. All such
1673 bonds shall contain a statement on their face that the state is
1674 not obligated to pay the same or the interest thereon, except
1675 from the revenues pledged for their payment, and that the faith
1676 and credit of the state is not pledged to the payment of the
1677 principal or interest of such bonds. The issuance of turnpike
1678 revenue bonds under the provisions of ss. 338.22-338.241 does
1679 not directly, indirectly, or contingently obligate the state to
1680 levy or to pledge any form of taxation whatsoever, or to make
1681 any appropriation for their payment. Except as provided in ss.
1682 ~~338.001~~, 338.223, ~~and~~ 338.2275, and 339.65, ~~no~~ state funds may
1683 not shall be used on any turnpike project or to pay the
1684 principal or interest of any bonds issued to finance or

Amendment No. 1

1685 refinance any portion of the turnpike system, and all such bonds
1686 shall contain a statement on their face to this effect.

1687 Section 45. Paragraph (c) is added to subsection (3) of
1688 section 338.231, Florida Statutes, to read:

1689 338.231 Turnpike tolls, fixing; pledge of tolls and other
1690 revenues.—The department shall at all times fix, adjust, charge,
1691 and collect such tolls and amounts for the use of the turnpike
1692 system as are required in order to provide a fund sufficient
1693 with other revenues of the turnpike system to pay the cost of
1694 maintaining, improving, repairing, and operating such turnpike
1695 system; to pay the principal of and interest on all bonds issued
1696 to finance or refinance any portion of the turnpike system as
1697 the same become due and payable; and to create reserves for all
1698 such purposes.

1699 (3)

1700 (c) Notwithstanding any other provision of law to the
1701 contrary, any prepaid toll account of any kind which has
1702 remained inactive for three years shall be presumed unclaimed
1703 and its disposition shall be handled by the Department of
1704 Financial Services in accordance with all applicable provisions
1705 of chapter 717 relating to the disposition of unclaimed
1706 property, and the prepaid toll account shall be closed by the
1707 department.

1708 Section 46. Subsection (2) of section 338.234, Florida
1709 Statutes, is amended to read:

1710 338.234 Granting concessions or selling along the turnpike
1711 system; immunity from taxation.—

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1399 (2012)

Amendment No. 1

1712 (2) The effectuation of the authorized purposes of the
1713 Strategic Intermodal System, created under ss. 339.61-339.65,
1714 ~~Florida Intrastate Highway System~~ and Florida Turnpike
1715 Enterprise, created under this chapter, is for the benefit of
1716 the people of the state, for the increase of their commerce and
1717 prosperity, and for the improvement of their health and living
1718 conditions; and, because the system and enterprise perform
1719 essential government functions in effectuating such purposes,
1720 neither the turnpike enterprise nor any nongovernment lessee or
1721 licensee renting, leasing, or licensing real property from the
1722 turnpike enterprise, pursuant to an agreement authorized by this
1723 section, are required to pay any commercial rental tax imposed
1724 under s. 212.031 on any capital improvements constructed,
1725 improved, acquired, installed, or used for such purposes.

1726 Section 47. Subsections (1), (2), and (3) of section
1727 339.0805, Florida Statutes, are amended to read:

1728 339.0805 Funds to be expended with certified disadvantaged
1729 business enterprises; ~~specified percentage to be expended;~~
1730 construction management development program; bond guarantee
1731 program.—It is the policy of the state to meaningfully assist
1732 socially and economically disadvantaged business enterprises
1733 through a program that will provide for the development of
1734 skills through construction and business management training, as
1735 well as by providing contracting opportunities and financial
1736 assistance in the form of bond guarantees, to primarily remedy
1737 the effects of past economic disparity.

1738 (1) (a) ~~Except to the extent that the head of the~~
1739 ~~department determines otherwise,~~ The department shall expend not

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1399 (2012)

Amendment No. 1

1740 ~~less than 10 percent of federal-aid highway funds as defined in~~
1741 ~~49 C.F.R. part 26 s. 23.63(a) and state matching funds with~~
1742 ~~small business concerns owned and controlled by socially and~~
1743 ~~economically disadvantaged individuals as defined by the Safe,~~
1744 ~~Accountable, Flexible, Efficient Transportation Equity Act: A~~
1745 ~~Legacy for Users (SAFETEA-LU) Surface Transportation and Uniform~~
1746 ~~Relocation Assistance Act of 1987.~~

1747 (b) Upon a determination by the department of past and
1748 continuing discrimination in nonfederally funded projects on the
1749 basis of race, color, creed, national origin, or sex, the
1750 department may implement a program tailored to address specific
1751 findings of disparity. The program may include the establishment
1752 of annual goals for expending a percentage of state-administered
1753 highway funds with small business concerns. The department may
1754 utilize set-asides for small business concerns to assist in
1755 achieving goals established pursuant to this subsection. For the
1756 purpose of this subsection, the term "small business concern"
1757 means a business owned and controlled by socially and
1758 economically disadvantaged individuals as defined by the Safe,
1759 Accountable, Flexible, Efficient Transportation Equity Act: A
1760 Legacy for Users (SAFETEA-LU) Surface Transportation and Uniform
1761 Relocation Assistance Act of 1987. The head of the department
1762 may elect to set goals only when significant disparity is
1763 documented. The findings of a disparity study shall be
1764 considered in determining the program goals for each group
1765 qualified to participate. ~~Such a study shall be conducted or~~
1766 ~~updated by the department or its designee at a minimum of every~~

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1399 (2012)

Amendment No. 1

1767 ~~5 years. The department shall adopt rules to implement this~~
1768 ~~subsection on or before October 1, 1993.~~

1769 (c) The department shall certify a socially and
1770 economically disadvantaged business enterprise, ~~which~~
1771 ~~certification shall be valid for 12 months, or~~ as prescribed by
1772 49 C.F.R. part ~~26~~ 23. The department's initial application for
1773 certification for a socially and economically disadvantaged
1774 business enterprise shall require sufficient information to
1775 determine eligibility as a small business concern owned and
1776 controlled by a socially and economically disadvantaged
1777 individual. For continuing eligibility ~~recertification~~ of a
1778 disadvantaged business enterprise, the department may accept an
1779 affidavit, which meets department criteria as to form and
1780 content, certifying that the business remains qualified for
1781 certification in accordance with program requirements. A firm
1782 which does not fulfill all the department's criteria for
1783 certification may ~~shall~~ not be considered a disadvantaged
1784 business enterprise. An applicant who is denied certification
1785 may not reapply within 12 ~~6~~ months after issuance of the denial
1786 letter ~~or the final order, whichever is later~~. The application
1787 and financial information required by this section are
1788 confidential and exempt from s. 119.07(1).

1789 (2) The department shall remove ~~revoke~~ the certification
1790 of a disadvantaged business enterprise upon receipt of
1791 notification of any change in ownership which results in the
1792 disadvantaged individual or individuals used to qualify the
1793 business as a disadvantaged business enterprise, no longer
1794 owning at least 51 percent of the business enterprise. Such

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Published On: 2/23/2012 8:14:54 PM

Amendment No. 1

1795 notification shall be made to the department by certified mail
1796 within 30 ~~10~~ days after the change in ownership, ~~and such~~
1797 ~~business shall be removed from the certified disadvantaged~~
1798 ~~business list until a new application is submitted and approved~~
1799 ~~by the department.~~ Failure to notify the department of the
1800 change in the ownership which qualifies the business as a
1801 disadvantaged business enterprise will also result in removal
1802 ~~revocation~~ of certification and subject the business to the
1803 provisions of s. 337.135. In addition, the department may, for
1804 good cause, deny or remove ~~suspend~~ the certification of a
1805 disadvantaged business enterprise. As used in this subsection,
1806 the term "good cause" includes, but is not limited to, the
1807 disadvantaged business enterprise:

1808 (a) No longer meeting the certification standards set
1809 forth in department rules;

1810 (b) Making a false, deceptive, or fraudulent statement in
1811 its application for certification or in any other information
1812 submitted to the department;

1813 (c) Failing to maintain the records required by department
1814 rules;

1815 (d) Failing to perform a commercially useful function on
1816 projects for which the enterprise was used to satisfy contract
1817 goals;

1818 (e) Failing to fulfill its contractual obligations with
1819 contractors;

1820 (f) Failing to respond with a statement of interest to
1821 requests for bid quotations from contractors for three
1822 consecutive lettings;

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Published On: 2/23/2012 8:14:54 PM

Amendment No. 1

1823 ~~(g) Subcontracting to others more than 49 percent of the~~
1824 ~~amount of any single subcontract that was used by the prime~~
1825 ~~contractor to meet a contract goal;~~

1826 ~~(g)(h)~~ Failing to provide notarized certification of
1827 payments received on specific projects to the prime contractor
1828 when required to do so by contract specifications;

1829 ~~(h)(i)~~ Failing to schedule an onsite review upon request
1830 of the department; or

1831 ~~(i)(j)~~ Becoming insolvent or the subject of a bankruptcy
1832 proceeding.

1833 (3) The head of the department may ~~is authorized to~~ expend
1834 up to 6 percent of the funds specified in subsection (1) which
1835 are designated to be expended on small business firms owned and
1836 controlled by socially and economically disadvantaged
1837 individuals to conduct, by contract or otherwise, a construction
1838 management development program. Participation in the program
1839 will be limited to those firms which are certified under the
1840 provisions of subsection (1) by the department or the federal
1841 Small Business Administration or to any firm which meets the
1842 definition of a small business in 49 C.F.R. s. 26.65 ~~has annual~~
1843 ~~gross receipts not exceeding \$2 million averaged over a 3-year~~
1844 ~~period~~. The program shall ~~will~~ consist of classroom instruction
1845 and on-the-job instruction. To the extent feasible, the
1846 registration fee shall be set to cover the cost of instruction
1847 and overhead. ~~No~~ Salary may not ~~will~~ be paid to any participant.

1848 Section 48. Paragraph (c) of subsection (4) and paragraph
1849 (e) of subsection (7) of section 339.135, Florida Statutes, are
1850 amended to read:

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1399 (2012)

Amendment No. 1

1851 339.135 Work program; legislative budget request;
1852 definitions; preparation, adoption, execution, and amendment.—

1853 (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.—

1854 (c)1. For purposes of this section, the board of county
1855 commissioners shall serve as the metropolitan planning
1856 organization in those counties which are not located in a
1857 metropolitan planning organization and shall be involved in the
1858 development of the district work program to the same extent as a
1859 metropolitan planning organization.

1860 2. The district work program shall be developed
1861 cooperatively from the outset with the various metropolitan
1862 planning organizations of the state and include, to the maximum
1863 extent feasible, the project priorities of metropolitan planning
1864 organizations which have been submitted to the district by
1865 October 1 of each year pursuant to s. 339.175(8)(b); however,
1866 the department and a metropolitan planning organization may, in
1867 writing, cooperatively agree to vary this submittal date. To
1868 assist the metropolitan planning organizations in developing
1869 their lists of project priorities, the district shall disclose
1870 to each metropolitan planning organization any anticipated
1871 changes in the allocation or programming of state and federal
1872 funds which may affect the inclusion of metropolitan planning
1873 organization project priorities in the district work program.

1874 3. Prior to submittal of the district work program to the
1875 central office, the district shall provide the affected
1876 metropolitan planning organization with written justification
1877 for any project proposed to be rescheduled or deleted from the
1878 district work program which project is part of the metropolitan

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

Amendment No. 1

1879 | planning organization's transportation improvement program and
1880 | is contained in the last 4 years of the previous adopted work
1881 | program. By no later than 14 days after submittal of the
1882 | district work program to the central office, the affected
1883 | metropolitan planning organization may file an objection to such
1884 | rescheduling or deletion. When an objection is filed with the
1885 | secretary, the rescheduling or deletion may ~~shall~~ not be
1886 | included in the district work program unless the inclusion of
1887 | such rescheduling or deletion is specifically approved by the
1888 | secretary. The Florida Transportation Commission shall include
1889 | such objections in its evaluation of the tentative work program
1890 | only when the secretary has approved the rescheduling or
1891 | deletion.

1892 | (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

1893 | (e) The department may amend the adopted work program to
1894 | transfer fixed capital outlay appropriations for projects within
1895 | the same appropriations category or between appropriations
1896 | categories, including the following amendments which shall be
1897 | subject to the procedures in paragraph (f):

- 1898 | 1. Any amendment which deletes any project or project
1899 | phase estimated to cost over \$150,000;
- 1900 | 2. Any amendment which adds a project estimated to cost
1901 | over \$500,000 ~~\$150,000~~ in funds appropriated by the Legislature;
- 1902 | 3. Any amendment which advances or defers to another
1903 | fiscal year, a right-of-way phase, a construction phase, or a
1904 | public transportation project phase estimated to cost over \$1.5
1905 | million ~~\$500,000~~ in funds appropriated by the Legislature,
1906 | except an amendment advancing a phase by 1 year to the current

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Published On: 2/23/2012 8:14:54 PM

Amendment No. 1

1907 fiscal year or deferring a phase for a period of 90 days or
1908 less; or

1909 4. Any amendment which advances or defers to another
1910 fiscal year, any preliminary engineering phase or design phase
1911 estimated to cost over \$500,000 ~~\$150,000~~ in funds appropriated
1912 by the Legislature, except an amendment advancing a phase by 1
1913 year to the current fiscal year or deferring a phase for a
1914 period of 90 days or less.

1915
1916 Beginning July 1, 2013, the department shall index the budget
1917 amendment threshold amounts established in this paragraph to the
1918 Consumer Price Index or similar inflation indicators. Threshold
1919 adjustments for inflation under this paragraph may be made no
1920 more frequently than once a year. Adjustments for inflation are
1921 subject to the notice and review procedures contained in s.
1922 216.177.

1923 Section 49. Section 339.155, Florida Statutes, is amended
1924 to read:

1925 339.155 Transportation planning.—

1926 (1) THE FLORIDA TRANSPORTATION PLAN.—The department shall
1927 develop ~~and annually update~~ a statewide transportation plan, to
1928 be known as the Florida Transportation Plan. The plan shall be
1929 designed so as to be easily read and understood by the general
1930 public. The plan shall consider the needs of the entire state
1931 transportation system and examine the use of all modes of
1932 transportation to effectively and efficiently meet such needs.
1933 The purpose of the Florida Transportation Plan is to establish
1934 and define the state's long-range transportation goals and

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

Amendment No. 1

1935 objectives to be accomplished over a period of at least 20 years
1936 within the context of the State Comprehensive Plan, and any
1937 other statutory mandates and authorizations and based upon the
1938 prevailing principles of:

1939 (a) Preserving the existing transportation infrastructure.

1940 (b) Enhancing Florida's economic competitiveness.

1941 (c) Improving travel choices to ensure mobility.

1942 (d) Expanding the state's role as a hub for trade and
1943 investment.

1944 (2) SCOPE OF PLANNING PROCESS.—The department shall carry
1945 out a transportation planning process in conformance with s.
1946 334.046(1) and 23 U.S.C. s. 135. ~~which provides for~~
1947 ~~consideration of projects and strategies that will:~~

1948 ~~(a) Support the economic vitality of the United States,~~
1949 ~~Florida, and the metropolitan areas, especially by enabling~~
1950 ~~global competitiveness, productivity, and efficiency;~~

1951 ~~(b) Increase the safety and security of the transportation~~
1952 ~~system for motorized and nonmotorized users;~~

1953 ~~(c) Increase the accessibility and mobility options~~
1954 ~~available to people and for freight;~~

1955 ~~(d) Protect and enhance the environment, promote energy~~
1956 ~~conservation, and improve quality of life;~~

1957 ~~(e) Enhance the integration and connectivity of the~~
1958 ~~transportation system, across and between modes throughout~~
1959 ~~Florida, for people and freight;~~

1960 ~~(f) Promote efficient system management and operation; and~~

1961 ~~(g) Emphasize the preservation of the existing~~
1962 ~~transportation system.~~

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

Amendment No. 1

1963 (3) FORMAT, SCHEDULE, AND REVIEW.—The Florida
1964 Transportation Plan shall be a unified, concise planning
1965 document that clearly defines the state's long-range
1966 transportation goals and objectives ~~and documents the~~
1967 ~~department's short-range objectives developed to further such~~
1968 ~~goals and objectives.~~ The plan shall:

1969 (a) Include a glossary that clearly and succinctly defines
1970 any and all phrases, words, or terms of art included in the
1971 plan, with which the general public may be unfamiliar. ~~and shall~~
1972 ~~consist of, at a minimum, the following components:~~

1973 (b) ~~(a)~~ Document ~~A long-range component documenting the~~
1974 goals and long-term objectives necessary to implement the
1975 results of the department's findings from its examination of the
1976 criteria specified listed in subsection (2) and s. 334.046(1)
1977 and 23 U.S.C. s. 135. ~~The long-range component must~~

1978 (c) Be developed in cooperation with the metropolitan
1979 planning organizations and reconciled, to the maximum extent
1980 feasible, with the long-range plans developed by metropolitan
1981 planning organizations pursuant to s. 339.175. ~~The plan must~~
1982 ~~also~~

1983 (d) Be developed in consultation with affected local
1984 officials in nonmetropolitan areas and with any affected Indian
1985 tribal governments. ~~The plan must~~

1986 (e) Provide an examination of transportation issues likely
1987 to arise during at least a 20-year period. ~~The long-range~~
1988 ~~component shall~~

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1399 (2012)

Amendment No. 1

1989 (f) Be updated at least once every 5 years, or more often
1990 as necessary, to reflect substantive changes to federal or state
1991 law.

1992 ~~(b) A short-range component documenting the short-term~~
1993 ~~objectives and strategies necessary to implement the goals and~~
1994 ~~long-term objectives contained in the long-range component. The~~
1995 ~~short-range component must define the relationship between the~~
1996 ~~long-range goals and the short-range objectives, specify those~~
1997 ~~objectives against which the department's achievement of such~~
1998 ~~goals will be measured, and identify transportation strategies~~
1999 ~~necessary to efficiently achieve the goals and objectives in the~~
2000 ~~plan. It must provide a policy framework within which the~~
2001 ~~department's legislative budget request, the strategic~~
2002 ~~information resource management plan, and the work program are~~
2003 ~~developed. The short-range component shall serve as the~~
2004 ~~department's annual agency strategic plan pursuant to s.~~
2005 ~~186.021. The short-range component shall be developed consistent~~
2006 ~~with available and forecasted state and federal funds. The~~
2007 ~~short-range component shall also be submitted to the Florida~~
2008 ~~Transportation Commission.~~

2009 ~~(4) ANNUAL PERFORMANCE REPORT. The department shall~~
2010 ~~develop an annual performance report evaluating the operation of~~
2011 ~~the department for the preceding fiscal year. The report shall~~
2012 ~~also include a summary of the financial operations of the~~
2013 ~~department and shall annually evaluate how well the adopted work~~
2014 ~~program meets the short-term objectives contained in the short-~~
2015 ~~range component of the Florida Transportation Plan. This~~
2016 ~~performance report shall be submitted to the Florida~~

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

Amendment No. 1

2017 ~~Transportation Commission and the legislative appropriations and~~
2018 ~~transportation committees.~~

2019 (4) ~~(5)~~ ADDITIONAL TRANSPORTATION PLANS.-

2020 (a) Upon request by local governmental entities, the
2021 department may in its discretion develop and design
2022 transportation corridors, arterial and collector streets,
2023 vehicular parking areas, and other support facilities which are
2024 consistent with the plans of the department for major
2025 transportation facilities. The department may render to local
2026 governmental entities or their planning agencies such technical
2027 assistance and services as are necessary so that local plans and
2028 facilities are coordinated with the plans and facilities of the
2029 department.

2030 (b) Each regional planning council, as provided for in s.
2031 186.504, or any successor agency thereto, shall develop, as an
2032 element of its strategic regional policy plan, transportation
2033 goals and policies. The transportation goals and policies must
2034 be prioritized to comply with the prevailing principles provided
2035 in subsection (1) ~~(2)~~ and s. 334.046(1). The transportation
2036 goals and policies shall be consistent, to the maximum extent
2037 feasible, with the goals and policies of the metropolitan
2038 planning organization and the Florida Transportation Plan. The
2039 transportation goals and policies of the regional planning
2040 council will be advisory only and shall be submitted to the
2041 department and any affected metropolitan planning organization
2042 for their consideration and comments. Metropolitan planning
2043 organization plans and other local transportation plans shall be
2044 developed consistent, to the maximum extent feasible, with the

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Published On: 2/23/2012 8:14:54 PM

Amendment No. 1

2045 regional transportation goals and policies. The regional
2046 planning council shall review urbanized area transportation
2047 plans and any other planning products stipulated in s. 339.175
2048 and provide the department and respective metropolitan planning
2049 organizations with written recommendations, which the department
2050 and the metropolitan planning organizations shall take under
2051 advisement. Further, the regional planning councils shall
2052 directly assist local governments that ~~which~~ are not part of a
2053 metropolitan area transportation planning process in the
2054 development of the transportation element of their comprehensive
2055 plans as required by s. 163.3177.

2056 (c) Regional transportation plans may be developed in
2057 regional transportation areas in accordance with an interlocal
2058 agreement entered into pursuant to s. 163.01 by two or more
2059 contiguous metropolitan planning organizations; one or more
2060 metropolitan planning organizations and one or more contiguous
2061 counties, none of which is a member of a metropolitan planning
2062 organization; a multicounty regional transportation authority
2063 created by or pursuant to law; two or more contiguous counties
2064 that are not members of a metropolitan planning organization; or
2065 metropolitan planning organizations comprised of three or more
2066 counties.

2067 (d) The interlocal agreement must, at a minimum, identify
2068 the entity that will coordinate the development of the regional
2069 transportation plan; delineate the boundaries of the regional
2070 transportation area; provide the duration of the agreement and
2071 specify how the agreement may be terminated, modified, or
2072 rescinded; describe the process by which the regional

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

Amendment No. 1

2073 transportation plan will be developed; and provide how members
2074 of the entity will resolve disagreements regarding
2075 interpretation of the interlocal agreement or disputes relating
2076 to the development or content of the regional transportation
2077 plan. Such interlocal agreement shall become effective upon its
2078 recordation in the official public records of each county in the
2079 regional transportation area.

2080 (e) The regional transportation plan developed pursuant to
2081 this section must, at a minimum, identify regionally significant
2082 transportation facilities located within a regional
2083 transportation area and contain a prioritized list of regionally
2084 significant projects. The projects shall be adopted into the
2085 capital improvements schedule of the local government
2086 comprehensive plan pursuant to s. 163.3177(3).

2087 (5)~~(6)~~ PROCEDURES FOR PUBLIC PARTICIPATION IN
2088 TRANSPORTATION PLANNING.—

2089 (a) During the development of the ~~long range component of~~
2090 ~~the~~ Florida Transportation Plan and prior to substantive
2091 revisions, the department shall provide citizens, affected
2092 public agencies, representatives of transportation agency
2093 employees, other affected employee representatives, private
2094 providers of transportation, and other known interested parties
2095 with an opportunity to comment on the proposed plan or
2096 revisions. These opportunities shall include, at a minimum,
2097 publishing a notice in the Florida Administrative Weekly and
2098 within a newspaper of general circulation within the area of
2099 each department district office.

Amendment No. 1

2100 (b) During development of major transportation
2101 improvements, such as those increasing the capacity of a
2102 facility through the addition of new lanes or providing new
2103 access to a limited or controlled access facility or
2104 construction of a facility in a new location, the department
2105 shall hold one or more hearings prior to the selection of the
2106 facility to be provided; prior to the selection of the site or
2107 corridor of the proposed facility; and prior to the selection of
2108 and commitment to a specific design proposal for the proposed
2109 facility. Such public hearings shall be conducted so as to
2110 provide an opportunity for effective participation by interested
2111 persons in the process of transportation planning and site and
2112 route selection and in the specific location and design of
2113 transportation facilities. The various factors involved in the
2114 decision or decisions and any alternative proposals shall be
2115 clearly presented so that the persons attending the hearing may
2116 present their views relating to the decision or decisions that
2117 ~~which~~ will be made.

2118 (c) Opportunity for design hearings:

2119 1. The department, prior to holding a design hearing,
2120 shall duly notify all affected property owners of record, as
2121 recorded in the property appraiser's office, by mail at least 20
2122 days prior to the date set for the hearing. The affected
2123 property owners shall be:

2124 a. Those whose property lies in whole or in part within
2125 300 feet on either side of the centerline of the proposed
2126 facility.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1399 (2012)

Amendment No. 1

2127 b. Those who ~~whom~~ the department determines will be
2128 substantially affected environmentally, economically, socially,
2129 or safetywise.

2130 2. For each subsequent hearing, the department shall
2131 publish notice prior to the hearing date in a newspaper of
2132 general circulation for the area affected. These notices must be
2133 published twice, with the first notice appearing at least 15
2134 days, but no later than 30 days, before the hearing.

2135 3. A copy of the notice of opportunity for the hearing
2136 must be furnished to the United States Department of
2137 Transportation and to the appropriate departments of the state
2138 government at the time of publication.

2139 4. The opportunity for another hearing shall be afforded
2140 in any case when proposed locations or designs are so changed
2141 from those presented in the notices specified above or at a
2142 hearing as to have a substantially different social, economic,
2143 or environmental effect.

2144 5. The opportunity for a hearing shall be afforded in each
2145 case in which the department is in doubt as to whether a hearing
2146 is required.

2147 Section 50. Paragraph (a) of subsection (2), paragraph (a)
2148 of subsection (4), and paragraph (b) of subsection (8) of
2149 section 339.175, Florida Statutes, are amended to read:

2150 339.175 Metropolitan planning organization.—

2151 (2) DESIGNATION.—

2152 (a)1. An M.P.O. shall be designated for each urbanized
2153 area of the state; however, this does not require that an
2154 individual M.P.O. be designated for each such area. Such

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

Amendment No. 1

2155 designation shall be accomplished by agreement between the
2156 Governor and units of general-purpose local government
2157 representing at least 75 percent of the population of the
2158 urbanized area; however, the unit of general-purpose local
2159 government that represents the central city or cities within the
2160 M.P.O. jurisdiction, as defined by the United States Bureau of
2161 the Census, must be a party to such agreement.

2162 2. To the extent possible, only one M.P.O. shall be
2163 designated for each urbanized area or group of contiguous
2164 urbanized areas. More than one M.P.O. may be designated within
2165 an existing urbanized ~~metropolitan planning~~ area only if the
2166 Governor and the existing M.P.O. determine that the size and
2167 complexity of the existing urbanized ~~metropolitan planning~~ area
2168 makes the designation of more than one M.P.O. for the area
2169 appropriate.

2170
2171 Each M.P.O. required under this section must be fully operative
2172 no later than 6 months following its designation.

2173 (4) APPORTIONMENT.—

2174 (a) The Governor shall, with the agreement of the affected
2175 units of general-purpose local government as required by federal
2176 rules and regulations, apportion the membership on the
2177 applicable M.P.O. among the various governmental entities within
2178 the area. At the request of a majority of the affected units of
2179 general-purpose local government comprising an M.P.O., the
2180 Governor and a majority of units of general-purpose local
2181 government serving on an M.P.O. shall cooperatively agree upon
2182 and prescribe who may serve as an alternate member and a method

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1399 (2012)

Amendment No. 1

2183 for appointing alternate members who may vote at any M.P.O.
2184 meeting that an alternate member attends in place of a regular
2185 member. The method shall be set forth as a part of the
2186 interlocal agreement describing the M.P.O.'s membership or in
2187 the M.P.O.'s operating procedures and bylaws. The governmental
2188 entity so designated shall appoint the appropriate number of
2189 members to the M.P.O. from eligible officials. Representatives
2190 of the department shall serve as nonvoting advisers to ~~members~~
2191 ~~of~~ the M.P.O. governing board. Additional nonvoting advisers may
2192 be appointed by the M.P.O. as deemed necessary; however, to the
2193 maximum extent feasible, each M.P.O. shall seek to appoint
2194 nonvoting representatives of various multimodal forms of
2195 transportation not otherwise represented by voting members of
2196 the M.P.O. An M.P.O. shall appoint nonvoting advisers
2197 representing major military installations located within the
2198 jurisdictional boundaries of the M.P.O. upon the request of the
2199 aforesaid major military installations and subject to the
2200 agreement of the M.P.O. All nonvoting advisers may attend and
2201 participate fully in governing board meetings but may ~~shall~~ not
2202 ~~have a vote or and shall not~~ be members of the governing board.
2203 The Governor shall review the composition of the M.P.O.
2204 membership in conjunction with the decennial census as prepared
2205 by the United States Department of Commerce, Bureau of the
2206 Census, and reapportion it as necessary to comply with
2207 subsection (3).

2208 (8) TRANSPORTATION IMPROVEMENT PROGRAM.—Each M.P.O. shall,
2209 in cooperation with the state and affected public transportation
2210 operators, develop a transportation improvement program for the

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

Page 80 of 164

Amendment No. 1

2211 area within the jurisdiction of the M.P.O. In the development of
2212 the transportation improvement program, each M.P.O. must provide
2213 the public, affected public agencies, representatives of
2214 transportation agency employees, freight shippers, providers of
2215 freight transportation services, private providers of
2216 transportation, representatives of users of public transit, and
2217 other interested parties with a reasonable opportunity to
2218 comment on the proposed transportation improvement program.

2219 (b) Each M.P.O. annually shall prepare a list of project
2220 priorities and shall submit the list to the appropriate district
2221 of the department by October 1 of each year; however, the
2222 department and a metropolitan planning organization may, in
2223 writing, agree to vary this submittal date. Where more than one
2224 M.P.O. exists in an urbanized area, the M.P.O.'s shall
2225 coordinate in the development of regionally significant project
2226 priorities. The list of project priorities must be formally
2227 reviewed by the technical and citizens' advisory committees, and
2228 approved by the M.P.O., before it is transmitted to the
2229 district. The approved list of project priorities must be used
2230 by the district in developing the district work program and must
2231 be used by the M.P.O. in developing its transportation
2232 improvement program. The annual list of project priorities must
2233 be based upon project selection criteria that, at a minimum,
2234 consider the following:

- 2235 1. The approved M.P.O. long-range transportation plan;
- 2236 2. The Strategic Intermodal System Plan developed under s.
2237 339.64.
- 2238 3. The priorities developed pursuant to s. 339.2819(4).

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1399 (2012)

Amendment No. 1

2239 4. The results of the transportation management systems;
2240 and

2241 5. The M.P.O.'s public-involvement procedures.

2242 Section 51. Subsections (1), (2), (3), and (4) of section
2243 339.2819, Florida Statutes, are amended to read:

2244 339.2819 Transportation Regional Incentive Program.—

2245 (1) There is created within the Department of
2246 Transportation a Transportation Regional Incentive Program for
2247 the purpose of providing funds to improve regionally significant
2248 transportation facilities in regional transportation areas
2249 created pursuant to s. 339.155(4) ~~s. 339.155(5)~~.

2250 (2) The percentage of matching funds provided from the
2251 Transportation Regional Incentive Program shall be up to 50
2252 percent of project costs.

2253 (3) The department shall allocate funding available for
2254 the Transportation Regional Incentive Program to the districts
2255 based on a factor derived from equal parts of population and
2256 motor fuel collections for eligible counties in regional
2257 transportation areas created pursuant to s. 339.155(4) ~~s.~~
2258 ~~339.155(5)~~.

2259 (4) (a) Projects to be funded with Transportation Regional
2260 Incentive Program funds shall, at a minimum:

2261 1. ~~Support those transportation facilities that~~ Serve
2262 national, statewide, or regional functions and function as part
2263 of an integrated regional transportation system.

2264 2. Be identified in the capital improvements element of a
2265 comprehensive plan that has been determined to be in compliance
2266 with part II of chapter 163, after July 1, 2005. Further, the

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

Amendment No. 1

2267 project shall be in compliance with local government
2268 comprehensive plan policies relative to corridor management.

2269 3. Be consistent with the Strategic Intermodal System Plan
2270 developed under s. 339.64.

2271 4. Have a commitment for local, regional, or private
2272 financial matching funds as a percentage of the overall project
2273 cost.

2274 (b) Projects funded under this section shall be included
2275 in the department's work program developed pursuant to s.
2276 339.135. The department may not program a project to be funded
2277 under this section unless the project meets the requirements of
2278 this section. In allocating Transportation Regional Incentive
2279 Program funds, priority shall be given to projects that:

2280 (c) The department shall give priority to projects that:

2281 1. Provide connectivity to the Strategic Intermodal System
2282 developed under s. 339.64.

2283 2. Support economic development and the movement of goods
2284 in rural areas of critical economic concern designated under s.
2285 288.0656(7).

2286 3. Are subject to a local ordinance that establishes
2287 corridor management techniques, including access management
2288 strategies, right-of-way acquisition and protection measures,
2289 appropriate land use strategies, zoning, and setback
2290 requirements for adjacent land uses.

2291 4. Improve connectivity between military installations and
2292 the Strategic Highway Network or the Strategic Rail Corridor
2293 Network.

Amendment No. 1

2295 The department shall also consider the extent to which local
2296 matching funds are available to be committed to the project.

2297 Section 52. Subsections (1) and (6) of section 339.62,
2298 Florida Statutes, are amended to read:

2299 339.62 System components.—The Strategic Intermodal System
2300 shall consist of appropriate components of:

2301 (1) Highway corridors ~~The Florida Intrastate Highway~~
2302 ~~System~~ established under s. 339.65 ~~s. 338.001~~.

2303 (6) Other existing or planned corridors that serve a
2304 statewide or interregional purpose.

2305 Section 53. Subsection (2) of section 339.63, Florida
2306 Statutes, is amended, and subsection (5) is added to that
2307 section, to read:

2308 339.63 System facilities designated; additions and
2309 deletions.—

2310 (2) The Strategic Intermodal System and the Emerging
2311 Strategic Intermodal System include five ~~four~~ different types of
2312 facilities that each form one component of an interconnected
2313 transportation system which types include:

2314 (a) Existing or planned hubs that are ports and terminals
2315 including airports, seaports, spaceports, passenger terminals,
2316 and rail terminals serving to move goods or people between
2317 Florida regions or between Florida and other markets in the
2318 United States and the rest of the world.

2319 (b) Existing or planned corridors that are highways, rail
2320 lines, waterways, and other exclusive-use facilities connecting
2321 major markets within Florida or between Florida and other states
2322 or nations.

Amendment No. 1

2323 (c) Existing or planned intermodal connectors that are
2324 highways, rail lines, waterways or local public transit systems
2325 serving as connectors between the components listed in
2326 paragraphs (a) and (b).

2327 (d) Existing or planned military access facilities that
2328 are highways or rail lines linking Strategic Intermodal System
2329 corridors to the state's strategic military installations.

2330 (e) ~~(d)~~ Existing or planned facilities that significantly
2331 improve the state's competitive position to compete for the
2332 movement of additional goods into and through this state.

2333 (5) (a) The Secretary of Transportation shall designate a
2334 planned facility as part of the Strategic Intermodal System upon
2335 request of the facility if it meets the criteria and thresholds
2336 established by the department pursuant to subsection (4), meets
2337 the definition of an "intermodal logistics center" as defined in
2338 s. 311.101(2), and has been designated in a local comprehensive
2339 plan or local government development order as an intermodal
2340 logistics center or an equivalent planning term.

2341 (b) A facility designated part of the Strategic Intermodal
2342 System pursuant to paragraph (a) that is within the jurisdiction
2343 of a local government that maintains a transportation
2344 concurrency system shall receive a waiver of transportation
2345 concurrency requirements applicable to Strategic Intermodal
2346 System facilities in order to accommodate any development at the
2347 facility which occurs pursuant to a building permit issued on or
2348 before December 31, 2017, but only if such facility is located:

2349 1. Within an area designated pursuant to s. 288.0656(7) as
2350 a rural area of critical economic concern;

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

Amendment No. 1

2351 2. Within a rural enterprise zone as defined in s.

2352 290.004(5); or

2353 3. Within 10 miles of the boundary of a rural area of
2354 critical economic concern or a rural enterprise zone.

2355 Section 54. Section 339.64, Florida Statutes, is amended
2356 to read:

2357 339.64 Strategic Intermodal System Plan.—

2358 (1) The department shall develop, in cooperation with
2359 metropolitan planning organizations, regional planning councils,
2360 local governments, ~~the Statewide Intermodal Transportation~~
2361 ~~Advisory Council~~ and other transportation providers, a Strategic
2362 Intermodal System Plan. The plan shall be consistent with the
2363 Florida Transportation Plan developed pursuant to s. 339.155 and
2364 shall be updated at least once every 5 years, subsequent to
2365 updates of the Florida Transportation Plan.

2366 (2) In association with the continued development of the
2367 Strategic Intermodal System Plan, the Florida Transportation
2368 Commission, as part of its work program review process, shall
2369 conduct an annual assessment of the progress that the department
2370 and its transportation partners have made in realizing the goals
2371 of economic development, improved mobility, and increased
2372 intermodal connectivity of the Strategic Intermodal System. The
2373 Florida Transportation Commission shall coordinate with the
2374 department, ~~the Statewide Intermodal Transportation Advisory~~
2375 ~~Council~~, and other appropriate entities when developing this
2376 assessment. The Florida Transportation Commission shall deliver
2377 a report to the Governor and Legislature no later than 14 days

Amendment No. 1

2378 after the regular session begins, with recommendations as
2379 necessary to fully implement the Strategic Intermodal System.

2380 (3) (a) During the development of updates to the Strategic
2381 Intermodal System Plan, the department shall provide
2382 metropolitan planning organizations, regional planning councils,
2383 local governments, transportation providers, affected public
2384 agencies, and citizens with an opportunity to participate in and
2385 comment on the development of the update.

2386 (b) The department also shall coordinate with federal,
2387 regional, and local partners the planning for the Strategic
2388 Highway Network and the Strategic Rail Corridor Network
2389 transportation facilities that either are included in the
2390 Strategic Intermodal System or that provide a direct connection
2391 between military installations and the Strategic Intermodal
2392 System. In addition, the department shall coordinate with
2393 regional and local partners to determine whether the roads ~~road~~
2394 and other transportation infrastructure that connect military
2395 installations to the Strategic Intermodal System, the Strategic
2396 Highway Network, or the Strategic Rail Corridor are ~~is~~
2397 regionally significant and should be included in the Strategic
2398 Intermodal System Plan.

2399 (4) The Strategic Intermodal System Plan shall include the
2400 following:

2401 (a) A needs assessment.

2402 (b) A project prioritization process.

2403 (c) A map of facilities designated as Strategic Intermodal
2404 System facilities; facilities that are emerging in importance

Amendment No. 1

2405 ~~and that~~ are likely to become part of the system in the future;
2406 and planned facilities that will meet the established criteria.

2407 (d) A finance plan based on reasonable projections of
2408 anticipated revenues, including both 10-year and at least 20-
2409 year cost-feasible components.

2410 (e) An assessment of the impacts of proposed improvements
2411 to Strategic Intermodal System corridors on military
2412 installations that are either located directly on the Strategic
2413 Intermodal System or located on the Strategic Highway Network or
2414 Strategic Rail Corridor Network.

2415 ~~(5) STATEWIDE INTERMODAL TRANSPORTATION ADVISORY COUNCIL.~~

2416 ~~(a) The Statewide Intermodal Transportation Advisory
2417 Council is created to advise and make recommendations to the
2418 Legislature and the department on policies, planning, and
2419 funding of intermodal transportation projects. The council's
2420 responsibilities shall include:~~

2421 ~~1. Advising the department on the policies, planning, and
2422 implementation of strategies related to intermodal
2423 transportation.~~

2424 ~~2. Providing advice and recommendations to the Legislature
2425 on funding for projects to move goods and people in the most
2426 efficient and effective manner for the State of Florida.~~

2427 ~~(b) MEMBERSHIP. Members of the Statewide Intermodal
2428 Transportation Advisory Council shall consist of the following:~~

2429 ~~1. Six intermodal industry representatives selected by the
2430 Governor as follows:~~

Amendment No. 1

- 2431 ~~a. One representative from an airport involved in the~~
2432 ~~movement of freight and people from their airport facility to~~
2433 ~~another transportation mode.~~
- 2434 ~~b. One individual representing a fixed route, local-~~
2435 ~~government transit system.~~
- 2436 ~~e. One representative from an intercity bus company~~
2437 ~~providing regularly scheduled bus travel as determined by~~
2438 ~~federal regulations.~~
- 2439 ~~d. One representative from a spaceport.~~
- 2440 ~~e. One representative from intermodal trucking companies.~~
- 2441 ~~f. One representative having command responsibilities of a~~
2442 ~~major military installation.~~
- 2443 ~~2. Three intermodal industry representatives selected by~~
2444 ~~the President of the Senate as follows:~~
- 2445 ~~a. One representative from major-line railroads.~~
- 2446 ~~b. One representative from seaports listed in s. 311.09(1)~~
2447 ~~from the Atlantic Coast.~~
- 2448 ~~e. One representative from an airport involved in the~~
2449 ~~movement of freight and people from their airport facility to~~
2450 ~~another transportation mode.~~
- 2451 ~~3. Three intermodal industry representatives selected by~~
2452 ~~the Speaker of the House of Representatives as follows:~~
- 2453 ~~a. One representative from short-line railroads.~~
- 2454 ~~b. One representative from seaports listed in s. 311.09(1)~~
2455 ~~from the Gulf Coast.~~
- 2456 ~~e. One representative from intermodal trucking companies.~~
- 2457 ~~In no event may this representative be employed by the same~~

Amendment No. 1

2458 ~~company that employs the intermodal trucking company~~
2459 ~~representative selected by the Governor.~~

2460 ~~(c) Initial appointments to the council must be made no~~
2461 ~~later than 30 days after the effective date of this section.~~

2462 ~~1. The initial appointments made by the President of the~~
2463 ~~Senate and the Speaker of the House of Representatives shall~~
2464 ~~serve terms concurrent with those of the respective appointing~~
2465 ~~officer. Beginning January 15, 2005, and for all subsequent~~
2466 ~~appointments, council members appointed by the President of the~~
2467 ~~Senate and the Speaker of the House of Representatives shall~~
2468 ~~serve 2-year terms, concurrent with the term of the respective~~
2469 ~~appointing officer.~~

2470 ~~2. The initial appointees, and all subsequent appointees,~~
2471 ~~made by the Governor shall serve 2-year terms.~~

2472 ~~3. Vacancies on the council shall be filled in the same~~
2473 ~~manner as the initial appointments.~~

2474 ~~(d) Each member of the council shall be allowed one vote.~~
2475 ~~The council shall select a chair from among its membership.~~
2476 ~~Meetings shall be held at the call of the chair, but not less~~
2477 ~~frequently than quarterly. The members of the council shall be~~
2478 ~~reimbursed for per diem and travel expenses as provided in s.~~
2479 ~~112.061.~~

2480 ~~(e) The department shall provide administrative staff~~
2481 ~~support and shall ensure that council meetings are~~
2482 ~~electronically recorded. Such recordings and all documents~~
2483 ~~received, prepared for, or used by the council in conducting its~~
2484 ~~business shall be preserved pursuant to chapters 119 and 257.~~

Amendment No. 1

2485 Section 55. Section 339.65, Florida Statutes, is created
2486 to read:

2487 339.65 Strategic Intermodal System highway corridors.—

2488 (1) The department shall plan and develop Strategic
2489 Intermodal System highway corridors, including limited and
2490 controlled access facilities, allowing for high-speed and high-
2491 volume traffic movements within the state. The primary function
2492 of the corridors is to provide such traffic movements. Access to
2493 abutting land is subordinate to this function, and such access
2494 must be prohibited or highly regulated.

2495 (2) Strategic Intermodal System highway corridors shall
2496 include facilities from the following components of the State
2497 Highway System that meet the criteria adopted by the department
2498 pursuant to s. 339.63:

2499 (a) Interstate highways.

2500 (b) The Florida Turnpike System.

2501 (c) Interregional and intercity limited access facilities.

2502 (d) Existing interregional and intercity arterial highways
2503 previously upgraded or upgraded in the future to limited access
2504 or controlled access facility standards.

2505 (e) New limited access facilities necessary to complete a
2506 balanced statewide system.

2507 (3) The department shall adhere to the following policy
2508 guidelines in the development of Strategic Intermodal System
2509 highway corridors. The department shall:

2510 (a) Make capacity improvements to existing facilities
2511 where feasible to minimize costs and environmental impacts.

Amendment No. 1

2512 (b) Identify appropriate arterial highways in major
2513 transportation corridors for inclusion in a program to bring
2514 these facilities up to limited access or controlled access
2515 facility standards.

2516 (c) Coordinate proposed projects with appropriate limited
2517 access projects undertaken by expressway authorities and local
2518 governmental entities.

2519 (d) Maximize the use of limited access facility standards
2520 when constructing new arterial highways.

2521 (e) Identify appropriate new limited access highways for
2522 inclusion as a part of the Florida Turnpike System.

2523 (f) To the maximum extent feasible, ensure that proposed
2524 projects are consistent with approved local government
2525 comprehensive plans of the local jurisdictions in which such
2526 facilities are to be located and with the transportation
2527 improvement program of any metropolitan planning organization
2528 where such facilities are to be located.

2529 (4) The department shall develop and maintain a plan of
2530 Strategic Intermodal System highway corridor projects that are
2531 anticipated to be let to contract for construction within a time
2532 period of at least 20 years. The plan shall also identify when
2533 segments of the corridor will meet the standards and criteria
2534 developed pursuant to subsection (5).

2535 (5) The department shall establish the standards and
2536 criteria for the functional characteristics and design of
2537 facilities proposed as part of Strategic Intermodal System
2538 highway corridors.

Amendment No. 1

2539 (6) For the purposes of developing the proposed Strategic
2540 Intermodal System highway corridors, beginning in fiscal year
2541 2012-2013 and for each fiscal year thereafter, the minimum
2542 amount allocated shall be based on the fiscal year 2003-2004
2543 allocation of \$450 million adjusted annually by the change in
2544 the Consumer Price Index for the prior fiscal year compared to
2545 the Consumer Price Index for fiscal year 2003-2004.

2546 (7) Any project to be constructed as part of a Strategic
2547 Intermodal System highway corridor shall be included in the
2548 department's adopted work program. Any Strategic Intermodal
2549 System highway corridor projects that are added to or deleted
2550 from the previous adopted work program, or any modification to
2551 Strategic Intermodal System highway corridor projects contained
2552 in the previous adopted work program, shall be specifically
2553 identified and submitted as a separate part of the tentative
2554 work program.

2555 Section 56. Subsection (7) of section 341.301, Florida
2556 Statutes, is amended to read:

2557 341.301 Definitions; ss. 341.302-341.303.—As used in ss.
2558 341.302-341.303, the term:

2559 (7) "Limited covered accident" means:

2560 (a) A collision directly between the trains, locomotives,
2561 rail cars, or rail equipment of the department and the freight
2562 rail operator only, where the collision is caused by or arising
2563 from the willful misconduct of the freight rail operator or its
2564 subsidiaries, agents, licensees, employees, officers, or
2565 directors or where punitive damages or exemplary damages are
2566 awarded due to the conduct of the freight rail operator or its

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

Amendment No. 1

2567 subsidiaries, agents, licensees, employees, officers, or
2568 directors; or

2569 (b) A collision directly between the trains, locomotives,
2570 rail cars, or rail equipment of the department and National
2571 Railroad Passenger Corporation only, where the collision is
2572 caused by or arising from the willful misconduct of National
2573 Railroad Passenger Corporation or its subsidiaries, agents,
2574 licensees, employees, officers, or directors or where punitive
2575 damages or exemplary damages are awarded due to the conduct of
2576 National Railroad Passenger Corporation or its subsidiaries,
2577 agents, licensees, employees, officers, or directors.

2578 Section 57. Subsection (17) of section 341.302, Florida
2579 Statutes, is amended to read:

2580 341.302 Rail program; duties and responsibilities of the
2581 department.—The department, in conjunction with other
2582 governmental entities, including the rail enterprise and the
2583 private sector, shall develop and implement a rail program of
2584 statewide application designed to ensure the proper maintenance,
2585 safety, revitalization, and expansion of the rail system to
2586 assure its continued and increased availability to respond to
2587 statewide mobility needs. Within the resources provided pursuant
2588 to chapter 216, and as authorized under federal law, the
2589 department shall:

2590 (17) In conjunction with the acquisition, ownership,
2591 construction, operation, maintenance, and management of a rail
2592 corridor, have the authority to:

2593 (a) Assume obligations pursuant to the following:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1399 (2012)

Amendment No. 1

2594 1.a. The department may assume the obligation by contract
2595 to forever protect, defend, indemnify, and hold harmless the
2596 freight rail operator, or its successors, from whom the
2597 department has acquired a real property interest in the rail
2598 corridor, and that freight rail operator's officers, agents, and
2599 employees, from and against any liability, cost, and expense,
2600 including, but not limited to, commuter rail passengers and rail
2601 corridor invitees in the rail corridor, regardless of whether
2602 the loss, damage, destruction, injury, or death giving rise to
2603 any such liability, cost, or expense is caused in whole or in
2604 part, and to whatever nature or degree, by the fault, failure,
2605 negligence, misconduct, nonfeasance, or misfeasance of such
2606 freight rail operator, its successors, or its officers, agents,
2607 and employees, or any other person or persons whomsoever; or,

2608 b. The department may assume the obligation by contract to
2609 forever protect, defend, indemnify, and hold harmless National
2610 Railroad Passenger Corporation, or its successors, and National
2611 Railroad Passenger Corporation's officers, agents, and
2612 employees, from and against any liability, cost, and expense,
2613 including, but not limited to, commuter rail passengers and rail
2614 corridor invitees in the rail corridor, regardless of whether
2615 the loss, damage, destruction, injury, or death giving rise to
2616 any such liability, cost, or expense is caused in whole or in
2617 part, and to whatever nature or degree, by the fault, failure,
2618 negligence, misconduct, nonfeasance, or misfeasance of National
2619 Railroad Passenger Corporation, its successors, or its officers,
2620 agents, and employees, or any other person or persons
2621 whomsoever.

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

Amendment No. 1

2622 2. However, ~~Provided that~~ such assumption of liability of
2623 the department by contract ~~as to either sub-subparagraph 1.a. or~~
2624 sub-subparagraph 1.b. may ~~shall~~ not in any instance exceed the
2625 following parameters of allocation of risk:

2626 a.1. The department may be solely responsible for any
2627 loss, injury, or damage to commuter rail passengers, or rail
2628 corridor invitees, or trespassers, regardless of circumstances
2629 or cause, subject to sub-subparagraph b. and subparagraphs ~~2.,~~
2630 3., 4., 5., and 6.

2631 b.(I)2. In the event of a limited covered accident, the
2632 authority of the department to protect, defend, and indemnify
2633 the freight operator for all liability, cost, and expense,
2634 including punitive or exemplary damages, in excess of the
2635 deductible or self-insurance retention fund established under
2636 paragraph (b) and actually in force at the time of the limited
2637 covered accident exists only if the freight operator agrees,
2638 with respect to the limited covered accident, to protect,
2639 defend, and indemnify the department for the amount of the
2640 deductible or self-insurance retention fund established under
2641 paragraph (b) and actually in force at the time of the limited
2642 covered accident.

2643 (II) In the event of a limited covered accident, the
2644 authority of the department to protect, defend, and indemnify
2645 National Railroad Passenger Corporation for all liability, cost,
2646 and expense, including punitive or exemplary damages, in excess
2647 of the deductible or self-insurance retention fund established
2648 under paragraph (b) and actually in force at the time of the
2649 limited covered accident exists only if National Railroad

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Published On: 2/23/2012 8:14:54 PM

Amendment No. 1

2650 Passenger Corporation agrees, with respect to the limited
2651 covered accident, to protect, defend, and indemnify the
2652 department for the amount of the deductible or self-insurance
2653 retention fund established under paragraph (b) and actually in
2654 force at the time of the limited covered accident.

2655 3. When only one train is involved in an incident, the
2656 department may be solely responsible for any loss, injury, or
2657 damage if the train is a department train or other train
2658 pursuant to subparagraph 4., but only if;

2659 a. When an incident occurs with only a freight train
2660 involved, including incidents with trespassers or at grade
2661 crossings, the freight rail operator is solely responsible for
2662 any loss, injury, or damage, except for commuter rail passengers
2663 and rail corridor invitees; or

2664 b. When an incident occurs with only a National Railroad
2665 Passenger Corporation train involved, including incidents with
2666 trespassers or at grade crossings, National Railroad Passenger
2667 Corporation is solely responsible for any loss, injury, or
2668 damage, except for commuter rail passengers and rail corridor
2669 invitees.

2670 4. For the purposes of this subsection:

2671 a. Any train involved in an incident that is neither the
2672 department's train nor the freight rail operator's train,
2673 hereinafter referred to in this subsection as an "other train,"
2674 may be treated as a department train, solely for purposes of any
2675 allocation of liability between the department and the freight
2676 rail operator only, but only if the department and the freight
2677 rail operator share responsibility equally as to third parties

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

Amendment No. 1

2678 outside the rail corridor who incur loss, injury, or damage as a
2679 result of any incident involving both a department train and a
2680 freight rail operator train, and the allocation as between the
2681 department and the freight rail operator, regardless of whether
2682 the other train is treated as a department train, shall remain
2683 one-half each as to third parties outside the rail corridor who
2684 incur loss, injury, or damage as a result of the incident. The
2685 involvement of any other train shall not alter the sharing of
2686 equal responsibility as to third parties outside the rail
2687 corridor who incur loss, injury, or damage as a result of the
2688 incident; or

2689 b. Any train involved in an incident that is neither the
2690 department's train nor the National Railroad Passenger
2691 Corporation's train, hereinafter referred to in this subsection
2692 as an "other train," may be treated as a department train,
2693 solely for purposes of any allocation of liability between the
2694 department and National Railroad Passenger Corporation only, but
2695 only if the department and National Railroad Passenger
2696 Corporation share responsibility equally as to third parties
2697 outside the rail corridor who incur loss, injury, or damage as a
2698 result of any incident involving both a department train and a
2699 National Railroad Passenger Corporation train, and the
2700 allocation as between the department and National Railroad
2701 Passenger Corporation, regardless of whether the other train is
2702 treated as a department train, shall remain one-half each as to
2703 third parties outside the rail corridor who incur loss, injury,
2704 or damage as a result of the incident. The involvement of any
2705 other train shall not alter the sharing of equal responsibility

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

Amendment No. 1

2706 as to third parties outside the rail corridor who incur loss,
2707 injury, or damage as a result of the incident.

2708 5. When more than one train is involved in an incident:

2709 a. (I) If only a department train and freight rail
2710 operator's train, or only an other train as described in sub-
2711 subparagraph 4.a. ~~subparagraph 4.~~ and a freight rail operator's
2712 train, are involved in an incident, the department may be
2713 responsible for its property and all of its people, all commuter
2714 rail passengers, and rail corridor invitees, but only if the
2715 freight rail operator is responsible for its property and all of
2716 its people, and the department and the freight rail operator
2717 each share one-half responsibility as to trespassers or third
2718 parties outside the rail corridor who incur loss, injury, or
2719 damage as a result of the incident; or

2720 (II) If only a department train and a National Railroad
2721 Passenger Corporation train, or only an other train as described
2722 in sub-subparagraph 4.b. and a National Railroad Passenger
2723 Corporation train, are involved in an incident, the department
2724 may be responsible for its property and all of its people, all
2725 commuter rail passengers, and rail corridor invitees, but only
2726 if National Railroad Passenger Corporation is responsible for
2727 its property and all of its people, all National Railroad
2728 Passenger Corporation's rail passengers, and the department and
2729 National Railroad Passenger Corporation each share one-half
2730 responsibility as to trespassers or third parties outside the
2731 rail corridor who incur loss, injury, or damage as a result of
2732 the incident.

Amendment No. 1

2733 b.(I) If a department train, a freight rail operator
2734 train, and any other train are involved in an incident, the
2735 allocation of liability between the department and the freight
2736 rail operator, regardless of whether the other train is treated
2737 as a department train, shall remain one-half each as to third
2738 parties outside the rail corridor who incur loss, injury, or
2739 damage as a result of the incident; the involvement of any other
2740 train shall not alter the sharing of equal responsibility as to
2741 third parties outside the rail corridor who incur loss, injury,
2742 or damage as a result of the incident; and, if the owner,
2743 operator, or insurer of the other train makes any payment to
2744 injured third parties outside the rail corridor who incur loss,
2745 injury, or damage as a result of the incident, the allocation of
2746 credit between the department and the freight rail operator as
2747 to such payment shall not in any case reduce the freight rail
2748 operator's third-party-sharing allocation of one-half under this
2749 paragraph to less than one-third of the total third party
2750 liability; or

2751 (II) If a department train, a National Railroad Passenger
2752 Corporation train, and any other train are involved in an
2753 incident, the allocation of liability between the department and
2754 National Railroad Passenger Corporation, regardless of whether
2755 the other train is treated as a department train, shall remain
2756 one-half each as to third parties outside the rail corridor who
2757 incur loss, injury, or damage as a result of the incident; the
2758 involvement of any other train shall not alter the sharing of
2759 equal responsibility as to third parties outside the rail
2760 corridor who incur loss, injury, or damage as a result of the

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Published On: 2/23/2012 8:14:54 PM

Amendment No. 1

2761 incident; and, if the owner, operator, or insurer of the other
2762 train makes any payment to injured third parties outside the
2763 rail corridor who incur loss, injury, or damage as a result of
2764 the incident, the allocation of credit between the department
2765 and National Railroad Passenger Corporation as to such payment
2766 shall not in any case reduce National Railroad Passenger
2767 Corporation's third-party-sharing allocation of one-half under
2768 this sub-subparagraph to less than one-third of the total third
2769 party liability.

2770 6. Any such contractual duty to protect, defend,
2771 indemnify, and hold harmless such a freight rail operator or
2772 National Railroad Passenger Corporation shall expressly include
2773 a specific cap on the amount of the contractual duty, which
2774 amount shall not exceed \$200 million without prior legislative
2775 approval, and the department to purchase liability insurance and
2776 establish a self-insurance retention fund in the amount of the
2777 specific cap established under this subparagraph, provided that:

2778 a. No such contractual duty shall in any case be effective
2779 nor otherwise extend the department's liability in scope and
2780 effect beyond the contractual liability insurance and self-
2781 insurance retention fund required pursuant to this paragraph;

2782 and

2783 b. The freight rail operator's compensation to the
2784 department for future use of the department's rail corridor
2785 shall include a monetary contribution to the cost of such
2786 liability coverage for the sole benefit of the freight rail
2787 operator. National Railroad Passenger Corporation's compensation
2788 to the department for future use of the department's rail

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

Amendment No. 1

2789 corridor shall include a monetary contribution to the cost of
2790 such liability coverage for the sole benefit of National
2791 Railroad Passenger Corporation.

2792 (b) Purchase liability insurance, which amount shall not
2793 exceed \$200 million, and establish a self-insurance retention
2794 fund for the purpose of paying the deductible limit established
2795 in the insurance policies it may obtain, including coverage for
2796 the department, any freight rail operator as described in
2797 paragraph (a), National Railroad Passenger Corporation, commuter
2798 rail service providers, governmental entities, or any ancillary
2799 development, which self-insurance retention fund or deductible
2800 shall not exceed \$10 million. The insureds shall pay a
2801 reasonable monetary contribution to the cost of such liability
2802 coverage for the sole benefit of the insured. Such insurance and
2803 self-insurance retention fund may provide coverage for all
2804 damages, including, but not limited to, compensatory, special,
2805 and exemplary, and be maintained to provide an adequate fund to
2806 cover claims and liabilities for loss, injury, or damage arising
2807 out of or connected with the ownership, operation, maintenance,
2808 and management of a rail corridor.

2809 (c) Incur expenses for the purchase of advertisements,
2810 marketing, and promotional items.

2811
2812 Neither the assumption by contract to protect, defend,
2813 indemnify, and hold harmless; the purchase of insurance; nor the
2814 establishment of a self-insurance retention fund shall be deemed
2815 to be a waiver of any defense of sovereign immunity for torts
2816 nor deemed to increase the limits of the department's or the

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1399 (2012)

Amendment No. 1

2817 governmental entity's liability for torts as provided in s.
2818 768.28. The requirements of s. 287.022(1) shall not apply to the
2819 purchase of any insurance under this subsection. The provisions
2820 of this subsection shall apply and inure fully as to any other
2821 governmental entity providing commuter rail service and
2822 constructing, operating, maintaining, or managing a rail
2823 corridor on publicly owned right-of-way under contract by the
2824 governmental entity with the department or a governmental entity
2825 designated by the department. Notwithstanding any law to the
2826 contrary, procurement for the construction, operation,
2827 maintenance, and management of any rail corridor described in
2828 this subsection, whether by the department, a governmental
2829 entity under contract with the department, or a governmental
2830 entity designated by the department, shall be pursuant to s.
2831 287.057 and shall include, but not be limited to, criteria for
2832 the consideration of qualifications, technical aspects of the
2833 proposal, and price. Further, any such contract for design-build
2834 shall be procured pursuant to the criteria in s. 337.11(7).

2835 Section 58. Section 341.840, Florida Statutes, is amended
2836 to read:

2837 341.840 Tax exemption.—

2838 (1) The exercise of the powers granted under ss. 341.8201-
2839 341.842 ~~by this act~~ will be in all respects for the benefit of
2840 the people of this state, for the increase of their commerce,
2841 welfare, and prosperity, and for the improvement of their health
2842 and living conditions. The design, construction, operation,
2843 maintenance, and financing of a high-speed rail system by the
2844 enterprise authority, its agent, or the owner or lessee thereof,

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

Amendment No. 1

2845 as herein authorized, constitutes the performance of an
2846 essential public function.

2847 (2) (a) For the purposes of this section, the term
2848 "enterprise authority" does not include agents of the enterprise
2849 authority other than contractors who qualify as such pursuant to
2850 subsection (7).

2851 (b) For the purposes of this section, any item or property
2852 that is within the definition of the term "associated
2853 development" in s. 341.8203(1) may ~~shall~~ not be considered ~~to be~~
2854 part of the high-speed rail system as defined in s.
2855 341.8203(3) ~~(6)~~.

2856 (3) (a) Purchases or leases of tangible personal property
2857 or real property by the enterprise authority, excluding agents
2858 of the enterprise authority, are exempt from taxes imposed by
2859 chapter 212 as provided in s. 212.08(6). Purchases or leases of
2860 tangible personal property that is incorporated into the high-
2861 speed rail system as a component part thereof, as determined by
2862 the enterprise authority, by agents of the enterprise authority
2863 or the owner of the high-speed rail system are exempt from sales
2864 or use taxes imposed by chapter 212. Leases, rentals, or
2865 licenses to use real property granted to agents of the
2866 enterprise authority or the owner of the high-speed rail system
2867 are exempt from taxes imposed by s. 212.031 if the real property
2868 becomes part of such system. The exemptions granted in this
2869 subsection do not apply to sales, leases, or licenses by the
2870 enterprise authority, agents of the authority, or the owner of
2871 the high-speed rail system.

Amendment No. 1

2872 (b) The exemption granted in paragraph (a) to purchases or
2873 leases of tangible personal property by agents of the enterprise
2874 ~~authority~~ or by the owner of the high-speed rail system applies
2875 only to property that becomes a component part of such system.
2876 It does not apply to items, including, but not limited to,
2877 cranes, bulldozers, forklifts, other machinery and equipment,
2878 tools and supplies, or other items of tangible personal property
2879 used in the construction, operation, or maintenance of the high-
2880 speed rail system when such items are not incorporated into the
2881 high-speed rail system as a component part thereof.

2882 (4) Any bonds or other security, and all notes, mortgages,
2883 security agreements, letters of credit, or other instruments
2884 that arise out of or are given to secure the repayment of bonds
2885 or other security, issued by the enterprise authority, or on
2886 behalf of the enterprise authority, their transfer, and the
2887 income therefrom, including any profit made on the sale thereof,
2888 shall at all times be free from taxation of every kind by the
2889 state, the counties, and the municipalities and other political
2890 subdivisions in the state. This subsection, however, does not
2891 exempt from taxation or assessment the leasehold interest of a
2892 lessee in any project or any other property or interest owned by
2893 the lessee. The exemption granted by this subsection is not
2894 applicable to any tax imposed by chapter 220 on interest income
2895 or profits on the sale of debt obligations owned by
2896 corporations.

2897 (5) When property of the enterprise authority is leased to
2898 another person or entity, the property shall be exempt from ad

Amendment No. 1

2899 valorem taxation only if the use by the lessee qualifies the
2900 property for exemption under s. 196.199.

2901 (6) A leasehold interest held by the enterprise authority
2902 is not subject to intangible tax. However, if a leasehold
2903 interest held by the enterprise authority is subleased to a
2904 nongovernmental lessee, such subleasehold interest shall be
2905 deemed to be an interest described in s. 199.023(1)(d), Florida
2906 Statutes 2005, and is subject to the intangible tax.

2907 (7)(a) In order to be considered an agent of the
2908 enterprise authority for purposes of the exemption from sales
2909 and use tax granted by subsection (3) for tangible personal
2910 property incorporated into the high-speed rail system, a
2911 contractor of the enterprise authority that purchases or
2912 fabricates such tangible personal property must be certified by
2913 the enterprise authority as provided in this subsection.

2914 (b)1. A contractor must apply for a renewal of the
2915 exemption not later than December 1 of each calendar year.

2916 2. A contractor must apply to the enterprise authority on
2917 the application form adopted by the enterprise authority, which
2918 shall develop the form in consultation with the Department of
2919 Revenue.

2920 3. The enterprise authority shall review each submitted
2921 application and determine whether it is complete. The enterprise
2922 authority shall notify the applicant of any deficiencies in the
2923 application within 30 days. Upon receipt of a completed
2924 application, the enterprise authority shall evaluate the
2925 application for exemption under this subsection and issue a
2926 certification that the contractor is qualified to act as an

Amendment No. 1

2927 agent of the enterprise authority for purposes of this section
2928 or a denial of such certification within 30 days. The enterprise
2929 authority shall provide the Department of Revenue with a copy of
2930 each certification issued upon approval of an application. Upon
2931 receipt of a certification from the enterprise authority, the
2932 Department of Revenue shall issue an exemption permit to the
2933 contractor.

2934 (c)1. The contractor may extend a copy of its exemption
2935 permit to its vendors in lieu of paying sales tax on purchases
2936 of tangible personal property qualifying for exemption under
2937 this section. Possession of a copy of the exemption permit
2938 relieves the seller of the responsibility of collecting tax on
2939 the sale, and the Department of Revenue shall look solely to the
2940 contractor for recovery of tax upon a determination that the
2941 contractor was not entitled to the exemption.

2942 2. The contractor may extend a copy of its exemption
2943 permit to real property subcontractors supplying and installing
2944 tangible personal property that is exempt under subsection (3).
2945 Any such subcontractor may ~~is authorized to~~ extend a copy of the
2946 permit to the subcontractor's vendors in order to purchase
2947 qualifying tangible personal property tax-exempt. If the
2948 subcontractor uses the exemption permit to purchase tangible
2949 personal property that is determined not to qualify for
2950 exemption under subsection (3), the Department of Revenue may
2951 assess and collect any tax, penalties, and interest that are due
2952 from either the contractor holding the exemption permit or the
2953 subcontractor that extended the exemption permit to the seller.

Amendment No. 1

2954 (d) Any contractor authorized to act as an agent of the
2955 enterprise authority under this section shall maintain the
2956 necessary books and records to document the exempt status of
2957 purchases and fabrication costs made or incurred under the
2958 permit. In addition, an authorized contractor extending its
2959 exemption permit to its subcontractors shall maintain a copy of
2960 the subcontractor's books, records, and invoices indicating all
2961 purchases made by the subcontractor under the authorized
2962 contractor's permit. If, in an audit conducted by the Department
2963 of Revenue, it is determined that tangible personal property
2964 purchased or fabricated claiming exemption under this section
2965 does not meet the criteria for exemption, the amount of taxes
2966 not paid at the time of purchase or fabrication shall be
2967 immediately due and payable to the Department of Revenue,
2968 together with the appropriate interest and penalty, computed
2969 from the date of purchase, in the manner prescribed by chapter
2970 212.

2971 (e) If a contractor fails to apply for a high-speed rail
2972 system exemption permit, or if a contractor initially determined
2973 by the enterprise authority to not qualify for exemption is
2974 subsequently determined to be eligible, the contractor shall
2975 receive the benefit of the exemption in this subsection through
2976 a refund of previously paid taxes for transactions that
2977 otherwise would have been exempt. A refund may not be made for
2978 such taxes without the issuance of a certification by the
2979 enterprise authority that the contractor was authorized to make
2980 purchases tax-exempt and a determination by the Department of
2981 Revenue that the purchases qualified for the exemption.

Amendment No. 1

2982 (f) The enterprise authority may adopt rules governing the
2983 application process for exemption of a contractor as an
2984 authorized agent of the enterprise authority.

2985 (g) The Department of Revenue may adopt rules governing
2986 the issuance and form of high-speed rail system exemption
2987 permits, the audit of contractors and subcontractors using such
2988 permits, the recapture of taxes on nonqualified purchases, and
2989 the manner and form of refund applications.

2990 Section 59. Subsection (3) of section 343.52, Florida
2991 Statutes, is amended to read:

2992 343.52 Definitions.—As used in this part, the term:

2993 (3) "Area served" means Miami-Dade, Broward, and Palm
2994 Beach Counties. ~~However, this area may be expanded by mutual~~
2995 ~~consent of the authority and the board of county commissioners~~
2996 ~~representing the proposed expansion area.~~

2997 Section 60. Section 343.53, Florida Statutes, is amended
2998 to read:

2999 343.53 South Florida Regional Transportation Authority.—

3000 (1) There is created and established a body politic and
3001 corporate, an agency of the state, to be known as the "South
3002 Florida Regional Transportation Authority," hereinafter referred
3003 to as the "authority."

3004 (2) The governing board of the authority shall consist of
3005 12 ~~nine~~ voting members and 1 ex officio nonvoting member, as
3006 follows:

3007 (a) The county commissions of Miami-Dade, Broward, and
3008 Palm Beach Counties shall each elect a commissioner as that
3009 commission's representative on the board. The commissioner must

Amendment No. 1

3010 be a member of the county commission when elected and for the
3011 full extent of his or her term.

3012 (b) The county commissions of Miami-Dade, Broward, and
3013 Palm Beach Counties shall each appoint a citizen member to the
3014 board who is not a member of the county commission but who is a
3015 resident of the county from which he or she is appointed and a
3016 qualified elector of that county. Insofar as practicable, the
3017 citizen member shall represent the business and civic interests
3018 of the community.

3019 (c) The secretary of the Department of Transportation
3020 shall appoint one of the district secretaries, or his or her
3021 designee, for the districts within which the area served by the
3022 South Florida Regional Transportation Authority is located, who
3023 shall serve ex officio as a nonvoting member.

3024 ~~(d) If the authority's service area is expanded pursuant~~
3025 ~~to s. 343.54(5), the county containing the new service area~~
3026 ~~shall have three members appointed to the board as follows:~~

3027 ~~1. The county commission of the county shall elect a~~
3028 ~~commissioner as that commission's representative on the board.~~
3029 ~~The commissioner must be a member of the county commission when~~
3030 ~~elected and for the full extent of his or her term.~~

3031 ~~2. The county commission of the county shall appoint a~~
3032 ~~citizen member to the board who is not a member of the county~~
3033 ~~commission but who is a resident and a qualified elector of that~~
3034 ~~county. Insofar as is practicable, the citizen member shall~~
3035 ~~represent the business and civic interests of the community.~~

Amendment No. 1

3036 ~~3. The Governor shall appoint a citizen member to the~~
3037 ~~board who is not a member of the county commission but who is a~~
3038 ~~resident and a qualified elector of that county.~~

3039 ~~(d)(e)~~ The Governor shall appoint six ~~two~~ members to the
3040 board who are residents and qualified electors in the area
3041 served by the authority ~~but who are not residents of the same~~
3042 ~~county and also not residents of the county in which the~~
3043 ~~district secretary who was appointed pursuant to paragraph (c)~~
3044 ~~is a resident.~~

3045 ~~(3)(a)~~ Members of the governing board of the authority
3046 shall be appointed to serve 4-year staggered terms, except that
3047 the terms of the appointees of the Governor shall be concurrent.

3048 ~~(b) The terms of the board members currently serving on~~
3049 ~~the authority that is being succeeded by this act shall expire~~
3050 ~~July 30, 2003, at which time the terms of the members appointed~~
3051 ~~pursuant to subsection (2) shall commence. The Governor shall~~
3052 ~~make his or her appointments to the board within 30 days after~~
3053 ~~July 30, 2003.~~

3054 (4) A vacancy during a term shall be filled by the
3055 respective appointing authority in the same manner as the
3056 original appointment and only for the balance of the unexpired
3057 term.

3058 (5) The members of the authority shall serve without
3059 compensation, but are entitled to reimbursement for travel
3060 expenses actually incurred in their duties as provided by law.

3061 Section 61. Paragraph (h) of subsection (3) and subsection
3062 (5) of section 343.54, Florida Statutes, are amended to read:

3063 343.54 Powers and duties.—

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Published On: 2/23/2012 8:14:54 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1399 (2012)

Amendment No. 1

3064 (3) The authority may exercise all powers necessary,
3065 appurtenant, convenient, or incidental to the carrying out of
3066 the aforesaid purposes, including, but not limited to, the
3067 following rights and powers:

3068 (h) To adopt bylaws for the regulation of the affairs and
3069 the conduct of the business of the authority. The bylaws shall
3070 provide for quorum and voting requirements, maintenance of
3071 minutes and other official records, and preparation and adoption
3072 of an annual budget. The bylaws shall require approval by at
3073 least two-thirds of the authority board members before execution
3074 of any agreement by the authority with a private entity or
3075 consortia of private entities for the operation or maintenance
3076 of any transit system or transit facility owned or operated by
3077 the authority.

3078 ~~(5) The authority, by a resolution of its governing board,~~
3079 ~~may expand its service area and enter into a partnership with~~
3080 ~~any county that is contiguous to the service area of the~~
3081 ~~authority. The board shall determine the conditions and terms of~~
3082 ~~the partnership, except as provided herein. However, the~~
3083 ~~authority may not expand its service area without the consent of~~
3084 ~~the board of county commissioners representing the proposed~~
3085 ~~expansion area, and a county may not be added to the service~~
3086 ~~area except in the year that federal reauthorization legislation~~
3087 ~~for transportation funds is enacted.~~

3088 Section 62. Section 347.215, Florida Statutes, is created
3089 to read:

3090 347.215 Operation of ferries by joint agreement between
3091 public and private entities.—The county commission of any county

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

Amendment No. 1

3092 that has granted a license to operate a ferry in the county may
3093 authorize the operation of such ferry by a single party or
3094 multiple parties under a joint agreement between public entities
3095 and one or more private corporations conducting business in the
3096 state.

3097 Section 63. Paragraph (c) of subsection (4) of section
3098 348.0003, Florida Statutes, is amended to read:

3099 348.0003 Expressway authority; formation; membership.—

3100 (4)

3101 (c) Members of each expressway authority, transportation
3102 authority, bridge authority, or toll authority, created pursuant
3103 to this chapter, chapter 343, ~~or chapter 349~~ or any other
3104 general law, legislative enactment shall comply with the
3105 applicable financial disclosure requirements of s. 8, Art. II of
3106 the State Constitution. This paragraph does not subject any
3107 statutorily created authority, other than an expressway
3108 authority created under this part, to any other requirement of
3109 this part except the requirement of this paragraph.

3110 Section 64. Section 348.7065, Florida Statutes, is created
3111 to read:

3112 348.7065 Notwithstanding anything to the contrary,
3113 the authority, upon request by a university described herein,
3114 shall erect signage at the most convenient, existing exit
3115 directing traffic to a university with at least 6,000 full time
3116 students and that is located within five miles of a roadway
3117 operated by the authority. Any such university shall pay to the
3118 authority the actual costs of any signage erected.

Amendment No. 1

3119 Section 65. Subsection (3) of section 349.03, Florida
3120 Statutes, is amended to read:

3121 349.03 Jacksonville Transportation Authority.-

3122 (3) (a) The terms of appointed members shall be for 4 years
3123 deemed to have commenced on June 1 of the year in which they are
3124 appointed. Each member shall hold office until a successor has
3125 been appointed and has qualified. A vacancy during a term shall
3126 be filled by the respective appointing authority only for the
3127 balance of the unexpired term. Any member appointed to the
3128 authority for two consecutive full terms shall not be eligible
3129 for appointment to the next succeeding term. One of the members
3130 so appointed shall be designated annually by the members as
3131 chair of the authority, one member shall be designated annually
3132 as the vice chair of the authority, one member shall be
3133 designated annually as the secretary of the authority, and one
3134 member shall be designated annually as the treasurer of the
3135 authority. The members of the authority shall not be entitled to
3136 compensation, but shall be reimbursed for travel expenses or
3137 other expenses actually incurred in their duties as provided by
3138 law. Four voting members of the authority shall constitute a
3139 quorum, and no resolution adopted by the authority shall become
3140 effective unless with the affirmative vote of at least four
3141 members. Members of the authority shall file as their mandatory
3142 financial disclosure a statement of financial interest with the
3143 Commission on Ethics as provided in s. 112.3145.

3144 (b) The authority shall employ an executive director, and
3145 the executive director may hire such staff, permanent or
3146 temporary, as he or she may determine and may organize the staff

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1399 (2012)

Amendment No. 1

3147 of the authority into such departments and units as he or she
3148 may determine. The executive director may appoint department
3149 directors, deputy directors, division chiefs, and staff
3150 assistants to the executive director, as he or she may
3151 determine. In so appointing the executive director, the
3152 authority may fix the compensation of such appointee, who shall
3153 serve at the pleasure of the authority. All employees of the
3154 authority shall be exempt from the provisions of part II of
3155 chapter 110. The authority may employ such financial advisers
3156 and consultants, technical experts, engineers, and agents and
3157 employees, permanent or temporary, as it may require and may fix
3158 the compensation and qualifications of such persons, firms, or
3159 corporations. The authority may delegate to one or more of its
3160 agents or employees such of its powers as it shall deem
3161 necessary to carry out the purposes of this chapter, subject
3162 always to the supervision and control of the governing body of
3163 the authority.

3164 Section 66. Subsection (8) is added to section 349.04,
3165 Florida Statutes, to read:

3166 349.04 Purposes and powers.—

3167 (8) The authority may conduct public meetings and
3168 workshops by means of communications media technology, as
3169 provided in s. 120.54(5). However, a resolution, rule, or formal
3170 action is not binding unless a quorum is physically present at
3171 the noticed meeting location, and only members physically
3172 present may vote on any item.

3173 Section 67. Subsection (6) is added to section 373.118,
3174 Florida Statutes, to read:

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

Amendment No. 1

3175 373.118 General permits; delegation.-

3176 (6) By July 1, 2012, the department shall initiate
3177 rulemaking to adopt a general permit for stormwater management
3178 systems serving airside activities at airports. The general
3179 permit applies statewide and shall be administered by any water
3180 management district or any delegated local government pursuant
3181 to the operating agreements applicable to part IV of this
3182 chapter, with no additional rulemaking required. These rules are
3183 not subject to any special rulemaking requirements related to
3184 small business.

3185 Section 68. Subsection (6) is added to section 373.413,
3186 Florida Statutes, to read:

3187 373.413 Permits for construction or alteration.-

3188 (6) It is the intent of the Legislature that the governing
3189 board or department exercise flexibility in the permitting of
3190 stormwater management systems associated with the construction
3191 or alteration of systems serving state transportation projects
3192 and facilities. Because of the unique limitations of linear
3193 facilities, the governing board or department shall balance the
3194 expenditure of public funds for stormwater treatment for state
3195 transportation projects and facilities with the benefits to the
3196 public in providing the most cost-efficient and effective method
3197 of achieving the treatment objectives. In consideration thereof,
3198 the governing board or department shall allow alternatives to
3199 onsite treatment, including, but not limited to, regional
3200 stormwater treatment systems. The Department of Transportation
3201 is responsible for treating stormwater generated from state
3202 transportation projects but is not responsible for the abatement

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Published On: 2/23/2012 8:14:54 PM

Amendment No. 1

3203 of pollutants and flows entering its stormwater management
3204 systems from offsite sources; however, this subsection does not
3205 prohibit the Department of Transportation from receiving and
3206 managing such pollutants and flows when cost-effective and
3207 prudent. Further, in association with right-of-way acquisition
3208 for state transportation projects, the Department of
3209 Transportation is responsible for providing stormwater treatment
3210 and attenuation for the acquired right-of-way but is not
3211 responsible for modifying permits for adjacent lands affected by
3212 right-of-way acquisition when it is not the permittee. The
3213 governing board or department may establish, by rule, specific
3214 criteria to implement the management and treatment alternatives
3215 and activities under this subsection.

3216 Section 69. Paragraph (d) of subsection (6) of section
3217 373.4136, Florida Statutes, is amended to read:

3218 373.4136 Establishment and operation of mitigation banks.—

3219 (6) MITIGATION SERVICE AREA.—The department or water
3220 management district shall establish a mitigation service area
3221 for each mitigation bank permit. The department or water
3222 management district shall notify and consider comments received
3223 on the proposed mitigation service area from each local
3224 government within the proposed mitigation service area. Except
3225 as provided herein, mitigation credits may be withdrawn and used
3226 only to offset adverse impacts in the mitigation service area.
3227 The boundaries of the mitigation service area shall depend upon
3228 the geographic area where the mitigation bank could reasonably
3229 be expected to offset adverse impacts. Mitigation service areas

Amendment No. 1

3230 may overlap, and mitigation service areas for two or more
3231 mitigation banks may be approved for a regional watershed.

3232 (d) If the requirements in s. 373.414(1)(b) and (8) are
3233 met, the following projects or activities regulated under this
3234 part shall be eligible to use a mitigation bank, regardless of
3235 whether they are located within the mitigation service area:

3236 1. Projects with adverse impacts partially located within
3237 the mitigation service area.

3238 2. Linear projects, such as roadways, transmission lines,
3239 distribution lines, pipelines, or railways, or seaports listed
3240 in s. 403.021(9)(b).

3241 3. Projects with total adverse impacts of less than 1 acre
3242 in size.

3243 Section 70. Subsections (1) through (5) of section
3244 373.4137, Florida Statutes, are amended to read:

3245 373.4137 Mitigation requirements for specified
3246 transportation projects.—

3247 (1) The Legislature finds that environmental mitigation
3248 for the impact of transportation projects proposed by the
3249 Department of Transportation or a transportation authority
3250 established pursuant to chapter 348 or chapter 349 can be more
3251 effectively achieved by regional, long-range mitigation planning
3252 rather than on a project-by-project basis. It is the intent of
3253 the Legislature that mitigation to offset the adverse effects of
3254 these transportation projects be funded by the Department of
3255 Transportation and be carried out by the water management
3256 districts, including the use of mitigation banks and any other

Amendment No. 1

3257 mitigation options that satisfy state and federal requirements
3258 ~~established pursuant to this part.~~

3259 (2) Environmental impact inventories for transportation
3260 projects proposed by the Department of Transportation or a
3261 transportation authority established pursuant to chapter 348 or
3262 chapter 349 shall be developed as follows:

3263 (a) By July 1 of each year, the Department of
3264 Transportation, or a transportation authority established
3265 pursuant to chapter 348 or chapter 349 which chooses to
3266 participate in this program, shall submit to the water
3267 management districts a list ~~copy~~ of its projects in the adopted
3268 work program and an environmental impact inventory of habitats
3269 addressed in the rules adopted pursuant to this part and s. 404
3270 of the Clean Water Act, 33 U.S.C. s. 1344, which may be impacted
3271 by its plan of construction for transportation projects in the
3272 next 3 years of the tentative work program. The Department of
3273 Transportation or a transportation authority established
3274 pursuant to chapter 348 or chapter 349 may also include in its
3275 environmental impact inventory the habitat impacts of any future
3276 transportation project. The Department of Transportation and
3277 each transportation authority established pursuant to chapter
3278 348 or chapter 349 may fund any mitigation activities for future
3279 projects using current year funds.

3280 (b) The environmental impact inventory shall include a
3281 description of these habitat impacts, including their location,
3282 acreage, and type; state water quality classification of
3283 impacted wetlands and other surface waters; any other state or
3284 regional designations for these habitats; and a list ~~survey~~ of

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Published On: 2/23/2012 8:14:54 PM

Amendment No. 1

3285 threatened species, endangered species, and species of special
3286 concern affected by the proposed project.

3287 (3) (a) To fund development and implementation of the
3288 mitigation plan for the projected impacts identified in the
3289 environmental impact inventory described in subsection (2), the
3290 Department of Transportation shall identify funds quarterly in
3291 an escrow account within the State Transportation Trust Fund for
3292 the environmental mitigation phase of projects budgeted by the
3293 Department of Transportation for the current fiscal year. The
3294 escrow account shall be maintained by the Department of
3295 Transportation for the benefit of the water management
3296 districts. Any interest earnings from the escrow account shall
3297 remain with the Department of Transportation.

3298 (b) Each transportation authority established pursuant to
3299 chapter 348 or chapter 349 that chooses to participate in this
3300 program shall create an escrow account within its financial
3301 structure and deposit funds in the account to pay for the
3302 environmental mitigation phase of projects budgeted for the
3303 current fiscal year. The escrow account shall be maintained by
3304 the authority for the benefit of the water management districts.
3305 Any interest earnings from the escrow account shall remain with
3306 the authority.

3307 (c) Except for current mitigation projects in the
3308 monitoring and maintenance phase and except as allowed by
3309 paragraph (d), the water management districts may request a
3310 transfer of funds from an escrow account no sooner than 30 days
3311 prior to the date the funds are needed to pay for activities
3312 associated with development or implementation of the approved

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1399 (2012)

Amendment No. 1

3313 mitigation plan described in subsection (4) for the current
3314 fiscal year, including, but not limited to, design, engineering,
3315 production, and staff support. Actual conceptual plan
3316 preparation costs incurred before plan approval may be submitted
3317 to the Department of Transportation or the appropriate
3318 transportation authority each year with the plan. The conceptual
3319 plan preparation costs of each water management district shall
3320 ~~will~~ be paid from mitigation funds associated with the
3321 environmental impact inventory for the current year. The amount
3322 transferred to the escrow accounts each year by the Department
3323 of Transportation and participating transportation authorities
3324 established pursuant to chapter 348 or chapter 349 shall
3325 correspond to a cost per acre of \$75,000 multiplied by the
3326 projected acres of impact identified in the environmental impact
3327 inventory described in subsection (2). However, the \$75,000 cost
3328 per acre does not constitute an admission against interest by
3329 the state or its subdivisions nor is the cost admissible as
3330 evidence of full compensation for any property acquired by
3331 eminent domain or through inverse condemnation. Each July 1, the
3332 cost per acre shall be adjusted by the percentage change in the
3333 average of the Consumer Price Index issued by the United States
3334 Department of Labor for the most recent 12-month period ending
3335 September 30, compared to the base year average, which is the
3336 average for the 12-month period ending September 30, 1996. Each
3337 quarter, the projected acreage of impact shall be reconciled
3338 with the acreage of impact of projects as permitted, including
3339 permit modifications, pursuant to this part and s. 404 of the
3340 Clean Water Act, 33 U.S.C. s. 1344. The subject year's transfer

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Published On: 2/23/2012 8:14:54 PM

Amendment No. 1

3341 of funds shall be adjusted accordingly to reflect the acreage of
3342 impacts as permitted. The Department of Transportation and
3343 participating transportation authorities established pursuant to
3344 chapter 348 or chapter 349 may ~~are authorized to~~ transfer such
3345 funds from the escrow accounts to the water management districts
3346 to carry out the mitigation programs. Environmental mitigation
3347 funds that are identified for or maintained in an escrow account
3348 for the benefit of a water management district may be released
3349 if the associated transportation project is excluded in whole or
3350 part from the mitigation plan. For a mitigation project that is
3351 in the maintenance and monitoring phase, the water management
3352 district may request and receive a one-time payment based on the
3353 project's expected future maintenance and monitoring costs. Upon
3354 disbursement of the final maintenance and monitoring payment,
3355 the obligation of the Department of Transportation or the
3356 participating transportation authority is satisfied, the water
3357 management district has continuing responsibility for the
3358 mitigation project, and the escrow account for the project
3359 established by the Department of Transportation or the
3360 participating transportation authority may be closed. Any
3361 interest earned on these disbursed funds shall remain with the
3362 water management district and must be used as authorized under
3363 this section.

3364 (d) Beginning in the 2005-2006 fiscal year, each water
3365 management district shall be paid a lump-sum amount of \$75,000
3366 per acre, adjusted as provided under paragraph (c), for
3367 federally funded transportation projects that are included on
3368 the environmental impact inventory and that have an approved

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1399 (2012)

Amendment No. 1

3369 mitigation plan. Beginning in the 2009-2010 fiscal year, each
3370 water management district shall be paid a lump-sum amount of
3371 \$75,000 per acre, adjusted as provided under paragraph (c), for
3372 federally funded and nonfederally funded transportation projects
3373 that have an approved mitigation plan. All mitigation costs,
3374 including, but not limited to, the costs of preparing conceptual
3375 plans and the costs of design, construction, staff support,
3376 future maintenance, and monitoring the mitigated acres shall be
3377 funded through these lump-sum amounts.

3378 (4) Before ~~Prior to~~ March 1 of each year, each water
3379 management district, in consultation with the Department of
3380 Environmental Protection, the United States Army Corps of
3381 Engineers, the Department of Transportation, participating
3382 transportation authorities established pursuant to chapter 348
3383 or chapter 349, and other appropriate federal, state, and local
3384 governments, and other interested parties, including entities
3385 operating mitigation banks, shall develop a plan for the primary
3386 purpose of complying with the mitigation requirements adopted
3387 pursuant to this part and 33 U.S.C. s. 1344. In developing such
3388 plans, the districts shall utilize sound ecosystem management
3389 practices to address significant water resource needs and shall
3390 focus on activities of the Department of Environmental
3391 Protection and the water management districts, such as surface
3392 water improvement and management (SWIM) projects and lands
3393 identified for potential acquisition for preservation,
3394 restoration or enhancement, and the control of invasive and
3395 exotic plants in wetlands and other surface waters, to the
3396 extent that such activities comply with the mitigation

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

Amendment No. 1

3397 requirements adopted under this part and 33 U.S.C. s. 1344. In
3398 determining the activities to be included in such plans, the
3399 districts shall also consider the purchase of credits from
3400 public or private mitigation banks permitted under s. 373.4136
3401 and associated federal authorization and shall include such
3402 purchase as a part of the mitigation plan when such purchase
3403 would offset the impact of the transportation project, provide
3404 equal benefits to the water resources than other mitigation
3405 options being considered, and provide the most cost-effective
3406 mitigation option. The mitigation plan shall be submitted to the
3407 water management district governing board, or its designee, for
3408 review and approval. At least 14 days prior to approval, the
3409 water management district shall provide a copy of the draft
3410 mitigation plan to any person who has requested a copy.

3411 (a) For each transportation project with a funding request
3412 for the next fiscal year, the mitigation plan must include a
3413 brief explanation of why a mitigation bank was or was not chosen
3414 as a mitigation option, including an estimation of identifiable
3415 costs of the mitigation bank and nonbank options to the extent
3416 practicable.

3417 (b) Specific projects may be excluded from the mitigation
3418 plan, in whole or in part, and are ~~shall not be~~ subject to this
3419 section upon the election agreement of the Department of
3420 Transportation, ~~or~~ a transportation authority if applicable, or
3421 ~~and~~ the appropriate water management district ~~that the inclusion~~
3422 ~~of such projects would hamper the efficiency or timeliness of~~
3423 ~~the mitigation planning and permitting process. The water~~
3424 ~~management district may choose to exclude a project in whole or~~

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

Amendment No. 1

3425 ~~in part if the district is unable to identify mitigation that~~
3426 ~~would offset impacts of the project.~~

3427 (5) The water management district shall ensure ~~be~~
3428 ~~responsible for ensuring~~ that mitigation requirements pursuant
3429 to 33 U.S.C. s. 1344 are met for the impacts identified in the
3430 environmental impact inventory described in subsection (2), by
3431 implementation of the approved plan described in subsection (4)
3432 to the extent funding is provided by the Department of
3433 Transportation, or a transportation authority established
3434 pursuant to chapter 348 or chapter 349, if applicable. During
3435 the federal permitting process, the water management district
3436 may deviate from the approved mitigation plan in order to comply
3437 with federal permitting requirements.

3438 Section 71. Section 479.28, Florida Statutes, is repealed.

3439 Section 72. The Department of Transportation may seek
3440 Federal Highway Administration approval of a tourist-oriented
3441 commerce sign pilot program for small businesses, as defined in
3442 s. 288.703, Florida Statutes, in rural areas of critical
3443 economic concern, as defined by s. 288.0656(2)(d) and (e),
3444 Florida Statutes. Upon Federal Highway Administration approval,
3445 the department shall submit the pilot program for legislative
3446 approval in the next regular legislative session.

3447 Section 73. There is established a pilot program for the
3448 Palm Beach County school district to recognize its business
3449 partners. The district may recognize its business partners by
3450 publicly displaying such business partners' names on school
3451 district property in the unincorporated areas of the county.
3452 Project graduation and athletic sponsorships are examples of

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

Amendment No. 1

3453 appropriate recognition. The district shall make every effort to
3454 display its business partners' names in a manner that is
3455 consistent with the county standards for uniformity in size,
3456 color, and placement of signs. If the provisions of this section
3457 are inconsistent with county ordinances or regulations relating
3458 to signs in the unincorporated areas of the county or
3459 inconsistent with chapter 125 or chapter 166, Florida Statutes,
3460 the provisions of this section prevail. The pilot program
3461 expires June 30, 2014.

3462 Section 74. The provisions contained in ss. 5 and 6, ch.
3463 2010-225, Laws of Florida, shall be effected through a type two
3464 transfer of the relevant administrative rules, pursuant to s.
3465 20.06(2), Florida Statutes.

3466 Section 75. The Florida Transportation Commission shall
3467 conduct a study of the potential for cost savings that might be
3468 realized through increased efficiencies through sharing of
3469 resources for the accomplishment of design, construction, and
3470 maintenance activities by or on behalf of expressway authorities
3471 in the state. The commission may retain such experts as are
3472 reasonably necessary to complete the study, and the department
3473 shall pay the expenses of such experts. The commission shall
3474 complete the study and provide a written report of its findings
3475 and conclusions to the Governor, the President of the Senate,
3476 the Speaker of the House of Representatives, and the chairs of
3477 each of the appropriations committees by December 31, 2012. In
3478 conducting the study, the commission shall seek input from the
3479 existing expressway authorities.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1399 (2012)

Amendment No. 1

3480 Section 76. Notwithstanding s. 120.569, s. 120.57, or s.
3481 373.427, Florida Statutes, or any other provision of law to the
3482 contrary, a consolidated environmental resource permit or any
3483 associated variance or any sovereign submerged lands
3484 authorization proposed or issued by the Department of
3485 Environmental Protection in connection with the state's
3486 deepwater ports, as listed in s. 403.021(9), Florida Statutes,
3487 shall be subject to the summary hearing provisions of s.
3488 120.574, Florida Statutes. However, the summary proceeding shall
3489 be conducted within 30 days after a party files a motion for a
3490 summary hearing, regardless of whether the parties agree to the
3491 summary proceeding, and the administrative law judge's decision
3492 shall be in the form of a recommended order and does not
3493 constitute final agency action of the department. The department
3494 shall issue the final order within 45 working days after receipt
3495 of the administrative law judge's recommended order. The summary
3496 hearing provisions of this section apply to pending
3497 administrative proceedings. However, the provisions of s.
3498 120.574(1)(b) and (d), Florida Statutes, do not apply to pending
3499 administrative proceedings. This section shall take effect upon
3500 this act becoming a law.

3501 Section 77. It is the intent of the Legislature to
3502 encourage and facilitate a review by the Pinellas Suncoast
3503 Transit Authority (PSTA) and the Hillsborough Area Regional
3504 Transit Authority (HART) in order to search for possible
3505 improvements in regional transit connectivity and implementation
3506 of operational efficiencies and service enhancements that are
3507 consistent with the regional approach to transit identified in

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

Amendment No. 1

3508 the Tampa Bay Area Regional Transportation Authority's
3509 (TBARTA's) Regional Transportation Master Plan. The Legislature
3510 finds that such improvements and efficiencies can best be
3511 achieved through a joint review, evaluation, and
3512 recommendations, if appropriate, by PSTA and HART.

3513 (1) The governing bodies or a designated subcommittee of
3514 both the PSTA and HART shall hold a joint meeting within 30 days
3515 after July 1, 2012, and as often as deemed necessary thereafter,
3516 in order to look for, and, if discovered, identify opportunities
3517 for greater efficiency and service improvements. The elements to
3518 be reviewed must also include:

3519 (a) Governance structure, including governing board
3520 membership, terms, responsibilities, officers, powers, duties,
3521 and responsibilities;

3522 (b) Funding options, if any;

3523 (c) Facilities ownership and management;

3524 (d) Current financial obligations and resources; and

3525 (e) Any actions that could be taken that are consistent
3526 with TBARTA's master plan.

3527 (2) If the review reveals possible efficiencies and
3528 service improvements are available, PSTA and HART shall jointly
3529 submit a report to the Speaker of the House of Representatives
3530 and the President of the Senate on the elements described in
3531 this section by February 1, 2013. If appropriate, the report
3532 must include proposed legislation to implement each
3533 recommendation and, if appropriate based on the review, specific
3534 recommendations concerning the reorganization of each agency,

Amendment No. 1

3535 the organizational merger of both agencies, or the consolidation
3536 of functions within and between each agency.

3537 (3) TBARTA shall assist and facilitate PSTA and HART in
3538 carrying out the purposes of this section. TBARTA shall provide
3539 technical assistance and information regarding its master plan,
3540 make recommendations for achieving consistency and improved
3541 regional connectivity if discovered, and provide support to PSTA
3542 and HART in the preparation of any joint report and
3543 recommendations to the Legislature.

3544 Section 78. (1) Notwithstanding any other law to the
3545 contrary, any communications equipment or cellular
3546 communications tower intended for railroad use that is located
3547 or will be constructed within a designated federal railroad
3548 right of way corridor is exempt from the Florida Building Code
3549 and any county or municipal code or fee, but will be subject to
3550 review by the Florida Department of Transportation Rail Office
3551 for compliance with all applicable railroad regulations.

3552 (2) Any private communications equipment not intended for
3553 railroad use that may co-locate upon an existing communications
3554 equipment or cellular communications tower intended for railroad
3555 use within a designated federal railroad right of way must
3556 comply with the provisions of the Florida Building Code.

3557 (3) A railroad may offer a municipality or local government
3558 use of a communications equipment or cellular communications
3559 tower intended for railroad use within a designated federal
3560 railroad right of way for emergency or public safety
3561 communications.

3562

Amendment No. 1

3563 A railroad may not charge or collect any fee regarding co-
3564 location or use authorized under subsections (2) and (3).

3565

3566 Section 79. Subsection (7) of section 215.616, Florida
3567 Statutes, is amended to read:

3568 215.616 State bonds for federal aid highway construction.-

3569 ~~(7) Up to \$325 million in bonds may be issued for the~~
3570 ~~Mobility 2000 Initiative with emphasis on the Florida Intrastate~~
3571 ~~Highway System to advance projects in the most cost-effective~~
3572 ~~manner and to support emergency evacuation, improved access to~~
3573 ~~urban areas, or the enhancement of trade and economic growth~~
3574 ~~corridors of statewide and regional significance which promote~~
3575 ~~Florida's economic growth.~~

3576 Section 80. Subsection (3) of section 288.063, Florida
3577 Statutes, is amended to read:

3578 288.063 Contracts for transportation projects.-

3579 (3) With respect to any contract executed pursuant to this
3580 section, the term "transportation project" means a
3581 transportation facility as defined in s. 334.03(30) ~~s.~~
3582 ~~334.03(31)~~ which is necessary in the judgment of the department
3583 to facilitate the economic development and growth of the state.
3584 Such transportation projects shall be approved only as a
3585 consideration to attract new employment opportunities to the
3586 state or expand or retain employment in existing companies
3587 operating within the state, or to allow for the construction or
3588 expansion of a state or federal correctional facility in a
3589 county having ~~with~~ a population of 75,000 or less that creates
3590 new employment opportunities or expands or retains employment in

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Published On: 2/23/2012 8:14:54 PM

Amendment No. 1

3591 the county. The department shall institute procedures to ensure
3592 that small and minority businesses have equal access to funding
3593 provided under this section. Funding for approved transportation
3594 projects may include any expenses, other than administrative
3595 costs and equipment purchases specified in the contract,
3596 necessary for new, or improvement to existing, transportation
3597 facilities. Funds made available pursuant to this section may
3598 not be expended in connection with the relocation of a business
3599 from one community to another community in this state unless the
3600 department determines that without such relocation the business
3601 will move outside this state or determines that the business has
3602 a compelling economic rationale for the relocation which creates
3603 additional jobs. Subject to appropriation for projects under
3604 this section, any appropriation greater than \$10 million shall
3605 be allocated to each of the districts of the Department of
3606 Transportation to ensure equitable geographical distribution.
3607 Such allocated funds that remain uncommitted by the third
3608 quarter of the fiscal year shall be reallocated among the
3609 districts based on pending project requests.

3610 Section 81. Subsection (2) of section 311.22, Florida
3611 Statutes, is amended to read:

3612 311.22 Additional authorization for funding certain
3613 dredging projects.-

3614 (2) The council shall adopt rules for evaluating the
3615 projects that may be funded pursuant to this section. The rules
3616 must provide criteria for evaluating the economic benefit of the
3617 project. The rules must include the creation of an
3618 administrative review process by the council which is similar to

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Published On: 2/23/2012 8:14:54 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1399 (2012)

Amendment No. 1

3619 the process described in s. 311.09(5)-(11) ~~s. 311.09(5)-(12)~~,
3620 and provide for a review by the Department of Transportation and
3621 the Department of Economic Opportunity of all projects submitted
3622 for funding under this section.

3623 Section 82. Section 316.2122, Florida Statutes, is amended
3624 to read:

3625 316.2122 Operation of a low-speed vehicle or mini truck on
3626 certain roadways.—The operation of a low-speed vehicle as
3627 defined in s. 320.01(42) or a mini truck as defined in s.
3628 320.01(45) on any road ~~as defined in s. 334.03(15) or (33)~~ is
3629 authorized with the following restrictions:

3630 (1) A low-speed vehicle or mini truck may be operated only
3631 on streets where the posted speed limit is 35 miles per hour or
3632 less. This does not prohibit a low-speed vehicle or mini truck
3633 from crossing a road or street at an intersection where the road
3634 or street has a posted speed limit of more than 35 miles per
3635 hour.

3636 (2) A low-speed vehicle must be equipped with headlamps,
3637 stop lamps, turn signal lamps, taillamps, reflex reflectors,
3638 parking brakes, rearview mirrors, windshields, seat belts, and
3639 vehicle identification numbers.

3640 (3) A low-speed vehicle or mini truck must be registered
3641 and insured in accordance with s. 320.02 and titled pursuant to
3642 chapter 319.

3643 (4) Any person operating a low-speed vehicle or mini truck
3644 must have in his or her possession a valid driver's license.

3645 (5) A county or municipality may prohibit the operation of
3646 low-speed vehicles or mini trucks on any road under its

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1399 (2012)

Amendment No. 1

3647 jurisdiction if the governing body of the county or municipality
3648 determines that such prohibition is necessary in the interest of
3649 safety.

3650 (6) The Department of Transportation may prohibit the
3651 operation of low-speed vehicles or mini trucks on any road under
3652 its jurisdiction if it determines that such prohibition is
3653 necessary in the interest of safety.

3654 Section 83. Section 318.12, Florida Statutes, is amended
3655 to read:

3656 318.12 Purpose.—It is the legislative intent in the
3657 adoption of this chapter to decriminalize certain violations of
3658 chapter 316, the Florida Uniform Traffic Control Law; chapter
3659 320, Motor Vehicle Licenses; chapter 322, Drivers' Licenses;
3660 chapter 338, Limited Access Florida Intrastate Highway System
3661 and Toll Facilities; and chapter 1006, Support of Learning,
3662 thereby facilitating the implementation of a more uniform and
3663 expeditious system for the disposition of traffic infractions.

3664 Section 84. Subsections (3) and (4) of section 320.20,
3665 Florida Statutes, are amended to read:

3666 320.20 Disposition of license tax moneys.—The revenue
3667 derived from the registration of motor vehicles, including any
3668 delinquent fees and excluding those revenues collected and
3669 distributed under the provisions of s. 320.081, must be
3670 distributed monthly, as collected, as follows:

3671 (3) Notwithstanding any other provision of law except
3672 subsections (1) and (2), on July 1, 1996, and annually
3673 thereafter, \$15 million shall be deposited in the State
3674 Transportation Trust Fund solely for the purposes of funding the

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Published On: 2/23/2012 8:14:54 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1399 (2012)

Amendment No. 1

3675 Florida Seaport Transportation and Economic Development Program
3676 as provided for in chapter 311. Such revenues shall be
3677 distributed on a 50-50 matching basis to any port listed in s.
3678 311.09(1) to be used for funding projects as described in s.
3679 311.07(3) (b). Such revenues may be assigned, pledged, or set
3680 aside as a trust for the payment of principal or interest on
3681 bonds, tax anticipation certificates, or any other form of
3682 indebtedness issued by an individual port or appropriate local
3683 government having jurisdiction thereof, or collectively by
3684 interlocal agreement among any of the ports, or used to purchase
3685 credit support to permit such borrowings. However, such debt
3686 shall not constitute a general obligation of the State of
3687 Florida. The state does hereby covenant with holders of such
3688 revenue bonds or other instruments of indebtedness issued
3689 hereunder that it will not repeal or impair or amend in any
3690 manner which will materially and adversely affect the rights of
3691 such holders so long as bonds authorized by this section are
3692 outstanding. Any revenues which are not pledged to the repayment
3693 of bonds as authorized by this section may be utilized for
3694 purposes authorized under the Florida Seaport Transportation and
3695 Economic Development Program. This revenue source is in addition
3696 to any amounts provided for and appropriated in accordance with
3697 s. 311.07. The Florida Seaport Transportation and Economic
3698 Development Council shall approve distribution of funds to ports
3699 for projects which have been approved pursuant to s. 311.09(5)-
3700 (8) ~~s. 311.09(5)-(9)~~. The council and the Department of
3701 Transportation may ~~are authorized to~~ perform such acts as are
3702 required to facilitate and implement ~~the provisions of~~ this

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Published On: 2/23/2012 8:14:54 PM

Amendment No. 1

3703 subsection. To better enable the ports to cooperate to their
3704 mutual advantage, the governing body of each port may exercise
3705 powers provided to municipalities or counties in s. 163.01(7)(d)
3706 subject to the provisions of chapter 311 and special acts, if
3707 any, pertaining to a port. The use of funds provided pursuant to
3708 this subsection are limited to eligible projects listed in this
3709 subsection. Income derived from a project completed with the use
3710 of program funds, beyond operating costs and debt service, shall
3711 be restricted to further port capital improvements consistent
3712 with maritime purposes and for no other purpose. Use of such
3713 income for nonmaritime purposes is prohibited. ~~The provisions of~~
3714 ~~s. 311.07(4) do not apply to any funds received pursuant to this~~
3715 ~~subsection.~~ The revenues available under this subsection shall
3716 not be pledged to the payment of any bonds other than the
3717 Florida Ports Financing Commission Series 1996 and Series 1999
3718 Bonds currently outstanding; provided, however, such revenues
3719 may be pledged to secure payment of refunding bonds to refinance
3720 the Florida Ports Financing Commission Series 1996 and Series
3721 1999 Bonds. No refunding bonds secured by revenues available
3722 under this subsection may be issued with a final maturity later
3723 than the final maturity of the Florida Ports Financing
3724 Commission Series 1996 and Series 1999 Bonds or which provide
3725 for higher debt service in any year than is currently payable on
3726 such bonds. Any revenue bonds or other indebtedness issued after
3727 July 1, 2000, other than refunding bonds shall be issued by the
3728 Division of Bond Finance at the request of the Department of
3729 Transportation pursuant to the State Bond Act.

Amendment No. 1

3730 (4) Notwithstanding any other provision of law except
3731 subsections (1), (2), and (3), on July 1, 1999, and annually
3732 thereafter, \$10 million shall be deposited in the State
3733 Transportation Trust Fund solely for the purposes of funding the
3734 Florida Seaport Transportation and Economic Development Program
3735 as provided in chapter 311 and for funding seaport intermodal
3736 access projects of statewide significance as provided in s.
3737 341.053. Such revenues shall be distributed to any port listed
3738 in s. 311.09(1), to be used for funding projects as follows:

3739 (a) For any seaport intermodal access projects that are
3740 identified in the 1997-1998 Tentative Work Program of the
3741 Department of Transportation, up to the amounts needed to offset
3742 the funding requirements of this section.

3743 (b) For seaport intermodal access projects as described in
3744 s. 341.053(5) that are identified in the 5-year Florida Seaport
3745 Mission Plan as provided in s. 311.09(3). Funding for such
3746 projects shall be on a matching basis as mutually determined by
3747 the Florida Seaport Transportation and Economic Development
3748 Council and the Department of Transportation, provided a minimum
3749 of 25 percent of total project funds shall come from any port
3750 funds, local funds, private funds, or specifically earmarked
3751 federal funds.

3752 (c) On a 50-50 matching basis for projects as described in
3753 s. 311.07(3)(b).

3754 (d) For seaport intermodal access projects that involve
3755 the dredging or deepening of channels, turning basins, or
3756 harbors; or the rehabilitation of wharves, docks, or similar
3757 structures. Funding for such projects shall require a 25 percent

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Published On: 2/23/2012 8:14:54 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1399 (2012)

Amendment No. 1

3758 match of the funds received pursuant to this subsection.
3759 Matching funds shall come from any port funds, federal funds,
3760 local funds, or private funds.
3761
3762 Such revenues may be assigned, pledged, or set aside as a trust
3763 for the payment of principal or interest on bonds, tax
3764 anticipation certificates, or any other form of indebtedness
3765 issued by an individual port or appropriate local government
3766 having jurisdiction thereof, or collectively by interlocal
3767 agreement among any of the ports, or used to purchase credit
3768 support to permit such borrowings. However, such debt shall not
3769 constitute a general obligation of the state. This state does
3770 hereby covenant with holders of such revenue bonds or other
3771 instruments of indebtedness issued hereunder that it will not
3772 repeal or impair or amend this subsection in any manner which
3773 will materially and adversely affect the rights of holders so
3774 long as bonds authorized by this subsection are outstanding. Any
3775 revenues that are not pledged to the repayment of bonds as
3776 authorized by this section may be utilized for purposes
3777 authorized under the Florida Seaport Transportation and Economic
3778 Development Program. This revenue source is in addition to any
3779 amounts provided for and appropriated in accordance with s.
3780 311.07 and subsection (3). The Florida Seaport Transportation
3781 and Economic Development Council shall approve distribution of
3782 funds to ports for projects that have been approved pursuant to
3783 s. 311.09(5)-(8) ~~s. 311.09(5)-(9)~~, or for seaport intermodal
3784 access projects identified in the 5-year Florida Seaport Mission
3785 Plan as provided in s. 311.09(3) and mutually agreed upon by the

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Published On: 2/23/2012 8:14:54 PM

Amendment No. 1

3786 Florida Seaport Transportation and Economic Development FSTED
3787 Council and the Department of Transportation. All contracts for
3788 actual construction of projects authorized by this subsection
3789 must include a provision encouraging employment of participants
3790 in the welfare transition program. The goal for employment of
3791 participants in the welfare transition program is 25 percent of
3792 all new employees employed specifically for the project, unless
3793 the Department of Transportation and the Florida Seaport
3794 Transportation and Economic Development Council demonstrate that
3795 such a requirement would severely hamper the successful
3796 completion of the project. In such an instance, Workforce
3797 Florida, Inc., shall establish an appropriate percentage of
3798 employees that must be participants in the welfare transition
3799 program. The council and the Department of Transportation may
3800 ~~are authorized to~~ perform such acts as are required to
3801 facilitate and implement the provisions of this subsection. To
3802 better enable the ports to cooperate to their mutual advantage,
3803 the governing body of each port may exercise powers provided to
3804 municipalities or counties in s. 163.01(7)(d) subject to the
3805 provisions of chapter 311 and special acts, if any, pertaining
3806 to a port. The use of funds provided pursuant to this subsection
3807 is limited to eligible projects listed in this subsection. ~~The~~
3808 ~~provisions of s. 311.07(4) do not apply to any funds received~~
3809 ~~pursuant to this subsection.~~ The revenues available under this
3810 subsection shall not be pledged to the payment of any bonds
3811 other than the Florida Ports Financing Commission Series 1996
3812 and Series 1999 Bonds currently outstanding; provided, however,
3813 such revenues may be pledged to secure payment of refunding

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1399 (2012)

Amendment No. 1

3814 bonds to refinance the Florida Ports Financing Commission Series
3815 1996 and Series 1999 Bonds. No refunding bonds secured by
3816 revenues available under this subsection may be issued with a
3817 final maturity later than the final maturity of the Florida
3818 Ports Financing Commission Series 1996 and Series 1999 Bonds or
3819 which provide for higher debt service in any year than is
3820 currently payable on such bonds. Any revenue bonds or other
3821 indebtedness issued after July 1, 2000, other than refunding
3822 bonds shall be issued by the Division of Bond Finance at the
3823 request of the Department of Transportation pursuant to the
3824 State Bond Act.

3825 Section 85. Subsection (3) of section 335.02, Florida
3826 Statutes, is amended to read:

3827 335.02 Authority to designate transportation facilities
3828 and rights-of-way and establish lanes; procedure for
3829 redesignation and relocation; application of local regulations.-

3830 (3) The department may establish standards for lanes on
3831 the State Highway System, including the Strategic Intermodal
3832 System highway corridors ~~Florida Intrastate Highway System~~
3833 established pursuant to s. 339.65 ~~s. 338.001~~. In determining the
3834 number of lanes for any regional corridor or section of highway
3835 on the State Highway System to be funded by the department with
3836 state or federal funds, the department shall evaluate all
3837 alternatives and seek to achieve the highest degree of efficient
3838 mobility for corridor users. In conducting the analysis, the
3839 department must give consideration to the following factors
3840 consistent with sound engineering principles:

Amendment No. 1

3841 (a) Overall economic importance of the corridor as a trade
3842 or tourism corridor.

3843 (b) Safety of corridor users, including the importance of
3844 the corridor for evacuation purposes.

3845 (c) Cost-effectiveness of alternative methods of
3846 increasing the mobility of corridor users.

3847 (d) Current and projected traffic volumes on the corridor.

3848 (e) Multimodal alternatives.

3849 (f) Use of intelligent transportation technology in
3850 increasing the efficiency of the corridor.

3851 (g) Compliance with state and federal policies related to
3852 clean air, environmental impacts, growth management, livable
3853 communities, and energy conservation.

3854 (h) Addition of special use lanes, such as exclusive truck
3855 lanes, high-occupancy-vehicle toll lanes, and exclusive
3856 interregional traffic lanes.

3857 (i) Availability and cost of rights-of-way, including
3858 associated costs, and the most effective use of existing rights-
3859 of-way.

3860 (j) Regional economic and transportation objectives, where
3861 articulated.

3862 (k) The future land use plan element of local government
3863 comprehensive plans, as appropriate, including designated urban
3864 infill and redevelopment areas.

3865 (l) The traffic circulation element, if applicable, of
3866 local government comprehensive plans, including designated
3867 transportation corridors and public transportation corridors.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1399 (2012)

Amendment No. 1

3868 (m) The approved metropolitan planning organization's
3869 long-range transportation plan, as appropriate.

3870

3871 This subsection does not preclude a number of lanes in excess of
3872 10 lanes, but an additional factor that must be considered
3873 before the department may determine that the number of lanes
3874 should be more than 10 is the capacity to accommodate in the
3875 future alternative forms of transportation within existing or
3876 potential rights-of-way.

3877 Section 86. Subsection (2) of section 338.222, Florida
3878 Statutes, is amended to read:

3879 338.222 Department of Transportation sole governmental
3880 entity to acquire, construct, or operate turnpike projects;
3881 exception.—

3882 (2) The department may contract with any local
3883 governmental entity as defined in s. 334.03(13) ~~s. 334.03(14)~~
3884 for the design, right-of-way acquisition, or construction of any
3885 turnpike project which the Legislature has approved. Local
3886 governmental entities may negotiate with the department for the
3887 design, right-of-way acquisition, and construction of any
3888 section of the turnpike project within areas of their respective
3889 jurisdictions or within counties with which they have interlocal
3890 agreements.

3891 Section 87. Subsection (6) of section 339.285, Florida
3892 Statutes, is amended to read:

3893 339.285 Enhanced Bridge Program for Sustainable
3894 Transportation.—

Amendment No. 1

3895 (6) Preference shall be given to bridge projects located
3896 on corridors that connect to the Strategic Intermodal System,
3897 created under s. 339.64, and that have been identified as
3898 regionally significant in accordance with s. 339.155(4)(c), (d),
3899 and (e) ~~s. 339.155(5)(c), (d), and (e)~~.

3900 Section 88. Subsection (2) of section 341.053, Florida
3901 Statutes, is amended to read:

3902 341.053 Intermodal Development Program; administration;
3903 eligible projects; limitations.—

3904 (2) In recognition of the department's role in the
3905 economic development of this state, the department shall develop
3906 a proposed intermodal development plan to connect Florida's
3907 airports, deepwater seaports, rail systems serving both
3908 passenger and freight, and major intermodal connectors to the
3909 Strategic Intermodal System highway corridors ~~Florida Intrastate~~
3910 ~~Highway System facilities~~ as the primary system for the movement
3911 of people and freight in this state in order to make the
3912 intermodal development plan a fully integrated and
3913 interconnected system. The intermodal development plan must:

3914 (a) Define and assess the state's freight intermodal
3915 network, including airports, seaports, rail lines and terminals,
3916 intercity bus lines and terminals, and connecting highways.

3917 (b) Prioritize statewide infrastructure investments,
3918 including the acceleration of current projects, which are found
3919 by the Freight Stakeholders Task Force to be priority projects
3920 for the efficient movement of people and freight.

3921 (c) Be developed in a manner that will assure maximum use
3922 of existing facilities and optimum integration and coordination

Amendment No. 1

3923 of the various modes of transportation, including both
3924 government-owned and privately owned resources, in the most
3925 cost-effective manner possible.

3926 Section 89. Subsection (2) of section 341.8225, Florida
3927 Statutes, is amended to read:

3928 341.8225 Department of Transportation sole governmental
3929 entity to acquire, construct, or operate high-speed rail
3930 projects; exception.—

3931 (2) Local governmental entities, as defined in s.
3932 334.03(13) ~~s. 334.03(14)~~, may negotiate with the department for
3933 the design, right-of-way acquisition, and construction of any
3934 component of the high-speed rail system within areas of their
3935 respective jurisdictions or within counties with which they have
3936 interlocal agreements.

3937 Section 90. Subsection (2) of section 403.7211, Florida
3938 Statutes, is amended to read:

3939 403.7211 Hazardous waste facilities managing hazardous
3940 wastes generated offsite; federal facilities managing hazardous
3941 waste.—

3942 (2) The department may ~~shall~~ not issue any permit under s.
3943 403.722 for the construction, initial operation, or substantial
3944 modification of a facility for the disposal, storage, or
3945 treatment of hazardous waste generated offsite which is proposed
3946 to be located in any of the following locations:

3947 (a) Any area where life-threatening concentrations of
3948 hazardous substances could accumulate at any residence or
3949 residential subdivision as the result of a catastrophic event at
3950 the proposed facility, unless each such residence or residential

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1399 (2012)

Amendment No. 1

3951 subdivision is served by at least one arterial road or urban
3952 minor arterial road, as determined under the procedures
3953 referenced in s. 334.03(10) ~~defined in s. 334.03~~, which provides
3954 safe and direct egress by land to an area where such life-
3955 threatening concentrations of hazardous substances could not
3956 accumulate in a catastrophic event. Egress by any road leading
3957 from any residence or residential subdivision to any point
3958 located within 1,000 yards of the proposed facility is unsafe
3959 for the purposes of this paragraph. In determining whether
3960 egress proposed by the applicant is safe and direct, the
3961 department shall also consider, at a minimum, the following
3962 factors:

3963 1. Natural barriers such as water bodies, and whether any
3964 road in the proposed evacuation route is impaired by a natural
3965 barrier such as a water body.~~†~~

3966 2. Potential exposure during egress and potential
3967 increases in the duration of exposure.~~†~~

3968 3. Whether any road in a proposed evacuation route passes
3969 in close proximity to the facility.~~†~~~~and~~

3970 4. Whether any portion of the evacuation route is
3971 inherently directed toward the facility.

3972 (b) Any location within 1,500 yards of any hospital,
3973 prison, school, nursing home facility, day care facility,
3974 stadium, place of assembled worship, or any other similar site
3975 where individuals are routinely confined or assembled in such a
3976 manner that reasonable access to immediate evacuation is likely
3977 to be unavailable.~~†~~

3978 (c) Any location within 1,000 yards of any residence.~~†~~~~or~~

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1399 (2012)

Amendment No. 1

3979 (d) Any location which is inconsistent with rules adopted
3980 by the department under this part.

3981
3982 For the purposes of this subsection, all distances shall be
3983 measured from the outer limit of the active hazardous waste
3984 management area. "Substantial modification" includes: any
3985 physical change in, change in the operations of, or addition to
3986 a facility which could increase the potential offsite impact, or
3987 risk of impact, from a release at that facility; and any change
3988 in permit conditions which is reasonably expected to lead to
3989 greater potential impacts or risks of impacts, from a release at
3990 that facility. "Substantial modification" does not include a
3991 change in operations, structures, or permit conditions which
3992 does not substantially increase either the potential impact
3993 from, or the risk of, a release. Physical or operational changes
3994 to a facility related solely to the management of nonhazardous
3995 waste at the facility is ~~shall~~ not be considered a substantial
3996 modification. The department shall, by rule, adopt criteria to
3997 determine whether a facility has been substantially modified.
3998 "Initial operation" means the initial commencement of operations
3999 at the facility.

4000 Section 91. Subsection (27) of section 479.01, Florida
4001 Statutes, is amended to read:

4002 479.01 Definitions.—As used in this chapter, the term:

4003 (27) "Urban area" has the same meaning as defined in s.
4004 334.03(31) ~~s. 334.03(32)~~.

4005 Section 92. Subsection (1) of section 479.07, Florida
4006 Statutes, is amended to read:

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1399 (2012)

Amendment No. 1

4007 479.07 Sign permits.—

4008 (1) Except as provided in ss. 479.105(1)(e) and 479.16, a
4009 person may not erect, operate, use, or maintain, or cause to be
4010 erected, operated, used, or maintained, any sign on the State
4011 Highway System outside an urban area, as defined in s.
4012 334.03(31) ~~s. 334.03(32)~~, or on any portion of the interstate or
4013 federal-aid primary highway system without first obtaining a
4014 permit for the sign from the department and paying the annual
4015 fee as provided in this section. As used in this section, the
4016 term "on any portion of the State Highway System, interstate, or
4017 federal-aid primary system" means a sign located within the
4018 controlled area which is visible from any portion of the main-
4019 traveled way of such system.

4020 Section 93. Subsection (5) of section 479.261, Florida
4021 Statutes, is amended to read:

4022 479.261 Logo sign program.—

4023 (5) At a minimum, permit fees for businesses that
4024 participate in the program must be established in an amount
4025 sufficient to offset the total cost to the department for the
4026 program, including contract costs. The department shall provide
4027 the services in the most efficient and cost-effective manner
4028 through department staff or by contracting for some or all of
4029 the services. The department shall adopt rules that set
4030 reasonable rates based upon factors such as population, traffic
4031 volume, market demand, and costs for annual permit fees.
4032 However, annual permit fees for sign locations inside an urban
4033 area, as defined in s. 334.03(31) ~~s. 334.03(32)~~, may not exceed
4034 \$3,500, and annual permit fees for sign locations outside an

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

Amendment No. 1

4035 urban area, as defined in s. 334.03(31) ~~s. 334.03(32)~~, may not
4036 exceed \$2,000. After recovering program costs, the proceeds from
4037 the annual permit fees shall be deposited into the State
4038 Transportation Trust Fund and used for transportation purposes.

4039 Section 94. Except as otherwise expressly provided in this
4040 act, this act shall take effect July 1, 2012.

4041
4042
4043
4044 -----
T I T L E A M E N D M E N T

4045 Remove the entire title and insert:

4046 An act relating to transportation; amending s. 20.23,
4047 F.S., relating to the Department of Transportation;
4048 authorizing district secretaries and executive
4049 directors to be a professional engineer from any
4050 state; removing obsolete language relating to
4051 authority of district secretaries to appoint district
4052 directors; amending s. 206.41, F.S., relating to
4053 payment of a tax on fuel under specified provisions;
4054 revising application of a restriction on the use of
4055 agricultural equipment to qualify for a refund of the
4056 tax; providing that the restriction does not apply to
4057 citrus harvesting equipment or citrus fruit loaders;
4058 revising the title of ch. 311, F.S.; amending s.
4059 311.07, F.S.; revising provisions for the financing of
4060 port transportation or port facilities projects;
4061 increasing funding for the Florida Seaport
4062

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1399 (2012)

Amendment No. 1

4063 Transportation and Economic Development Program;
4064 directing the Florida Seaport Transportation and
4065 Economic Development Council to develop guidelines for
4066 project funding; directing council staff, the
4067 Department of Transportation, and the Department of
4068 Economic Opportunity to work in cooperation to review
4069 projects and allocate funds as specified; revising
4070 certain authorized uses of program funds; revising the
4071 list of projects eligible for funding under the
4072 program; removing a cap on distribution of program
4073 funds; removing a requirement for a specified audit;
4074 authorizing the Department of Transportation to
4075 subject projects funded under the program to a
4076 specified audit; amending s. 311.09, F.S.; revising
4077 provisions for rules of the council for evaluating
4078 certain projects; removing provisions for review by
4079 the Department of Community Affairs of the list of
4080 projects approved by the council; revising provisions
4081 for review and evaluation of such projects by the
4082 Department of Transportation and the Department of
4083 Economic Opportunity; increasing the amount of funding
4084 the Department of Transportation is required to
4085 include in its annual legislative budget request for
4086 the Florida Seaport Transportation and Economic
4087 Development Program; revising provisions relating to
4088 funding to be included in the budget; creating s.
4089 311.10, F.S.; establishing the Strategic Port
4090 Investment Initiative within the Department of

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

Page 148 of 164

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1399 (2012)

Amendment No. 1

4091 Transportation; providing for a minimum annual amount
4092 from the State Transportation Trust Fund to fund the
4093 initiative; directing the department to work with
4094 deepwater ports to develop and maintain a priority
4095 list of strategic investment projects; providing
4096 project selection criteria; requiring the department
4097 to schedule a publicly noticed workshop with the
4098 Department of Economic Opportunity and the deepwater
4099 ports to review the proposed projects; directing the
4100 department to finalize a prioritized list of potential
4101 projects after considering comments received in the
4102 workshop; directing the department to include the
4103 proposed seaport projects in the tentative work
4104 program; creating s. 311.101, F.S.; creating the
4105 Intermodal Logistics Center Infrastructure Support
4106 Program within the Department of Transportation;
4107 providing purpose of the program; defining the term
4108 "intermodal logistics center"; providing criteria for
4109 consideration by the department when evaluating
4110 projects for program assistance; directing the
4111 department to coordinate and consult with the
4112 Department of Economic Opportunity in the selection of
4113 projects to be funded; authorizing the department to
4114 administer contracts on behalf of the entity selected
4115 to receive funding; providing for the department's
4116 share of project costs; providing for a certain amount
4117 of funds in the State Transportation Trust Fund to be
4118 made available for eligible projects; directing the

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

Page 149 of 164

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1399 (2012)

Amendment No. 1

4119 department to include the proposed projects in the
4120 tentative work program; authorizing the department to
4121 adopt rules; creating s. 311.106, F.S., relating to
4122 seaport stormwater permitting and mitigation;
4123 authorizing a seaport to provide for onsite and
4124 offsite stormwater treatment to mitigate impact of
4125 port activities; requiring offsite treatment to be
4126 within the same drainage basin and constructed and
4127 maintained by the seaport or in conjunction with a
4128 local government; authorizing the port to provide a
4129 regional treatment facility constructed and maintained
4130 by the seaport or in conjunction with a local
4131 government; amending s. 311.14, F.S., relating to
4132 seaport planning; directing the department to develop,
4133 in coordination with certain partners, a Statewide
4134 Seaport and Waterways System Plan consistent with the
4135 goals of the Florida Transportation Plan; providing
4136 requirements for the plan; removing provisions for the
4137 Florida Seaport Transportation and Economic
4138 Development Council to develop freight-mobility and
4139 trade-corridor plans; removing provisions that require
4140 the Office of the State Public Transportation
4141 Administrator to integrate the Florida Transportation
4142 Plan with certain other plans and programs; removing
4143 provisions relating to the construction of seaport
4144 freight-mobility projects; amending s. 316.003, F.S.;
4145 revising the definition of the term "motor vehicle"
4146 for purposes of the payment and collection of tolls on

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

Page 150 of 164

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1399 (2012)

Amendment No. 1

4147 toll facilities under specified provisions; amending
4148 s. 316.091, F.S.; permitting the use of shoulders for
4149 vehicular traffic under certain circumstances;
4150 requiring notice of where vehicular traffic is
4151 allowed; providing what may not be deemed as
4152 authorization; requiring the department to establish a
4153 pilot program to open certain limited access highways
4154 and bridges to bicycles and other human-powered
4155 vehicles; providing requirements for the pilot
4156 program; providing a timeframe for implementation of
4157 the program; authorizing the department to continue or
4158 expand the program; requiring the department to report
4159 findings and recommendations to the Governor and
4160 Legislature by a certain date; amending s. 316.1001,
4161 F.S.; revising requirements for mailing of citations
4162 for failure to pay a toll; authorizing mailing by
4163 certified mail in addition to first class mail;
4164 providing that mailing of the citation to the address
4165 of the registered motor vehicle owner constitutes
4166 notification; removing a requirement for a return
4167 receipt; amending s. 316.515, F.S.; revising
4168 provisions for the maximum allowed length of straight
4169 truck-trailer combinations; revising provisions for
4170 operation of implements of husbandry and farm
4171 equipment on state roads; authorizing the operation of
4172 citrus harvesting equipment and citrus fruit loaders
4173 for certain purposes; conforming a cross-reference;
4174 amending s. 320.01, F.S.; revising the definition of

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Published On: 2/23/2012 8:14:54 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1399 (2012)

Amendment No. 1

4175 the term "low-speed vehicle" to include vehicles that
4176 are not electric powered; amending s. 332.08, F.S.;
4177 authorizing a municipality participating in a federal
4178 airport privatization pilot program to sell an airport
4179 or other air navigation facility or certain real
4180 property, improvements, and equipment; requiring
4181 department approval of the agreement under certain
4182 circumstances; providing criteria for department
4183 approval; amending s. 334.03, F.S.; removing the
4184 definition of the term "Florida Intrastate Highway
4185 System" and revising the definitions of the terms
4186 "functional classification" and "State Highway System"
4187 for purposes of the Florida Transportation Code;
4188 amending s. 334.044, F.S.; revising the powers and
4189 duties of the department relating to jurisdictional
4190 responsibility, designating facilities, and highway
4191 landscaping; adding the duty to develop freight
4192 mobility and trade plans; amending s. 334.047, F.S.;
4193 removing a provision that prohibits the department
4194 from establishing a maximum number of miles of urban
4195 principal arterial roads; amending s. 335.074, F.S.,
4196 relating to bridge safety inspection reports;
4197 requiring the governmental entity having maintenance
4198 responsibility for a bridge to reduce the maximum
4199 weight, size, or speed limit for the bridge or to
4200 close the bridge upon receipt of a report recommending
4201 the reduction or closure; requiring the entity to post
4202 the reduced limits and notify the department;

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Published On: 2/23/2012 8:14:54 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1399 (2012)

Amendment No. 1

4203 requiring the department to post the reduced limits or
4204 to close the bridge under certain circumstances;
4205 requiring costs associated with the department posting
4206 the revised limits or closure of the bridge to be
4207 assessed against and collected from the governmental
4208 entity; amending s. 335.17, F.S.; revising provisions
4209 relating to highway construction noise abatement;
4210 amending s. 336.021, F.S.; revising the date when
4211 imposition of the ninth-cent fuel tax will be levied;
4212 amending s. 336.025, F.S.; revising the date when
4213 impositions and rate changes of the local option fuel
4214 tax shall be levied; revising the definition of the
4215 term "transportation expenditures" for purposes of
4216 specified provisions that restrict the use of local
4217 option fuel tax funds by counties and municipalities;
4218 amending s. 337.11, F.S.; requiring the department to
4219 advertise certain construction contracts for bids on
4220 the department's Internet website; removing provisions
4221 for such advertisement to be published in a newspaper;
4222 amending s. 337.111, F.S.; providing additional forms
4223 of security for the cost of removal of monuments or
4224 memorials or modifications to an installation site at
4225 highway rest areas; removing a provision requiring
4226 renewal of a bond; amending s. 337.125, F.S.; revising
4227 provisions relating to a prime contractor's submission
4228 of a disadvantaged business enterprise utilization
4229 form; repealing s. 337.137, F.S., relating to
4230 subcontracting by socially and economically

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Published On: 2/23/2012 8:14:54 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1399 (2012)

Amendment No. 1

4231 disadvantaged business enterprises; amending s.
4232 337.139, F.S.; providing an updated reference to
4233 federal law as it relates to socially and economically
4234 disadvantaged business enterprises; amending s.
4235 337.14, F.S.; revising provisions for applications for
4236 qualification to bid on department contracts; amending
4237 s. 337.29, F.S.; authorizing transfers of right-of-way
4238 between local governments by deed; amending ss.
4239 337.403 and 337.404, F.S.; revising provisions for
4240 alleviation of interference with a public road or
4241 publicly owned rail corridor caused by a utility
4242 facility; amending s. 337.408, F.S.; revising
4243 provisions for certain facilities installed within the
4244 right-of-way limits of roads; requiring counties and
4245 municipalities to be responsible for determining if
4246 the facility is compliant; releasing the department
4247 from liability for noncompliant facilities; requiring
4248 certification for parties wishing to install such
4249 facilities; providing requirements for such
4250 certification; requiring the removal of such
4251 facilities under certain circumstances; authorizing
4252 the department to direct a county or municipality to
4253 remove or relocate a bus stop, bench, transit shelter,
4254 waste disposal receptacle, public pay telephone, or
4255 modular news rack that is not in compliance with
4256 applicable laws or rules; directing the department to
4257 remove or relocate such installation and charge the
4258 cost to the county or municipality; removing a

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Published On: 2/23/2012 8:14:54 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1399 (2012)

Amendment No. 1

4259 provision for the replacement of an unusable transit
4260 bus bench that was in service before a certain date;
4261 revising the title of ch. 338, F.S.; repealing s.
4262 338.001, F.S., relating to provisions for the Florida
4263 Intrastate Highway System Plan; amending s. 338.01,
4264 F.S.; clarifying provisions governing the designation
4265 and function of limited access facilities; authorizing
4266 the department or other governmental entities
4267 collecting tolls to pursue collection of unpaid tolls
4268 by contracting with a private attorney or collection
4269 agency; authorizing a collection fee; providing an
4270 exception to statutory requirements related to private
4271 attorney services; creating s. 338.151, F.S.;
4272 authorizing the department to establish tolls on
4273 certain transportation facilities to pay for the cost
4274 of such project; prohibiting the department from
4275 establishing tolls on certain lanes of limited access
4276 facilities; providing an exception; providing for
4277 application; amending s. 338.155, F.S.; authorizing
4278 the department adopt rules to allow public transit
4279 vehicles and certain military-service-related funeral
4280 processions to use certain toll facilities without
4281 payment of tolls; amending s. 338.161, F.S.;
4282 authorizing the department to enter into agreements
4283 for the use of its electronic toll collection and
4284 video billing system; authorizing modification of its
4285 rules regarding toll collection and an administrative
4286 charge; providing for construction; amending s.

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

Page 155 of 164

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1399 (2012)

Amendment No. 1

4287 338.166, F.S.; revising a provision for issuance of
4288 bonds secured by toll revenues collected on high-
4289 occupancy toll lanes or express lanes; revising
4290 authorized uses of such toll revenues; providing
4291 restrictions on such use; amending s. 338.221, F.S.;
4292 revising the definition of the term "economically
4293 feasible" for purposes of proposed turnpike projects;
4294 amending s. 338.223, F.S.; revising provisions for
4295 department requests for legislative approval of
4296 proposed turnpike projects; conforming a cross-
4297 reference; amending s. 338.227, F.S.; conforming
4298 provisions to changes made by the act; directing the
4299 department and the Department of Management Services
4300 to create and implement a program designed to enhance
4301 participation of minority businesses in certain
4302 contracts related to the Strategic Intermodal System
4303 Plan; amending ss. 338.2275 and 338.228, F.S.,
4304 relating to turnpike projects; revising cross-
4305 references; amending s. 338.231, F.S.; providing that
4306 inactive prepaid toll accounts are unclaimed property;
4307 amending s. 338.234, F.S.; revising provisions that
4308 exempt certain lessees from payment of commercial
4309 rental tax; replacing a reference to the Florida
4310 Intrastate Highway System with a reference to the
4311 Strategic Intermodal System; amending s. 339.0805,
4312 F.S.; revising requirements for expenditure of certain
4313 funds with small business concerns owned and
4314 controlled by socially and economically disadvantaged

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

Page 156 of 164

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1399 (2012)

Amendment No. 1

4315 individuals; revising a definition of the term "small
4316 business concern"; removing provisions for a periodic
4317 disparity study; deleting obsolete language; revising
4318 provisions for certification as a socially and
4319 economically disadvantaged business enterprise;
4320 revising requirements that a disadvantaged business
4321 enterprise notify the department of certain changes in
4322 ownership; revising criteria for such a business
4323 enterprise to participate in a construction management
4324 development program; revising references to federal
4325 law; amending s. 339.135, F.S.; revising provisions
4326 for developing the department's tentative work
4327 program; revising provisions for a list of project
4328 priorities submitted by a metropolitan planning
4329 organization; revising criteria for proposed amendment
4330 to the department's adopted work program which
4331 deletes, advances, or defers a project or project
4332 phase; revising threshold amounts; directing the
4333 department to index the budget amendment threshold
4334 amounts to the rate of inflation; prohibiting such
4335 adjustments more frequently than once a year;
4336 subjecting such adjustments to specified notice and
4337 review procedures; amending s. 339.155, F.S.; revising
4338 provisions for the Florida Transportation Plan;
4339 requiring the planning process to conform to specified
4340 federal provisions; removing provisions for a long-
4341 range component, short-range component, and a report;
4342 amending s. 339.175, F.S.; providing that to the

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

Page 157 of 164

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1399 (2012)

Amendment No. 1

4343 extent possible only one metropolitan planning
4344 organization be designated in a urbanized area;
4345 providing that representatives of the department shall
4346 serve as nonvoting advisers to a metropolitan planning
4347 organization; authorizing the appointment of
4348 additional nonvoting advisers; requiring M.P.O.'s to
4349 coordinate in the development of regionally
4350 significant project priorities; amending s. 339.2819,
4351 F.S.; revising the state matching funds requirement
4352 for the Transportation Regional Incentive Program;
4353 conforming cross-references; requiring funded projects
4354 to be in the department's work program; requiring a
4355 project to meet the program's requirements prior to
4356 being funded; amending s. 339.62, F.S.; removing the
4357 Florida Intrastate Highway System from and adding
4358 highway corridors to the list of components of the
4359 Strategic Intermodal System; providing for other
4360 corridors to be included in the system; amending s.
4361 339.63, F.S.; adding military access facilities to the
4362 types of facilities included in the Strategic
4363 Intermodal System and the Emerging Strategic
4364 Intermodal System which form components of an
4365 interconnected transportation system; providing that
4366 an intermodal logistics center meeting certain
4367 criteria shall be designated as part of the Strategic
4368 Intermodal System; providing for a waiver of
4369 transportation concurrency for such facility if it is
4370 located within a described area; amending s. 339.64,

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1399 (2012)

Amendment No. 1

4371 F.S.; deleting provisions creating the Statewide
4372 Intermodal Transportation Advisory Council; creating
4373 s. 339.65, F.S.; requiring the department to plan and
4374 develop for Strategic Intermodal System highway
4375 corridors to aid traffic movement around the state;
4376 providing for components of the corridors; requiring
4377 the department to follow specified policy guidelines
4378 when developing the corridors; directing the
4379 department to establish standards and criteria for
4380 functional design; providing for appropriations;
4381 requiring such highway corridor projects to be a part
4382 of the department's adopted work program; amending s.
4383 341.301, F.S.; revising the definition of "limited
4384 coverage accident"; amending s. 341.302, F.S.;
4385 providing parameters within which the department may
4386 by contract indemnify against loss by National
4387 Railroad Passenger Corporation; authorizing the
4388 department to purchase liability insurance including
4389 coverage for the department, National Railroad
4390 Passenger Corporation, commuter rail service
4391 providers, governmental entities, or any ancillary
4392 development and establish a self-insurance retention
4393 fund; limiting the amount of the insurance and self-
4394 insurance retention fund; providing that the insureds
4395 must make payments for the coverage; providing that
4396 the insurance may provide coverage for all damages and
4397 be maintained to provide a fund to cover liabilities
4398 arising from rail corridor ownership and operations;

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

Page 159 of 164

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1399 (2012)

Amendment No. 1

4399 amending 341.840, F.S.; relating to the Florida Rail
4400 Enterprise Act; revising obsolete references to the
4401 Florida High-Speed Rail Authority; providing that
4402 certain transactions made by or on behalf of the
4403 enterprise are exempt from specified taxes; providing
4404 for certain contractors to act as agents on behalf of
4405 the enterprise for purposes of the tax exemption;
4406 authorizing the department to adopt rules; amending s.
4407 343.52, F.S.; revising the definition of the term
4408 "area served" for purposes of provisions for the South
4409 Florida Regional Transportation Authority; removing a
4410 provision for expansion of the area; amending s.
4411 343.53, F.S.; revising the number of members of and
4412 criteria for appointment to the board of the South
4413 Florida Regional Transportation Authority; amending s.
4414 343.54, F.S.; providing that the bylaws of the South
4415 Florida Regional Transportation Authority shall
4416 require approval by at least two-thirds of the board
4417 members for execution of an agreement with a private
4418 entity or consortia of private entities for operation
4419 or maintenance of any transit system or facility;
4420 removing a provision authorizing the authority to
4421 expand its service area; creating s. 347.215, F.S.;
4422 providing for the operation of ferries by joint
4423 agreement between public and private entities;
4424 amending s. 348.0003, F.S.; revising financial
4425 disclosure requirements for certain transportation
4426 authorities; creating s. 348.7645 ,F.S., requiring the

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1399 (2012)

Amendment No. 1

4427 Orlando-Orange County Expressway Authority to erect a
4428 sign under certain circumstances; providing for
4429 payment for the cost of the sign; amending s. 349.03,
4430 F.S.; providing for financial disclosure requirements
4431 for the Jacksonville Transportation Authority;
4432 amending s. 349.04, F.S.; providing that the
4433 Jacksonville Transportation Authority may conduct
4434 meetings and workshops using communications media
4435 technology; providing that certain actions may not be
4436 taken unless a quorum is present in person; providing
4437 that members must be physically present to vote on any
4438 item; amending s. 373.118, F.S.; requiring that the
4439 Department of Environmental Protection initiate
4440 rulemaking to adopt a general permit for stormwater
4441 management systems serving airside activities at
4442 airports; providing for statewide application of the
4443 general permit; providing for any water management
4444 district or delegated local government to administer
4445 the general permit; providing that the rules are not
4446 subject to any special rulemaking requirements
4447 relating to small business;
4448 amending s. 373.413, F.S.; providing legislative
4449 intent regarding flexibility in the permitting of
4450 stormwater management systems; requiring the cost of
4451 stormwater treatment for a transportation project to
4452 be balanced with benefits to the public; requiring
4453 that alternatives to onsite treatment be allowed;
4454 specifying responsibilities of the department relating

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

Page 161 of 164

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1399 (2012)

Amendment No. 1

4455 to abatement of pollutants and permits for adjacent
4456 lands impacted by right-of-way acquisition;
4457 authorizing water management districts and the
4458 Department of Environmental Protection to adopt rules;
4459 amending s. 373.4136, F.S.; providing that specified
4460 seaports are eligible to use mitigation banks;
4461 amending s. 373.4137, F.S., relating to the mitigation
4462 of environmental impact of transportation projects
4463 proposed by the department or a transportation
4464 authority; revising legislative intent; revising
4465 provisions for development of environmental impact
4466 inventories; providing for the release of escrowed
4467 mitigation funds under certain circumstances;
4468 specifying continuing responsibility for mitigation
4469 projects; revising provisions for exclusion of
4470 projects from a mitigation plan; repealing s. 479.28,
4471 F.S., relating to the rest area information panel or
4472 device program; authorizing the department to seek
4473 Federal Highway Administration approval of a tourist-
4474 oriented commerce sign pilot program; directing the
4475 department to submit the approved pilot program for
4476 legislative approval; establishing a pilot program for
4477 the Palm Beach County school district to recognize its
4478 business partners; providing for expiration of the
4479 program; providing for a type two transfer of relevant
4480 administrative rules relating to the redesignation of
4481 the Pilotage Rate Review Board as the Pilotage Rate
4482 Review Committee within the Board of Pilot

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1399 (2012)

Amendment No. 1

4483 Commissioners and the transfer of matters pending
4484 before the board at the time of the redesignation and
4485 the Governor's appointment of the board pursuant to
4486 ss. 5 and 6, ch. 2010-225, Laws of Florida; requiring
4487 the Florida Transportation Commission to study the
4488 potential costs savings of the department being the
4489 operating agent for certain expressway authorities;
4490 providing that a consolidated environmental resource
4491 permit or associated variance or any sovereign
4492 submerged lands authorization proposed or issued by
4493 the Department of Environmental Protection in
4494 connection with specified deepwater ports is subject
4495 to specified summary hearing provisions; requiring
4496 such proceedings to be conducted within a certain
4497 timeframe; providing that the administrative law
4498 judge's decision is a recommended order and does not
4499 constitute final agency action of the department;
4500 requiring the department to issue the final order
4501 within a certain timeframe; providing applicability;
4502 requiring the Pinellas Suncoast Transit Authority and
4503 the Hillsborough Area Regional Transit Authority to
4504 perform a study looking at possible efficiencies and
4505 improvements, providing requirements for such study;
4506 requiring Tampa Bay Area Regional Transportation
4507 Authority to assist and facilitate such study;
4508 exempting communications equipment in a designated
4509 federal railroad right-of-way from the Florida
4510 Building Code and any county or municipal code or fee;

772869 - h1399-strike.docx

Published On: 2/23/2012 8:14:54 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1399 (2012)

Amendment No. 1

4511 allowing collocation of communications equipment,
4512 authorizing collocation for public safety
4513 communications; prohibiting a fee; amending ss.
4514 215.616, 288.063, 311.22, 316.2122, 318.12, 320.20,
4515 335.02, 338.222, 339.285, 341.053, 341.8225, 403.7211,
4516 479.01, 479.07, and 479.261, F.S., relating to bonds
4517 for federal aid highway construction, contracts for
4518 transportation projects, dredging projects, operation
4519 of low-speed vehicles or mini-trucks, traffic
4520 infractions, license tax distribution, standards for
4521 lanes, turnpike projects, the Enhanced Bridge Program
4522 for Sustainable Transportation, the Intermodal
4523 Development Program, high-speed rail projects,
4524 hazardous waste facilities, outdoor advertising, and
4525 the logo sign program, respectively; deleting obsolete
4526 language; revising references to conform to the
4527 incorporation of the Florida Intrastate Highway System
4528 into the Strategic Intermodal System and to changes
4529 made by the act; providing effective dates.
4530