

**By** the Committees on Appropriations; and Community Affairs; and  
Senator Brandes

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1                   A bill to be entitled  
2           An act relating to the Department of Transportation;  
3           repealing s. 11.45(3)(m), F.S., relating to the  
4           authority of the Auditor General to conduct audits of  
5           transportation corporations under the Florida  
6           Transportation Corporation Act; amending s. 20.23,  
7           F.S.; requiring the Transportation Commission to also  
8           monitor authorities created under ch. 345, F.S.,  
9           relating to the Florida Regional Transportation  
10          Finance Authority Act; amending s. 110.205, F.S.;  
11          changing a title to the State Freight and Logistics  
12          Administrator from the State Public Transportation and  
13          Modal Administrator, which is an exempt position not  
14          covered under career service; amending s. 311.22,  
15          F.S.; establishing the Department of Transportation as  
16          the agency responsible for administering the section,  
17          instead of the Florida Seaport Transportation and  
18          Economic Development Council; providing for the future  
19          repeal of the section; amending s. 316.515, F.S.;  
20          providing that a straight truck may attach a forklift  
21          to the rear of the cargo bed if it does not exceed a  
22          specified length; repealing s. 316.530(3), F.S.,  
23          relating to load limits for certain towed vehicles;  
24          amending s. 316.545, F.S.; increasing the weight  
25          amount used for penalty calculations; conforming  
26          terminology; amending s. 331.360, F.S.; reordering  
27          provisions; providing for a spaceport system plan;  
28          providing funding for space transportation projects  
29          from the State Transportation Trust Fund; requiring

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30 Space Florida to provide the Department of  
31 Transportation with specific project information and  
32 to demonstrate transportation and aerospace benefits;  
33 specifying the information to be provided; providing  
34 funding criteria; amending s. 332.007, F.S.;

35 authorizing the Department of Transportation to fund  
36 strategic airport investments; providing criteria;  
37 amending s. 334.044, F.S.; prohibiting the department  
38 from entering into a lease-purchase agreement with  
39 certain transportation authorities after a specified  
40 time; providing an exception from the requirement to  
41 purchase all plant materials from Florida commercial  
42 nursery stock when prohibited by applicable federal  
43 law or regulation; amending s. 335.0415, F.S.;

44 creating a pilot program in the City of Miami to  
45 transfer department responsibilities for public road  
46 maintenance to the city; requiring the department to  
47 enter into an interlocal agreement with the City of  
48 Miami; specifying requirements of the interlocal  
49 agreement; requiring the Florida Transportation  
50 Commission to conduct a study at the conclusion of the  
51 pilot program and provide the study to the Governor  
52 and the Legislature; requiring the department to pay  
53 the expenses of the study's experts; amending s.  
54 335.06, F.S.; revising the responsibilities of the  
55 Department of Transportation, a county, or a  
56 municipality to improve or maintain a road that  
57 provides access to property within the state park  
58 system; creating s. 336.71, F.S.; authorizing counties

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59 to enter into public-private partnership agreements  
60 for construction of transportation facilities;  
61 providing requirements and limitations for such  
62 agreements; providing procurement procedures;  
63 providing for applicability; amending s. 337.11, F.S.;  
64 removing the requirement that a contractor provide a  
65 notarized affidavit as proof of registration; amending  
66 s. 337.14, F.S.; revising the criteria for bidding  
67 certain construction contracts to require a proposed  
68 budget estimate if a contract is more than a specified  
69 amount; amending s. 337.168, F.S.; providing that a  
70 document that reveals the identity of a person who has  
71 requested or received certain information before a  
72 certain time is a public record; amending s. 337.25,  
73 F.S.; authorizing the Department of Transportation to  
74 use auction services in the conveyance of certain  
75 property or leasehold interests; revising certain  
76 inventory requirements; revising provisions and  
77 providing criteria for the department to dispose of  
78 certain excess property; providing such criteria for  
79 the disposition of donated property, property used for  
80 a public purpose, or property acquired to provide  
81 replacement housing for certain displaced persons;  
82 providing value offsets for property that requires  
83 significant maintenance costs or exposes the  
84 department to significant liability; providing  
85 procedures for the sale of property to abutting  
86 property owners; deleting provisions to conform to  
87 changes made by the act; providing monetary

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88 restrictions and criteria for the conveyance of  
89 certain leasehold interests; providing exceptions to  
90 restrictions for leases entered into for a public  
91 purpose; providing criteria for the preparation of  
92 estimates of value prepared by the department;  
93 providing that the requirements of s. 73.013, F.S.,  
94 relating to eminent domain, are not modified; amending  
95 s. 337.251, F.S.; revising criteria for leasing  
96 particular department property; increasing the time  
97 the department must accept proposals for lease after a  
98 notice is published; authorizing the department to  
99 establish an application fee by rule; providing  
100 criteria for the fee; providing criteria that the  
101 lease must meet; amending s. 338.161, F.S.;  
102 authorizing the department to enter into agreements  
103 with owners of public or private transportation  
104 facilities under which the department uses its  
105 electronic toll collection and video billing systems  
106 to collect for the owner certain charges for use of  
107 the owners' transportation facilities; amending s.  
108 338.165, F.S.; removing the Beeline-East Expressway  
109 and the Navarre Bridge from the list of facilities  
110 that have toll revenues to secure their bonds;  
111 amending s. 338.26, F.S.; revising the uses of fees  
112 that are generated from tolls to include the design  
113 and construction of a fire station that may be used by  
114 certain local governments in accordance with a  
115 specified memorandum; removing authority of a district  
116 to issue bonds or notes; amending s. 339.175, F.S.;

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117       revising the criteria that qualify a local government  
118       for participation in a metropolitan planning  
119       organization; revising the criteria to determine  
120       voting membership of a metropolitan planning  
121       organization; providing that each metropolitan  
122       planning organization shall review its membership and  
123       reapportion it as necessary; providing criteria;  
124       relocating the requirement that the Governor review  
125       and apportion the voting membership among the various  
126       governmental entities within the metropolitan planning  
127       area; amending s. 339.2821, F.S.; authorizing  
128       Enterprise Florida, Inc., to be a consultant to the  
129       Department of Transportation for consideration of  
130       expenditures associated with and contracts for  
131       transportation projects; revising the requirements for  
132       economic development transportation project contracts  
133       between the department and a governmental entity;  
134       repealing the Florida Transportation Corporation Act;  
135       repealing s. 339.401, F.S., relating to the short  
136       title; repealing s. 339.402, F.S., relating to  
137       definitions; repealing s. 339.403, F.S., relating to  
138       legislative findings and purpose; repealing s.  
139       339.404, F.S., relating to authorization of  
140       corporations; repealing s. 339.405, F.S., relating to  
141       type and structure of the corporation and income;  
142       repealing s. 339.406, F.S., relating to contracts  
143       between the department and the corporation; repealing  
144       s. 339.407, F.S., relating to articles of  
145       incorporation; repealing s. 339.408, F.S., relating to

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146 the board of directors and advisory directors;  
147 repealing s. 339.409, F.S., relating to bylaws;  
148 repealing s. 339.410, F.S., relating to notice of  
149 meetings and open records; repealing s. 339.411, F.S.,  
150 relating to the amendment of articles; repealing s.  
151 339.412, F.S., relating to the powers of the  
152 corporation; repealing s. 339.414, F.S., relating to  
153 use of state property; repealing s. 339.415, F.S.,  
154 relating to exemptions from taxation; repealing s.  
155 339.416, F.S., relating to the authority to alter or  
156 dissolve corporations; repealing s. 339.417, F.S.,  
157 relating to the dissolution of a corporation upon the  
158 completion of purposes; repealing s. 339.418, F.S.,  
159 relating to transfer of funds and property upon  
160 dissolution; repealing s. 339.419, F.S., relating to  
161 department rules; repealing s. 339.420, F.S., relating  
162 to construction; repealing s. 339.421, F.S., relating  
163 to issuance of debt; amending s. 339.55, F.S.; adding  
164 spaceports to the list of facility types for which the  
165 state-funded infrastructure bank may lend capital  
166 costs or provide credit enhancements; amending s.  
167 341.031, F.S.; revising the definition of the term  
168 "intercity bus service"; amending s. 341.053, F.S.;  
169 revising the types of eligible projects and criteria  
170 of the intermodal development program; amending s.  
171 343.80, F.S.; renaming the Northwest Florida  
172 Transportation Corridor Authority Law as the Northwest  
173 Florida Regional Transportation Finance Authority Law;  
174 amending s. 343.805, F.S., defining "Northwest Florida

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175 Regional Transportation Finance Authority System" or  
176 "system"; deleting definitions of "U.S. 98 corridor"  
177 and "U.S. 98 corridor system"; amending s. 343.81,  
178 F.S.; renaming the Northwest Florida Transportation  
179 Corridor Authority as the Northwest Florida Regional  
180 Transportation Finance Authority; revising the  
181 composition of the governing board of the authority  
182 from eight to five voting members, two from Okaloosa  
183 County and one each from Walton, Bay, and Gulf  
184 Counties; removing from the governing body of the  
185 authority voting members from Escambia, Santa Rosa,  
186 Franklin, and Wakulla Counties; revising quorum  
187 requirements and the number of votes necessary for any  
188 action by the authority; removing the authority's  
189 authorization to establish a technical advisory  
190 committee and related provisions; amending s. 343.82,  
191 F.S.; authorizing the authority to acquire, hold,  
192 construct, improve, maintain, operate, own, and lease  
193 the Northwest Florida Regional Transportation Finance  
194 Authority System; removing references to intended  
195 improvement of mobility along the U.S. 98 corridor and  
196 to the Santa Rosa Sound; removing direction to the  
197 authority to adopt a corridor master plan, to annually  
198 update and present the plan, to undertake projects or  
199 other improvements in the plan, and to request certain  
200 funding and technical assistance; conforming  
201 terminology; removing a prohibition against the  
202 authority imposing tolls or other charges; providing  
203 the authority may dispose of property which the

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204 authority and the Department of Transportation have  
205 determined is not needed for the system; removing the  
206 authority's authorization to enter into lease-purchase  
207 agreements with the department; removing the  
208 authority's power to borrow money from any federal  
209 agency, the state, any agency of the state, or any  
210 other public body of the state; amending s. 343.83,  
211 F.S.; conforming terminology; amending s. 343.835,  
212 F.S.; making conforming changes; replacing a reference  
213 to facilities "constructed" by the authority to  
214 facilities "owned or provided"; amending s. 343.84,  
215 F.S.; providing that the department is the agent of  
216 the authority for the purpose of constructing,  
217 operating, and maintaining system facilities;  
218 providing for alternative appointment of a specified  
219 local agency as construction agent with the consent  
220 and approval of the department; providing for  
221 reimbursement from revenues of the system of costs  
222 incurred by the department to operate and maintain the  
223 system; providing that the department has no  
224 independent obligation to operate and maintain the  
225 system; providing the authority remains obligated as  
226 to operate and maintain its system; directing the  
227 authority to establish and collect tolls and other  
228 charges for the authority's facilities; amending s.  
229 343.85, F.S.; conforming terminology; repealing s.  
230 343.875, F.S., removing the authority's authorization  
231 to enter into public-private partnership agreements;  
232 removing project criteria; removing department



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233 authorization to use state resources to participate in  
234 projects; removing authorization to request proposals  
235 and to receive unsolicited proposals, removing related  
236 notice provisions, and removing procedural provisions  
237 related to consideration of such proposals; removing  
238 authorization for the public-private entity to impose  
239 tolls or fares, to exercise its powers, including  
240 eminent domain, and to adopt rules; amending s.  
241 343.89, F.S.; conforming terminology; amending s.  
242 343.922, F.S.; removing a reference to advances from  
243 the Toll Facilities Revolving Trust Fund as a source  
244 of funding for certain projects by an authority;  
245 creating ch. 345, F.S., relating to the Florida  
246 Regional Transportation Finance Authority; creating s.  
247 345.0001, F.S.; providing a short title; creating s.  
248 345.0002, F.S.; providing definitions; creating s.  
249 345.0003, F.S.; authorizing counties to form a  
250 regional transportation finance authority that can  
251 construct, maintain, or operate transportation  
252 projects in a region of the state; providing for  
253 governance of the authority; creating s. 345.0004,  
254 F.S.; providing for the powers and duties of a  
255 regional transportation finance authority; limiting an  
256 authority's power with respect to an existing system;  
257 prohibiting an authority from pledging the credit or  
258 taxing power of the state or any political subdivision  
259 or agency of the state; requiring that an authority  
260 comply with certain reporting and documentation  
261 requirements; creating s. 345.0005, F.S.; allowing

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262 bonds to be issues on behalf of an authority pursuant  
263 to the State Bond Act; authorizing an authority to  
264 issue bonds for certain purposes; providing that the  
265 issued bonds must meet certain requirements; requiring  
266 that the bonds be sold at a public sale; authorizing  
267 the issuing of temporary bonds or interim  
268 certificates; providing that the resolution that  
269 authorizes the issuance of bonds may contain specified  
270 provisions; authorizing an authority to enter into  
271 deeds of trust, indentures, or other agreements with a  
272 bank or trust company as security for issued bonds;  
273 providing that the issued bonds are negotiable  
274 instruments; providing that a resolution authorizing  
275 the issuance of bonds and pledging of revenues of the  
276 system must require that revenues be deposited to pay  
277 operating and maintenance costs of the system and to  
278 reimburse the department for certain costs;  
279 prohibiting the use or pledge of state funds to pay  
280 principal or interest of an authority's bonds and  
281 requiring bonds to contain a statement to this effect;  
282 creating s. 345.0006, F.S.; providing for the rights  
283 and remedies granted to certain bondholders; providing  
284 the actions a trustee may take on behalf of the  
285 bondholders; providing for the appointment of a  
286 receiver; providing for the authority of the receiver;  
287 providing limitations to the receiver's authority;  
288 creating s. 345.0007, F.S.; providing that the  
289 Department of Transportation is the agent of each  
290 authority for specified purposes; providing for the

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291 administration and management of projects by the  
292 department; providing limits on the department as an  
293 agent; providing for the fiscal responsibilities of  
294 the authority; creating s. 345.0008, F.S.; authorizing  
295 the department to provide for or commit its resources  
296 for an authority project or system, included in the  
297 10-year Strategic Intermodal Plan, if included in a  
298 specific plan and approved by the Legislature;  
299 providing for feasibility studies; requiring certain  
300 criteria to be met before department approval;  
301 providing for payment of expenses incurred by the  
302 department on behalf of an authority; requiring the  
303 department to receive a share of the revenue from the  
304 authority; providing calculations for disbursement of  
305 revenues; creating s. 345.0009, F.S.; authorizing the  
306 authority to acquire private or public property and  
307 property rights for a project or plan; authorizing the  
308 authority to exercise the right of eminent domain;  
309 providing for the rights and liabilities and remedial  
310 actions relating to property acquired for a  
311 transportation project or corridor; creating s.  
312 345.0010, F.S.; providing for contracts between  
313 governmental entities and an authority; creating s.  
314 345.0011, F.S.; providing that the state will not  
315 limit or alter the vested rights of a bondholder with  
316 regard to any issued bonds or rights relating to the  
317 bonds under certain conditions; creating s. 345.0012,  
318 F.S.; relieving the authority from the obligation of  
319 paying certain taxes or assessments for property

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320 acquired or used for certain public purposes or for  
321 revenues received relating to the issuance of bonds;  
322 providing exceptions; creating s. 345.0013, F.S.;  
323 providing that the bonds or obligations issued are  
324 legal investments of specified entities; creating s.  
325 345.0014, F.S.; providing applicability; creating s.  
326 345.0015, F.S.; creating the Santa Rosa-Escambia  
327 Regional Transportation Finance Authority; creating s.  
328 345.0016, F.S.; creating the Suncoast Regional  
329 Transportation Finance Authority; providing for the  
330 transfer of the governance and control of the Mid-Bay  
331 Bridge Authority System to the Northwest Florida  
332 Regional Transportation Finance Authority; providing  
333 for the disposition of bonds, the protection of the  
334 bondholders, the effect on the rights and obligations  
335 under a contract or the bonds, and the revenues  
336 associated with the bonds; amending ss. 348.751 and  
337 348.752, F.S.; renaming the Orlando-Orange County  
338 Expressway System as the "Central Florida Expressway  
339 System"; revising definitions; making technical  
340 changes; amending s. 348.753, F.S.; creating the  
341 Central Florida Expressway Authority; providing for  
342 the transfer of governance and control, legal rights  
343 and powers, responsibilities, terms, and obligations  
344 to the authority; providing conditions for the  
345 transfer; revising the composition of the governing  
346 body of the authority; providing for appointment of  
347 officers of the authority; revising quorum and voting  
348 requirements; conforming terminology and making

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349 technical changes; amending s. 348.754, F.S.;

350 providing that the area served by the authority is

351 within the geopolitical boundaries of Orange,

352 Seminole, Lake, and Osceola Counties; requiring the

353 authority to have prior consent from the Secretary of

354 the Department of Transportation to construct an

355 extension, addition, or improvement to the expressway

356 system in Lake County; extending, to 99 years from 40

357 years, the term of a lease agreement; limiting the

358 authority's authority to enter into a lease-purchase

359 agreement; limiting the use of certain toll-revenues;

360 providing exceptions; removing the requirement that

361 the route of a project must be approved by a

362 municipality before the right-of-way can be acquired;

363 requiring that the authority encourage the inclusion

364 of local-, small-, minority-, and women-owned

365 businesses in its procurement and contracting

366 opportunities; removing the authority and criteria for

367 an authority to waive payment and performance bonds

368 for certain public works projects that are awarded

369 pursuant to an economic development program;

370 conforming terminology and making technical changes;

371 amending ss. 348.7543, 348.7544, 348.7545, 348.7546,

372 348.7547, 348.755, and 348.756, F.S.; conforming

373 terminology and making technical changes; amending s.

374 348.757, F.S.; providing that upon termination of the

375 lease-purchase agreement of the former Orlando-Orange

376 County Expressway System, title in fee simple to the

377 system will be retained by the authority; conforming

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378 terminology and making technical changes; amending ss.  
379 348.758, 348.759, 348.760, 348.761, 348.765, and  
380 369.317, F.S.; conforming terminology and making  
381 technical changes; amending s. 369.324, F.S.; revising  
382 the membership of the Wekiva River Basin Commission;  
383 conforming terminology; providing criteria for the  
384 transfer of the Osceola County Expressway System to  
385 the Central Florida Expressway Authority; providing  
386 for the repeal of part V of ch. 348, F.S., when the  
387 Osceola County Expressway System is transferred to the  
388 Central Florida Expressway Authority; requiring the  
389 Central Florida Expressway Authority to reimburse  
390 other governmental entities for obligations related to  
391 the Osceola County Expressway System; providing for  
392 reimbursement after payment of other obligations;  
393 amending s. 373.4137, F.S.; providing legislative  
394 intent that mitigation be implemented in a manner that  
395 promotes efficiency, timeliness, and cost-  
396 effectiveness in project delivery; revising the  
397 criteria of the environmental impact inventory;  
398 revising the criteria for mitigation of projected  
399 impacts identified in the environmental impact  
400 inventory; requiring the Department of Transportation  
401 to include funding for environmental mitigation for  
402 its projects in its work program; revising the process  
403 and criteria for the payment by the department or  
404 participating transportation authorities of mitigation  
405 implemented by water management districts or the  
406 Department of Environmental Protection; revising the

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407 requirements for the payment to a water management  
408 district or the Department of Environmental Protection  
409 of the costs of mitigation planning and implementation  
410 of the mitigation required by a permit; revising the  
411 payment criteria for preparing and implementing  
412 mitigation plans adopted by water management districts  
413 for transportation impacts based on the environmental  
414 impact inventory; adding federal requirements for the  
415 development of a mitigation plan; providing for  
416 transportation projects in the environmental  
417 mitigation plan for which mitigation has not been  
418 specified; revising a water management district's  
419 responsibilities relating to a mitigation plan;  
420 amending s. 373.618, F.S.; revising the outdoor  
421 advertisement exemption criteria for a public  
422 information system; amending s. 341.052, F.S.;

423 prohibiting an eligible public transit provider from  
424 using public transit block grant funds to pursue or  
425 promote the levying of new or additional taxes through  
426 public referenda; requiring the amount of the  
427 provider's grant to be reduced by any amount so spent;  
428 defining the term "public funds" for purposes of the  
429 prohibition; providing an exception; requiring the  
430 Florida Transportation Commission to study the  
431 potential for state revenue from parking meters and  
432 other parking time-limit devices; authorizing the  
433 commission to retain experts; requiring the department  
434 to pay for the experts; requiring certain information  
435 from municipalities and counties; requiring certain

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436 information to be considered in the study; requiring a  
437 written report; providing for a moratorium on new  
438 parking meters or other parking time-limit devices on  
439 the state right-of-way; prohibiting the sale of unsafe  
440 used tires by used tire retailers under certain  
441 circumstances; providing an exception; providing what  
442 constitutes an unsafe used tire; providing that a  
443 person who violates this section commits an unfair and  
444 deceptive trade practice; providing effective dates.

445

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

447

448 Section 1. Paragraph (m) of subsection (3) of section  
449 11.45, Florida Statutes, is repealed.

450 Section 2. Paragraph (b) of subsection (2) and subsection  
451 (3) of section 20.23, Florida Statutes, are amended, and present  
452 subsections (4) through (7) of that subsection are renumbered as  
453 subsections (3) through (6), to read:

454 20.23 Department of Transportation.—There is created a  
455 Department of Transportation which shall be a decentralized  
456 agency.

457 (2)

458 (b) The commission shall ~~have the primary functions to:~~

459 1. Recommend major transportation policies for the  
460 Governor's approval, and assure that approved policies and any  
461 revisions ~~thereto~~ are properly executed.

462 2. Periodically review the status of the state  
463 transportation system including highway, transit, rail, seaport,  
464 intermodal development, and aviation components of the system



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465 and recommend improvements therein to the Governor and the  
466 Legislature.

467         3. Perform an in-depth evaluation of the annual department  
468 budget request, the Florida Transportation Plan, and the  
469 tentative work program for compliance with all applicable laws  
470 and established departmental policies. Except as specifically  
471 provided in s. 339.135(4)(c)2., (d), and (f), the commission may  
472 not consider individual construction projects, but shall  
473 consider methods of accomplishing the goals of the department in  
474 the most effective, efficient, and businesslike manner.

475         4. Monitor the financial status of the department on a  
476 regular basis to assure that the department is managing revenue  
477 and bond proceeds responsibly and in accordance with law and  
478 established policy.

479         5. Monitor on at least a quarterly basis, the efficiency,  
480 productivity, and management of the department, using  
481 performance and production standards developed by the commission  
482 pursuant to s. 334.045.

483         6. Perform an in-depth evaluation of the factors causing  
484 disruption of project schedules in the adopted work program and  
485 recommend to the Legislature and the Governor methods to  
486 eliminate or reduce the disruptive effects of these factors.

487         7. Recommend to the Governor and the Legislature  
488 improvements to the department's organization in order to  
489 streamline and optimize the efficiency of the department. In  
490 reviewing the department's organization, the commission shall  
491 determine if the current district organizational structure is  
492 responsive to Florida's changing economic and demographic  
493 development patterns. The initial report by the commission must

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494 be delivered to the Governor and Legislature by December 15,  
495 2000, and each year thereafter, as appropriate. The commission  
496 may retain ~~such~~ experts that ~~as~~ are reasonably necessary to  
497 effectuate this subparagraph, and the department shall pay the  
498 expenses of the ~~such~~ experts.

499 8. Monitor the efficiency, productivity, and management of  
500 the authorities created under chapters 345, 348, and 349,  
501 including any authority formed using the provisions of part I of  
502 chapter 348, and any authority formed under chapter 343 ~~which is~~  
503 ~~not monitored under subsection (3)~~. The commission shall also  
504 conduct periodic reviews of each authority's operations and  
505 budget, acquisition of property, management of revenue and bond  
506 proceeds, and compliance with applicable laws and generally  
507 accepted accounting principles.

508 ~~(3) There is created the Florida Statewide Passenger Rail~~  
509 ~~Commission.~~

510 ~~(a)1. The commission shall consist of nine voting members~~  
511 ~~appointed as follows:~~

512 ~~a. Three members shall be appointed by the Governor, one of~~  
513 ~~whom must have a background in the area of environmental~~  
514 ~~concerns, one of whom must have a legislative background, and~~  
515 ~~one of whom must have a general business background.~~

516 ~~b. Three members shall be appointed by the President of the~~  
517 ~~Senate, one of whom must have a background in civil engineering,~~  
518 ~~one of whom must have a background in transportation~~  
519 ~~construction, and one of whom must have a general business~~  
520 ~~background.~~

521 ~~e. Three members shall be appointed by the Speaker of the~~  
522 ~~House of Representatives, one of whom must have a legal~~

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523 ~~background, one of whom must have a background in financial~~  
524 ~~matters, and one of whom must have a general business~~  
525 ~~background.~~

526 ~~2. The initial term of each member appointed by the~~  
527 ~~Governor shall be for 4 years. The initial term of each member~~  
528 ~~appointed by the President of the Senate shall be for 3 years.~~  
529 ~~The initial term of each member appointed by the Speaker of the~~  
530 ~~House of Representatives shall be for 2 years. Succeeding terms~~  
531 ~~for all members shall be for 4 years.~~

532 ~~3. A vacancy occurring during a term shall be filled by the~~  
533 ~~respective appointing authority in the same manner as the~~  
534 ~~original appointment and only for the balance of the unexpired~~  
535 ~~term. An appointment to fill a vacancy shall be made within 60~~  
536 ~~days after the occurrence of the vacancy.~~

537 ~~4. The commission shall elect one of its members as chair~~  
538 ~~of the commission. The chair shall hold office at the will of~~  
539 ~~the commission. Five members of the commission shall constitute~~  
540 ~~a quorum, and the vote of five members shall be necessary for~~  
541 ~~any action taken by the commission. The commission may meet upon~~  
542 ~~the constitution of a quorum. A vacancy in the commission does~~  
543 ~~not impair the right of a quorum to exercise all rights and~~  
544 ~~perform all duties of the commission.~~

545 ~~5. The members of the commission are not entitled to~~  
546 ~~compensation but are entitled to reimbursement for travel and~~  
547 ~~other necessary expenses as provided in s. 112.061.~~

548 ~~(b) The commission shall have the primary functions of:~~

549 ~~1. Monitoring the efficiency, productivity, and management~~  
550 ~~of all publicly funded passenger rail systems in the state,~~  
551 ~~including, but not limited to, any authority created under~~

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552 ~~chapter 343, chapter 349, or chapter 163 if the authority~~  
553 ~~receives public funds for the provision of passenger rail~~  
554 ~~service. The commission shall advise each monitored authority of~~  
555 ~~its findings and recommendations. The commission shall also~~  
556 ~~conduct periodic reviews of each monitored authority's passenger~~  
557 ~~rail and associated transit operations and budget, acquisition~~  
558 ~~of property, management of revenue and bond proceeds, and~~  
559 ~~compliance with applicable laws and generally accepted~~  
560 ~~accounting principles. The commission may seek the assistance of~~  
561 ~~the Auditor General in conducting such reviews and shall report~~  
562 ~~the findings of such reviews to the Legislature. This paragraph~~  
563 ~~does not preclude the Florida Transportation Commission from~~  
564 ~~conducting its performance and work program monitoring~~  
565 ~~responsibilities.~~

566 ~~2. Advising the department on policies and strategies used~~  
567 ~~in planning, designing, building, operating, financing, and~~  
568 ~~maintaining a coordinated statewide system of passenger rail~~  
569 ~~services.~~

570 ~~3. Evaluating passenger rail policies and providing advice~~  
571 ~~and recommendations to the Legislature on passenger rail~~  
572 ~~operations in the state.~~

573 ~~(c) The commission or a member of the commission may not~~  
574 ~~enter into the day-to-day operation of the department or a~~  
575 ~~monitored authority and is specifically prohibited from taking~~  
576 ~~part in:~~

577 ~~1. The awarding of contracts.~~

578 ~~2. The selection of a consultant or contractor or the~~  
579 ~~prequalification of any individual consultant or contractor.~~  
580 ~~However, the commission may recommend to the secretary standards~~

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581 ~~and policies governing the procedure for selection and~~  
582 ~~prequalification of consultants and contractors.~~

583 ~~3. The selection of a route for a specific project.~~

584 ~~4. The specific location of a transportation facility.~~

585 ~~5. The acquisition of rights-of-way.~~

586 ~~6. The employment, promotion, demotion, suspension,~~  
587 ~~transfer, or discharge of any department personnel.~~

588 ~~7. The granting, denial, suspension, or revocation of any~~  
589 ~~license or permit issued by the department.~~

590 ~~(d) The commission is assigned to the Office of the~~  
591 ~~Secretary of the Department of Transportation for administrative~~  
592 ~~and fiscal accountability purposes, but it shall otherwise~~  
593 ~~function independently of the control and direction of the~~  
594 ~~department except that reasonable expenses of the commission~~  
595 ~~shall be subject to approval by the Secretary of Transportation.~~  
596 ~~The department shall provide administrative support and service~~  
597 ~~to the commission.~~

598 Section 3. Paragraphs (j) and (m) of subsection (2) of  
599 section 110.205, Florida Statutes, are amended to read:

600 110.205 Career service; exemptions.—

601 (2) EXEMPT POSITIONS.—The exempt positions that are not  
602 covered by this part include the following:

603 (j) The appointed secretaries and the State Surgeon  
604 General, assistant secretaries, deputy secretaries, and deputy  
605 assistant secretaries of all departments; the executive  
606 directors, assistant executive directors, deputy executive  
607 directors, and deputy assistant executive directors of all  
608 departments; the directors of all divisions and those positions  
609 determined by the department to have managerial responsibilities

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610 comparable to such positions, which positions include, but are  
611 not limited to, program directors, assistant program directors,  
612 district administrators, deputy district administrators, the  
613 Director of Central Operations Services of the Department of  
614 Children and Family Services, the State Transportation  
615 Development Administrator, State Freight and Logistics ~~Public~~  
616 ~~Transportation and Modal~~ Administrator, district secretaries,  
617 district directors of transportation development, transportation  
618 operations, transportation support, and the managers of the  
619 offices specified in s. 20.23(3)(b) ~~20.23(4)(b)~~, of the  
620 Department of Transportation. Unless otherwise fixed by law, the  
621 department shall set the salary and benefits of these positions  
622 in accordance with the rules of the Senior Management Service;  
623 and the county health department directors and county health  
624 department administrators of the Department of Health.

625 (m) All assistant division director, deputy division  
626 director, and bureau chief positions in any department, and  
627 those positions determined by the department to have managerial  
628 responsibilities comparable to such positions, which include,  
629 but are not limited to:

630 1. Positions in the Department of Health and the Department  
631 of Children and Family Services that are assigned primary duties  
632 of serving as the superintendent or assistant superintendent of  
633 an institution.

634 2. Positions in the Department of Corrections that are  
635 assigned primary duties of serving as the warden, assistant  
636 warden, colonel, or major of an institution or that are assigned  
637 primary duties of serving as the circuit administrator or deputy  
638 circuit administrator.

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639           3. Positions in the Department of Transportation that are  
640 assigned primary duties of serving as regional toll managers and  
641 managers of offices, as defined in s. 20.23(3)(b) and (4)(c)  
642 ~~20.23(4)(b) and (5)(e)~~.

643           4. Positions in the Department of Environmental Protection  
644 that are assigned the duty of an Environmental Administrator or  
645 program administrator.

646           5. Positions in the Department of Health that are assigned  
647 the duties of Environmental Administrator, Assistant County  
648 Health Department Director, and County Health Department  
649 Financial Administrator.

650  
651 Unless otherwise fixed by law, the department shall set the  
652 salary and benefits of the positions listed in this paragraph in  
653 accordance with the rules established for the Selected Exempt  
654 Service.

655           Section 4. Section 311.22, Florida Statutes, is amended to  
656 read:

657           311.22 Additional authorization for funding certain  
658 dredging projects.—

659           (1) The Department of Transportation ~~Florida Seaport~~  
660 ~~Transportation and Economic Development Council~~ shall establish  
661 a program to fund dredging projects in counties having a  
662 population of fewer than 300,000 according to the last official  
663 census. Funds made available under this program may be used to  
664 fund approved projects for the dredging or deepening of  
665 channels, turning basins, or harbors on a 25-percent local  
666 matching basis with any port authority, as such term is defined  
667 in s. 315.02(2), which complies with the permitting requirements

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668 in part IV of chapter 373 and the local financial management and  
669 reporting provisions of part III of chapter 218.

670 (2) The department ~~council~~ shall adopt rules for evaluating  
671 the projects that may be funded pursuant to this section. The  
672 rules must provide criteria for evaluating the economic benefit  
673 of the project. The rules must include the creation of an  
674 administrative review process by the department ~~council~~ which is  
675 similar to the process described in s. 311.09(5)-(11), and  
676 provide for a review by the ~~Department of Transportation and the~~  
677 Department of Economic Opportunity of all projects submitted for  
678 funding under this section.

679 (3) This section expires on July 1, 2018.

680 Section 5. Paragraph (a) of subsection (3) of section  
681 316.515, Florida Statutes, is amended to read

682 316.515 Maximum width, height, length.—

683 (3) LENGTH LIMITATION.—Except as otherwise provided in this  
684 section, length limitations apply solely to a semitrailer or  
685 trailer, and not to a truck tractor or to the overall length of  
686 a combination of vehicles. No combination of commercial motor  
687 vehicles coupled together and operating on the public roads may  
688 consist of more than one truck tractor and two trailing units.  
689 Unless otherwise specifically provided for in this section, a  
690 combination of vehicles not qualifying as commercial motor  
691 vehicles may consist of no more than two units coupled together;  
692 such nonqualifying combination of vehicles may not exceed a  
693 total length of 65 feet, inclusive of the load carried thereon,  
694 but exclusive of safety and energy conservation devices approved  
695 by the department for use on vehicles using public roads.  
696 Notwithstanding any other provision of this section, a truck



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697 tractor-semitrailer combination engaged in the transportation of  
698 automobiles or boats may transport motor vehicles or boats on  
699 part of the power unit; and, except as may otherwise be mandated  
700 under federal law, an automobile or boat transporter semitrailer  
701 may not exceed 50 feet in length, exclusive of the load;  
702 however, the load may extend up to an additional 6 feet beyond  
703 the rear of the trailer. The 50-foot length limitation does not  
704 apply to non-stinger-steered automobile or boat transporters  
705 that are 65 feet or less in overall length, exclusive of the  
706 load carried thereon, or to stinger-steered automobile or boat  
707 transporters that are 75 feet or less in overall length,  
708 exclusive of the load carried thereon. For purposes of this  
709 subsection, a "stinger-steered automobile or boat transporter"  
710 is an automobile or boat transporter configured as a semitrailer  
711 combination wherein the fifth wheel is located on a drop frame  
712 located behind and below the rearmost axle of the power unit.  
713 Notwithstanding paragraphs (a) and (b), any straight truck or  
714 truck tractor-semitrailer combination engaged in the  
715 transportation of horticultural trees may allow the load to  
716 extend up to an additional 10 feet beyond the rear of the  
717 vehicle, provided said trees are resting against a retaining bar  
718 mounted above the truck bed so that the root balls of the trees  
719 rest on the floor and to the front of the truck bed and the tops  
720 of the trees extend up over and to the rear of the truck bed,  
721 and provided the overhanging portion of the load is covered with  
722 protective fabric.

723 (a) *Straight trucks.*—A straight truck may not exceed a  
724 length of 40 feet in extreme overall dimension, exclusive of  
725 safety and energy conservation devices approved by the

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726 department for use on vehicles using public roads. A straight  
727 truck may attach a forklift to the rear of the cargo bed,  
728 provided the overall combined length of the vehicle and the  
729 forklift does not exceed 50 feet. A straight truck may tow no  
730 more than one trailer, and the overall length of the truck-  
731 trailer combination may not exceed 68 feet, including the load  
732 thereon. Notwithstanding any other provisions of this section, a  
733 truck-trailer combination engaged in the transportation of  
734 boats, or boat trailers whose design dictates a front-to-rear  
735 stacking method may not exceed the length limitations of this  
736 paragraph exclusive of the load; however, the load may extend up  
737 to an additional 6 feet beyond the rear of the trailer.

738 Section 6. Subsection (3) of section 316.530, Florida  
739 Statutes, is repealed.

740 Section 7. Subsection (3) of section 316.545, Florida  
741 Statutes, is amended to read:

742 316.545 Weight and load unlawful; special fuel and motor  
743 fuel tax enforcement; inspection; penalty; review.—

744 (3) Any person who violates the overloading provisions of  
745 this chapter shall be conclusively presumed to have damaged the  
746 highways of this state by reason of such overloading, which  
747 damage is hereby fixed as follows:

748 (a) If ~~When~~ the excess weight is 200 pounds or less than  
749 the maximum ~~herein~~ provided by this chapter, the penalty is  
750 ~~shall be~~ \$10;

751 (b) Five cents per pound for each pound of weight in excess  
752 of the maximum ~~herein~~ provided in this chapter if ~~when~~ the  
753 excess weight exceeds 200 pounds. However, if ~~whenever~~ the gross  
754 weight of the vehicle or combination of vehicles does not exceed

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755 the maximum allowable gross weight, the maximum fine for the  
756 first 600 pounds of unlawful axle weight is ~~shall be~~ \$10;

757 (c) For a vehicle equipped with fully functional idle-  
758 reduction technology, any penalty shall be calculated by  
759 reducing the actual gross vehicle weight or the internal bridge  
760 weight by the certified weight of the idle-reduction technology  
761 or by 550 ~~400~~ pounds, whichever is less. The vehicle operator  
762 must present written certification of the weight of the idle-  
763 reduction technology and must demonstrate or certify that the  
764 idle-reduction technology is fully functional at all times. This  
765 calculation is not allowed for vehicles described in s.  
766 316.535(6);

767 (d) An apportioned motor vehicle, as defined in s. 320.01,  
768 operating on the highways of this state without being properly  
769 licensed and registered shall be subject to the penalties as  
770 ~~herein~~ provided in this section; and

771 (e) Vehicles operating on the highways of this state from  
772 nonmember International Registration Plan jurisdictions which  
773 are not in compliance with the provisions of s. 316.605 shall be  
774 subject to the penalties as ~~herein~~ provided in this section.

775 Section 8. Section 331.360, Florida Statutes, is reordered  
776 and amended to read:

777 331.360 ~~Joint participation agreement or assistance;~~  
778 Spaceport system ~~master~~ plan.—

779 (2) ~~(1)~~ ~~It shall be the duty, function, and responsibility~~  
780 ~~of~~ The department shall ~~of Transportation~~ to promote the further  
781 development and improvement of aerospace transportation  
782 facilities; to address intermodal requirements and impacts of  
783 the launch ranges, spaceports, and other space transportation

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784 facilities; to assist in the development of joint-use facilities  
785 and technology that support aviation and aerospace operations;  
786 to coordinate and cooperate in the development of spaceport  
787 infrastructure and related transportation facilities contained  
788 in the Strategic Intermodal System Plan; to encourage, where  
789 appropriate, the cooperation and integration of airports and  
790 spaceports in order to meet transportation-related needs; and to  
791 facilitate and promote cooperative efforts between federal and  
792 state government entities to improve space transportation  
793 capacity and efficiency. In carrying out this duty and  
794 responsibility, the department may assist and advise, cooperate  
795 with, and coordinate with federal, state, local, or private  
796 organizations and individuals. The department may  
797 administratively house its space transportation responsibilities  
798 within an existing division or office.

799 (1) ~~(2)~~ Notwithstanding any other provision of law, the  
800 department ~~of Transportation~~ may enter into an a joint  
801 ~~participation~~ agreement with, or otherwise assist, Space Florida  
802 as necessary to effectuate the provisions of this chapter and  
803 may allocate funds for such purposes in its 5-year work program.  
804 However, the department may not fund the administrative or  
805 operational costs of Space Florida.

806 (1) ~~(3)~~ Space Florida shall develop a spaceport system  
807 ~~master~~ plan that identifies statewide spaceport goals and the  
808 need for expansion and modernization of space transportation  
809 facilities within spaceport territories as defined in s.  
810 331.303. The plan must ~~shall~~ contain recommended projects that  
811 ~~to~~ meet current and future commercial, national, and state space  
812 transportation requirements. Space Florida shall submit the plan

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813 to each ~~any~~ appropriate metropolitan planning organization for  
814 review of intermodal impacts. Space Florida shall submit the  
815 spaceport system ~~master~~ plan to the department ~~of~~  
816 Transportation, which may include those portions of the system  
817 plan which are relevant to the Department of Transportation's  
818 mission and such plan may be included within the department's 5-  
819 year work program of qualifying projects ~~aerospace discretionary~~  
820 ~~capacity improvement under subsection (4)~~. The plan must ~~shall~~  
821 identify appropriate funding levels for each project ~~and include~~  
822 ~~recommendations on appropriate sources of revenue that may be~~  
823 ~~developed to contribute to the State Transportation Trust Fund.~~

824 (4) (a) Beginning in fiscal year 2013-2014, a minimum of \$15  
825 million annually is authorized to be made available from the  
826 State Transportation Trust Fund to fund space transportation  
827 projects. The funds for this initiative shall be from the funds  
828 dedicated to public transportation projects pursuant to s.  
829 206.46(3).

830 (b) Before executing an agreement, Space Florida must  
831 provide project-specific information to the department in order  
832 to demonstrate that the project includes transportation and  
833 aerospace benefits. The project-specific information must  
834 include, but need not be limited to:

835 1. The description, characteristics, and scope of the  
836 project.

837 2. The funding sources for and costs of the project.

838 3. The financing considerations that emphasize federal,  
839 local, and private participation.

840 4. A financial feasibility and risk analysis, including a  
841 description of the efforts to protect the state's investment and

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842 to ensure that project goals are realized.

843 5. A demonstration that the project will encourage,  
844 enhance, or create economic benefits for the state.

845 (c) The department may fund up to 50 percent of eligible  
846 project costs. If the project meets the following criteria, the  
847 department may fund up to 100 percent of eligible project costs.

848 The project must:

849 1. Provide important access and on-spaceport capacity  
850 improvements;

851 2. Provide capital improvements to strategically position  
852 the state to maximize opportunities in the aerospace industry or  
853 foster growth and development of a sustainable and world-leading  
854 aerospace industry in the state;

855 3. Meet state goals of an integrated intermodal  
856 transportation system; and

857 4. Demonstrate the feasibility and availability of matching  
858 funds through federal, local, or private partners ~~Subject to the~~  
859 ~~availability of appropriated funds, the department may~~  
860 ~~participate in the capital cost of eligible spaceport~~  
861 ~~discretionary capacity improvement projects. The annual~~  
862 ~~legislative budget request shall be based on the proposed~~  
863 ~~funding requested for approved spaceport discretionary capacity~~  
864 ~~improvement projects.~~

865 Section 9. Subsection (11) is added to section 332.007,  
866 Florida Statutes, to read:

867 332.007 Administration and financing of aviation and  
868 airport programs and projects; state plan.-

869 (11) The department may fund strategic airport investment  
870 projects at up to 100 percent of the project's cost if all the

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871 following criteria are met:

872 (a) Important access and on-airport capacity improvements  
873 are provided.

874 (b) Capital improvements that strategically position the  
875 state to maximize opportunities in international trade,  
876 logistics, and the aviation industry are provided.

877 (c) Goals of an integrated intermodal transportation system  
878 for the state are achieved.

879 (d) Feasibility and availability of matching funds through  
880 federal, local, or private partners are demonstrated.

881 Section 10. Subsections (16) and (26) of section 334.044,  
882 Florida Statutes, are amended to read:

883 334.044 Department; powers and duties.—The department shall  
884 have the following general powers and duties:

885 (16) To plan, acquire, lease, construct, maintain, and  
886 operate toll facilities; to authorize the issuance and refunding  
887 of bonds; and to fix and collect tolls or other charges for  
888 travel on any such facilities. Effective July 1, 2013, and  
889 notwithstanding any other law to the contrary, the department  
890 may not enter into a lease-purchase agreement with an expressway  
891 authority, regional transportation authority, or other entity.  
892 This provision does not invalidate a lease-purchase agreement  
893 authorized under chapter 348 or chapter 2000-411, Laws of  
894 Florida, and existing as of July 1, 2013, and does not limit the  
895 department's authority under s. 334.30.

896 (26) To provide for the enhancement of environmental  
897 benefits, including air and water quality; to prevent roadside  
898 erosion; to conserve the natural roadside growth and scenery;  
899 and to provide for the implementation and maintenance of

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900 roadside conservation, enhancement, and stabilization programs.  
901 No less than 1.5 percent of the amount contracted for  
902 construction projects shall be allocated by the department on a  
903 statewide basis for the purchase of plant materials. Department  
904 districts may not expend funds for landscaping in connection  
905 with any project that is limited to resurfacing existing lanes  
906 unless the expenditure has been approved by the department's  
907 secretary or the secretary's designee. To the greatest extent  
908 practical, a minimum of 50 percent of the funds allocated under  
909 this subsection shall be allocated for large plant materials and  
910 the remaining funds for other plant materials. Except as  
911 prohibited by applicable federal law or regulation, all plant  
912 materials shall be purchased from Florida commercial nursery  
913 stock in this state on a uniform competitive bid basis. The  
914 department shall develop grades and standards for landscaping  
915 materials purchased through this process. To accomplish these  
916 activities, the department may contract with nonprofit  
917 organizations having the primary purpose of developing youth  
918 employment opportunities.

919 Section 11. Subsection (6) is added to section 335.0415,  
920 Florida Statutes, to read:

921 335.0415 Public road jurisdiction and transfer process.—

922 (6) Notwithstanding the provisions of subsections (1)-(5)  
923 or any other provision of law to the contrary, it is the intent  
924 of the Legislature that, as a pilot program, the City of Miami  
925 be provided and assume certain responsibilities for the  
926 maintenance of State Road 5/Brickell Avenue/Biscayne Boulevard  
927 within defined limits in the City of Miami.

928 (a) The department shall enter into an interlocal agreement



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929 with the City of Miami which must provide that the City of Miami  
930 be responsible for street cleaning, landscaping, and maintenance  
931 of the right-of-way of State Road 5/Brickell Avenue/Biscayne  
932 Boulevard, from its intersection with Interstate 95 to its  
933 intersection with Northeast 15th Street, excluding the Brickell  
934 Bridge and its approaches, for a 5-year period. The interlocal  
935 agreement must:

936 1. Contain performance measures to ensure that the facility  
937 and landscaping are maintained in accordance with applicable  
938 department standards.

939 2. Require the city to meet or exceed the performance  
940 measures as a condition of payment by the department for the  
941 work performed by the city.

942 3. Indemnify and hold the department harmless from any  
943 liability arising out of the city's exercise of, or failure to  
944 exercise, the transferred responsibilities.

945 (b) During the final year of the 5-year pilot program, the  
946 Florida Transportation Commission shall conduct a study to  
947 evaluate the effectiveness and benefits of the pilot program.  
948 The commission may retain such experts as are reasonably  
949 necessary to complete the study, and the department shall pay  
950 the expenses of such experts. The commission shall complete the  
951 study within 60 days after the end of the 5-year pilot program  
952 and shall provide a written report of its findings and  
953 conclusions to the Governor, the President of the Senate, the  
954 Speaker of the House of Representatives, and the chairs of each  
955 of the appropriations committees of the Legislature.

956 Section 12. Section 335.06, Florida Statutes, is amended to  
957 read:

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958           335.06 Access roads to the state park system.—A ~~Any~~ road  
959 that ~~which~~ provides access to property within the state park  
960 system must ~~shall~~ be maintained by the department if the road is  
961 a part of the State Highway System and may be improved and  
962 maintained by the department if the road is part of a county  
963 road system or city street system. If the department does not  
964 maintain a county or city road that is a part of the county road  
965 system or the city street system and that provides access to the  
966 state park system, the road must ~~or shall~~ be maintained by the  
967 appropriate county or municipality ~~if the road is a part of the~~  
968 ~~county road system or the city street system.~~

969           Section 13. Section 336.71, Florida Statutes, is created to  
970 read:

971           336.71 Public-private cooperation in construction of county  
972 roads.—

973           (1) If a county receives a proposal, solicited or  
974 unsolicited, from a private entity seeking to construct, extend,  
975 or improve a county road or portion thereof, the county may  
976 enter into an agreement with the private entity for completion  
977 of the road construction project, which agreement may provide  
978 for payment to the private entity, from public funds, if the  
979 county conducts a noticed public hearing and finds that the  
980 proposed county road construction project:

981           (a) Is in the best interest of the public.

982           (b) Would only use county funds for portions of the project  
983 that will be part of the county road system.

984           (c) Would have adequate safeguards to ensure that  
985 additional costs or unreasonable service disruptions are not  
986 realized by the traveling public and residents of the state.

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987 (d) Upon completion, would be a part of the county road  
988 system owned by the county.

989 (e) Would result in a financial benefit to the public by  
990 completing the subject project at a cost to the public  
991 significantly lower than if the project were constructed by the  
992 county using the normal procurement process.

993 (2) The notice for the public hearing provided for in  
994 subsection (1) must be published at least 14 days before the  
995 date of the public meeting at which the governing board takes  
996 final action. The notice must identify the project and the  
997 estimated cost of the project, and specify that the purpose for  
998 the public meeting is to consider whether it is in the public's  
999 best interest to accept the proposal and enter into an  
1000 agreement. The determination of cost savings pursuant to  
1001 paragraph (1) (e) must be supported by a cost estimate of a  
1002 professional engineer which is made available to the public at  
1003 least 14 days before the public meeting and placed in the record  
1004 for that meeting.

1005 (3) The project and agreement are exempt from s. 255.20  
1006 pursuant to s. 255.20(1)(c)11. if the process in subsection (1)  
1007 is followed.

1008 (4) Except as otherwise expressly provided in this section,  
1009 this section does not affect existing law by granting additional  
1010 powers to or imposing further restrictions on local government  
1011 entities.

1012 Section 14. Subsection (13) of section 337.11, Florida  
1013 Statutes, is amended to read:

1014 337.11 Contracting authority of department; bids; emergency  
1015 repairs, supplemental agreements, and change orders; combined

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1016 design and construction contracts; progress payments; records;  
1017 requirements of vehicle registration.-

1018 (13) Each contract let by the department for the  
1019 performance of road or bridge construction or maintenance work  
1020 shall require ~~contain a provision requiring the contractor to~~  
1021 ~~provide proof to the department, in the form of a notarized~~  
1022 ~~affidavit from the contractor, that~~ all motor vehicles that the  
1023 contractor ~~he or she~~ operates or causes to be operated in this  
1024 state to be ~~are~~ registered in compliance with chapter 320.

1025 Section 15. Subsection (1) of section 337.14, Florida  
1026 Statutes, is amended to read:

1027 337.14 Application for qualification; certificate of  
1028 qualification; restrictions; request for hearing.-

1029 (1) A ~~Any~~ person who desires ~~desiring~~ to bid for the  
1030 performance of any construction contract with a proposed budget  
1031 estimate in excess of \$250,000 which the department proposes to  
1032 let must first be certified by the department as qualified  
1033 pursuant to this section and rules of the department. The rules  
1034 of the department must ~~shall~~ address the qualification of a  
1035 person ~~persons~~ to bid on construction contracts with a proposed  
1036 budget estimate that is in excess of \$250,000 and must ~~shall~~  
1037 include requirements with respect to the equipment, past record,  
1038 experience, financial resources, and organizational personnel of  
1039 the applicant necessary to perform the specific class of work  
1040 for which the person seeks certification. The department may  
1041 limit the dollar amount of any contract upon which a person is  
1042 qualified to bid or the aggregate total dollar volume of  
1043 contracts such person may ~~is allowed to~~ have under contract at  
1044 any one time. Each applicant who seeks ~~seeking~~ qualification to

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1045 bid on construction contracts with a proposed budget estimate in  
1046 excess of \$250,000 must ~~shall~~ furnish the department a statement  
1047 under oath, on such forms as the department may prescribe,  
1048 setting forth detailed information as required on the  
1049 application. Each application for certification must ~~shall~~ be  
1050 accompanied by the latest annual financial statement of the  
1051 applicant completed within the last 12 months. If the  
1052 application or the annual financial statement shows the  
1053 financial condition of the applicant more than 4 months before  
1054 ~~prior to~~ the date on which the application is received by the  
1055 department, ~~then~~ an interim financial statement must be  
1056 submitted and be accompanied by an updated application. The  
1057 interim financial statement must cover the period from the end  
1058 date of the annual statement and must show the financial  
1059 condition of the applicant no more than 4 months before ~~prior to~~  
1060 the date the interim financial statement is received by the  
1061 department. However, upon request by the applicant, an  
1062 application and accompanying annual or interim financial  
1063 statement received by the department within 15 days after either  
1064 4-month period provided pursuant to ~~under~~ this subsection must  
1065 ~~shall~~ be considered timely. Each required annual or interim  
1066 financial statement must be audited and accompanied by the  
1067 opinion of a certified public accountant. An applicant desiring  
1068 to bid exclusively for the performance of construction contracts  
1069 with proposed budget estimates of less than \$1 million may  
1070 submit reviewed annual or reviewed interim financial statements  
1071 prepared by a certified public accountant. The information  
1072 required by this subsection is confidential and exempt from the  
1073 provisions of s. 119.07(1). The department shall act upon the

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1074 application for qualification within 30 days after the  
1075 department determines that the application is complete. The  
1076 department may waive the requirements of this subsection for  
1077 projects having a contract price of \$500,000 or less if the  
1078 department determines that the project is of a noncritical  
1079 nature and the waiver will not endanger public health, safety,  
1080 or property.

1081 Section 16. Subsection (2) of section 337.168, Florida  
1082 Statutes, is amended to read:

1083 337.168 Confidentiality of official estimates, identities  
1084 of potential bidders, and bid analysis and monitoring system.—

1085 (2) A document that reveals ~~revealing~~ the identity of a  
1086 person who has ~~persons who have~~ requested or obtained a bid  
1087 package, plan ~~packages, plans,~~ or specifications pertaining to  
1088 any project to be let by the department is confidential and  
1089 exempt from the provisions of s. 119.07(1) for the period that  
1090 ~~which~~ begins 2 working days before ~~prior to~~ the deadline for  
1091 obtaining bid packages, plans, or specifications and ends with  
1092 the letting of the bid. A document that reveals the identity of  
1093 a person who has requested or obtained a bid package, plan, or  
1094 specifications pertaining to any project to be let by the  
1095 department before the 2 working days before the deadline for  
1096 obtaining bid packages, plans, or specifications remains a  
1097 public record subject to the provisions of s. 119.07(1).

1098 Section 17. Section 337.25, Florida Statutes, is amended to  
1099 read:

1100 337.25 Acquisition, lease, and disposal of real and  
1101 personal property.—

1102 (1) (a) The department may purchase, lease, exchange, or

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1103 otherwise acquire any land, property interests, or buildings or  
1104 other improvements, including personal property within such  
1105 buildings or on such lands, necessary to secure or utilize  
1106 transportation rights-of-way for existing, proposed, or  
1107 anticipated transportation facilities on the State Highway  
1108 System, on the State Park Road System, in a rail corridor, or in  
1109 a transportation corridor designated by the department. Such  
1110 property shall be held in the name of the state.

1111 (b) The department may accept donations of any land or  
1112 buildings or other improvements, including personal property  
1113 within such buildings or on such lands with or without such  
1114 conditions, reservations, or reverter provisions as are  
1115 acceptable to the department. Such donations may be used as  
1116 transportation rights-of-way or to secure or utilize  
1117 transportation rights-of-way for existing, proposed, or  
1118 anticipated transportation facilities on the State Highway  
1119 System, on the State Park Road System, or in a transportation  
1120 corridor designated by the department.

1121 (c) When lands, buildings, or other improvements are needed  
1122 for transportation purposes, but are held by a federal, state,  
1123 or local governmental entity and utilized for public purposes  
1124 other than transportation, the department may compensate the  
1125 entity for such properties by providing functionally equivalent  
1126 replacement facilities. The providing of replacement facilities  
1127 under this subsection may only be undertaken with the agreement  
1128 of the governmental entity affected.

1129 (d) The department may contract pursuant to s. 287.055 for  
1130 auction services used in the conveyance of real or personal  
1131 property or the conveyance of leasehold interests under the

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1132 provisions of subsections (4) and (5). The contract may allow  
1133 for the contractor to retain a portion of the proceeds as  
1134 compensation for the contractor's services.

1135 (2) A complete inventory shall be made of all real or  
1136 personal property immediately upon possession or acquisition.  
1137 Such inventory shall include a statement of the location or site  
1138 of each piece of realty, structure, or severable item ~~an~~  
1139 ~~itemized listing of all appliances, fixtures, and other~~  
1140 ~~severable items; a statement of the location or site of each~~  
1141 ~~piece of realty, structure, or severable item; and the serial~~  
1142 ~~number assigned to each.~~ Copies of each inventory shall be filed  
1143 in the district office in which the property is located. Such  
1144 inventory shall be carried forward to show the final disposition  
1145 of each item of property, both real and personal.

1146 (3) The inventory of real property which was acquired by  
1147 the state after December 31, 1988, which has been owned by the  
1148 state for 10 or more years, and which is not within a  
1149 transportation corridor or within the right-of-way of a  
1150 transportation facility shall be evaluated to determine the  
1151 necessity for retaining the property. If the property is not  
1152 needed for the construction, operation, and maintenance of a  
1153 transportation facility, or is not located within a  
1154 transportation corridor, the department may dispose of the  
1155 property pursuant to subsection (4).

1156 (4) The department may convey ~~sell~~, in the name of the  
1157 state, any land, building, or other property, real or personal,  
1158 which was acquired under the provisions of subsection (1) and  
1159 which the department has determined is not needed for the  
1160 construction, operation, and maintenance of a transportation



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1161 facility. ~~With the exception of any parcel governed by paragraph~~  
1162 ~~(c), paragraph (d), paragraph (f), paragraph (g), or paragraph~~  
1163 ~~(i), the department shall afford first right of refusal to the~~  
1164 ~~local government in the jurisdiction of which the parcel is~~  
1165 ~~situated.~~ When such a determination has been made, property may  
1166 be disposed of through negotiations, sealed competitive bids,  
1167 auctions, or any other means the department deems to be in its  
1168 best interest, with due advertisement for property valued by the  
1169 department at greater than \$10,000. A sale may not occur at a  
1170 price less than the department's current estimate of value,  
1171 except as provided in paragraphs (a)-(d). The department may  
1172 afford a right of first refusal to the local government or other  
1173 political subdivision in the jurisdiction in which the parcel is  
1174 situated, except in conveyances transacted under paragraph (a),  
1175 paragraph (c), or paragraph (e). ~~in the following manner:~~

1176 (a) If the ~~value of the property~~ has been donated to the  
1177 state for transportation purposes and a facility has not been  
1178 constructed for a period of at least 5 years, plans have not  
1179 been prepared for the construction of such facility, and the  
1180 property is not located in a transportation corridor, the  
1181 governmental entity may authorize reconveyance of the donated  
1182 property for no consideration to the original donor or the  
1183 donor's heirs, successors, assigns, or representatives ~~is~~  
1184 ~~\$10,000 or less as determined by department estimate, the~~  
1185 ~~department may negotiate the sale.~~

1186 (b) If ~~the value of the property~~ is to be used for a public  
1187 purpose, the property may be conveyed without consideration to a  
1188 governmental entity ~~exceeds \$10,000 as determined by department~~  
1189 ~~estimate, such property may be sold to the highest bidder~~

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1190 ~~through receipt of sealed competitive bids, after due~~  
1191 ~~advertisement, or by public auction held at the site of the~~  
1192 ~~improvement which is being sold.~~

1193 (c) If the property was originally acquired specifically to  
1194 provide replacement housing for persons displaced by  
1195 transportation projects, the department may negotiate for the  
1196 sale of such property as replacement housing. As compensation,  
1197 the state shall receive no less than its investment in such  
1198 property or the department's current estimate of value,  
1199 whichever is lower. It is expressly intended that this benefit  
1200 be extended only to persons actually displaced by the project.  
1201 Dispositions to any other person must be for no less than the  
1202 department's current estimate of value, ~~in the discretion of the~~  
1203 ~~department, public sale would be inequitable, properties may be~~  
1204 ~~sold by negotiation to the owner holding title to the property~~  
1205 ~~abutting the property to be sold, provided such sale is at a~~  
1206 ~~negotiated price not less than fair market value as determined~~  
1207 ~~by an independent appraisal, the cost of which shall be paid by~~  
1208 ~~the owner of the abutting land. If negotiations do not result in~~  
1209 ~~the sale of the property to the owner of the abutting land and~~  
1210 ~~the property is sold to someone else, the cost of the~~  
1211 ~~independent appraisal shall be borne by the purchaser; and the~~  
1212 ~~owner of the abutting land shall have the cost of the appraisal~~  
1213 ~~refunded to him or her. If, however, no purchase takes place,~~  
1214 ~~the owner of the abutting land shall forfeit the sum paid by him~~  
1215 ~~or her for the independent appraisal. If, due to action of the~~  
1216 ~~department, the property is removed from eligibility for sale,~~  
1217 ~~the cost of any appraisal prepared shall be refunded to the~~  
1218 ~~owner of the abutting land.~~

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1219        (d) If the department determines that the property will  
1220 require significant costs to be incurred or that continued  
1221 ownership of the property exposes the department to significant  
1222 liability risks, the department may use the projected  
1223 maintenance costs over the next 10 years to offset the  
1224 property's value in establishing a value for disposal of the  
1225 property, even if that value is zero ~~property acquired for use~~  
1226 ~~as a borrow pit is no longer needed, the department may sell~~  
1227 ~~such property to the owner of the parcel of abutting land from~~  
1228 ~~which the borrow pit was originally acquired, provided the sale~~  
1229 ~~is at a negotiated price not less than fair market value as~~  
1230 ~~determined by an independent appraisal, the cost of which shall~~  
1231 ~~be paid by the owner of such abutting land.~~

1232        (e) If, in the discretion of the department, a sale to  
1233 anyone other than an abutting property owner would be  
1234 inequitable, the property may be sold to the abutting owner for  
1235 the department's current estimate of value. ~~the department~~  
1236 ~~begins the process for disposing of the property on its own~~  
1237 ~~initiative, either by negotiation under the provisions of~~  
1238 ~~paragraph (a), paragraph (c), paragraph (d), or paragraph (i),~~  
1239 ~~or by receipt of sealed competitive bids or public auction under~~  
1240 ~~the provisions of paragraph (b) or paragraph (i), a department~~  
1241 ~~staff appraiser may determine the fair market value of the~~  
1242 ~~property by an appraisal.~~

1243        ~~(f) Any property which was acquired by a county or by the~~  
1244 ~~department using constitutional gas tax funds for the purpose of~~  
1245 ~~a right-of-way or borrow pit for a road on the State Highway~~  
1246 ~~System, State Park Road System, or county road system and which~~  
1247 ~~is no longer used or needed by the department may be conveyed~~

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1248 ~~without consideration to that county. The county may then sell~~  
1249 ~~such surplus property upon receipt of competitive bids in the~~  
1250 ~~same manner prescribed in this section.~~

1251 ~~(g) If a property has been donated to the state for~~  
1252 ~~transportation purposes and the facility has not been~~  
1253 ~~constructed for a period of at least 5 years and no plans have~~  
1254 ~~been prepared for the construction of such facility and the~~  
1255 ~~property is not located in a transportation corridor, the~~  
1256 ~~governmental entity may authorize reconveyance of the donated~~  
1257 ~~property for no consideration to the original donor or the~~  
1258 ~~donor's heirs, successors, assigns, or representatives.~~

1259 ~~(h) If property is to be used for a public purpose, the~~  
1260 ~~property may be conveyed without consideration to a governmental~~  
1261 ~~entity.~~

1262 ~~(i) If property was originally acquired specifically to~~  
1263 ~~provide replacement housing for persons displaced by~~  
1264 ~~transportation projects, the department may negotiate for the~~  
1265 ~~sale of such property as replacement housing. As compensation,~~  
1266 ~~the state shall receive no less than its investment in such~~  
1267 ~~properties or fair market value, whichever is lower. It is~~  
1268 ~~expressly intended that this benefit be extended only to those~~  
1269 ~~persons actually displaced by such project. Dispositions to any~~  
1270 ~~other persons must be for fair market value.~~

1271 ~~(j) If the department determines that the property will~~  
1272 ~~require significant costs to be incurred or that continued~~  
1273 ~~ownership of the property exposes the department to significant~~  
1274 ~~liability risks, the department may use the projected~~  
1275 ~~maintenance costs over the next 5 years to offset the market~~  
1276 ~~value in establishing a value for disposal of the property, even~~

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1277 ~~if that value is zero.~~

1278 (5) The department may convey a leasehold interest for  
1279 commercial or other purposes, in the name of the state, to any  
1280 land, building, or other property, real or personal, which was  
1281 acquired under the provisions of subsection (1). However, a  
1282 lease may not be entered into at a price less than the  
1283 department's current estimate of value.

1284 (a) A lease may be through negotiations, sealed competitive  
1285 bids, auctions, or any other means the department deems to be in  
1286 its best interest ~~The department may negotiate such a lease at~~  
1287 ~~the prevailing market value with the owner from whom the~~  
1288 ~~property was acquired; with the holders of leasehold estates~~  
1289 ~~existing at the time of the department's acquisition; or, if~~  
1290 ~~public bidding would be inequitable, with the owner holding~~  
1291 ~~title to privately owned abutting property, if reasonable notice~~  
1292 ~~is provided to all other owners of abutting property.~~ The  
1293 department may allow an outdoor advertising sign to remain on  
1294 the property acquired, or be relocated on department property,  
1295 and such sign shall not be considered a nonconforming sign  
1296 pursuant to chapter 479.

1297 (b) If, in the discretion of the department, a lease to a  
1298 person other than an abutting property owner or tenant with a  
1299 leasehold interest in the abutting property would be  
1300 inequitable, the property may be leased to the abutting owner or  
1301 tenant for no less than the department's current estimate of  
1302 value ~~All other leases shall be by competitive bid.~~

1303 (c) No lease signed pursuant to paragraph (a) ~~or paragraph~~  
1304 ~~(b)~~ shall be for a period of more than 5 years; however, the  
1305 department may renegotiate or extend such a lease for an

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1306 additional term of 5 years as the department deems appropriate  
1307 ~~without rebidding.~~

1308 (d) Each lease shall provide that, unless otherwise  
1309 directed by the lessor, any improvements made to the property  
1310 during the term of the lease shall be removed at the lessee's  
1311 expense.

1312 (e) If property is to be used for a public purpose,  
1313 ~~including a fair, art show, or other educational, cultural, or~~  
1314 ~~fundraising activity,~~ the property may be leased without  
1315 consideration to a governmental entity ~~or school board.~~ A lease  
1316 for a public purpose is exempt from the term limits in paragraph  
1317 (c).

1318 (f) Paragraphs (c) and (e) ~~(d)~~ do not apply to leases  
1319 entered into pursuant to s. 260.0161(3), except as provided in  
1320 such a lease.

1321 (g) No lease executed under this subsection may be utilized  
1322 by the lessee to establish the ~~4 years'~~ standing required by s.  
1323 73.071(3)(b) if the business had not been established for the  
1324 specified number of 4 years on the date title passed to the  
1325 department.

1326 (h) The department may enter into a long-term lease without  
1327 compensation with a public port listed in s. 403.021(9)(b) for  
1328 rail corridors used for the operation of a short-line railroad  
1329 to the port.

1330 (6) Nothing in this chapter prevents the joint use of  
1331 right-of-way for alternative modes of transportation; provided  
1332 that the joint use does not impair the integrity and safety of  
1333 the transportation facility.

1334 (7) The department's estimate of value, required by

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1335 subsections (4) and (5), shall be prepared in accordance with  
1336 department procedures, guidelines, and rules for valuation of  
1337 real property. If the value of the property exceeds \$50,000, as  
1338 determined by the department estimate, the sale or lease must be  
1339 at a negotiated price not less than the estimate of value as  
1340 determined by an appraisal prepared in accordance with  
1341 department procedures, guidelines, and rules for valuation of  
1342 real property, the cost of which shall be paid by the party  
1343 seeking the purchase or lease of the property ~~appraisal required~~  
1344 ~~by paragraphs (4) (c) and (d) shall be prepared in accordance~~  
1345 ~~with department guidelines and rules by an independent appraiser~~  
1346 ~~who has been certified by the department. If federal funds were~~  
1347 ~~used in the acquisition of the property, the appraisal shall~~  
1348 ~~also be subject to the approval of the Federal Highway~~  
1349 ~~Administration.~~

1350 (8) A "due advertisement" under this section is an  
1351 advertisement in a newspaper of general circulation in the area  
1352 of the improvements of not less than 14 calendar days prior to  
1353 the date of the receipt of bids or the date on which a public  
1354 auction is to be held.

1355 (9) The department, with the approval of the Chief  
1356 Financial Officer, is authorized to disburse state funds for  
1357 real estate closings in a manner consistent with good business  
1358 practices and in a manner minimizing costs and risks to the  
1359 state.

1360 (10) The department is authorized to purchase title  
1361 insurance in those instances where it is determined that such  
1362 insurance is necessary to protect the public's investment in  
1363 property being acquired for transportation purposes. The

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1364 department shall adopt procedures to be followed in making the  
1365 determination to purchase title insurance for a particular  
1366 parcel or group of parcels which, at a minimum, shall set forth  
1367 criteria which the parcels must meet.

1368 (11) This section does not modify the requirements of s.  
1369 73.013.

1370 Section 18. Subsection (2) of section 337.251, Florida  
1371 Statutes, is amended to read:

1372 337.251 Lease of property for joint public-private  
1373 development and areas above or below department property.-

1374 (2) The department may request proposals for the lease of  
1375 such property or, if the department receives a proposal for to  
1376 negotiate a lease of a particular department property that the  
1377 department desires to consider, the department must ~~it shall~~  
1378 publish a notice in a newspaper of general circulation at least  
1379 once a week for 2 weeks, stating that it has received the  
1380 proposal and will accept, for 120 ~~60~~ days after the date of  
1381 publication, other proposals for lease of the particular  
1382 property use of the space. A copy of the notice must be mailed  
1383 to each local government in the affected area. The department  
1384 shall, by rule, establish an application fee for the submission  
1385 of proposals pursuant to this section. The fee must be  
1386 sufficient to pay the anticipated costs of evaluating the  
1387 proposals. The department may engage the services of private  
1388 consultants to assist in the evaluation. Before approval, the  
1389 department must determine that the proposed lease:

1390 (a) Is in the public's best interest;

1391 (b) Does not require state funds to be used; and

1392 (c) Has adequate safeguards in place to ensure that no



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1393 additional costs are borne and no service disruptions are  
1394 experienced by the traveling public and residents of the state  
1395 in the event of default by the private lessee or upon  
1396 termination or expiration of the lease.

1397 Section 19. Subsection (5) of section 338.161, Florida  
1398 Statutes, is amended to read:

1399 338.161 Authority of department or toll agencies to  
1400 advertise and promote electronic toll collection; expanded uses  
1401 of electronic toll collection system; authority of department to  
1402 collect tolls, fares, and fees for private and public entities.-

1403 (5) If the department finds that it can increase nontoll  
1404 revenues or add convenience or other value for its customers,  
1405 and if a public or private transportation facility owner agrees  
1406 that its facility will become interoperable with the  
1407 department's electronic toll collection and video billing  
1408 systems, the department may ~~is authorized to~~ enter into an  
1409 agreement with the owner of such facility under which the  
1410 department uses private or public entities for the department's  
1411 ~~use of its electronic toll collection and video billing systems~~  
1412 to collect and enforce for the owner tolls, fares,  
1413 administrative fees, and other applicable charges due ~~imposed~~ in  
1414 connection with use of the owner's facility ~~transportation~~  
1415 ~~facilities of the private or public entities that become~~  
1416 ~~interoperable with the department's electronic toll collection~~  
1417 ~~system~~. The department may modify its rules regarding toll  
1418 collection procedures and the imposition of administrative  
1419 charges to be applicable to toll facilities that are not part of  
1420 the turnpike system or otherwise owned by the department. This  
1421 subsection may not be construed to limit the authority of the

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1422 department under any other provision of law or under any  
1423 agreement entered into before ~~prior to~~ July 1, 2012.

1424 Section 20. Subsection (4) of section 338.165, Florida  
1425 Statutes, is amended to read:

1426 338.165 Continuation of tolls.—

1427 (4) Notwithstanding any other law to the contrary, pursuant  
1428 to s. 11, Art. VII of the State Constitution, and subject to the  
1429 requirements of subsection (2), the Department of Transportation  
1430 may request the Division of Bond Finance to issue bonds secured  
1431 by toll revenues collected on the Alligator Alley, the Sunshine  
1432 Skyway Bridge, ~~the Beeline East Expressway, the Navarre Bridge,~~  
1433 and the Pinellas Bayway to fund transportation projects located  
1434 within the county or counties in which the revenue-producing  
1435 project is located and contained in the adopted work program of  
1436 the department.

1437 Section 21. Subsections (3) and (4) of section 338.26,  
1438 Florida Statutes, are amended to read:

1439 338.26 Alligator Alley toll road.—

1440 (3) Fees generated from tolls shall be deposited in the  
1441 State Transportation Trust Fund, and any amount of funds  
1442 generated annually in excess of that required to reimburse  
1443 outstanding contractual obligations, to operate and maintain the  
1444 highway and toll facilities, including reconstruction and  
1445 restoration, to pay for those projects that are funded with  
1446 Alligator Alley toll revenues and that are contained in the  
1447 1993-1994 adopted work program or the 1994-1995 tentative work  
1448 program submitted to the Legislature on February 22, 1994, and  
1449 to design and construct ~~develop and operate~~ a fire station at  
1450 mile marker 63 on Alligator Alley, which may be used by Collier

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1451 County or other appropriate local governmental entity to provide  
1452 fire, rescue, and emergency management services ~~to the adjacent~~  
1453 ~~counties~~ along Alligator Alley, may be transferred to the  
1454 Everglades Fund of the South Florida Water Management District  
1455 in accordance with the memorandum of understanding of June 30,  
1456 1997, between the district and the department. The South Florida  
1457 Water Management District shall deposit funds for projects  
1458 undertaken pursuant to s. 373.4592 in the Everglades Trust Fund  
1459 pursuant to s. 373.45926(4)(a). Any funds remaining in the  
1460 Everglades Fund may be used for environmental projects to  
1461 restore the natural values of the Everglades, subject to  
1462 compliance with any applicable federal laws and regulations.  
1463 Projects must ~~shall~~ be limited to:

1464 (a) Highway redesign to allow for improved sheet flow of  
1465 water across the southern Everglades.

1466 (b) Water conveyance projects to enable more water  
1467 resources to reach Florida Bay to replenish marine estuary  
1468 functions.

1469 (c) Engineering design plans for wastewater treatment  
1470 facilities as recommended in the Water Quality Protection  
1471 Program Document for the Florida Keys National Marine Sanctuary.

1472 (d) Acquisition of lands to move STA 3/4 out of the Toe of  
1473 the Boot, provided such lands are located within 1 mile of the  
1474 northern border of STA 3/4.

1475 (e) Other Everglades Construction Projects as described in  
1476 the February 15, 1994, conceptual design document.

1477 ~~(4) The district may issue revenue bonds or notes under s.~~  
1478 ~~373.584 and pledge the revenue from the transfers from the~~  
1479 ~~Alligator Alley toll revenues as security for such bonds or~~

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1480 notes. ~~The proceeds from such revenue bonds or notes shall be~~  
1481 ~~used for environmental projects; at least 50 percent of said~~  
1482 ~~proceeds must be used for projects that benefit Florida Bay, as~~  
1483 ~~described in this section subject to resolutions approving such~~  
1484 ~~activity by the Board of Trustees of the Internal Improvement~~  
1485 ~~Trust Fund and the governing board of the South Florida Water~~  
1486 ~~Management District and the remaining proceeds must be used for~~  
1487 ~~restoration activities in the Everglades Protection Area.~~

1488 Section 22. Subsections (2) through (4) of section 339.175,  
1489 Florida Statutes, are amended to read:

1490 339.175 Metropolitan planning organization.—

1491 (2) DESIGNATION.—

1492 (a)1. An M.P.O. shall be designated for each urbanized area  
1493 of the state; however, this does not require that an individual  
1494 M.P.O. be designated for each such area. The M.P.O. Such  
1495 designation shall be accomplished by agreement between the  
1496 Governor and units of general-purpose local government that  
1497 together represent representing at least 75 percent of the  
1498 population, including the largest incorporated municipality,  
1499 based on population, of the urbanized area; however, the unit of  
1500 general-purpose local government that represents the central  
1501 city or cities within the M.P.O. jurisdiction, as named defined  
1502 by the United States Bureau of the Census, must be a party to  
1503 such agreement.

1504 2. To the extent possible, only one M.P.O. shall be  
1505 designated for each urbanized area or group of contiguous  
1506 urbanized areas. More than one M.P.O. may be designated within  
1507 an existing urbanized area only if the Governor and the existing  
1508 M.P.O. determine that the size and complexity of the existing

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1509 urbanized area makes the designation of more than one M.P.O. for  
1510 the area appropriate.

1511 (b) Each M.P.O. designated in a manner prescribed by Title  
1512 23 of the United States Code shall be created and operated under  
1513 the provisions of this section pursuant to an interlocal  
1514 agreement entered into pursuant to s. 163.01. The signatories to  
1515 the interlocal agreement shall be the department and the  
1516 governmental entities designated by the Governor for membership  
1517 on the M.P.O. Each M.P.O. shall be considered separate from the  
1518 state or the governing body of a local government that is  
1519 represented on the governing board of the M.P.O. or that is a  
1520 signatory to the interlocal agreement creating the M.P.O. and  
1521 shall have such powers and privileges that are provided under s.  
1522 163.01. If there is a conflict between this section and s.  
1523 163.01, this section prevails.

1524 (c) The jurisdictional boundaries of an M.P.O. shall be  
1525 determined by agreement between the Governor and the applicable  
1526 M.P.O. The boundaries must include at least the metropolitan  
1527 planning area, which is the existing urbanized area and the  
1528 contiguous area expected to become urbanized within a 20-year  
1529 forecast period, and may encompass the entire metropolitan  
1530 statistical area or the consolidated metropolitan statistical  
1531 area.

1532 (d) In the case of an urbanized area designated as a  
1533 nonattainment area for ozone or carbon monoxide under the Clean  
1534 Air Act, 42 U.S.C. ss. 7401 et seq., the boundaries of the  
1535 metropolitan planning area in existence as of the date of  
1536 enactment of this paragraph shall be retained, except that the  
1537 boundaries may be adjusted by agreement of the Governor and

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1538 affected metropolitan planning organizations in the manner  
1539 described in this section. If more than one M.P.O. has authority  
1540 within a metropolitan area or an area that is designated as a  
1541 nonattainment area, each M.P.O. shall consult with other  
1542 M.P.O.'s designated for such area and with the state in the  
1543 coordination of plans and programs required by this section.

1544 (e) The governing body of the M.P.O. shall designate, at a  
1545 minimum, a chair, vice chair, and agency clerk. The chair and  
1546 vice chair shall be selected from among the member delegates  
1547 comprising the governing board. The agency clerk shall be  
1548 charged with the responsibility of preparing meeting minutes and  
1549 maintaining agency records. The clerk shall be a member of the  
1550 M.P.O. governing board, an employee of the M.P.O., or other  
1551 natural person.

1552  
1553 Each M.P.O. required under this section must be fully operative  
1554 no later than 6 months following its designation.

1555 (3) VOTING MEMBERSHIP.—

1556 (a) The voting membership of an M.P.O. shall consist of not  
1557 fewer than 5 or more than 19 apportioned members, the exact  
1558 number to be determined on an equitable geographic-population  
1559 ratio ~~basis by the Governor~~, based on an agreement among the  
1560 affected units of general-purpose local government and the  
1561 Governor as required by federal ~~rules and~~ regulations. The  
1562 voting membership of an M.P.O. that is redesignated after the  
1563 effective date of this act as a result of the expansion of the  
1564 M.P.O. to include a new urbanized area or the consolidation of  
1565 two or more M.P.O.'s may consist of no more than 25 members. The  
1566 Governor, in accordance with 23 U.S.C. s. 134, may also provide

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1567 for M.P.O. members who represent municipalities to alternate  
1568 with representatives from other municipalities within the  
1569 metropolitan planning area that do not have members on the  
1570 M.P.O. County commission members shall compose not less than  
1571 one-third of the M.P.O. membership, except for an M.P.O. with  
1572 more than 15 members located in a county with a 5-member county  
1573 commission or an M.P.O. with 19 members located in a county with  
1574 no more than 6 county commissioners, in which case county  
1575 commission members may compose less than one-third percent of  
1576 the M.P.O. membership, but all county commissioners must be  
1577 members. All voting members shall be elected officials of  
1578 general-purpose local governments, except that an M.P.O. may  
1579 include, as part of its apportioned voting members, a member of  
1580 a statutorily authorized planning board, an official of an  
1581 agency that operates or administers a major mode of  
1582 transportation, or an official of Space Florida. As used in this  
1583 section, the term "elected officials of a general-purpose local  
1584 government" excludes ~~shall exclude~~ constitutional officers,  
1585 including sheriffs, tax collectors, supervisors of elections,  
1586 property appraisers, clerks of the court, and similar types of  
1587 officials. County commissioners shall compose not less than 20  
1588 percent of the M.P.O. membership if an official of an agency  
1589 that operates or administers a major mode of transportation has  
1590 been appointed to an M.P.O.

1591 (b) In metropolitan areas in which authorities or other  
1592 agencies have been or may be created by law to perform  
1593 transportation functions and are performing transportation  
1594 functions that are not under the jurisdiction of a general-  
1595 purpose local government represented on the M.P.O., they may

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1596 shall be provided voting membership on the M.P.O. In all other  
1597 M.P.O.'s where transportation authorities or agencies are to be  
1598 represented by elected officials from general-purpose local  
1599 governments, the M.P.O. shall establish a process by which the  
1600 collective interests of such authorities or other agencies are  
1601 expressed and conveyed.

1602 (c) Any other provision of this section to the contrary  
1603 notwithstanding, a chartered county with a population of more  
1604 than ~~over~~ 1 million ~~population~~ may elect to reapportion the  
1605 membership of an M.P.O. whose jurisdiction is wholly within the  
1606 county. The charter county may exercise the provisions of this  
1607 paragraph if:

1608 1. The M.P.O. approves the reapportionment plan by a three-  
1609 fourths vote of its membership;

1610 2. The M.P.O. and the charter county determine that the  
1611 reapportionment plan is needed to fulfill specific goals and  
1612 policies applicable to that metropolitan planning area; and

1613 3. The charter county determines the reapportionment plan  
1614 otherwise complies with all federal requirements pertaining to  
1615 M.P.O. membership.

1616  
1617 A ~~Any~~ charter county that elects to exercise the provisions of  
1618 this paragraph shall notify the Governor in writing.

1619 (d) Any other provision of this section to the contrary  
1620 notwithstanding, a ~~any~~ county chartered under s. 6(e), Art. VIII  
1621 of the State Constitution may elect to have its county  
1622 commission serve as the M.P.O., if the M.P.O. jurisdiction is  
1623 wholly contained within the county. A ~~Any~~ charter county that  
1624 elects to exercise the provisions of this paragraph shall so



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1625 notify the Governor in writing. Upon receipt of the ~~such~~  
1626 notification, the Governor must designate the county commission  
1627 as the M.P.O. The Governor must appoint four additional voting  
1628 members to the M.P.O., one of whom must be an elected official  
1629 representing a municipality within the county, one of whom must  
1630 be an expressway authority member, one of whom must be a person  
1631 who does not hold elected public office and who resides in the  
1632 unincorporated portion of the county, and one of whom must be a  
1633 school board member.

1634 (4) APPORTIONMENT.—

1635 (a) Each M.P.O. in the state shall review the composition  
1636 of its membership in conjunction with the decennial census, as  
1637 prepared by the United States Department of Commerce, Bureau of  
1638 the Census, and, with the agreement of the affected units of  
1639 general-purpose local government and the Governor, reapportion  
1640 the membership as necessary to comply with subsection (3) ~~The~~  
1641 ~~Governor shall, with the agreement of the affected units of~~  
1642 ~~general-purpose local government as required by federal rules~~  
1643 ~~and regulations, apportion the membership on the applicable~~  
1644 ~~M.P.O. among the various governmental entities within the area.~~

1645 (b) At the request of a majority of the affected units of  
1646 general-purpose local government comprising an M.P.O., the  
1647 Governor and a majority of units of general-purpose local  
1648 government serving on an M.P.O. shall cooperatively agree upon  
1649 and prescribe who may serve as an alternate member and a method  
1650 for appointing alternate members who may vote at any M.P.O.  
1651 meeting that an alternate member attends in place of a regular  
1652 member. The method must ~~shall~~ be set forth as a part of the  
1653 interlocal agreement describing the M.P.O.'s membership or in

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1654 the M.P.O.'s operating procedures and bylaws. The governmental  
1655 entity so designated shall appoint the appropriate number of  
1656 members to the M.P.O. from eligible officials. Representatives  
1657 of the department shall serve as nonvoting advisers to the  
1658 M.P.O. governing board. Additional nonvoting advisers may be  
1659 appointed by the M.P.O. as deemed necessary; however, to the  
1660 maximum extent feasible, each M.P.O. shall seek to appoint  
1661 nonvoting representatives of various multimodal forms of  
1662 transportation not otherwise represented by voting members of  
1663 the M.P.O. An M.P.O. shall appoint nonvoting advisers  
1664 representing major military installations located within the  
1665 jurisdictional boundaries of the M.P.O. upon the request of the  
1666 aforesaid major military installations and subject to the  
1667 agreement of the M.P.O. All nonvoting advisers may attend and  
1668 participate fully in governing board meetings but may not vote  
1669 or be members of the governing board. ~~The Governor shall review~~  
1670 ~~the composition of the M.P.O. membership in conjunction with the~~  
1671 ~~decennial census as prepared by the United States Department of~~  
1672 ~~Commerce, Bureau of the Census, and reapportion it as necessary~~  
1673 ~~to comply with subsection (3).~~

1674 (c) ~~(b)~~ Except for members who represent municipalities on  
1675 the basis of alternating with representatives from other  
1676 municipalities that do not have members on the M.P.O. as  
1677 provided in paragraph (3) (a), the members of an M.P.O. shall  
1678 serve 4-year terms. Members who represent municipalities on the  
1679 basis of alternating with representatives from other  
1680 municipalities that do not have members on the M.P.O. as  
1681 provided in paragraph (3) (a) may serve terms of up to 4 years as  
1682 further provided in the interlocal agreement described in

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1683 paragraph (2) (b). The membership of a member who is a public  
1684 official automatically terminates upon the member's leaving his  
1685 or her elective or appointive office for any reason, or may be  
1686 terminated by a majority vote of the total membership of the  
1687 entity's governing board represented by the member. A vacancy  
1688 shall be filled by the original appointing entity. A member may  
1689 be reappointed for one or more additional 4-year terms.

1690 (d) ~~(e)~~ If a governmental entity fails to fill an assigned  
1691 appointment to an M.P.O. within 60 days after notification by  
1692 the Governor of its duty to appoint, that appointment must ~~shall~~  
1693 be made by the Governor from the eligible representatives of  
1694 that governmental entity.

1695 Section 23. Paragraph (a) of subsection (1) and subsections  
1696 (4) and (5) of section 339.2821, Florida Statutes, are amended  
1697 to read:

1698 339.2821 Economic development transportation projects.—

1699 (1) (a) The department, in consultation with the Department  
1700 of Economic Opportunity and Enterprise Florida, Inc., may make  
1701 and approve expenditures and contract with the appropriate  
1702 governmental body for the direct costs of transportation  
1703 projects. The Department of Economic Opportunity and the  
1704 Department of Environmental Protection may formally review and  
1705 comment on recommended transportation projects, although the  
1706 department has final approval authority for any project  
1707 authorized under this section.

1708 (4) A contract between the department and a governmental  
1709 body for a transportation project must:

1710 (a) Specify that the transportation project is for the  
1711 construction of a new or expanding business and specify the

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1712 number of full-time permanent jobs that will result from the  
1713 project.

1714 (b) Identify the governmental body and require that the  
1715 governmental body award the construction of the particular  
1716 transportation project to the lowest and best bidder in  
1717 accordance with applicable state and federal statutes or rules  
1718 unless the transportation project can be constructed using  
1719 existing local governmental employees within the contract period  
1720 specified by the department.

1721 (c) Require that the governmental body provide the  
1722 department with ~~quarterly~~ progress reports. Each ~~quarterly~~  
1723 progress report must contain:

1724 1. A narrative description of the work completed and  
1725 whether the work is proceeding according to the transportation  
1726 project schedule;

1727 2. A description of each change order executed by the  
1728 governmental body;

1729 3. A budget summary detailing planned expenditures compared  
1730 to actual expenditures; and

1731 4. The identity of each small or minority business used as  
1732 a contractor or subcontractor.

1733 (d) Require that the governmental body make and maintain  
1734 records in accordance with accepted governmental accounting  
1735 principles and practices for each progress payment made for work  
1736 performed in connection with the transportation project, each  
1737 change order executed by the governmental body, and each payment  
1738 made pursuant to a change order. The records are subject to  
1739 financial audit as required by law.

1740 (e) Require that the governmental body, upon completion and

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1741 acceptance of the transportation project, certify to the  
1742 department that the transportation project has been completed in  
1743 compliance with the terms and conditions of the contract between  
1744 the department and the governmental body and meets the minimum  
1745 construction standards established in accordance with s.  
1746 336.045.

1747 (f) Specify that ~~the department transfer funds will not be~~  
1748 transferred to the governmental body unless construction has  
1749 begun on the facility of the not more often than quarterly, upon  
1750 receipt of a request for funds from the governmental body and  
1751 consistent with the needs of the transportation project. The  
1752 governmental body shall expend funds received from the  
1753 department in a timely manner. The department may not transfer  
1754 funds unless construction has begun on the facility of a  
1755 business on whose behalf the award was made. If construction of  
1756 the transportation project does not begin within 4 years after  
1757 the date of the initial grant award, the grant award is  
1758 terminated ~~A contract totaling less than \$200,000 is exempt from~~  
1759 ~~the transfer requirement.~~

1760 (g) Require that funds be used only on a transportation  
1761 project that has been properly reviewed and approved in  
1762 accordance with the criteria set forth in this section.

1763 (h) Require that the governing board of the governmental  
1764 body adopt a resolution accepting future maintenance and other  
1765 attendant costs occurring after completion of the transportation  
1766 project if the transportation project is constructed on a county  
1767 or municipal system.

1768 (5) For purposes of this section, Space Florida may serve  
1769 as the governmental body or as the contracting agency for a

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1770 ~~transportation~~ project within a spaceport territory as defined  
1771 by s. 331.304.

1772 Section 24. Section 339.401, Florida Statutes, is repealed.

1773 Section 25. Section 339.402, Florida Statutes, is repealed.

1774 Section 26. Section 339.403, Florida Statutes, is repealed.

1775 Section 27. Section 339.404, Florida Statutes, is repealed.

1776 Section 28. Section 339.405, Florida Statutes, is repealed.

1777 Section 29. Section 339.406, Florida Statutes, is repealed.

1778 Section 30. Section 339.407, Florida Statutes, is repealed.

1779 Section 31. Section 339.408, Florida Statutes, is repealed.

1780 Section 32. Section 339.409, Florida Statutes, is repealed.

1781 Section 33. Section 339.410, Florida Statutes, is repealed.

1782 Section 34. Section 339.411, Florida Statutes, is repealed.

1783 Section 35. Section 339.412, Florida Statutes, is repealed.

1784 Section 36. Section 339.414, Florida Statutes, is repealed.

1785 Section 37. Section 339.415, Florida Statutes, is repealed.

1786 Section 38. Section 339.416, Florida Statutes, is repealed.

1787 Section 39. Section 339.417, Florida Statutes, is repealed.

1788 Section 40. Section 339.418, Florida Statutes, is repealed.

1789 Section 41. Section 339.419, Florida Statutes, is repealed.

1790 Section 42. Section 339.420, Florida Statutes, is repealed.

1791 Section 43. Section 339.421, Florida Statutes, is repealed.

1792 Section 44. Paragraphs (a) and (c) of subsection (2) and  
1793 paragraph (i) of subsection (7) of section 339.55, Florida  
1794 Statutes, are amended to read:

1795 339.55 State-funded infrastructure bank.—

1796 (2) The bank may lend capital costs or provide credit  
1797 enhancements for:

1798 (a) A transportation facility project that is on the State

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1799 Highway System or that provides for increased mobility on the  
1800 state's transportation system or provides intermodal  
1801 connectivity with airports, seaports, spaceports, rail  
1802 facilities, and other transportation terminals, pursuant to s.  
1803 341.053, for the movement of people and goods.

1804 (c)1. Emergency loans for damages incurred to public-use  
1805 commercial deepwater seaports, public-use airports, public-use  
1806 spaceports, and other public-use transit and intermodal  
1807 facilities that are within an area that is part of an official  
1808 state declaration of emergency pursuant to chapter 252 and all  
1809 other applicable laws. Such loans:

1810 a. May not exceed 24 months in duration except in extreme  
1811 circumstances, for which the Secretary of Transportation may  
1812 grant up to 36 months upon making written findings specifying  
1813 the conditions requiring a 36-month term.

1814 b. Require application from the recipient to the department  
1815 that includes documentation of damage claims filed with the  
1816 Federal Emergency Management Agency or an applicable insurance  
1817 carrier and documentation of the recipient's overall financial  
1818 condition.

1819 c. Are subject to approval by the Secretary of  
1820 Transportation and the Legislative Budget Commission.

1821 2. Loans provided under this paragraph must be repaid upon  
1822 receipt by the recipient of eligible program funding for damages  
1823 in accordance with the claims filed with the Federal Emergency  
1824 Management Agency or an applicable insurance carrier, but no  
1825 later than the duration of the loan.

1826 (7) The department may consider, but is not limited to, the  
1827 following criteria for evaluation of projects for assistance

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1828 from the bank:

1829 (i) The extent to which the project will provide for  
1830 connectivity between the State Highway System and airports,  
1831 seaports, spaceports, rail facilities, and other transportation  
1832 terminals and intermodal options pursuant to s. 341.053 for the  
1833 increased accessibility and movement of people and goods.

1834 Section 45. Subsection (11) of section 341.031, Florida  
1835 Statutes, is amended to read:

1836 341.031 Definitions relating to Florida Public Transit  
1837 Act.—As used in ss. 341.011-341.061, the term:

1838 (11) "Intercity bus service" means regularly scheduled bus  
1839 service for the general public which operates with limited stops  
1840 over fixed routes connecting two or more urban areas not in  
1841 close proximity; has the capacity for transporting baggage  
1842 carried by passengers; and makes meaningful connections with  
1843 scheduled intercity bus service to more distant points, if such  
1844 service is available; ~~maintains scheduled information in the  
1845 National Official Bus Guide; and provides package express  
1846 service incidental to passenger transportation.~~

1847 Section 46. Section 341.053, Florida Statutes, is amended  
1848 to read:

1849 341.053 Intermodal Development Program; administration;  
1850 eligible projects; limitations.—

1851 (1) There is created within the Department of  
1852 Transportation an Intermodal Development Program to provide for  
1853 major capital investments in fixed-guideway transportation  
1854 systems, access to seaports, airports, spaceports, and other  
1855 transportation terminals, providing for the construction of  
1856 intermodal or multimodal terminals; and to plan or fund



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1857 construction of airport, spaceport, seaport, transit, and rail  
1858 projects that ~~otherwise~~ facilitate the intermodal or multimodal  
1859 movement of people and goods.

1860 (2) The Intermodal Development Program shall be used for  
1861 projects that support statewide goals as outlined in the Florida  
1862 Transportation Plan, the Strategic Intermodal System Plan, the  
1863 Freight Mobility and Trade Plan, or the appropriate department  
1864 modal plan ~~In recognition of the department's role in the~~  
1865 ~~economic development of this state, the department shall develop~~  
1866 ~~a proposed intermodal development plan to connect Florida's~~  
1867 ~~airports, deepwater seaports, rail systems serving both~~  
1868 ~~passenger and freight, and major intermodal connectors to the~~  
1869 ~~Strategic Intermodal System highway corridors as the primary~~  
1870 ~~system for the movement of people and freight in this state in~~  
1871 ~~order to make the intermodal development plan a fully integrated~~  
1872 ~~and interconnected system. The intermodal development plan must:~~

1873 ~~(a) Define and assess the state's freight intermodal~~  
1874 ~~network, including airports, seaports, rail lines and terminals,~~  
1875 ~~intercity bus lines and terminals, and connecting highways.~~

1876 ~~(b) Prioritize statewide infrastructure investments,~~  
1877 ~~including the acceleration of current projects, which are found~~  
1878 ~~by the Freight Stakeholders Task Force to be priority projects~~  
1879 ~~for the efficient movement of people and freight.~~

1880 ~~(c) Be developed in a manner that will assure maximum use~~  
1881 ~~of existing facilities and optimum integration and coordination~~  
1882 ~~of the various modes of transportation, including both~~  
1883 ~~government-owned and privately owned resources, in the most~~  
1884 ~~cost-effective manner possible.~~

1885 (3) The Intermodal Development Program shall be

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1886 administered by the department.

1887 (4) The department shall review funding requests from a  
1888 rail authority created pursuant to chapter 343. The department  
1889 may include projects of the authorities, including planning and  
1890 design, in the tentative work program.

1891 ~~(5) No single transportation authority operating a fixed-~~  
1892 ~~guideway transportation system, or single fixed-guideway~~  
1893 ~~transportation system not administered by a transportation~~  
1894 ~~authority, receiving funds under the Intermodal Development~~  
1895 ~~Program shall receive more than 33 1/3 percent of the total~~  
1896 ~~intermodal development funds appropriated between July 1, 1990,~~  
1897 ~~and June 30, 2015. In determining the distribution of funds~~  
1898 ~~under the Intermodal Development Program in any fiscal year, the~~  
1899 ~~department shall assume that future appropriation levels will be~~  
1900 ~~equal to the current appropriation level.~~

1901 ~~(6)~~ The department may ~~is authorized to~~ fund projects  
1902 within the Intermodal Development Program, which are consistent,  
1903 to the maximum extent feasible, with approved local government  
1904 comprehensive plans of the units of local government in which  
1905 the project is located. Projects that are eligible for funding  
1906 under this program include planning studies, major capital  
1907 investments in public rail and fixed-guideway transportation or  
1908 freight facilities and systems which provide intermodal access;  
1909 road, rail, intercity bus service, or fixed-guideway access to,  
1910 from, or between seaports, airports, spaceports, intermodal  
1911 logistics centers, and other transportation terminals;  
1912 construction of intermodal or multimodal terminals, including  
1913 projects on airports, spaceports, intermodal logistics centers,  
1914 or seaports which assist in the movement or transfer of people

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1915 or goods; development and construction of dedicated bus lanes;  
1916 and projects which otherwise facilitate the intermodal or  
1917 multimodal movement of people and goods.

1918 Section 47. Section 343.80, Florida Statutes, is amended to  
1919 read:

1920 343.80 Short title.—This part may be cited as the  
1921 "Northwest Florida Regional Transportation Finance ~~Corridor~~  
1922 Authority Law."

1923 Section 48. Section 343.805, Florida Statutes, is amended  
1924 to read:

1925 343.805 Definitions.—As used in this part, the term:

1926 (1) "Agency of the state" means the state and any  
1927 department of, or corporation, agency, or instrumentality  
1928 heretofore or hereafter created, designated, or established by,  
1929 the state.

1930 (2) "Authority" means the body politic and corporate and  
1931 agency of the state created by this part.

1932 (3) "Bonds" means the notes, bonds, refunding bonds, or  
1933 other evidences of indebtedness or obligations, in either  
1934 temporary or definitive form, which the authority is authorized  
1935 to issue pursuant to this part.

1936 (4) "Department" means the Department of Transportation  
1937 existing under chapters 334-339.

1938 (5) "Federal agency" means the United States, the President  
1939 of the United States, and any department of, or corporation,  
1940 agency, or instrumentality heretofore or hereafter created,  
1941 designated, or established by, the United States.

1942 (6) "Limited access expressway" or "expressway" means a  
1943 street or highway especially designed for through traffic and

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1944 over, from, or to which a person does not have the right of  
1945 easement, use, or access except in accordance with the rules  
1946 adopted and established by the authority for the use of such  
1947 facility. Such highway or street may be a parkway, from which  
1948 trucks, buses, and other commercial vehicles are excluded, or it  
1949 may be a freeway open to use by all customary forms of street  
1950 and highway traffic.

1951 (7) "Members" means the governing body of the authority,  
1952 and the term "member" means one of the individuals constituting  
1953 such governing body.

1954 (8) "Northwest Florida Regional Transportation Finance  
1955 Authority System" or "system" means any and all expressways and  
1956 appurtenant facilities thereto owned by the Authority,  
1957 including, but not limited to, all approaches, roads, bridges,  
1958 and avenues of access for said expressway or expressways.

1959 (9) ~~(8)~~ "State Board of Administration" means the body  
1960 corporate existing under the provisions of s. 9, Art. XII of the  
1961 State Constitution, or any successor thereto.

1962 ~~(9) "U.S. 98 corridor" means U.S. Highway 98 and any feeder~~  
1963 ~~roads, reliever roads, connector roads, bridges, and other~~  
1964 ~~transportation appurtenances, existing or constructed in the~~  
1965 ~~future, that support U.S. Highway 98 in Escambia, Santa Rosa,~~  
1966 ~~Okaloosa, Walton, Bay, Gulf, Franklin, and Wakulla Counties.~~

1967 ~~(10) "U.S. 98 corridor system" means any and all~~  
1968 ~~expressways and appurtenant facilities, including, but not~~  
1969 ~~limited to, all approaches, roads, bridges, and avenues of~~  
1970 ~~access for the expressways that are either built by the~~  
1971 ~~authority or whose ownership is transferred to the authority by~~  
1972 ~~other governmental or private entities.~~

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1973

1974 Terms importing singular number include the plural number in  
1975 each case and vice versa, and terms importing persons include  
1976 firms and corporations.

1977 Section 49. Section 343.81, Florida Statutes, is amended to  
1978 read:

1979 343.81 Northwest Florida Regional Transportation Finance  
1980 ~~Corridor~~ Authority.—

1981 (1) There is created and established a body politic and  
1982 corporate, an agency of the state, to be known as the Northwest  
1983 Florida Regional Transportation Finance ~~Corridor~~ Authority,  
1984 hereinafter referred to as "the authority."

1985 (2) (a) The governing body of the authority shall consist of  
1986 five ~~eight~~ voting members, two from Okaloosa County and one each  
1987 ~~from Escambia, Santa Rosa, Walton, Okaloosa, Bay, and Gulf,~~  
1988 ~~Franklin, and Wakulla~~ Counties, appointed by the Governor to a  
1989 4-year term. The appointees shall be residents of their  
1990 respective counties and may not hold an elected office. Upon the  
1991 effective date of his or her appointment, or as soon thereafter  
1992 as practicable, each appointed member of the authority shall  
1993 enter upon his or her duties. Each appointed member shall hold  
1994 office until his or her successor has been appointed and has  
1995 qualified. A vacancy occurring during a term shall be filled  
1996 only for the balance of the unexpired term. Any member of the  
1997 authority shall be eligible for reappointment. Members of the  
1998 authority may be removed from office by the Governor for  
1999 misconduct, malfeasance, misfeasance, or nonfeasance in office.

2000 (b) The district secretary of the Department of  
2001 Transportation serving Northwest Florida shall serve as an ex

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2002 officio, nonvoting member.

2003 (3) (a) The authority shall elect one of its members as  
2004 chair and shall also elect a secretary and a treasurer who may  
2005 or may not be members of the authority. The chair, secretary,  
2006 and treasurer shall hold such offices at the will of the  
2007 authority.

2008 (b) Three ~~Five~~ members of the authority shall constitute a  
2009 quorum, and the vote of at least three ~~Five~~ members shall be  
2010 necessary for any action taken by the authority. A vacancy in  
2011 the authority does not impair the right of a quorum of the  
2012 authority to exercise all of the rights and perform all of the  
2013 duties of the authority.

2014 (c) The authority shall meet at least quarterly but may  
2015 meet more frequently upon the call of the chair. The authority  
2016 should alternate the locations of its meetings among the seven  
2017 counties.

2018 (4) Members of the authority shall serve without  
2019 compensation but shall be entitled to receive from the authority  
2020 their travel expenses and per diem incurred in connection with  
2021 the business of the authority, as provided in s. 112.061.

2022 (5) The authority may employ an executive director, an  
2023 executive secretary, its own counsel and legal staff, technical  
2024 experts, engineers, and such employees, permanent or temporary,  
2025 as it may require. The authority shall determine the  
2026 qualifications and fix the compensation of such persons, firms,  
2027 or corporations and may employ a fiscal agent or agents;  
2028 however, the authority shall solicit sealed proposals from at  
2029 least three persons, firms, or corporations for the performance  
2030 of any services as fiscal agents. The authority may delegate to

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2031 one or more of its agents or employees its power as it shall  
2032 deem necessary to carry out the purposes of this part, subject  
2033 always to the supervision and control of the authority.

2034 ~~(6) The authority may establish technical advisory~~  
2035 ~~committees to provide guidance and advice on corridor-related~~  
2036 ~~issues. The authority shall establish the size, composition, and~~  
2037 ~~focus of any technical advisory committee created. A member~~  
2038 ~~appointed to a technical advisory committee shall serve without~~  
2039 ~~compensation but shall be entitled to per diem or travel~~  
2040 ~~expenses, as provided in s. 112.061.~~

2041 Section 50. Section 343.82, Florida Statutes, is amended to  
2042 read:

2043 343.82 Purposes and powers.—

2044 (1) The authority created and established by the provisions  
2045 of this part is hereby granted and shall have the right to  
2046 acquire, hold, construct, improve, maintain, operate, own and  
2047 lease in the capacity of lessor, the Northwest Florida Regional  
2048 Transportation Finance Authority System ~~The primary purpose of~~  
2049 ~~the authority is to improve mobility on the U.S. 98 corridor in~~  
2050 ~~Northwest Florida to enhance traveler safety, identify and~~  
2051 ~~develop hurricane evacuation routes, promote economic~~  
2052 ~~development along the corridor, and implement transportation~~  
2053 ~~projects to alleviate current or anticipated traffic congestion.~~

2054 (2) (a) The authority, in the construction of the Northwest  
2055 Florida Regional Transportation Finance Authority System, is  
2056 authorized to construct any feeder roads, reliever roads,  
2057 connector roads, bypasses, or appurtenant facilities ~~that are~~  
2058 ~~intended to improve mobility along the U.S. 98 corridor.~~ The  
2059 transportation improvement projects may also include all

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2060 necessary approaches, roads, bridges, and avenues of access that  
2061 are desirable and proper with the concurrence, where applicable,  
2062 of the department if the project is to be part of the State  
2063 Highway System or the respective county or municipal governing  
2064 boards. Any transportation facilities constructed by the  
2065 authority may be tolled.

2066 (b) Notwithstanding any special act to the contrary, the  
2067 authority shall plan for and study the feasibility of  
2068 constructing, operating, and maintaining a bridge or bridges  
2069 spanning Choctawhatchee Bay ~~or Santa Rosa Sound, or both,~~ and  
2070 access roads to such bridge or bridges, including studying the  
2071 environmental and economic feasibility of such bridge or bridges  
2072 and access roads, and such other transportation facilities that  
2073 become part of such bridge system. The authority may construct,  
2074 operate, and maintain the bridge system if the authority  
2075 determines that the bridge system project is feasible and  
2076 consistent with the authority's primary purpose and master plan.

2077 ~~(3) (a) The authority shall develop and adopt a corridor~~  
2078 ~~master plan no later than July 1, 2007. The goals and objectives~~  
2079 ~~of the master plan are to identify areas of the corridor where~~  
2080 ~~mobility, traffic safety, and efficient hurricane evacuation~~  
2081 ~~need to be improved; evaluate the economic development potential~~  
2082 ~~of the corridor and consider strategies to develop that~~  
2083 ~~potential; develop methods of building partnerships with local~~  
2084 ~~governments, other state and federal entities, the private~~  
2085 ~~sector business community, and the public in support of corridor~~  
2086 ~~improvements; and to identify projects that will accomplish~~  
2087 ~~these goals and objectives.~~

2088 ~~(b) After its adoption, the master plan shall be updated~~



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2089 ~~annually before July 1 of each year.~~

2090 ~~(c) The authority shall present the original master plan~~  
2091 ~~and updates to the governing bodies of the counties within the~~  
2092 ~~corridor and to the legislative delegation members representing~~  
2093 ~~those counties within 90 days after adoption.~~

2094 ~~(d) The authority may undertake projects or other~~  
2095 ~~improvements in the master plan in phases as particular projects~~  
2096 ~~or segments thereof become feasible, as determined by the~~  
2097 ~~authority. In carrying out its purposes and powers, the~~  
2098 ~~authority may request funding and technical assistance from the~~  
2099 ~~department and appropriate federal and local agencies,~~  
2100 ~~including, but not limited to, state infrastructure bank loans,~~  
2101 ~~advances from the Toll Facilities Revolving Trust Fund, and from~~  
2102 ~~any other sources.~~

2103 ~~(3)(4)~~ The authority is granted and shall have and may  
2104 exercise all powers necessary, appurtenant, convenient, or  
2105 incidental to the carrying out of the aforesaid purposes,  
2106 including, but not limited to, the following rights and powers:

2107 (a) To acquire, hold, construct, improve, maintain,  
2108 operate, own, and lease in the capacity of lessor transportation  
2109 facilities ~~within the U.S. 98 corridor.~~

2110 (b) To borrow money and to make and issue negotiable notes,  
2111 bonds, refunding bonds, and other evidences of indebtedness or  
2112 obligations, either in temporary or definitive form, hereinafter  
2113 in this chapter sometimes called "revenue bonds" of the  
2114 authority, for the purpose of financing all or part of the  
2115 Northwest Florida Regional Transportation Finance Authority  
2116 System ~~mobility improvements within the U.S. 98 corridor,~~ as  
2117 well as the appurtenant facilities, including all approaches,

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2118 streets, roads, bridges, and avenues of access authorized by  
2119 this part, the bonds to mature not exceeding 40 years after the  
2120 date of the issuance thereof, and to secure the payment of such  
2121 bonds or any part thereof by a pledge of any or all of its  
2122 revenues, rates, fees, rentals, or other charges.

2123 (c) To fix, alter, charge, establish, and collect tolls,  
2124 rates, fees, rentals, and other charges for the services and  
2125 facilities of the Northwest Florida Regional Transportation  
2126 Finance Authority Corridor System, which rates, fees, rentals,  
2127 and other charges shall always be sufficient to comply with any  
2128 covenants made with the holders of any bonds issued pursuant to  
2129 this part; however, such right and power may be assigned or  
2130 delegated by the authority to the department. ~~The authority may~~  
2131 ~~not impose tolls or other charges on existing highways and other~~  
2132 ~~transportation facilities within the corridor.~~

2133 (d) To acquire by donation or otherwise, purchase, hold,  
2134 lease as lessee, and use any franchise, property, real,  
2135 personal, or mixed, tangible or intangible, or any options  
2136 thereof in its own name or in conjunction with others, or  
2137 interest therein, necessary or desirable for carrying out the  
2138 purposes of the authority and to sell, lease as lessor,  
2139 transfer, and dispose of any property or interest therein at any  
2140 time acquired by the authority, which the authority and the  
2141 department have determined is not needed for the construction,  
2142 operation, and maintenance of the system ~~it~~.

2143 (e) To sue and be sued, implead and be impleaded, complain,  
2144 and defend in all courts.

2145 (f) To adopt, use, and alter at will a corporate seal.

2146 (g) To enter into and make leases.

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2147 ~~(h) To enter into and make lease-purchase agreements with~~  
2148 ~~the department for terms not exceeding 40 years or until any~~  
2149 ~~bonds secured by a pledge of rentals thereunder, and any~~  
2150 ~~refundings thereof, are fully paid as to both principal and~~  
2151 ~~interest, whichever is longer.~~

2152 (h) ~~(i)~~ To make contracts of every name and nature,  
2153 including, but not limited to, partnerships providing for  
2154 participation in ownership and revenues, and to execute all  
2155 instruments necessary or convenient for the carrying on of its  
2156 business.

2157 (i) ~~(j)~~ Without limitation of the foregoing, to ~~borrow money~~  
2158 ~~and~~ accept grants from and to enter into contracts, leases, or  
2159 other transactions with any federal agency, the state, any  
2160 agency of the state, or any other public body of the state.

2161 (j) ~~(k)~~ To have the power of eminent domain, including the  
2162 procedural powers granted under chapters 73 and 74.

2163 (k) ~~(l)~~ To pledge, hypothecate, or otherwise encumber all or  
2164 any part of the revenues, rates, fees, rentals, or other charges  
2165 or receipts of the authority.

2166 (l) ~~(m)~~ To enter into partnership and other agreements  
2167 respecting ownership and revenue participation in order to  
2168 facilitate financing and constructing any project or portions  
2169 thereof.

2170 (m) ~~(n)~~ To participate in agreements with private entities  
2171 and to receive private contributions.

2172 (n) ~~(o)~~ To contract with the department or with a private  
2173 entity for the operation of traditional and electronic toll  
2174 collection facilities ~~along the U.S. 98 corridor.~~

2175 (o) ~~(p)~~ To do all acts and things necessary or convenient

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2176 for the conduct of its business and the general welfare of the  
2177 authority in order to carry out the powers granted to it by this  
2178 part or any other law.

2179 (p)~~(e)~~ To construct, operate, and maintain roads, bridges,  
2180 avenues of access, thoroughfares, and boulevards and to  
2181 construct, repair, replace, operate, install, and maintain  
2182 electronic toll payment systems thereon, with all necessary and  
2183 incidental powers to accomplish the foregoing.

2184 (4)~~(5)~~ The authority does not have power at any time or in  
2185 any manner to pledge the credit or taxing power of the state or  
2186 any political subdivision or agency thereof, nor shall any of  
2187 the authority's obligations be deemed to be obligations of the  
2188 state or of any political subdivision or agency thereof, nor  
2189 shall the state or any political subdivision or agency thereof,  
2190 except the authority, be liable for the payment of the principal  
2191 of or interest on such obligations.

2192 Section 51. Section 343.83, Florida Statutes, is amended to  
2193 read:

2194 343.83 Improvements, bond financing authority.—Pursuant to  
2195 s. 11(f), Art. VII of the State Constitution, the Legislature  
2196 approves bond financing by the Northwest Florida Regional  
2197 Transportation Finance Corridor Authority for improvements to  
2198 toll collection facilities, interchanges to the legislatively  
2199 approved system, and any other facility appurtenant, necessary,  
2200 or incidental to the approved system. Subject to terms and  
2201 conditions of applicable revenue bond resolutions and covenants,  
2202 such costs may be financed in whole or in part by revenue bonds  
2203 issued pursuant to s. 343.835(1)(a) or (b) whether currently  
2204 issued or issued in the future or by a combination of such

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2205 bonds.

2206 Section 52. Subsections (2) and (3) of section 343.835,  
2207 Florida Statutes, is amended to read:

2208 343.835 Bonds of the authority.—

2209 (2) Any such resolution or resolutions authorizing any  
2210 bonds hereunder may contain provisions that are part of the  
2211 contract with the holders of such bonds, as to:

2212 (a) The pledging of all or any part of the revenues, rates,  
2213 fees, rentals, or other charges or receipts of the authority,  
2214 ~~derived by the authority for the U.S. 98 corridor improvements.~~

2215 (b) The completion, improvement, operation, extension,  
2216 maintenance, repair, or lease of the system, and the duties of  
2217 the authority and others with reference thereto.

2218 (c) Limitations on the purposes to which the proceeds of  
2219 the bonds, then or thereafter to be issued, or of any loan or  
2220 grant by the United States or the state may be applied.

2221 (d) The fixing, charging, establishing, and collecting of  
2222 rates, fees, rentals, or other charges for use of the services  
2223 and facilities owned or provided ~~constructed~~ by the authority.

2224 (e) The setting aside of reserves or sinking funds or  
2225 repair and replacement funds and the regulation and disposition  
2226 thereof.

2227 (f) Limitations on the issuance of additional bonds.

2228 (g) The terms and provisions of any lease-purchase  
2229 agreement, deed of trust, or indenture securing the bonds or  
2230 under which the same may be issued.

2231 (h) Any other or additional agreements with the holders of  
2232 the bonds which the authority may deem desirable and proper.

2233 (3) The authority may employ fiscal agents as provided by

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2234 this part or the State Board of Administration may, upon request  
2235 of the authority, act as fiscal agent for the authority in the  
2236 issuance of any bonds that are issued pursuant to this part, and  
2237 the State Board of Administration may, upon request of the  
2238 authority, take over the management, control, administration,  
2239 custody, and payment of any or all debt services or funds or  
2240 assets now or hereafter available for any bonds issued pursuant  
2241 to this part. The authority may enter into any deeds of trust,  
2242 indentures, or other agreements with its fiscal agent, or with  
2243 any bank or trust company within or without the state, as  
2244 security for such bonds and may, under such agreements, sign and  
2245 pledge all or any of the revenues, rates, fees, rentals, or  
2246 other charges or receipts of the authority. Such deed of trust,  
2247 indenture, or other agreement may contain such provisions as are  
2248 customary in such instruments or, as the authority authorizes,  
2249 including, but without limitation, provisions as to:

2250 (a) The completion, improvement, operation, extension,  
2251 maintenance, repair, and lease of the system ~~U.S. 98 corridor~~  
2252 ~~improvements~~ and the duties of the authority and others with  
2253 reference thereto.

2254 (b) The application of funds and the safeguarding of funds  
2255 on hand or on deposit.

2256 (c) The rights and remedies of the trustee and the holders  
2257 of the bonds.

2258 (d) The terms and provisions of the bonds or the  
2259 resolutions authorizing the issuance of the bonds.

2260 Section 53. Section 343.84, Florida Statutes, is amended to  
2261 read:

2262 343.84 Department to construct, operate, and maintain

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2263 facilities ~~may be appointed agent of authority for~~  
2264 ~~construction.~~—

2265 (1) The department is the agent of ~~may be appointed by~~ the  
2266 authority ~~as its agent~~ for the purpose of constructing  
2267 improvements and extensions to the system and for the completion  
2268 thereof. ~~In such event,~~ The authority shall provide the  
2269 department with complete copies of all documents, agreements,  
2270 resolutions, contracts, and instruments relating thereto, shall  
2271 request the department to do such construction work, including  
2272 the planning, surveying, and actual construction of the  
2273 completion, extensions, and improvements to the system, and  
2274 shall transfer to the credit of an account of the department in  
2275 the treasury of the state the necessary funds therefor. The  
2276 department shall proceed with such construction and use the  
2277 funds for such purpose in the same manner that it is now  
2278 authorized to use the funds otherwise provided by law for its  
2279 use in construction of roads and bridges. The authority may  
2280 alternatively, with the consent and approval of the department,  
2281 elect to appoint a local agency certified by the department to  
2282 administer federal aid projects in accordance with federal law  
2283 as the authority's agent for the purpose of performing each  
2284 phase of a project.

2285 (2) Notwithstanding the provisions of subsection (1), the  
2286 department is the agent of the authority for the purpose of  
2287 operating and maintaining the system. The department shall  
2288 operate and maintain the system, and the costs incurred by the  
2289 department for operation and maintenance shall be reimbursed  
2290 from revenues of the system. The appointment of the department  
2291 as agent for the authority does not create an independent

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2292 obligation of the department to operate and maintain the system.  
 2293 The authority shall remain obligated as principal to operate and  
 2294 maintain its system, and, except as otherwise provided by the  
 2295 lease-purchase agreement between the department and the Mid-Bay  
 2296 Bridge Authority in connection with its issuance of bonds, the  
 2297 authority's bondholders do not have an independent right to  
 2298 compel the department to operate and maintain any part of the  
 2299 authority's system.

2300 (3) The authority shall fix, alter, charge, establish, and  
 2301 collect tolls, rates, fees, rentals, and other charges for the  
 2302 authority's facilities, as otherwise provided in this part.

2303 Section 54. Subsection (1) of section 343.85, Florida  
 2304 Statutes, is amended to read:

2305 343.85 Acquisition of lands and property.—

2306 (1) For the purposes of this part, the Northwest Florida  
 2307 Regional Transportation Finance Corridor Authority may acquire  
 2308 private or public property and property rights, including rights  
 2309 of access, air, view, and light, by gift, devise, purchase, or  
 2310 condemnation by eminent domain proceedings, as the authority may  
 2311 deem necessary for any purpose of this part, including, but not  
 2312 limited to, any lands reasonably necessary for securing  
 2313 applicable permits, areas necessary for management of access,  
 2314 borrow pits, drainage ditches, water retention areas, rest  
 2315 areas, replacement access for landowners whose access is  
 2316 impaired due to the construction of a facility, and replacement  
 2317 rights-of-way for relocated rail and utility facilities; for  
 2318 existing, proposed, or anticipated transportation facilities  
 2319 ~~within the U.S. 98 transportation corridor designated by the~~  
 2320 ~~authority;~~ or for the purposes of screening, relocation,



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2321 removal, or disposal of junkyards and scrap metal processing  
2322 facilities. The authority may condemn any material and property  
2323 necessary for such purposes.

2324 Section 55. Section 343.875, Florida Statutes, is repealed.

2325 Section 56. Subsection (3) of section 343.89, Florida  
2326 Statutes, is amended to read:

2327 343.89 Complete and additional statutory authority.—

2328 (3) This part does not preclude the department from  
2329 acquiring, holding, constructing, improving, maintaining,  
2330 operating, or owning tolled or nontolled facilities funded and  
2331 constructed from nonauthority sources that are part of the State  
2332 Highway System within the geographical boundaries of the  
2333 Northwest Florida Regional Transportation Finance Corridor~~er~~  
2334 Authority.

2335 Section 57. Subsection (4) of section 343.922, Florida  
2336 Statutes, is amended to read:

2337 343.922 Powers and duties.—

2338 (4) The authority may undertake projects or other  
2339 improvements in the master plan in phases as particular projects  
2340 or segments become feasible, as determined by the authority. The  
2341 authority shall coordinate project planning, development, and  
2342 implementation with the applicable local governments. The  
2343 authority's projects that are transportation oriented shall be  
2344 consistent to the maximum extent feasible with the adopted local  
2345 government comprehensive plans at the time they are funded for  
2346 construction. Authority projects that are not transportation  
2347 oriented and meet the definition of development pursuant to s.  
2348 380.04 shall be consistent with the local comprehensive plans.  
2349 In carrying out its purposes and powers, the authority may

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2350 request funding and technical assistance from the department and  
2351 appropriate federal and local agencies, including, but not  
2352 limited to, state infrastructure bank loans, ~~advances from the~~  
2353 ~~Toll Facilities Revolving Trust Fund,~~ and funding and technical  
2354 assistance from any other source.

2355 Section 58. Chapter 345, Florida Statutes, consisting of  
2356 sections 345.0001, 345.0002, 345.0003, 345.0004, 345.0005,  
2357 345.0006, 345.0007, 345.0008, 345.0009, 345.0010, 345.0011,  
2358 345.0012, 345.0013, 345.0014, 345.0015, and 345.0016, is created  
2359 to read:

2360 345.0001 Short title.—This act may be cited as the “Florida  
2361 Regional Transportation Finance Authority Act.”

2362 345.0002 Definitions.—As used in this chapter, the term:

2363 (1) “Agency of the state” means the state and any  
2364 department of, or any corporation, agency, or instrumentality  
2365 heretofore or hereafter created, designated, or established by,  
2366 the state.

2367 (2) “Area served” means the geographical area of the  
2368 counties for which an authority is established.

2369 (3) “Authority” means a regional transportation finance  
2370 authority, a body politic and corporate, and an agency of the  
2371 state, established pursuant to the Florida Regional  
2372 Transportation Finance Authority Act.

2373 (4) “Bonds” means the notes, bonds, refunding bonds, or  
2374 other evidences of indebtedness or obligations, in temporary or  
2375 definitive form, which an authority may issue pursuant to this  
2376 act.

2377 (5) “Department” means the Department of Transportation of  
2378 Florida and any successor thereto.

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2379       (6) "Division" means the Division of Bond Finance of the  
2380 State Board of Administration.

2381       (7) "Federal agency" means the United States, the President  
2382 of the United States, and any department of, or any bureau,  
2383 corporation, agency, or instrumentality heretofore or hereafter  
2384 created, designated, or established by, the United States.

2385       (8) "Members" means the governing body of an authority, and  
2386 the term "member" means one of the individuals constituting such  
2387 governing body.

2388       (9) "Regional system" or "system" means, generally, a  
2389 modern tolled highway system of roads, bridges, causeways, and  
2390 tunnels within any area of the authority, with access limited or  
2391 unlimited as an authority may determine, and the buildings and  
2392 structures and appurtenances and facilities related to the  
2393 system, including all approaches, streets, roads, bridges, and  
2394 avenues of access for the system.

2395       (10) "Revenues" means the tolls, revenues, rates, fees,  
2396 charges, receipts, rentals, contributions, and other income  
2397 derived from or in connection with the operation or ownership of  
2398 a regional system, including the proceeds of any use and  
2399 occupancy insurance on any portion of the system but excluding  
2400 state funds available to an authority and any other municipal or  
2401 county funds available to an authority under an agreement with a  
2402 municipality or county.

2403       345.0003 Regional transportation finance authority;  
2404 formation; membership.-

2405       (1) A county, or two or more contiguous counties, may,  
2406 after the approval of the Legislature, form a regional  
2407 transportation finance authority for the purposes of financing,

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2408 constructing, maintaining, and operating transportation projects  
2409 in a region of this state. An authority shall be governed in  
2410 accordance with the provisions of this chapter. An authority may  
2411 not be created without the approval of the Legislature and the  
2412 approval of the county commission of each county that will be a  
2413 part of the authority. An authority may not be created to serve  
2414 a particular area of this state as provided by this subsection  
2415 if a regional transportation finance authority has been created  
2416 and is operating within all or a portion of the same area served  
2417 pursuant to an act of the Legislature. Each authority shall be  
2418 the only authority created and operating pursuant to this  
2419 chapter within the area served by the authority.

2420 (2) The governing body of an authority shall consist of a  
2421 board of voting members as follows:

2422 (a) The county commission of each county in the area served  
2423 by the authority shall each appoint a member who must be a  
2424 resident of the county from which he or she is appointed. The  
2425 county commission of each county with a total population of more  
2426 than 250,000 shall appoint a second member who must be a  
2427 resident of the county. If possible, the member must represent  
2428 the business and civic interests of the community.

2429 (b) The Governor shall appoint an equal number of members  
2430 to the board as those appointed by the county commissions. The  
2431 members appointed by the Governor must be residents of the area  
2432 served by the authority.

2433 (c) The secretary of the Department of Transportation shall  
2434 appoint one of the district secretaries, or his or her designee,  
2435 for the districts within which the area served by the authority  
2436 is located.

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2437       (3) The term of office of each member shall be for 4 years  
2438 or until his or her successor is appointed and qualified.

2439       (4) A member may not hold an elected office.

2440       (5) A vacancy occurring in the governing body before the  
2441 expiration of the member's term shall be filled by the  
2442 respective appointing authority in the same manner as the  
2443 original appointment and only for the balance of the unexpired  
2444 term.

2445       (6) Each member, before entering upon his or her official  
2446 duties, must take and subscribe to an oath before an official  
2447 authorized by law to administer oaths that he or she will  
2448 honestly, faithfully, and impartially perform the duties  
2449 devolving upon him or her in office as a member of the governing  
2450 body of the authority and that he or she will not neglect any  
2451 duties imposed upon him or her by this chapter.

2452       (7) A member of an authority may be removed from office by  
2453 the Governor for misconduct, malfeasance, misfeasance, or  
2454 nonfeasance in office.

2455       (8) The members of the authority shall designate one of its  
2456 members as chair.

2457       (9) The members of the authority shall serve without  
2458 compensation, but shall be entitled to reimbursement for per  
2459 diem and other expenses in accordance with s. 112.061 while in  
2460 performance of their duties.

2461       (10) A majority of the members of the authority constitutes  
2462 a quorum, and resolutions enacted or adopted by a vote of a  
2463 majority of the members present and voting at any meeting become  
2464 effective without publication, posting, or any further action of  
2465 the authority.

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2466       345.0004 Powers and duties.-

2467       (1) (a) An authority created and established, or governed,  
2468 by the Florida Regional Transportation Finance Authority Act  
2469 shall plan, develop, finance, construct, reconstruct, improve,  
2470 own, operate, and maintain a regional system in the area served  
2471 by the authority.

2472       (b) An authority may not exercise the powers in paragraph  
2473 (a) with respect to an existing system for transporting people  
2474 and goods by any means that is owned by another entity without  
2475 the consent of that entity. If an authority acquires, purchases,  
2476 or inherits an existing entity, the authority shall also inherit  
2477 and assume all rights, assets, appropriations, privileges, and  
2478 obligations of the existing entity.

2479       (2) Each authority may exercise all powers necessary,  
2480 appurtenant, convenient, or incidental to the carrying out of  
2481 the purposes of this section, including, but not limited to, the  
2482 following rights and powers:

2483       (a) To sue and be sued, implead and be impleaded, and  
2484 complain and defend in all courts in its own name.

2485       (b) To adopt and use a corporate seal.

2486       (c) To have the power of eminent domain, including the  
2487 procedural powers granted under chapters 73 and 74.

2488       (d) To acquire, purchase, hold, lease as a lessee, and use  
2489 any property, real, personal, or mixed, tangible or intangible,  
2490 or any interest therein, necessary or desirable for carrying out  
2491 the purposes of the authority.

2492       (e) To sell, convey, exchange, lease, or otherwise dispose  
2493 of any real or personal property acquired by the authority,  
2494 which the authority and the department have determined is not

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2495 needed for the construction, operation, and maintenance of the  
2496 system, including air rights.

2497 (f) To fix, alter, charge, establish, and collect rates,  
2498 fees, rentals, and other charges for the use of any system owned  
2499 or operated by the authority, which rates, fees, rentals, and  
2500 other charges must always be sufficient to comply with any  
2501 covenants made with the holders of any bonds issued pursuant to  
2502 this act; however, such right and power may be assigned or  
2503 delegated by the authority to the department.

2504 (g) To borrow money, make and issue negotiable notes,  
2505 bonds, refunding bonds, and other evidences of indebtedness or  
2506 obligations, in temporary or definitive form, for the purpose of  
2507 financing all or part of the improvement of the authority's  
2508 system and appurtenant facilities, including the approaches,  
2509 streets, roads, bridges, and avenues of access for the system  
2510 and for any other purpose authorized by this chapter, the bonds  
2511 to mature in not exceeding 30 years after the date of the  
2512 issuance thereof, and to secure the payment of such bonds or any  
2513 part thereof by a pledge of its revenues, rates, fees, rentals,  
2514 or other charges, including municipal or county funds received  
2515 by the authority pursuant to the terms of an agreement between  
2516 the authority and a municipality or county; and, in general, to  
2517 provide for the security of the bonds and the rights and  
2518 remedies of the holders of the bonds; however, municipal or  
2519 county funds may not be pledged for the construction of a  
2520 project for which a toll is to be charged unless the anticipated  
2521 tolls are reasonably estimated by the governing board of the  
2522 municipality or county, at the date of its resolution pledging  
2523 said funds, to be sufficient to cover the principal and interest

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2524 of such obligations during the period when the pledge of funds  
2525 is in effect. An authority shall reimburse a municipality or  
2526 county for sums expended from municipal or county funds used for  
2527 the payment of the bond obligations.

2528 (h) To make contracts of every name and nature, including,  
2529 but not limited to, partnerships providing for participation in  
2530 ownership and revenues, and to execute each instrument necessary  
2531 or convenient for the conduct of its business.

2532 (i) Without limitation of the foregoing, to cooperate with,  
2533 accept grants from, and to enter into contracts or other  
2534 transactions with any federal agency, the state, or any agency  
2535 or any other public body of the state.

2536 (j) To employ an executive director, attorney, staff, and  
2537 consultants. Upon the request of an authority, the department  
2538 shall furnish the services of a department employee to act as  
2539 the executive director of the authority.

2540 (k) To accept funds or other property from private  
2541 donations.

2542 (l) To do all acts and things necessary or convenient for  
2543 the conduct of its business and the general welfare of the  
2544 authority, in order to carry out the powers granted to it by  
2545 this act or any other law.

2546 (3) An authority does not have the power at any time or in  
2547 any manner to pledge the credit or taxing power of the state or  
2548 any political subdivision or agency thereof. Obligations of the  
2549 authority may not be deemed to be obligations of the state or of  
2550 any other political subdivision or agency thereof. The state or  
2551 any political subdivision or agency thereof, except the  
2552 authority, is not liable for the payment of the principal of or



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2553 interest on such obligations.

2554 (4) An authority has no power, other than by consent of the  
2555 affected county or an affected municipality, to enter into an  
2556 agreement that would legally prohibit the construction of a road  
2557 by the county or the municipality.

2558 (5) An authority formed pursuant to this chapter shall  
2559 comply with the statutory requirements of general application  
2560 which relate to the filing of a report or documentation required  
2561 by law, including the requirements of ss. 189.4085, 189.415,  
2562 189.417, and 189.418.

2563 345.0005 Bonds.—

2564 (1) (a) Bonds may be issued on behalf of an authority  
2565 pursuant to the State Bond Act.

2566 (b) An authority may also issue bonds in such principal  
2567 amount as is necessary, in the opinion of the authority, to  
2568 provide sufficient moneys for achieving its corporate purposes,  
2569 including construction, reconstruction, improvement, extension,  
2570 and repair of the system; the cost of acquisition of all real  
2571 property; interest on bonds during construction and for a  
2572 reasonable period thereafter, and establishment of reserves to  
2573 secure bonds; and all other expenditures of the authority  
2574 incident to and necessary or convenient to carry out its  
2575 corporate purposes and powers.

2576 (2) (a) Bonds issued by an authority pursuant to paragraph  
2577 (1) (a) or paragraph (1) (b) must be authorized by resolution of  
2578 the members of the authority and must bear such date or dates;  
2579 mature at such time or times, not exceeding 30 years after their  
2580 respective dates; bear interest at such rate or rates, not  
2581 exceeding the maximum rate fixed by general law for authorities;

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2582 be in such denominations; be in such form, either coupon or  
2583 fully registered; carry such registration, exchangeability and  
2584 interchangeability privileges; be payable in such medium of  
2585 payment and at such place or places; be subject to such terms of  
2586 redemption; and be entitled to such priorities of lien on the  
2587 revenues and other available moneys as such resolution or any  
2588 resolution subsequent to the bonds' issuance may provide. The  
2589 bonds shall be executed either by manual or facsimile signature  
2590 by such officers as the authority shall determine, provided that  
2591 such bonds bear at least one signature that is manually executed  
2592 thereon. The coupons attached to such bonds shall bear the  
2593 facsimile signature or signatures of such officer or officers as  
2594 designated by the authority. Such bonds shall have the seal of  
2595 the authority affixed, imprinted, reproduced, or lithographed  
2596 thereon.

2597 (b) Bonds issued pursuant to paragraph (1)(a) or paragraph  
2598 (1)(b) must be sold at public sale in the same manner provided  
2599 in the State Bond Act. Pending the preparation of definitive  
2600 bonds, temporary bonds or interim certificates may be issued to  
2601 the purchaser or purchasers of such bonds and may contain terms  
2602 and conditions as the authority may determine.

2603 (3) A resolution that authorizes any bonds may contain  
2604 provisions that must be part of the contract with the holders of  
2605 the bonds, as to:

2606 (a) The pledging of all or any part of the revenues,  
2607 available municipal or county funds, or other charges or  
2608 receipts of the authority derived from the regional system.

2609 (b) The construction, reconstruction, improvement,  
2610 extension, repair, maintenance, and operation of the system, or

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2611 any part or parts of the system, and the duties and obligations  
2612 of the authority with reference thereto.

2613 (c) Limitations on the purposes to which the proceeds of  
2614 the bonds, then or thereafter issued, or of any loan or grant by  
2615 any federal agency or the state or any political subdivision of  
2616 the state may be applied.

2617 (d) The fixing, charging, establishing, revising,  
2618 increasing, reducing, and collecting of tolls, rates, fees,  
2619 rentals, or other charges for use of the services and facilities  
2620 of the system or any part of the system.

2621 (e) The setting aside of reserves or of sinking funds and  
2622 the regulation and disposition of the reserves or sinking funds.

2623 (f) Limitations on the issuance of additional bonds.

2624 (g) The terms and provisions of any deed of trust or  
2625 indenture securing the bonds, or under which the bonds may be  
2626 issued.

2627 (h) Any other or additional matters, of like or different  
2628 character, which in any way affect the security or protection of  
2629 the bonds.

2630 (4) The authority may enter into any deeds of trust,  
2631 indentures, or other agreements with any bank or trust company  
2632 within or without the state, as security for such bonds, and  
2633 may, under such agreements, assign and pledge any of the  
2634 revenues and other available moneys, including any available  
2635 municipal or county funds, pursuant to the terms of this  
2636 chapter. The deed of trust, indenture, or other agreement may  
2637 contain provisions that are customary in such instruments or  
2638 that the authority may authorize, including, but without  
2639 limitation, provisions that:

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- 2640       (a) Pledge any part of the revenues or other moneys  
2641 lawfully available therefor.
- 2642       (b) Apply funds and safeguard funds on hand or on deposit.
- 2643       (c) Provide for the rights and remedies of the trustee and  
2644 the holders of the bonds.
- 2645       (d) Provide for the terms and provisions of the bonds or  
2646 for resolutions authorizing the issuance of the bonds.
- 2647       (e) Provide for any other or additional matters, of like or  
2648 different character, which affect the security or protection of  
2649 the bonds.
- 2650       (5) Any bonds issued pursuant to this act are negotiable  
2651 instruments and have all the qualities and incidents of  
2652 negotiable instruments under the law merchant and the negotiable  
2653 instruments law of the state.
- 2654       (6) A resolution that authorizes the issuance of authority  
2655 bonds and pledges the revenues of the system must require that  
2656 revenues of the system be periodically deposited into  
2657 appropriate accounts in such sums as are sufficient to pay the  
2658 costs of operation and maintenance of the system for the current  
2659 fiscal year as set forth in the annual budget of the authority  
2660 and to reimburse the department for any unreimbursed costs of  
2661 operation and maintenance of the system from prior fiscal years  
2662 before revenues of the system are deposited into accounts for  
2663 the payment of interest or principal owing or that may become  
2664 owing on such bonds.
- 2665       (7) State funds may not be used or pledged to pay the  
2666 principal or interest of any authority bonds, and all such bonds  
2667 must contain a statement on their face to this effect.
- 2668       345.0006 Remedies of bondholders.-

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2669       (1) The rights and the remedies granted to authority  
2670 bondholders under this chapter are in addition to and not in  
2671 limitation of any rights and remedies lawfully granted to such  
2672 bondholders by the resolution or indenture providing for the  
2673 issuance of bonds, or by any deed of trust, indenture, or other  
2674 agreement under which the bonds may be issued or secured. If an  
2675 authority defaults in the payment of the principal of or  
2676 interest on any of the bonds issued pursuant to this chapter  
2677 after such principal of or interest on the bonds becomes due,  
2678 whether at maturity or upon call for redemption, as provided in  
2679 the resolution or indenture, and such default continues for 30  
2680 days, or in the event that the authority fails or refuses to  
2681 comply with the provisions of this chapter or any agreement made  
2682 with, or for the benefit of, the holders of the bonds, the  
2683 holders of 25 percent in aggregate principal amount of the bonds  
2684 then outstanding shall be entitled as of right to the  
2685 appointment of a trustee to represent such bondholders for the  
2686 purposes of the default provided that the holders of 25 percent  
2687 in aggregate principal amount of the bonds then outstanding  
2688 first gave written notice of their intention to appoint a  
2689 trustee, to the authority and to the department.

2690       (2) The trustee, and any trustee under any deed of trust,  
2691 indenture, or other agreement, may, and upon written request of  
2692 the holders of 25 percent, or such other percentages specified  
2693 in any deed of trust, indenture, or other agreement, in  
2694 principal amount of the bonds then outstanding, shall, in any  
2695 court of competent jurisdiction, in his, her, or its own name:

2696       (a) By mandamus or other suit, action, or proceeding at  
2697 law, or in equity, enforce all rights of the bondholders,

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2698 including the right to require the authority to fix, establish,  
2699 maintain, collect, and charge rates, fees, rentals, and other  
2700 charges, adequate to carry out any agreement as to, or pledge  
2701 of, the revenues, and to require the authority to carry out any  
2702 other covenants and agreements with or for the benefit of the  
2703 bondholders, and to perform its and their duties under this  
2704 chapter.

2705 (b) Bring suit upon the bonds.

2706 (c) By action or suit in equity, require the authority to  
2707 account as if it were the trustee of an express trust for the  
2708 bondholders.

2709 (d) By action or suit in equity, enjoin any acts or things  
2710 that may be unlawful or in violation of the rights of the  
2711 bondholders.

2712 (3) A trustee, if appointed pursuant to this section or  
2713 acting under a deed of trust, indenture, or other agreement, and  
2714 whether or not all bonds have been declared due and payable,  
2715 shall be entitled as of right to the appointment of a receiver.  
2716 The receiver may enter upon and take possession of the system or  
2717 the facilities or any part or parts of the system, the revenues  
2718 and other pledged moneys, for and on behalf of and in the name  
2719 of, the authority and the bondholders. The receiver may collect  
2720 and receive all revenues and other pledged moneys in the same  
2721 manner as the authority. The receiver shall deposit all such  
2722 revenues and moneys in a separate account and apply all such  
2723 revenues and moneys remaining after allowance for payment of all  
2724 costs of operation and maintenance of the system in such manner  
2725 as the court directs. In a suit, action, or proceeding by the  
2726 trustee, the fees, counsel fees, and expenses of the trustee,

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2727 and said receiver, if any, and all costs and disbursements  
2728 allowed by the court must be a first charge on any revenues  
2729 after payment of the costs of operation and maintenance of the  
2730 system. The trustee also has all other powers necessary or  
2731 appropriate for the exercise of any functions specifically set  
2732 forth in this section or incident to the representation of the  
2733 bondholders in the enforcement and protection of their rights.

2734 (4) This section or any other section of this chapter does  
2735 not authorize a receiver appointed pursuant to this section for  
2736 the purpose of operating and maintaining the system or any  
2737 facilities or parts thereof to sell, assign, mortgage, or  
2738 otherwise dispose of any of the assets belonging to the  
2739 authority. The powers of the receiver are limited to the  
2740 operation and maintenance of the system, or any facility or  
2741 parts thereof and to the collection and application of revenues  
2742 and other moneys due the authority, in the name and for and on  
2743 behalf of the authority and the bondholders. A holder of bonds  
2744 or any trustee does not have the right in any suit, action, or  
2745 proceeding, at law or in equity, to compel a receiver, or a  
2746 receiver may not be authorized or a court may not direct a  
2747 receiver to, sell, assign, mortgage, or otherwise dispose of any  
2748 assets of whatever kind or character belonging to the authority.

2749 345.0007 Department to construct, operate, and maintain  
2750 facilities.-

2751 (1) The department is the agent of each authority for the  
2752 purpose of performing each phase of a project, including, but  
2753 not limited to, constructing improvements and extensions to the  
2754 system. The authority shall provide to the department complete  
2755 copies of the documents, agreements, resolutions, contracts, and

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2756 instruments that relate to the project and shall request that  
2757 the department perform the construction work, including the  
2758 planning, surveying, design, and actual construction of the  
2759 completion, extensions, and improvements to the system. After  
2760 the issuance of bonds to finance construction of an improvement  
2761 or addition to the system, the authority shall transfer to the  
2762 credit of an account of the department in the State Treasury the  
2763 necessary funds for construction. The department shall proceed  
2764 with construction and use the funds for the purpose authorized  
2765 and as otherwise provided by law for construction of roads and  
2766 bridges. An authority may alternatively, with the consent and  
2767 approval of the department, elect to appoint a local agency  
2768 certified by the department to administer federal aid projects  
2769 in accordance with federal law as the authority's agent for the  
2770 purpose of performing each phase of a project.

2771 (2) Notwithstanding the provisions of subsection (1), the  
2772 department is the agent of each authority for the purpose of  
2773 operating and maintaining the system. The department shall  
2774 operate and maintain the system, and the costs incurred by the  
2775 department for operation and maintenance shall be reimbursed  
2776 from revenues of the system. The appointment of the department  
2777 as agent for each authority does not create an independent  
2778 obligation of the department to operate and maintain a system.  
2779 Each authority shall remain obligated as principal to operate  
2780 and maintain its system, and an authority's bondholders do not  
2781 have an independent right to compel the department to operate or  
2782 maintain the authority's system.

2783 (3) Each authority shall fix, alter, charge, establish, and  
2784 collect tolls, rates, fees, rentals, and other charges for the



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2785 authority's facilities, as otherwise provided in this chapter.

2786 345.0008 Department contributions to authority projects.-

2787 (1) The department may agree with an authority to provide  
2788 for or contribute to the payment of costs of financial or  
2789 engineering and traffic feasibility studies and the design,  
2790 financing, acquisition, or construction of an authority project  
2791 or system included in the 10-year Strategic Intermodal Plan,  
2792 subject to appropriation by the Legislature.

2793 (a) In the manner required by chapter 216, the department  
2794 shall include any issue in its legislative budget request for  
2795 funding the payment of costs of financial or engineering and  
2796 traffic feasibility studies and the design, financing,  
2797 acquisition, or construction of an authority project or system.  
2798 The request for funding may be included as part of the 5-year  
2799 Tentative Work Program; however, it will be decided upon  
2800 separately as a distinct funding item for consideration by the  
2801 Legislature. The department shall include a financial  
2802 feasibility test to accompany such legislative budget request  
2803 for consideration of funding any authority project.

2804 (b) As determined by the Legislature in the General  
2805 Appropriations Act, funding provided for authority projects must  
2806 be appropriated in a specific fixed capital outlay appropriation  
2807 category that clearly identifies the authority project.

2808 (c) The department may not request legislative approval of  
2809 acquisition or construction of a proposed authority project  
2810 unless the estimated net revenues of the proposed project will  
2811 be sufficient to pay at least 50 percent of the annual debt  
2812 service on the bonds associated with the project by the end of  
2813 the 12th year of operation and to pay at least 100 percent of

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2814 the debt service on the bonds by the end of the 30th year of  
2815 operation.

2816 (2) The department may use its engineering and other  
2817 personnel, including consulting engineers and traffic engineers,  
2818 to conduct feasibility studies under subsection (1). The  
2819 department may participate in authority-funded projects that, at  
2820 a minimum:

2821 (a) Serve national, statewide, or regional functions and  
2822 function as part of an integrated regional transportation  
2823 system.

2824 (b) Are identified in the capital improvements element of a  
2825 comprehensive plan that has been determined to be in compliance  
2826 with part II of chapter 163. Further, the project must be in  
2827 compliance with local government comprehensive plan policies  
2828 relative to corridor management.

2829 (c) Are consistent with the Strategic Intermodal System  
2830 Plan developed under s. 339.64.

2831 (d) Have a commitment for local, regional, or private  
2832 financial matching funds as a percentage of the overall project  
2833 cost.

2834 (3) Before approval, the department must determine that the  
2835 proposed project:

2836 (a) Is in the public's best interest;

2837 (b) Would not require state funds to be used unless the  
2838 project is on the State Highway System;

2839 (c) Would have adequate safeguards in place to ensure that  
2840 additional costs or service disruptions would not be realized by  
2841 the traveling public and residents of the state in the event of  
2842 default or cancellation of the agreement by the department; and

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2843 (d) Would have adequate safeguards in place to ensure that  
2844 the department and the regional transportation finance authority  
2845 have the opportunity to add capacity to the proposed project and  
2846 other transportation facilities serving similar origins and  
2847 destinations.

2848 (4) An obligation or expense incurred by the department  
2849 under this section is a part of the cost of the authority  
2850 project for which the obligation or expense was incurred. The  
2851 department may require money contributed by the department under  
2852 this section to be repaid from tolls of the project on which the  
2853 money was spent, other revenue of the authority, or other  
2854 sources of funds.

2855 (5) The department shall receive from an authority a share  
2856 of the authority's net revenues equal to the ratio of the  
2857 department's total contributions to the authority under this  
2858 section to the sum of: the department's total contributions  
2859 under this section; contributions by any local government to the  
2860 cost of revenue producing authority projects; and the sale  
2861 proceeds of authority bonds after payment of costs of issuance.  
2862 For the purpose of this subsection, net revenues are gross  
2863 revenues of an authority after payment of debt service,  
2864 administrative expenses, operations and maintenance expenses,  
2865 and all reserves required to be established under any resolution  
2866 under which authority bonds are issued.

2867 345.0009 Acquisition of lands and property.-

2868 (1) For the purposes of this chapter, an authority may  
2869 acquire private or public property and property rights,  
2870 including rights of access, air, view, and light, by gift,  
2871 devise, purchase, condemnation by eminent domain proceedings, or

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2872 transfer from another political subdivision of the state, as the  
2873 authority may deem necessary for any of the purposes of this  
2874 chapter, including, but not limited to, any lands reasonably  
2875 necessary for securing applicable permits, areas necessary for  
2876 management of access, borrow pits, drainage ditches, water  
2877 retention areas, rest areas, replacement access for landowners  
2878 whose access is impaired due to the construction of a facility,  
2879 and replacement rights-of-way for relocated rail and utility  
2880 facilities; for existing, proposed, or anticipated  
2881 transportation facilities on the system or in a transportation  
2882 corridor designated by the authority; or for the purposes of  
2883 screening, relocation, removal, or disposal of junkyards and  
2884 scrap metal processing facilities. Each authority shall also  
2885 have the power to condemn any material and property necessary  
2886 for such purposes.

2887 (2) An authority shall exercise the right of eminent domain  
2888 conferred under this section in the manner provided by law.

2889 (3) If an authority acquires property for a transportation  
2890 facility or in a transportation corridor, it is not subject to  
2891 any liability imposed by chapter 376 or chapter 403 for  
2892 preexisting soil or groundwater contamination due solely to its  
2893 ownership. This section does not affect the rights or  
2894 liabilities of any past or future owners of the acquired  
2895 property or affect the liability of any governmental entity for  
2896 the results of its actions which create or exacerbate a  
2897 pollution source. An authority and the Department of  
2898 Environmental Protection may enter into interagency agreements  
2899 for the performance, funding, and reimbursement of the  
2900 investigative and remedial acts necessary for property acquired

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2901 by the authority.

2902 345.0010 Cooperation with other units, boards, agencies,  
2903 and individuals.-A county, municipality, drainage district, road  
2904 and bridge district, school district, or any other political  
2905 subdivision, board, commission, or individual in, or of, the  
2906 state may make and enter into a contract, lease, conveyance,  
2907 partnership, or other agreement with an authority within the  
2908 provisions and purposes of this chapter. Each authority may make  
2909 and enter into contracts, leases, conveyances, partnerships, and  
2910 other agreements with any political subdivision, agency, or  
2911 instrumentality of the state and any federal agency,  
2912 corporation, and individual, to carry out the purposes of this  
2913 chapter.

2914 345.0011 Covenant of the state.-The state pledges to, and  
2915 agrees with, any person, firm, or corporation, or federal or  
2916 state agency subscribing to, or acquiring the bonds to be issued  
2917 by an authority for the purposes of this chapter that the state  
2918 will not limit or alter the rights vested by this chapter in the  
2919 authority and the department until all bonds at any time issued,  
2920 together with the interest thereon, are fully paid and  
2921 discharged insofar as the rights vested in the authority and the  
2922 department affect the rights of the holders of bonds issued  
2923 pursuant to this chapter. The state further pledges to, and  
2924 agrees with, the United States that if a federal agency  
2925 constructs or contributes any funds for the completion,  
2926 extension, or improvement of the system, or any parts of the  
2927 system, the state will not alter or limit the rights and powers  
2928 of the authority and the department in any manner that is  
2929 inconsistent with the continued maintenance and operation of the

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2930 system or the completion, extension, or improvement of the  
2931 system, or which would be inconsistent with the due performance  
2932 of any agreements between the authority and any such federal  
2933 agency, and the authority and the department shall continue to  
2934 have and may exercise all powers granted in this section, so  
2935 long as the powers are necessary or desirable to carry out the  
2936 purposes of this chapter and the purposes of the United States  
2937 in the completion, extension, or improvement of the system, or  
2938 any part of the system.

2939 345.0012 Exemption from taxation.—The authority created  
2940 under this chapter is for the benefit of the people of the  
2941 state, for the increase of their commerce and prosperity, and  
2942 for the improvement of their health and living conditions, and  
2943 because the authority will be performing essential governmental  
2944 functions pursuant to this chapter, the authority is not  
2945 required to pay any taxes or assessments of any kind or nature  
2946 whatsoever upon any property acquired or used by it for such  
2947 purposes, or upon any rates, fees, rentals, receipts, income, or  
2948 charges received by it, and the bonds issued by the authority,  
2949 their transfer and the income from their issuance, including any  
2950 profits made on the sale of the bonds, shall be free from  
2951 taxation by the state or by any political subdivision, taxing  
2952 agency, or instrumentality of the state. The exemption granted  
2953 by this section does not apply to any tax imposed by chapter 220  
2954 on interest, income, or profits on debt obligations owned by  
2955 corporations.

2956 345.0013 Eligibility for investments and security.—Any  
2957 bonds or other obligations issued pursuant to this chapter are  
2958 legal investments for banks, savings banks, trustees, executors,

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2959 administrators, and all other fiduciaries, and for all state,  
2960 municipal, and other public funds and are also securities  
2961 eligible for deposit as security for all state, municipal, or  
2962 other public funds, notwithstanding the provisions of any other  
2963 law to the contrary.

2964 345.0014 Applicability.—

2965 (1) The powers conferred by this chapter are in addition to  
2966 the powers conferred by other law and do not repeal the  
2967 provisions of any other general or special law or local  
2968 ordinance, but supplement such other laws in the exercise of the  
2969 powers provided in this chapter, and provide a complete method  
2970 for the exercise of the powers granted in this chapter. The  
2971 extension and improvement of a system, and the issuance of bonds  
2972 pursuant to this chapter to finance all or part of the cost  
2973 thereof, may be accomplished upon compliance with the provisions  
2974 of this chapter without regard to or necessity for compliance  
2975 with the provisions, limitations, or restrictions contained in  
2976 any other general, special, or local law, including, but not  
2977 limited to, s. 215.821, and approval of any bonds issued under  
2978 this act by the qualified electors or qualified electors who are  
2979 freeholders in the state or in any political subdivision of the  
2980 state is not required for the issuance of such bonds pursuant to  
2981 this chapter.

2982 (2) This act does not repeal, rescind, or modify any other  
2983 law or laws relating to the State Board of Administration, the  
2984 Department of Transportation, or the Division of Bond Finance of  
2985 the State Board of Administration, but supersedes any other law  
2986 that is inconsistent with the provisions of this chapter,  
2987 including, but not limited to, s. 215.821.

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2988       345.0015 Santa Rosa-Escambia Regional Transportation  
2989 Finance Authority.-

2990       (1) There is hereby created and established a body politic  
2991 and corporate, an agency of the state, to be known as the Santa  
2992 Rosa-Escambia Regional Transportation Finance Authority,  
2993 hereinafter referred to as the "authority."

2994       (2) The area served by the authority shall be Escambia and  
2995 Santa Rosa Counties.

2996       (3) The purposes and powers of the authority are as  
2997 identified in the Florida Regional Transportation Finance  
2998 Authority Act for the area served by the authority, and the  
2999 authority operates in the manner provided by the Florida  
3000 Regional Transportation Finance Authority Act.

3001       345.0016 Suncoast Regional Transportation Finance  
3002 Authority.-

3003       (1) There is hereby created and established a body politic  
3004 and corporate, an agency of the state, to be known as the  
3005 Suncoast Regional Transportation Finance Authority, hereinafter  
3006 referred to as the "authority."

3007       (2) The area served by the authority shall be Citrus, Levy,  
3008 Marion, and Alachua Counties.

3009       (3) The purposes and powers of the authority are as  
3010 identified in the Florida Regional Transportation Finance  
3011 Authority Act for the area served by the authority, and the  
3012 authority operates in the manner provided by the Florida  
3013 Regional Transportation Finance Authority Act.

3014       Section 59. Transfer to the Northwest Florida Regional  
3015 Transportation Finance Authority.-The governance and control of  
3016 the Mid-Bay Bridge Authority System, created pursuant to chapter



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3017 2000-411, Laws of Florida, is transferred to the Northwest  
3018 Florida Regional Transportation Finance Authority.

3019 (1) The assets, facilities, tangible and intangible  
3020 property and any rights in such property, and any other legal  
3021 rights of the Mid-Bay Bridge Authority, including the bridge  
3022 system operated by the authority, are transferred to the  
3023 Northwest Florida Regional Transportation Finance Authority. All  
3024 powers of the Mid-Bay Bridge Authority shall succeed to the  
3025 Northwest Florida Regional Transportation Finance Authority, and  
3026 the operations and maintenance of the bridge system shall be  
3027 under the control of the Northwest Florida Regional  
3028 Transportation Finance Authority, pursuant to this section.  
3029 Revenues collected on the bridge system may be considered  
3030 Northwest Florida Regional Transportation Finance Authority  
3031 revenues, and the Mid-Bay Bridge may be considered part of the  
3032 authority system, if bonds of the Mid-Bay Bridge Authority are  
3033 not outstanding. The Northwest Florida Regional Transportation  
3034 Finance Authority also assumes all liability for bonds of the  
3035 Mid-Bay Bridge Authority pursuant to the provisions of  
3036 subsection (2). The Northwest Florida Regional Transportation  
3037 Finance Authority may review other contracts, financial  
3038 obligations, and contractual obligations and liabilities of the  
3039 Mid-Bay Bridge Authority and may assume legal liability for the  
3040 obligations that are determined to be necessary for the  
3041 continued operation of the bridge system.

3042 (2) The transfer pursuant to this section is subject to the  
3043 terms and covenants provided for the protection of the holders  
3044 of the Mid-Bay Bridge Authority bonds in the lease-purchase  
3045 agreement and the resolutions adopted in connection with the

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3046 issuance of the bonds. Further, the transfer does not impair the  
3047 terms of the contract between the Mid-Bay Bridge Authority and  
3048 the bondholders, does not act to the detriment of the  
3049 bondholders, and does not diminish the security for the bonds.  
3050 After the transfer, until the bonds of the Mid-Bay Bridge  
3051 Authority are fully defeased or paid in full, the department  
3052 shall operate and maintain the bridge system and any other  
3053 facilities of the authority in accordance with the terms,  
3054 conditions, and covenants contained in the bond resolutions and  
3055 lease-purchase agreement securing the bonds of the bridge  
3056 authority. The Department of Transportation, as the agent of the  
3057 Northwest Florida Regional Transportation Finance Authority,  
3058 shall collect toll revenues and apply them to the payment of  
3059 debt service as provided in the bond resolution securing the  
3060 bonds. The Northwest Florida Regional Transportation Finance  
3061 Authority shall expressly assume all obligations relating to the  
3062 bonds to ensure that the transfer will have no adverse impact on  
3063 the security for the bonds of the Mid-Bay Bridge Authority. The  
3064 transfer does not make the obligation to pay the principal and  
3065 interest on the bonds a general liability of the Northwest  
3066 Florida Regional Transportation Finance Authority or pledge the  
3067 authority system revenues to payment of the Mid-Bay Bridge  
3068 Authority bonds. Revenues that are generated by the bridge  
3069 system and other facilities of the Mid-Bay Bridge Authority and  
3070 that were pledged by the Mid-Bay Bridge Authority to the payment  
3071 of the bonds remain subject to the pledge for the benefit of the  
3072 bondholders. The transfer does not modify or eliminate any prior  
3073 obligation of the Department of Transportation to pay certain  
3074 costs of the bridge system from sources other than revenues of

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3075 the bridge system. With regard to the bridge authority's current  
3076 long-term debt of \$9.5 million due to the department as of June  
3077 30, 2012, and to the extent permitted by the bond resolutions  
3078 and lease-purchase agreement securing the bonds, the Northwest  
3079 Florida Regional Transportation Finance Authority shall make  
3080 payment annually to the State Transportation Trust Fund, for the  
3081 purpose of repaying the Mid-Bay Bridge Authority's long-term  
3082 debt due to the department, from any bridge system revenues  
3083 obtained under this section which remain after the payment of  
3084 the costs of operations, maintenance, renewal, and replacement  
3085 of the bridge system; the payment of current debt service; and  
3086 other payments required in relation to the bonds. The Northwest  
3087 Florida Regional Transportation Finance Authority shall make the  
3088 annual payments, not to exceed \$1 million per year, to the State  
3089 Transportation Trust Fund until all remaining authority long-  
3090 term debt due to the department has been repaid.

3091 (3) Any remaining toll revenue from the facilities of the  
3092 Mid-Bay Bridge Authority collected by the Northwest Florida  
3093 Regional Transportation Finance Authority after meeting the  
3094 requirements of subsections (1) and (2) shall be used for the  
3095 construction, maintenance, or improvement of any toll facility  
3096 of the Northwest Florida Regional Transportation Finance  
3097 Authority within the county or counties in which the revenue was  
3098 collected.

3099 Section 60. Section 348.751, Florida Statutes, is amended  
3100 to read:

3101 348.751 Short title.—This part ~~shall be known and~~ may be  
3102 cited as the "Central Florida Orlando-Orange County Expressway  
3103 Authority Law."

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3104 Section 61. Section 348.752, Florida Statutes, is amended  
3105 to read:

3106 348.752 Definitions.—As used in this chapter ~~The following~~  
3107 ~~terms, whenever used or referred to in this law, shall have the~~  
3108 ~~following meanings, except in those instances where the context~~  
3109 ~~clearly indicates otherwise:~~

3110 (1) The term "agency of the state" means ~~and includes~~ the  
3111 state and any department of, or corporation, agency, or  
3112 instrumentality ~~heretofore or hereafter~~ created, designated, or  
3113 established by, the state.

3114 (2) The term "authority" means the body politic and  
3115 corporate, and agency of the state created by this part.

3116 (3) The term "bonds" means ~~and includes~~ the notes, bonds,  
3117 refunding bonds, or other evidences of indebtedness or  
3118 obligations, in either temporary or definitive form, which the  
3119 authority is authorized to issue pursuant to this part.

3120 (4) The term "Central Florida Expressway Authority" means  
3121 the body politic and corporate, and agency of the state created  
3122 by this chapter ~~The term "city" means the City of Orlando.~~

3123 (5) The term "Central Florida Expressway System" means any  
3124 expressway and appurtenant facilities, including all approaches,  
3125 roads, bridges, and avenues for the expressway and any rapid  
3126 transit, trams, or fixed guideways located within the right-of-  
3127 way of an expressway ~~The term "county" means the County of~~  
3128 ~~Orange.~~

3129 (6) The term "department" means the Department of  
3130 Transportation ~~existing under chapters 334-339.~~

3131 (7) The term "expressway" has the same meaning ~~is the same~~  
3132 as limited access expressway.

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3133 (8) The term "federal agency" means and includes the United  
3134 States, the President of the United States, and any department  
3135 of, or corporation, agency, or instrumentality ~~heretofore or~~  
3136 ~~hereafter~~ created, designated, or established by, the United  
3137 States.

3138 (9) The term "lease-purchase agreement" means the lease-  
3139 purchase agreements that ~~which~~ the authority is authorized  
3140 ~~pursuant to this part~~ to enter into with the Department of  
3141 Transportation pursuant to this part.

3142 (10) The term "limited access expressway" means a street or  
3143 highway specifically ~~especially~~ designed for through traffic,  
3144 and over, from, or to which, a no person does not shall have the  
3145 right of easement, use, or access except in accordance with the  
3146 rules of ~~and regulations promulgated and established by~~ the  
3147 authority governing its use for the use of such facility. Such  
3148 highways or streets may be parkways that do not allow traffic  
3149 by, from which trucks, buses, and other commercial vehicles  
3150 ~~shall be excluded, or they may be~~ freeways open to use by all  
3151 customary forms of street and highway traffic.

3152 (11) The term ~~"members"~~ ~~means the governing body of the~~  
3153 ~~authority, and the term "member" means~~ an individual who serves  
3154 on the one of the individuals constituting such governing body  
3155 of the authority.

3156 (12) The term "Orange County gasoline tax funds" means ~~all~~  
3157 the revenue derived from the 80-percent surplus gasoline tax  
3158 funds accruing in each year to the Department of Transportation  
3159 for use in Orange County under ~~the provisions of s. 9, Art. XII~~  
3160 of the State Constitution, after deducting ~~deduction only of~~ any  
3161 amounts of said gasoline tax funds previously ~~heretofore~~ pledged

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3162 by the department or the county for outstanding obligations.

3163 ~~(13) The term "Orlando-Orange County Expressway System"~~  
3164 ~~means any and all expressways and appurtenant facilities~~  
3165 ~~thereto, including, but not limited to, all approaches, roads,~~  
3166 ~~bridges, and avenues of access for said expressway or~~  
3167 ~~expressways.~~

3168 (13)~~(14)~~ The term "State Board of Administration" means the  
3169 body corporate existing under the provisions of s. 9, Art. XII  
3170 of the State Constitution, or any successor ~~thereto~~.

3171 (14) The term "transportation facilities" means and  
3172 includes the mobile and fixed assets, and the associated real or  
3173 personal property or rights, used in the transportation of  
3174 persons or property by any means of conveyance, and all  
3175 appurtenances, such as, but not limited to, highways; limited or  
3176 controlled access lanes, avenues of access, and facilities;  
3177 vehicles; fixed guideway facilities, including maintenance  
3178 facilities; and administrative and other office space for the  
3179 exercise by the authority of the powers and obligations granted  
3180 in this part.

3181 ~~(15) Words importing singular number include the plural~~  
3182 ~~number in each case and vice versa, and words importing persons~~  
3183 ~~include firms and corporations.~~

3184 Section 62. Section 348.753, Florida Statutes, is amended  
3185 to read:

3186 348.753 Central Florida ~~Orlando-Orange County~~ Expressway  
3187 Authority.—

3188 (1) There is ~~hereby~~ created and established a body politic  
3189 and corporate, an agency of the state, to be known as the  
3190 Central Florida ~~Orlando-Orange County~~ Expressway Authority. 7

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3191 ~~hereinafter referred to as "authority."~~

3192 (2) (a) Effective July 1, 2014, the Central Florida  
3193 Expressway Authority shall assume the governance and control of  
3194 the Orlando-Orange County Expressway Authority System, including  
3195 its assets, personnel, contracts, obligations, liabilities,  
3196 facilities, and tangible and intangible property. Any rights in  
3197 such property, and other legal rights of the authority, are  
3198 transferred to the Central Florida Expressway Authority. The  
3199 powers, responsibilities, and obligations of the Orlando-Orange  
3200 County Expressway Authority shall succeed to and be assumed by  
3201 the Central Florida Expressway Authority on July 1, 2014.

3202 (b) The transfer pursuant to this subsection is subject to the  
3203 terms and covenants provided for the protection of the holders  
3204 of the Orlando-Orange County Expressway Authority bonds in the  
3205 lease-purchase agreement and the resolutions adopted in  
3206 connection with the issuance of the bonds. Further, the transfer  
3207 does not impair the terms of the contract between the Orlando-  
3208 Orange County Expressway Authority and the bondholders, does not  
3209 act to the detriment of the bondholders, and does not diminish  
3210 the security for the bonds. After the transfer, the Central  
3211 Florida Expressway Authority shall operate and maintain the  
3212 expressway system and any other facilities of the Orlando-Orange  
3213 County Expressway Authority in accordance with the terms,  
3214 conditions, and covenants contained in the bond resolutions and  
3215 lease-purchase agreement securing the bonds of the authority.  
3216 The Central Florida Expressway Authority shall collect toll  
3217 revenues and apply them to the payment of debt service as  
3218 provided in the bond resolution securing the bonds, and  
3219 expressly assumes all obligations relating to the bonds to

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3220 ensure that the transfer will have no adverse impact on the  
 3221 security for the bonds. The transfer does not make the  
 3222 obligation to pay the principal and interest on the bonds a  
 3223 general liability of the Central Florida Expressway Authority or  
 3224 pledge additional expressway system revenues to payment of the  
 3225 bonds. Revenues that are generated by the expressway system and  
 3226 other facilities of the Central Florida Expressway Authority  
 3227 which were pledged by the Orlando-Orange County Expressway  
 3228 Authority for payment of the bonds remains subject to the pledge  
 3229 for the benefit of the bondholders. The transfer does not modify  
 3230 or eliminate any prior obligation of the department to pay  
 3231 certain costs of the expressway system from sources other than  
 3232 revenues of the expressway system.

3233 (3)~~(2)~~ The governing body of the authority shall consist of  
 3234 11 ~~five~~ members. The chairs of the boards of the county  
 3235 commissions of Seminole, Lake, and Osceola Counties shall each  
 3236 appoint one member, who may be a commission member or chair. The  
 3237 Governor shall appoint six citizen members. Of the Governor's  
 3238 appointments, two ~~Three~~ members ~~must~~ ~~shall~~ be citizens of Orange  
 3239 County, one member each must be a citizen of Seminole, Lake, and  
 3240 Osceola Counties, and one member may be a citizen of any of the  
 3241 identified counties ~~who shall be appointed by the Governor.~~ The  
 3242 10th ~~fourth~~ member ~~must~~ ~~shall~~ be, ~~ex officio,~~ the Mayor of ~~chair~~  
 3243 of the County Commissioners of Orange County. The 11th member  
 3244 must be the Mayor of the City of Orlando. The executive director  
 3245 of Florida Turnpike Enterprise shall serve as a nonvoting  
 3246 advisor to the governing body of the authority, ~~and the fifth~~  
 3247 member ~~shall be, ex officio, the district secretary of the~~  
 3248 Department of Transportation serving in the district that



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3249 ~~contains Orange County. The term of~~ Each appointed member  
3250 appointed by the Governor shall serve ~~be~~ for 4 years. Each  
3251 county-appointed member shall serve for 2 years. Standing board  
3252 members shall complete their terms. Each appointed member shall  
3253 hold office until his or her successor has been appointed and  
3254 has qualified. A vacancy occurring during a term must ~~shall~~ be  
3255 filled only for the balance of the unexpired term. Each  
3256 appointed member of the authority shall be a person of  
3257 outstanding reputation for integrity, responsibility, and  
3258 business ability, but, except as provided in this subsection, a  
3259 ~~no~~ person who is an officer or employee of a municipality or any  
3260 ~~city or of Orange county may not in any other capacity~~ shall be  
3261 an appointed member of the authority. Any member of the  
3262 authority is ~~shall be~~ eligible for reappointment.

3263 (4) ~~(3)~~ (a) The authority shall elect one of its members as  
3264 chair of the authority. The authority shall also elect one of  
3265 its members as vice chair, one of its members as a secretary,  
3266 and one of its members as a treasurer ~~who may or may not be~~  
3267 ~~members of the authority.~~ The chair, vice chair, secretary, and  
3268 treasurer shall hold such offices at the will of the authority.  
3269 Six ~~Three~~ members of the authority ~~shall~~ constitute a quorum,  
3270 and the vote of six ~~three~~ members is ~~shall be~~ necessary for any  
3271 action taken by the authority. A ~~No~~ vacancy in the authority  
3272 does not ~~shall~~ impair the right of a quorum of the authority to  
3273 exercise all of the rights and perform all of the duties of the  
3274 authority.

3275 (b) Upon the effective date of his or her appointment, or  
3276 as soon thereafter as practicable, each appointed member of the  
3277 authority shall enter upon his or her duties.

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3278        (5)~~(4)~~(a) The authority may employ an executive secretary,  
3279 an executive director, its own counsel and legal staff,  
3280 technical experts, and the such engineers, and such employees  
3281 ~~that, permanent or temporary,~~ as it requires. The authority ~~may~~  
3282 ~~require~~ and may determine the qualifications and fix the  
3283 compensation of such persons, firms, or corporations, and may  
3284 employ a fiscal agent or agents; ~~provided,~~ however, ~~that~~ the  
3285 authority shall solicit sealed proposals from at least three  
3286 persons, firms, or corporations for the performance of any  
3287 services as fiscal agents. The authority may delegate to one or  
3288 more of its agents or employees the such of its power ~~as it~~  
3289 deems shall deem necessary to carry out the purposes of this  
3290 part, ~~subject always to the supervision and control of the~~  
3291 ~~authority.~~ Members of the authority may be removed from ~~their~~  
3292 office by the Governor for misconduct, malfeasance, misfeasance,  
3293 or nonfeasance in office.

3294        (b) Members of the authority are ~~shall be~~ entitled to  
3295 receive from the authority their travel and other necessary  
3296 expenses incurred in connection with the business of the  
3297 authority as provided in s. 112.061, but may not ~~they shall~~ draw  
3298 ~~no~~ salaries or other compensation.

3299        Section 63. Section 348.754, Florida Statutes, is amended  
3300 to read:

3301        348.754 Purposes and powers.—

3302        (1) (a) The authority created and established under ~~by the~~  
3303 ~~provisions of~~ this part is ~~hereby~~ granted and has ~~shall have~~ the  
3304 right to acquire, hold, construct, improve, maintain, operate,  
3305 own, and lease in the capacity of lessor, the Central Florida  
3306 ~~Orlando-Orange County~~ Expressway System, hereinafter referred to

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3307 as "system." Except as otherwise specifically provided by law,  
3308 including paragraph (2) (n), the area served by the authority  
3309 shall be within the geographical boundaries of Orange, Seminole,  
3310 Lake, and Osceola Counties.

3311 ~~(b) It is the express intention of this part that said~~  
3312 ~~authority,~~ In the construction of the Central Florida said  
3313 ~~Orlando-Orange County Expressway System,~~ the authority may shall  
3314 ~~be authorized to~~ construct any extensions, additions, or  
3315 improvements to the said system or appurtenant facilities,  
3316 including all necessary approaches, roads, bridges, ~~and~~ avenues  
3317 of access, rapid transit, trams, fixed guideways, thoroughfares,  
3318 and boulevards with any such changes, modifications, or  
3319 revisions of the said project which are as shall be deemed  
3320 desirable and proper.

3321 (c) Notwithstanding any provision of this part to the  
3322 contrary, to ensure the continued financial feasibility of the  
3323 portion of the Wekiva Parkway to be constructed by the  
3324 department, the authority may not, without the prior consent of  
3325 the secretary of the department, construct an extension,  
3326 addition, or improvement to the expressway system in Lake  
3327 County.

3328 (2) The authority ~~is hereby granted, and shall have and may~~  
3329 exercise all powers necessary, appurtenant, convenient, or  
3330 incidental to the implementation carrying out of the stated  
3331 ~~aforsaid~~ purposes, including, but not without being limited to,  
3332 the following rights and powers:

3333 (a) To sue and be sued, implead and be impleaded, complain  
3334 and defend in all courts.

3335 (b) To adopt, use, and alter at will a corporate seal.

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3336 (c) To acquire by donation or otherwise, purchase, hold,  
3337 lease as lessee, and use any franchise or any property, real,  
3338 personal, ~~or~~ mixed, or tangible or intangible, or any options  
3339 ~~thereof~~ in its own name or in conjunction with others, or  
3340 interest in those options ~~therein~~, necessary or desirable to  
3341 carry ~~for carrying~~ out the purposes of the authority, and to  
3342 sell, lease as lessor, transfer, and dispose of any property or  
3343 interest in the property ~~therein~~ at any time acquired by it.

3344 (d) To enter into and make leases for terms not exceeding  
3345 99 ~~40~~ years, as ~~either~~ lessee or lessor, in order to carry out  
3346 the right to lease as specified ~~set forth~~ in this part.

3347 (e) To enter into and make lease-purchase agreements with  
3348 the department for terms not exceeding 40 years, or until any  
3349 bonds secured by a pledge of rentals pursuant to the agreement  
3350 ~~thereunder~~, and any refundings pursuant to the agreement  
3351 ~~thereof~~, are fully paid as to both principal and interest,  
3352 whichever is longer. The authority is a party to a lease-  
3353 purchase agreement between the department and the authority  
3354 dated December 23, 1985, as supplemented by a first supplement  
3355 to the lease-purchase agreement dated November 25, 1986, and a  
3356 second supplement to the lease-purchase agreement dated October  
3357 27, 1988. The authority may not enter into other lease-purchase  
3358 agreements with the department and may not amend the existing  
3359 agreement in a manner that expands or increases the department's  
3360 obligations unless the department determines that the agreement  
3361 or amendment is necessary to permit the refunding of bonds  
3362 issued before July 1, 2012.

3363 (f) To fix, alter, charge, establish, and collect rates,  
3364 fees, rentals, and other charges for the services and facilities

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3365 of the Central Florida ~~Orlando-Orange County~~ Expressway System,  
3366 which must ~~rates, fees, rentals and other charges~~ shall always  
3367 be sufficient to comply with any covenants made with the holders  
3368 of any bonds issued pursuant to this part; ~~provided,~~ however,  
3369 ~~that~~ such right and power may be assigned or delegated, by the  
3370 authority, to the department. Toll revenues attributable to an  
3371 increase in the toll rates charged on or after July 1, 2014, for  
3372 the use of a facility or portion of a facility may not be used  
3373 to construct or expand a different facility unless a two-thirds  
3374 majority of the members of the authority votes to approve such  
3375 use. This requirement does not apply if, and to the extent that:

3376 1. Application of the requirement would violate any  
3377 covenant established in a resolution or trust indenture under  
3378 which bonds were issued by the Orlando-Orange County Expressway  
3379 Authority on or before July 1, 2014; or

3380 2. Application of the requirement would cause the authority  
3381 to be unable to meet its obligations under the terms of the  
3382 memorandum of understanding between the authority and the  
3383 department as ratified by the Orlando-Orange County Expressway  
3384 Authority board on February 22, 2012.

3385  
3386 Notwithstanding s. 338.165, and except as otherwise prohibited  
3387 by this part, to the extent revenues of the expressway system  
3388 exceed amounts required to comply with any covenants made with  
3389 the holders of bonds issued pursuant to this part, revenues may  
3390 be used for purposes enumerated in subsection (6), if the  
3391 expenditures are consistent with the metropolitan planning  
3392 organization's adopted long-range plan.

3393 (g) To borrow money, make and issue negotiable notes,

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3394 bonds, refunding bonds, and other evidences of indebtedness or  
 3395 obligations, either in temporary or definitive form, ~~hereinafter~~  
 3396 ~~in this chapter sometimes called "bonds" of the authority,~~ for  
 3397 the purpose of financing all or part of the improvement or  
 3398 extension of the Central Florida ~~Orlando-Orange County~~  
 3399 Expressway System, and appurtenant facilities, including all  
 3400 approaches, streets, roads, bridges, and avenues of access for  
 3401 the Central Florida ~~said Orlando-Orange County~~ Expressway System  
 3402 and for any other purpose authorized by this part, ~~said bonds to~~  
 3403 ~~mature in not exceeding 40 years from the date of the issuance~~  
 3404 ~~thereof,~~ and to secure the payment of such bonds or any part  
 3405 thereof by a pledge of any or all of its revenues, rates, fees,  
 3406 rentals, or other charges, including all or any portion of the  
 3407 Orange County gasoline tax funds received by the authority  
 3408 pursuant to ~~the terms of~~ any lease-purchase agreement between  
 3409 the authority and the department; and in general to provide for  
 3410 the security of the ~~said~~ bonds and the rights and remedies of  
 3411 the holders thereof. ~~Provided,~~ However, ~~that~~ no portion of the  
 3412 Orange County gasoline tax funds may ~~shall~~ be pledged for the  
 3413 construction of any project for which a toll is to be charged  
 3414 unless the anticipated toll is ~~tolls are~~ reasonably estimated by  
 3415 the board of county commissioners, at the date of its resolution  
 3416 pledging the ~~said~~ funds, to be sufficient to cover the principal  
 3417 and interest of such obligations during the period when the ~~said~~  
 3418 pledge of funds is ~~shall be~~ in effect. The bonds issued under  
 3419 this paragraph must mature not more than 40 years after their  
 3420 issue date.

3421 1. The authority shall reimburse Orange County for any sums  
 3422 expended from the ~~said~~ gasoline tax funds used for the payment

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3423 of such obligations. Any gasoline tax funds so disbursed must  
3424 ~~shall~~ be repaid when the authority deems it practicable,  
3425 together with interest at the highest rate applicable to any  
3426 obligations of the authority.

3427 2. If, pursuant to this section, ~~In the event~~ the authority  
3428 funds ~~shall determine to fund~~ or refunds ~~refund~~ any bonds  
3429 previously theretofore issued by the said authority, ~~or the by~~  
3430 said commission before the bonds mature as aforesaid prior to  
3431 ~~the maturity thereof,~~ the proceeds of such funding or refunding  
3432 must ~~bonds shall,~~ pending the prior redemption of these the  
3433 bonds ~~to be funded or refunded,~~ be invested in direct  
3434 obligations of the United States, ~~and it is the express~~  
3435 ~~intention of this part that such outstanding bonds may be funded~~  
3436 ~~or refunded by the issuance of bonds pursuant to this part.~~

3437 (h) To make contracts ~~of every name and nature,~~ including,  
3438 but not limited to, partnerships providing for participation in  
3439 ownership and revenues, and to execute all instruments necessary  
3440 or convenient for conducting ~~the carrying on of~~ its business.

3441 (i) Notwithstanding paragraphs (a)-(h), ~~Without limitation~~  
3442 ~~of the foregoing,~~ to borrow money and accept grants from, and to  
3443 enter into contracts, leases, or other transactions with any  
3444 federal agency, the state, any agency of the state, the County  
3445 of Orange, the City of Orlando, or with any other public body of  
3446 the state.

3447 (j) To have the power of eminent domain, including the  
3448 procedural powers granted under both chapters 73 and 74.

3449 (k) To pledge, hypothecate, or otherwise encumber ~~all or~~  
3450 any part of the revenues, rates, fees, rentals, or other charges  
3451 or receipts of the authority, including all or any portion of

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3452 the Orange County gasoline tax funds received by the authority  
3453 pursuant to the terms of any lease-purchase agreement between  
3454 the authority and the department, as security for ~~all or~~ any of  
3455 the obligations of the authority.

3456 (l) To enter into partnership and other agreements  
3457 respecting ownership and revenue participation in order to  
3458 facilitate financing and constructing the Western Beltway, or  
3459 portions thereof.

3460 (m) To do everything ~~all acts and things~~ necessary or  
3461 convenient for the conduct of its business and the general  
3462 welfare of the authority, in order to comply with ~~carry out the~~  
3463 ~~powers granted to it by~~ this part or any other law.

3464 (n) With the consent of the county within whose  
3465 jurisdiction the following activities occur, the authority shall  
3466 have the right to construct, operate, and maintain roads,  
3467 bridges, avenues of access, transportation facilities,  
3468 thoroughfares, and boulevards outside the jurisdictional  
3469 boundaries of Orange, Seminole, Lake, and Osceola Counties  
3470 ~~County,~~ together with the right to construct, repair, replace,  
3471 operate, install, and maintain electronic toll payment systems  
3472 thereon, ~~with all necessary and incidental powers to accomplish~~  
3473 ~~the foregoing.~~

3474 (3) The authority does not ~~shall~~ have the ~~no~~ power ~~at any~~  
3475 ~~time or in any manner~~ to pledge the credit or taxing power of  
3476 the state or any political subdivision or agency thereof,  
3477 including any city and any county ~~the City of Orlando and the~~  
3478 ~~County of Orange,~~ nor may ~~nor shall~~ any of the authority's  
3479 obligations be deemed to be obligations of the state or of any  
3480 political subdivision or agency thereof, nor may ~~nor shall~~ the



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3481 state or any political subdivision or agency thereof, except the  
3482 authority, be liable for the payment of the principal of or  
3483 interest on such obligations.

3484 ~~(4) Anything in this part to the contrary notwithstanding,~~  
3485 ~~acquisition of right-of-way for a project of the authority which~~  
3486 ~~is within the boundaries of any municipality in Orange County~~  
3487 ~~shall not be begun unless and until the route of said project~~  
3488 ~~within said municipality has been given prior approval by the~~  
3489 ~~governing body of said municipality.~~

3490 ~~(4)~~(5) The authority has ~~shall have~~ no power other than by  
3491 consent of an affected ~~Orange~~ county or any affected city, to  
3492 enter into any agreement which would legally prohibit the  
3493 construction of a any road by the respective county or city  
3494 ~~Orange County or by any city within Orange County.~~

3495 (5) The authority shall encourage the inclusion of local-,  
3496 small-, minority-, and women-owned businesses in its procurement  
3497 and contracting opportunities.

3498 ~~(6)~~(a) The authority may, within the right-of-way of the  
3499 expressway system, finance or refinance the planning, design,  
3500 acquisition, construction, extension, rehabilitation, equipping,  
3501 preservation, maintenance, or improvement of an intermodal  
3502 facility or facilities, a multimodal corridor or corridors, or  
3503 any programs or projects that will improve the levels of service  
3504 on the expressway system ~~Notwithstanding s. 255.05, the Orlando-~~  
3505 ~~Orange County Expressway Authority may waive payment and~~  
3506 ~~performance bonds on construction contracts for the construction~~  
3507 ~~of a public building, for the prosecution and completion of a~~  
3508 ~~public work, or for repairs on a public building or public work~~  
3509 ~~that has a cost of \$500,000 or less and when the project is~~

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3510 ~~awarded pursuant to an economic development program for the~~  
3511 ~~encouragement of local small businesses that has been adopted by~~  
3512 ~~the governing body of the Orlando-Orange County Expressway~~  
3513 ~~Authority pursuant to a resolution or policy.~~

3514 ~~(b) The authority's adopted criteria for participation in~~  
3515 ~~the economic development program for local small businesses~~  
3516 ~~requires that a participant:~~

3517 ~~1. Be an independent business.~~

3518 ~~2. Be principally domiciled in the Orange County Standard~~  
3519 ~~Metropolitan Statistical Area.~~

3520 ~~3. Employ 25 or fewer full-time employees.~~

3521 ~~4. Have gross annual sales averaging \$3 million or less~~  
3522 ~~over the immediately preceding 3 calendar years with regard to~~  
3523 ~~any construction element of the program.~~

3524 ~~5. Be accepted as a participant in the Orlando-Orange~~  
3525 ~~County Expressway Authority's microcontracts program or such~~  
3526 ~~other small business program as may be hereinafter enacted by~~  
3527 ~~the Orlando-Orange County Expressway Authority.~~

3528 ~~6. Participate in an educational curriculum or technical~~  
3529 ~~assistance program for business development that will assist the~~  
3530 ~~small business in becoming eligible for bonding.~~

3531 ~~(c) The authority's adopted procedures for waiving payment~~  
3532 ~~and performance bonds on projects with values not less than~~  
3533 ~~\$200,000 and not exceeding \$500,000 shall provide that payment~~  
3534 ~~and performance bonds may only be waived on projects that have~~  
3535 ~~been set aside to be competitively bid on by participants in an~~  
3536 ~~economic development program for local small businesses. The~~  
3537 ~~authority's executive director or his or her designee shall~~  
3538 ~~determine whether specific construction projects are suitable~~

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3539 ~~for:~~3540 ~~1. Bidding under the authority's microcontracts program by~~  
3541 ~~registered local small businesses; and~~3542 ~~2. Waiver of the payment and performance bond.~~

3543

3544 ~~The decision of the authority's executive director or deputy~~  
3545 ~~executive director to waive the payment and performance bond~~  
3546 ~~shall be based upon his or her investigation and conclusion that~~  
3547 ~~there exists sufficient competition so that the authority~~  
3548 ~~receives a fair price and does not undertake any unusual risk~~  
3549 ~~with respect to such project.~~3550 ~~(d) For any contract for which a payment and performance~~  
3551 ~~bond has been waived pursuant to the authority set forth in this~~  
3552 ~~section, the Orlando Orange County Expressway Authority shall~~  
3553 ~~pay all persons defined in s. 713.01 who furnish labor,~~  
3554 ~~services, or materials for the prosecution of the work provided~~  
3555 ~~for in the contract to the same extent and upon the same~~  
3556 ~~conditions that a surety on the payment bond under s. 255.05~~  
3557 ~~would have been obligated to pay such persons if the payment and~~  
3558 ~~performance bond had not been waived. The authority shall record~~  
3559 ~~notice of this obligation in the manner and location that surety~~  
3560 ~~bonds are recorded. The notice shall include the information~~  
3561 ~~describing the contract that s. 255.05(1) requires be stated on~~  
3562 ~~the front page of the bond. Notwithstanding that s. 255.05(9)~~  
3563 ~~generally applies when a performance and payment bond is~~  
3564 ~~required, s. 255.05(9) shall apply under this subsection to any~~  
3565 ~~contract on which performance or payment bonds are waived and~~  
3566 ~~any claim to payment under this subsection shall be treated as a~~  
3567 ~~contract claim pursuant to s. 255.05(9).~~

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3568           ~~(e) A small business that has been the successful bidder on~~  
3569 ~~six projects for which the payment and performance bond was~~  
3570 ~~waived by the authority pursuant to paragraph (a) shall be~~  
3571 ~~ineligible to bid on additional projects for which the payment~~  
3572 ~~and performance bond is to be waived. The local small business~~  
3573 ~~may continue to participate in other elements of the economic~~  
3574 ~~development program for local small businesses as long as it is~~  
3575 ~~eligible.~~

3576           ~~(f) The authority shall conduct bond eligibility training~~  
3577 ~~for businesses qualifying for bond waiver under this subsection~~  
3578 ~~to encourage and promote bond eligibility for such businesses.~~

3579           ~~(g) The authority shall prepare a biennial report on the~~  
3580 ~~activities undertaken pursuant to this subsection to be~~  
3581 ~~submitted to the Orange County legislative delegation. The~~  
3582 ~~initial report shall be due December 31, 2010.~~

3583           Section 64. Section 348.7543, Florida Statutes, is amended  
3584 to read:

3585           348.7543 Improvements, bond financing authority for.—  
3586 Pursuant to s. 11(f), Art. VII of the State Constitution, the  
3587 Legislature hereby approves for bond financing by the Central  
3588 Florida Orlando Orange County Expressway Authority improvements  
3589 to toll collection facilities, interchanges to the legislatively  
3590 approved expressway system, and any other facility appurtenant,  
3591 necessary, or incidental to the approved system. Subject to  
3592 terms and conditions of applicable revenue bond resolutions and  
3593 covenants, such costs may be financed in whole or in part by  
3594 revenue bonds issued pursuant to s. 348.755(1)(a) or (b) whether  
3595 currently issued or issued in the future, or by a combination of  
3596 such bonds.

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3597 Section 65. Section 348.7544, Florida Statutes, is amended  
3598 to read:

3599 348.7544 Northwest Beltway Part A, construction authorized;  
3600 financing.—Notwithstanding s. 338.2275, the Central Florida  
3601 ~~Orlando-Orange County~~ Expressway Authority may ~~is hereby~~  
3602 ~~authorized to~~ construct, finance, operate, own, and maintain  
3603 that portion of the Western Beltway known as the Northwest  
3604 Beltway Part A, extending from Florida's Turnpike near Ocoee  
3605 north to U.S. 441 near Apopka, as part of the authority's 20-  
3606 year capital projects plan. This project may be financed with  
3607 any funds available to the authority for such purpose or revenue  
3608 bonds issued by the Division of Bond Finance of the State Board  
3609 of Administration on behalf of the authority pursuant to s. 11,  
3610 Art. VII of the State Constitution and the State Bond Act, ss.  
3611 215.57-215.83.

3612 Section 66. Section 348.7545, Florida Statutes, is amended  
3613 to read:

3614 348.7545 Western Beltway Part C, construction authorized;  
3615 financing.—Notwithstanding s. 338.2275, the Central Florida  
3616 ~~Orlando-Orange County~~ Expressway Authority may ~~is authorized to~~  
3617 exercise its condemnation powers, construct, finance, operate,  
3618 own, and maintain that portion of the Western Beltway known as  
3619 the Western Beltway Part C, extending from Florida's Turnpike  
3620 near Ocoee in Orange County southerly through Orange and Osceola  
3621 Counties to an interchange with I-4 near the Osceola-Polk County  
3622 line, as part of the authority's 20-year capital projects plan.  
3623 This project may be financed with any funds available to the  
3624 authority for such purpose or revenue bonds issued by the  
3625 Division of Bond Finance of the State Board of Administration on

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3626 behalf of the authority pursuant to s. 11, Art. VII of the State  
3627 Constitution and the State Bond Act, ss. 215.57-215.83. This  
3628 project may be refinanced with bonds issued by the authority  
3629 pursuant to s. 348.755(1) (d).

3630 Section 67. Section 348.7546, Florida Statutes, is amended  
3631 to read:

3632 348.7546 Wekiva Parkway, construction authorized;  
3633 financing.—

3634 (1) The Central Florida ~~Orlando-Orange County~~ Expressway  
3635 Authority may ~~is authorized to~~ exercise its condemnation powers  
3636 and ~~to~~ construct, finance, operate, own, and maintain those  
3637 portions of the Wekiva Parkway which are identified by agreement  
3638 between the authority and the department and which are included  
3639 as part of the authority's long-range capital improvement plan.  
3640 The "Wekiva Parkway" means any limited access highway or  
3641 expressway constructed between State Road 429 and Interstate 4  
3642 specifically incorporating the corridor alignment recommended by  
3643 Recommendation 2 of the Wekiva River Basin Area Task Force final  
3644 report dated January 15, 2003, and the recommendations of the SR  
3645 429 Working Group, which were adopted January 16, 2004. This  
3646 project may be financed with any funds available to the  
3647 authority for such purpose or revenue bonds issued by the  
3648 authority under s. 11, Art. VII of the State Constitution and s.  
3649 348.755(1) (b). This section does not invalidate the exercise by  
3650 the authority of its condemnation powers or the acquisition of  
3651 any property for the Wekiva Parkway before July 1, 2012.

3652 (2) Notwithstanding any other provision of law ~~to the~~  
3653 ~~contrary~~, in order to ensure that funds are available to the  
3654 department for its portion of the Wekiva Parkway, beginning July

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3655 1, 2012, the authority shall repay the expenditures by the  
3656 department for costs of operation and maintenance of the Central  
3657 Florida Orlando-Orange-County Expressway System in accordance  
3658 with the terms of the memorandum of understanding between the  
3659 authority and the department as ratified by the authority board  
3660 on February 22, 2012, which requires the authority to pay the  
3661 department \$10 million on July 1, 2012, and \$20 million on each  
3662 successive July 1 until the department has been fully reimbursed  
3663 for all costs of the Central Florida Orlando-Orange-County  
3664 Expressway System which were paid, advanced, or reimbursed to  
3665 the authority by the department, with a final payment in the  
3666 amount of the balance remaining. Notwithstanding any other law  
3667 ~~to the contrary~~, the funds paid to the department pursuant to  
3668 this subsection must ~~shall~~ be allocated by the department for  
3669 construction of the Wekiva Parkway.

3670 (3) The department's obligation to construct its portions  
3671 of the Wekiva Parkway is contingent upon the timely payment by  
3672 the authority of the annual payments required of the authority  
3673 and receipt of all required environmental permits and approvals  
3674 by the Federal Government.

3675 Section 68. Section 348.7547, Florida Statutes, is amended  
3676 to read:

3677 348.7547 Maitland Boulevard Extension and Northwest Beltway  
3678 Part A Realignment construction authorized; financing.—  
3679 Notwithstanding s. 338.2275, the Central Florida Orlando-Orange  
3680 County Expressway Authority may ~~is hereby authorized to~~ exercise  
3681 its condemnation powers, construct, finance, operate, own, and  
3682 maintain the portion of State Road 414 known as the Maitland  
3683 Boulevard Extension and the realigned portion of the Northwest

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3684 Beltway Part A as part of the authority's long-range capital  
3685 improvement plan. The Maitland Boulevard Extension extends ~~will~~  
3686 ~~extend~~ from the current terminus of State Road 414 at U.S. 441  
3687 west to State Road 429 in west Orange County. The realigned  
3688 portion of the Northwest Beltway Part A runs ~~will run~~ from the  
3689 point at or near where the Maitland Boulevard Extension connects  
3690 ~~will connect~~ with State Road 429 and proceeds ~~will proceed~~ to  
3691 the west and then north resulting in the northern terminus of  
3692 State Road 429 moving farther west before reconnecting with U.S.  
3693 441. However, under no circumstances may ~~shall~~ the realignment  
3694 of the Northwest Beltway Part A conflict with or contradict ~~with~~  
3695 the alignment of the Wekiva Parkway as defined in s. 348.7546.  
3696 This project may be financed with any funds available to the  
3697 authority for such purpose or revenue bonds issued by the  
3698 authority under s. 11, Art. VII of the State Constitution and s.  
3699 348.755(1)(b).

3700 Section 69. Subsections (2) and (3) of section 348.755,  
3701 Florida Statutes, are amended to read:

3702 348.755 Bonds of the authority.—

3703 (2) Any ~~such~~ resolution that authorizes ~~or resolutions~~  
3704 ~~authorizing~~ any bonds issued under this section hereunder may  
3705 contain provisions that must ~~which shall~~ be part of the contract  
3706 with the holders of such bonds, relating ~~as~~ to:

3707 (a) The pledging of ~~all or~~ any part of the revenues, rates,  
3708 fees, rentals, ~~(including all or~~ any portion of the Orange  
3709 County gasoline tax funds received by the authority pursuant to  
3710 the terms of any lease-purchase agreement between the authority  
3711 and the department, or any part thereof), or other charges or  
3712 receipts of the authority, derived by the authority, from the



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3713 Central Florida ~~Orlando-Orange County~~ Expressway System.

3714 (b) The completion, improvement, operation, extension,  
3715 maintenance, repair, lease or lease-purchase agreement of the  
3716 ~~said~~ system, and the duties of the authority and others,  
3717 including the department, ~~with reference thereto~~.

3718 (c) Limitations on the purposes to which the proceeds of  
3719 the bonds, then or thereafter to be issued, or of any loan or  
3720 grant by the United States or the state may be applied.

3721 (d) The fixing, charging, establishing, and collecting of  
3722 rates, fees, rentals, or other charges for use of the services  
3723 and facilities of the Central Florida ~~Orlando-Orange County~~  
3724 Expressway System or any part thereof.

3725 (e) The setting aside of reserves or sinking funds or  
3726 repair and replacement funds and the regulation and disposition  
3727 thereof.

3728 (f) Limitations on the issuance of additional bonds.

3729 (g) The terms and provisions of any lease-purchase  
3730 agreement, deed of trust or indenture securing the bonds, or  
3731 under which the same may be issued.

3732 (h) Any other or additional agreements with the holders of  
3733 the bonds which the authority may deem desirable and proper.

3734 (3) The authority may employ fiscal agents as provided by  
3735 this part or the State Board of Administration of Florida may  
3736 upon request of the authority act as fiscal agent for the  
3737 authority in the issuance of any bonds that ~~which~~ may be issued  
3738 pursuant to this part, and the State Board of Administration may  
3739 upon request of the authority take over the management, control,  
3740 administration, custody, and payment of any ~~or all~~ debt services  
3741 or funds or assets now or hereafter available for any bonds

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3742 issued pursuant to this part. The authority may enter into any  
3743 deeds of trust, indentures or other agreements with its fiscal  
3744 agent, or with any bank or trust company within or without the  
3745 state, as security for such bonds, and may, under such  
3746 agreements, sign and pledge ~~all or~~ any of the revenues, rates,  
3747 fees, rentals or other charges or receipts of the authority,  
3748 including ~~all or~~ any portion of the Orange County gasoline tax  
3749 funds received by the authority pursuant to the terms of any  
3750 lease-purchase agreement between the authority and the  
3751 department, ~~thereunder~~. Such deed of trust, indenture, or other  
3752 agreement may contain such provisions as are customary in such  
3753 instruments, or, as the authority may authorize, including but  
3754 without limitation, provisions as to:

3755 (a) The completion, improvement, operation, extension,  
3756 maintenance, repair, and lease of, or lease-purchase agreement  
3757 relating to the Central Florida ~~Orlando-Orange County~~ Expressway  
3758 System, and the duties of the authority and others including the  
3759 department, with reference thereto.

3760 (b) The application of funds and the safeguarding of funds  
3761 on hand or on deposit.

3762 (c) The rights and remedies of the trustee and the holders  
3763 of the bonds.

3764 (d) The terms and provisions of the bonds or the  
3765 resolutions authorizing the issuance of same.

3766 Section 70. Subsections (3) and (4) of section 348.756,  
3767 Florida Statutes, are amended to read:

3768 348.756 Remedies of the bondholders.—

3769 (3) When a ~~Any~~ trustee is ~~when~~ appointed pursuant to  
3770 subsection (1) ~~as aforesaid~~, or is acting under a deed of trust,

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3771 indenture, or other agreement, and whether or not all bonds have  
3772 been declared due and payable, the trustee is ~~shall be~~ entitled  
3773 ~~as of right~~ to the appointment of a receiver, who may enter upon  
3774 and take possession of the Central Florida ~~Orlando-Orange County~~  
3775 Expressway System or the facilities or any part of the system or  
3776 facilities ~~or parts thereof~~, the rates, fees, rentals, or other  
3777 revenues, charges, or receipts that ~~from which~~ are, or may be,  
3778 applicable to the payment of the bonds so in default, and  
3779 subject to and in compliance with the provisions of any lease-  
3780 purchase agreement between the authority and the department  
3781 operate and maintain the same, for and on behalf of and in the  
3782 name of, the authority, the department, and the bondholders, and  
3783 collect and receive all rates, fees, rentals, and other charges  
3784 or receipts or revenues arising therefrom in the same manner as  
3785 the authority or the department might do, and shall deposit all  
3786 such moneys in a separate account and apply the same in such  
3787 manner as the court directs ~~shall direct~~. In any suit, action,  
3788 or proceeding by the trustee, the fees, counsel fees, and  
3789 expenses of the trustee, and the ~~said~~ receiver, if any, and all  
3790 costs and disbursements allowed by the court must ~~shall~~ be a  
3791 first charge on any rates, fees, rentals, or other charges,  
3792 revenues, or receipts, derived from the Central Florida ~~Orlando-~~  
3793 ~~Orange County~~ Expressway System, or the facilities or services  
3794 or any part of the system or facilities ~~or parts thereof~~,  
3795 including payments under any such lease-purchase agreement ~~as~~  
3796 ~~aforsaid~~ which ~~said~~ rates, fees, rentals, or other charges,  
3797 revenues, or receipts ~~shall or~~ may be applicable to the payment  
3798 of the bonds that are ~~so~~ in default. The ~~Such~~ trustee has ~~shall~~,  
3799 ~~in addition to the foregoing, have and possess~~ all of the powers

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3800 necessary or appropriate for the exercise of any functions  
3801 specifically set forth in this section ~~herein~~ or incident to the  
3802 representation of the bondholders in the enforcement and  
3803 protection of their rights.

3804 (4) ~~Nothing in~~ This section or any other section of this  
3805 part does not shall authorize any receiver appointed ~~pursuant~~  
3806 ~~hereto~~ for the purpose, subject to and in compliance with the  
3807 provisions of any lease-purchase agreement between the authority  
3808 and the department, of operating and maintaining the Central  
3809 Florida Orlando-Orange County Expressway System or any  
3810 facilities or part of the system or facilities ~~or parts thereof~~,  
3811 to sell, assign, mortgage, or otherwise dispose of any of the  
3812 assets of whatever kind and character belonging to the  
3813 authority. ~~It is the intention of this part to limit~~ The powers  
3814 of the such receiver, subject to and in compliance with the  
3815 provisions of any lease-purchase agreement between the authority  
3816 and the department, are limited to the operation and maintenance  
3817 of the Central Florida Orlando-Orange County Expressway System,  
3818 or any facility, or part ~~or parts~~ thereof, as the court may  
3819 direct, in the name and for and on behalf of the authority, the  
3820 department, and the bondholders, and no holder of bonds on the  
3821 authority nor any trustee, has shall ever have the right in any  
3822 suit, action, or proceeding at law or in equity, to compel a  
3823 receiver, nor may shall any receiver be authorized or any court  
3824 be empowered to direct the receiver to sell, assign, mortgage,  
3825 or otherwise dispose of any assets ~~of whatever kind or character~~  
3826 belonging to the authority.

3827 Section 71. Subsections (1) through (7) of section 348.757,  
3828 Florida Statutes, are amended to read:

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3829 348.757 Lease-purchase agreement.-

3830 (1) ~~In order to effectuate the purposes of this part and as~~  
3831 ~~authorized by this part,~~ The authority may enter into a lease-  
3832 purchase agreement with the department relating to and covering  
3833 the former Orlando-Orange County Expressway System.

3834 (2) The ~~Such~~ lease-purchase agreement must ~~shall~~ provide  
3835 for the leasing of the former Orlando-Orange County Expressway  
3836 System, by the authority, as lessor, to the department, as  
3837 lessee, must ~~shall~~ prescribe the term of such lease and the  
3838 rentals to be paid ~~thereunder~~, and must ~~shall~~ provide that upon  
3839 the completion of the faithful performance ~~thereunder~~ and the  
3840 termination of the ~~such~~ lease-purchase agreement, title in fee  
3841 simple absolute to the former Orlando-Orange County Expressway  
3842 System as then constituted shall be transferred in accordance  
3843 with law by the authority, to the state and the authority shall  
3844 deliver to the department such deeds and conveyances as shall be  
3845 necessary or convenient to vest title in fee simple absolute in  
3846 the state.

3847 (3) The ~~Such~~ lease-purchase agreement may include ~~such~~  
3848 other provisions, agreements, and covenants that ~~as~~ the  
3849 authority and the department deem advisable or required,  
3850 including, but not limited to, provisions as to the bonds to be  
3851 issued under, and for the purposes of, this part, the  
3852 completion, extension, improvement, operation, and maintenance  
3853 of the former Orlando-Orange County Expressway System and the  
3854 expenses and the cost of operation of the ~~said~~ authority, the  
3855 charging and collection of tolls, rates, fees, and other charges  
3856 for the use of the services and facilities of the system  
3857 ~~thereof~~, the application of federal or state grants or aid that

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3858 ~~which~~ may be made or given to assist the authority in the  
 3859 completion, extension, improvement, operation, and maintenance  
 3860 of the former Orlando-Orange County Orlando Expressway System,  
 3861 which the authority is ~~hereby~~ authorized to accept and apply to  
 3862 such purposes, the enforcement of payment and collection of  
 3863 rentals and any other terms, provisions, or covenants necessary,  
 3864 incidental, or appurtenant to the making of and full performance  
 3865 under the ~~such~~ lease-purchase agreement.

3866 (4) The department as lessee under the ~~such~~ lease-purchase  
 3867 agreement, may ~~is hereby authorized to~~ pay as rentals under the  
 3868 agreement ~~thereunder~~ any rates, fees, charges, funds, moneys,  
 3869 receipts, or income accruing to the department from the  
 3870 operation of the former Orlando-Orange County Expressway System  
 3871 and the Orange County gasoline tax funds and may also pay as  
 3872 rentals any appropriations received by the department pursuant  
 3873 to any act of the Legislature of the state heretofore or  
 3874 hereafter enacted; ~~provided,~~ however, this part or the ~~that~~  
 3875 ~~nothing herein nor in such~~ lease-purchase agreement is not  
 3876 intended to and does not ~~nor shall this part or such lease-~~  
 3877 ~~purchase agreement~~ require the making or continuance of such  
 3878 appropriations, and ~~nor shall~~ any holder of bonds issued  
 3879 pursuant to this part does not ~~ever~~ have any right to compel the  
 3880 making or continuance of such appropriations.

3881 (5) A ~~No~~ pledge of the ~~said~~ Orange County gasoline tax  
 3882 funds as rentals under a ~~such~~ lease-purchase agreement may not  
 3883 ~~shall~~ be made without the consent of the County of Orange  
 3884 evidenced by a resolution duly adopted by the board of county  
 3885 commissioners of said county at a public hearing held pursuant  
 3886 to due notice thereof published at least once a week for 3

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3887 consecutive weeks before the hearing in a newspaper of general  
3888 circulation in Orange County. The ~~Said~~ resolution, among other  
3889 things, must ~~shall~~ provide that any excess of the ~~said~~ pledged  
3890 gasoline tax funds which is not required for debt service or  
3891 reserves for the ~~such~~ debt service for any bonds issued by the  
3892 ~~said~~ authority shall be returned annually to the department for  
3893 distribution to Orange County as provided by law. Before making  
3894 any application for a a ~~such~~ pledge of gasoline tax funds, the  
3895 authority shall present the plan of its proposed project to the  
3896 Orange County planning and zoning commission for its comments  
3897 and recommendations.

3898 (6) The ~~Said~~ department may ~~shall have power to~~ covenant in  
3899 any lease-purchase agreement that it will pay all or any part of  
3900 the cost of the operation, maintenance, repair, renewal, and  
3901 replacement of the ~~said~~ system, and any part of the cost of  
3902 completing the ~~said~~ system to the extent that the proceeds of  
3903 bonds issued ~~therefor~~ are insufficient, from sources other than  
3904 the revenues derived from the operation of the ~~said~~ system and  
3905 the ~~said~~ Orange County gasoline tax funds. The ~~said~~ department  
3906 may also agree to make such other payments from any moneys  
3907 available to the ~~said~~ commission, the ~~said~~ county, or the ~~said~~  
3908 city in connection with the construction or completion of the  
3909 ~~said~~ system as shall be deemed by the ~~said~~ department to be fair  
3910 and proper under any ~~such~~ covenants ~~heretofore or hereafter~~  
3911 entered into.

3912 (7) The ~~said~~ system must ~~shall~~ be a part of the state road  
3913 system and the ~~said~~ department may ~~is hereby authorized,~~ upon  
3914 the request of the authority, ~~to~~ expend out of any funds  
3915 available for the purpose the ~~such~~ moneys, and ~~to~~ use ~~such~~ of

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3916 its engineering and other forces, as may be necessary ~~and~~  
3917 ~~desirable in the judgment of said department,~~ for the operation  
3918 of the said authority and for traffic surveys, borings, surveys,  
3919 preparation of plans and specifications, estimates of cost, and  
3920 other preliminary engineering and other studies; provided,  
3921 however, that the aggregate amount of moneys expended for the  
3922 ~~said~~ purposes by the said department ~~do shall~~ not exceed the sum  
3923 of \$375,000.

3924 Section 72. Section 348.758, Florida Statutes, is amended  
3925 to read:

3926 348.758 Appointment of department ~~as may be appointed~~ agent  
3927 of authority for construction.—The department may be appointed  
3928 by the said authority as its agent for the purpose of  
3929 constructing improvements and extensions to the Central Florida  
3930 ~~Orlando-Orange County~~ Expressway System and for its the  
3931 completion ~~thereof~~. In such event, the authority shall provide  
3932 the department with complete copies of all documents,  
3933 agreements, resolutions, contracts, and instruments relating  
3934 thereto and shall request the department to do such construction  
3935 work, including the planning, surveying, and actual construction  
3936 of the completion, extensions, and improvements to the Central  
3937 Florida ~~Orlando-Orange County~~ Expressway System and shall  
3938 transfer to the credit of an account of the department in the  
3939 State Treasury ~~of the state~~ the necessary funds, ~~therefor~~ and  
3940 the department ~~may shall thereupon be authorized, empowered and~~  
3941 ~~directed to~~ proceed with such construction and ~~to~~ use the ~~said~~  
3942 funds for such purpose in the same manner that it is ~~now~~  
3943 authorized to use the funds ~~otherwise provided by law~~ for the  
3944 ~~its use in~~ construction of roads and bridges.



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3945 Section 73. Section 348.759, Florida Statutes, is amended  
3946 to read:

3947 348.759 Acquisition of lands and property.-

3948 (1) For the purposes of this part, the Central Florida  
3949 ~~Orlando-Orange County~~ Expressway Authority may acquire private  
3950 or public property and property rights, including rights of  
3951 access, air, view, and light, by gift, devise, purchase, or  
3952 condemnation by eminent domain proceedings, as the authority  
3953 deems ~~may deem~~ necessary for any of the purposes of this part,  
3954 including, but not limited to, any lands reasonably necessary  
3955 for securing applicable permits, areas necessary for management  
3956 of access, borrow pits, drainage ditches, water retention areas,  
3957 rest areas, replacement access for landowners whose access is  
3958 impaired due to the construction of a facility, and replacement  
3959 rights-of-way for relocated rail and utility facilities; for  
3960 existing, proposed, or anticipated transportation facilities on  
3961 the Central Florida ~~Orlando-Orange County~~ Expressway System or  
3962 in a transportation corridor designated by the authority; or for  
3963 the purposes of screening, relocation, removal, or disposal of  
3964 junkyards and scrap metal processing facilities. The authority  
3965 may ~~shall also have the power to~~ condemn any material and  
3966 property necessary for such purposes.

3967 (2) The ~~right of eminent domain herein conferred shall be~~  
3968 ~~exercised by the~~ authority shall exercise the right of eminent  
3969 domain in the manner provided by law.

3970 (3) When the authority acquires property for a  
3971 transportation facility or in a transportation corridor, it is  
3972 not subject to any liability imposed by chapter 376 or chapter  
3973 403 for preexisting soil or groundwater contamination due solely

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3974 to its ownership. This section does not affect the rights or  
3975 liabilities of any past or future owners of the acquired  
3976 property and ~~nor~~ does not ~~it~~ affect the liability of any  
3977 governmental entity for the results of its actions which create  
3978 or exacerbate a pollution source. The authority and the  
3979 Department of Environmental Protection may enter into  
3980 interagency agreements for the performance, funding, and  
3981 reimbursement of the investigative and remedial acts necessary  
3982 for property acquired by the authority.

3983 Section 74. Section 348.760, Florida Statutes, is amended  
3984 to read:

3985 348.760 Cooperation with other units, boards, agencies, and  
3986 individuals. ~~A Express authority and power is hereby given and~~  
3987 ~~granted any~~ county, municipality, drainage district, road and  
3988 bridge district, school district or any other political  
3989 subdivision, board, commission, or individual in, or of, the  
3990 state may ~~to~~ make and enter into with the authority, contracts,  
3991 leases, conveyances, partnerships, or other agreements pursuant  
3992 to ~~within the provisions and purposes of~~ this part. The  
3993 authority may ~~is hereby expressly authorized to~~ make and enter  
3994 into contracts, leases, conveyances, partnerships, and other  
3995 agreements with any political subdivision, agency, or  
3996 instrumentality of the state and any ~~and all~~ federal agencies,  
3997 corporations, and individuals, for the purpose of carrying out  
3998 the provisions of this part ~~or with the consent of the Seminole~~  
3999 ~~County Expressway Authority, for the purpose of carrying out and~~  
4000 ~~implementing part VIII of this chapter.~~

4001 Section 75. Section 348.761, Florida Statutes, is amended  
4002 to read:

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4003           348.761 Covenant of the state.—The state pledges ~~does~~  
4004 ~~hereby pledge~~ to, and agrees, with any person, firm or  
4005 corporation, or federal or state agency subscribing to, or  
4006 acquiring the bonds to be issued by the authority for the  
4007 purposes of this part that the state will not limit or alter the  
4008 rights that are ~~hereby~~ vested in the authority and the  
4009 department until all issued bonds and interest ~~at any time~~  
4010 ~~issued, together with the interest thereon,~~ are fully paid and  
4011 discharged insofar as the pledge ~~same~~ affects the rights of the  
4012 holders of bonds issued pursuant to this part hereunder. The  
4013 state does further pledge to, and agree, with the United States  
4014 that in the event any federal agency constructs or contributes  
4015 ~~shall construct or contribute~~ any funds for the completion,  
4016 extension, or improvement of the Central Florida ~~Orlando-Orange~~  
4017 ~~County~~ Expressway System, or any part or portion of the system  
4018 ~~thereof~~, the state will not alter or limit the rights and powers  
4019 of the authority and the department in any manner that ~~which~~  
4020 would be inconsistent with the continued maintenance and  
4021 operation of the Central Florida ~~Orlando-Orange County~~  
4022 Expressway System or the completion, extension, or improvement  
4023 of the system thereof, or that ~~which~~ would be inconsistent with  
4024 the due performance of any agreements between the authority and  
4025 any such federal agency, and the authority and the department  
4026 shall continue to have and may exercise all powers ~~herein~~  
4027 granted in this part, so long as the powers are ~~same shall be~~  
4028 necessary or desirable for the carrying out of the purposes of  
4029 this part and the purposes of the United States in the  
4030 completion, extension, or improvement of the Central Florida  
4031 ~~Orlando-Orange County~~ Expressway System, or any part of the

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4032 system ~~or portion thereof~~.

4033 Section 76. Section 348.765, Florida Statutes, is amended  
4034 to read:

4035 348.765 This part complete and additional authority.-

4036 (1) The powers conferred by this part are ~~shall be~~ in  
4037 addition and supplemental to the existing powers of the ~~said~~  
4038 board and the department, and this part may ~~shall~~ not be  
4039 construed as repealing any of the provisions, of any other law,  
4040 general, special, or local, but to supersede such other laws in  
4041 the exercise of the powers provided in this part, and to provide  
4042 a complete method for the exercise of the powers granted in this  
4043 part. The extension and improvement of the Central Florida ~~said~~  
4044 ~~Orlando-Orange County~~ Expressway System, and the issuance of  
4045 bonds pursuant to this part hereunder to finance all or part of  
4046 the cost of the system thereof, may be accomplished upon  
4047 compliance with the provisions of this part without regard to or  
4048 necessity for compliance with the provisions, limitations, or  
4049 restrictions contained in any other general, special, or local  
4050 law, including, but not limited to, s. 215.821, and no approval  
4051 of any bonds issued under this part by the qualified electors or  
4052 qualified electors who are freeholders in the state or in the  
4053 ~~said~~ County of Orange, or in the ~~said~~ City of Orlando, or in any  
4054 other political subdivision of the state, is ~~shall be~~ required  
4055 for the issuance of such bonds pursuant to this part.

4056 (2) This part does ~~shall not be deemed to~~ repeal, rescind,  
4057 or modify any other law ~~or laws~~ relating to the ~~said~~ State Board  
4058 of Administration, the ~~said~~ Department of Transportation, or the  
4059 Division of Bond Finance of the State Board of Administration,  
4060 but supersedes any ~~shall be deemed to and shall supersede such~~

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4061 ~~other law that is or laws as are~~ inconsistent with the  
4062 provisions of this part, including, but not limited to, s.  
4063 215.821.

4064 Section 77. Subsections (6) and (7) of section 369.317,  
4065 Florida Statutes, are amended to read:

4066 369.317 Wekiva Parkway.—

4067 (6) The Central Florida ~~Orlando-Orange County~~ Expressway  
4068 Authority is hereby granted the authority to act as a third-  
4069 party acquisition agent, pursuant to s. 259.041 on behalf of the  
4070 Board of Trustees or chapter 373 on behalf of the governing  
4071 board of the St. Johns River Water Management District, for the  
4072 acquisition of all necessary lands, property and all interests  
4073 in property identified herein, including fee simple or less-  
4074 than-fee simple interests. The lands subject to this authority  
4075 are identified in paragraph 10.a., State of Florida, Office of  
4076 the Governor, Executive Order 03-112 of July 1, 2003, and in  
4077 Recommendation 16 of the Wekiva Basin Area Task Force created by  
4078 Executive Order 2002-259, such lands otherwise known as  
4079 Neighborhood Lakes, a 1,587+/-acre parcel located in Orange and  
4080 Lake Counties within Sections 27, 28, 33, and 34 of Township 19  
4081 South, Range 28 East, and Sections 3, 4, 5, and 9 of Township 20  
4082 South, Range 28 East; Seminole Woods/Swamp, a 5,353+/-acre  
4083 parcel located in Lake County within Section 37, Township 19  
4084 South, Range 28 East; New Garden Coal; a 1,605+/-acre parcel in  
4085 Lake County within Sections 23, 25, 26, 35, and 36, Township 19  
4086 South, Range 28 East; Pine Plantation, a 617+/-acre tract  
4087 consisting of eight individual parcels within the Apopka City  
4088 limits. The Department of Transportation, the Department of  
4089 Environmental Protection, the St. Johns River Water Management

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4090 District, and other land acquisition entities shall participate  
4091 and cooperate in providing information and support to the third-  
4092 party acquisition agent. The land acquisition process authorized  
4093 by this paragraph shall begin no later than December 31, 2004.  
4094 Acquisition of the properties identified as Neighborhood Lakes,  
4095 Pine Plantation, and New Garden Coal, or approval as a  
4096 mitigation bank shall be concluded no later than December 31,  
4097 2010. Department of Transportation and Central Florida ~~Orlando-~~  
4098 ~~Orange County~~ Expressway Authority funds expended to purchase an  
4099 interest in those lands identified in this subsection shall be  
4100 eligible as environmental mitigation for road construction  
4101 related impacts in the Wekiva Study Area. If any of the lands  
4102 identified in this subsection are used as environmental  
4103 mitigation for road-construction-related impacts incurred by the  
4104 Department of Transportation or Central Florida ~~Orlando-Orange~~  
4105 ~~County~~ Expressway Authority, or for other impacts incurred by  
4106 other entities, within the Wekiva Study Area or within the  
4107 Wekiva parkway alignment corridor, and if the mitigation offsets  
4108 these impacts, the St. Johns River Water Management District and  
4109 the Department of Environmental Protection shall consider the  
4110 activity regulated under part IV of chapter 373 to meet the  
4111 cumulative impact requirements of s. 373.414(8)(a).

4112 (a) Acquisition of the land described in this section is  
4113 required to provide right-of-way for the Wekiva Parkway, a  
4114 limited access roadway linking State Road 429 to Interstate 4,  
4115 an essential component in meeting regional transportation needs  
4116 to provide regional connectivity, improve safety, accommodate  
4117 projected population and economic growth, and satisfy critical  
4118 transportation requirements caused by increased traffic volume

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4119 growth and travel demands.

4120 (b) Acquisition of the lands described in this section is  
4121 also required to protect the surface water and groundwater  
4122 resources of Lake, Orange, and Seminole counties, otherwise  
4123 known as the Wekiva Study Area, including recharge within the  
4124 springshed that provides for the Wekiva River system. Protection  
4125 of this area is crucial to the long term viability of the Wekiva  
4126 River and springs and the central Florida region's water supply.  
4127 Acquisition of the lands described in this section is also  
4128 necessary to alleviate pressure from growth and development  
4129 affecting the surface and groundwater resources within the  
4130 recharge area.

4131 (c) Lands acquired pursuant to this section that are needed  
4132 for transportation facilities for the Wekiva Parkway shall be  
4133 determined not necessary for conservation purposes pursuant to  
4134 ss. 253.034(6) and 373.089(5) and shall be transferred to or  
4135 retained by the Central Florida ~~Orlando-Orange County~~ Expressway  
4136 Authority or the Department of Transportation upon reimbursement  
4137 of the full purchase price and acquisition costs.

4138 (7) The Department of Transportation, the Department of  
4139 Environmental Protection, the St. Johns River Water Management  
4140 District, Central Florida ~~Orlando-Orange County~~ Expressway  
4141 Authority, and other land acquisition entities shall cooperate  
4142 and establish funding responsibilities and partnerships by  
4143 agreement to the extent funds are available to the various  
4144 entities. Properties acquired with Florida Forever funds shall  
4145 be in accordance with s. 259.041 or chapter 373. The Central  
4146 Florida ~~Orlando-Orange County~~ Expressway Authority shall acquire  
4147 land in accordance with this section of law to the extent funds

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4148 are available from the various funding partners, but shall not  
4149 be required nor assumed to fund the land acquisition beyond the  
4150 agreement and funding provided by the various land acquisition  
4151 entities.

4152 Section 78. Subsection (1) of section 369.324, Florida  
4153 Statutes, is amended to read:

4154 369.324 Wekiva River Basin Commission.—

4155 (1) The Wekiva River Basin Commission is created to monitor  
4156 and ensure the implementation of the recommendations of the  
4157 Wekiva River Basin Coordinating Committee for the Wekiva Study  
4158 Area. The East Central Florida Regional Planning Council shall  
4159 provide staff support to the commission with funding assistance  
4160 from the Department of Economic Opportunity. The commission  
4161 shall be comprised of a total of 18 ~~19~~ members appointed by the  
4162 Governor, 9 of whom shall be voting members and 9 ~~10~~ shall be ad  
4163 hoc nonvoting members. The voting members shall include:

4164 (a) One member of each of the Boards of County  
4165 Commissioners for Lake, Orange, and Seminole Counties.

4166 (b) One municipal elected official to serve as a  
4167 representative of the municipalities located within the Wekiva  
4168 Study Area of Lake County.

4169 (c) One municipal elected official to serve as a  
4170 representative of the municipalities located within the Wekiva  
4171 Study Area of Orange County.

4172 (d) One municipal elected official to serve as a  
4173 representative of the municipalities located within the Wekiva  
4174 Study Area of Seminole County.

4175 (e) One citizen representing an environmental or  
4176 conservation organization, one citizen representing a local



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4177 property owner, a land developer, or an agricultural entity, and  
4178 one at-large citizen who shall serve as chair of the council.

4179 (f) The ad hoc nonvoting members shall include one  
4180 representative from each of the following entities:

- 4181 1. St. Johns River Management District.
- 4182 2. Department of Economic Opportunity.
- 4183 3. Department of Environmental Protection.
- 4184 4. Department of Health.
- 4185 5. Department of Agriculture and Consumer Services.
- 4186 6. Fish and Wildlife Conservation Commission.
- 4187 7. Department of Transportation.
- 4188 8. MetroPlan Orlando.
- 4189 9. Central Florida Orlando-Orange County Expressway  
4190 Authority.

4191 ~~10. Seminole County Expressway Authority.~~

4192 Section 79. (1) Effective upon the completion of  
4193 construction of the Poinciana Parkway, a limited access facility  
4194 of approximately 9 miles in length in Osceola County with its  
4195 northwestern terminus at the intersection of County Road 54 and  
4196 US 17/US 92 and its southeastern terminus at the current  
4197 intersection of Rhododendron and Cypress Parkway, described in  
4198 the Osceola County Expressway Authority May 8, 2012, Master  
4199 Plan, all powers, governance, and control of the Osceola County  
4200 Expressway System, created pursuant to part V, chapter 348,  
4201 Florida Statutes, is transferred to the Central Florida  
4202 Expressway Authority, and the assets, liabilities, facilities,  
4203 tangible and intangible property and any rights in the property,  
4204 and any other legal rights of the Osceola County Expressway  
4205 Authority are transferred to the Central Florida Expressway

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4206 Authority. The effective date of such transfer shall be extended  
4207 until completion of construction of such portions of the  
4208 Southport Connector Expressway, the Northeast Connector  
4209 Expressway, such portions of the Poinciana Parkway to connect to  
4210 State Road 429, and the Osceola Parkway Extension, as each is  
4211 described in the Osceola County Expressway Authority May 8,  
4212 2012, Master Plan, which are included in any design contract  
4213 executed by the Osceola County Expressway Authority before July  
4214 1, 2019. Part V of chapter 348, Florida Statutes, consisting of  
4215 ss. 348.9950-348.9961, is repealed on the same date that the  
4216 Osceola County Expressway System is transferred to the Central  
4217 Florida Expressway Authority.

4218 (2) The Central Florida Expressway Authority shall also  
4219 reimburse any and all obligations of any other governmental  
4220 entities with respect to the Osceola County Expressway System,  
4221 including any obligations of Osceola County with respect to  
4222 operations and maintenance of the Osceola County Expressway  
4223 System and any loan repayment obligations, including repayment  
4224 obligations with respect to State Infrastructure Bank loans.  
4225 Such reimbursement shall be made from revenues available for  
4226 such purpose after payment of all amounts required:

4227 (a) Otherwise by law;

4228 (b) By the terms of any resolution authorizing the issuance  
4229 of bonds by the authority, the Orlando-Orange County Expressway  
4230 Authority, or the Osceola County Expressway Authority;

4231 (c) By the terms of any resolution under which bonds are  
4232 issued by Osceola County for the purpose of constructing  
4233 improvements to the Osceola County Expressway System; and

4234 (d) By the terms of the memorandum of understanding between

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4235 the Orlando-Orange County Expressway Authority and the  
4236 department as ratified by the board of the Orlando-Orange County  
4237 Expressway Authority on February 22, 2012.

4238 Section 80. Section 373.4137, Florida Statutes, is amended  
4239 to read:

4240 373.4137 Mitigation requirements for specified  
4241 transportation projects.—

4242 (1) The Legislature finds that environmental mitigation for  
4243 the impact of transportation projects proposed by the Department  
4244 of Transportation or a transportation authority established  
4245 pursuant to chapter 348 or chapter 349 can be more effectively  
4246 achieved by regional, long-range mitigation planning rather than  
4247 on a project-by-project basis. It is the intent of the  
4248 Legislature that mitigation to offset the adverse effects of  
4249 these transportation projects be funded by the Department of  
4250 Transportation and be carried out by the use of mitigation banks  
4251 and any other mitigation options that satisfy state and federal  
4252 requirements in a manner that promotes efficiency, timeliness in  
4253 project delivery, and cost-effectiveness.

4254 (2) Environmental impact inventories for transportation  
4255 projects proposed by the Department of Transportation or a  
4256 transportation authority established pursuant to chapter 348 or  
4257 chapter 349 shall be developed as follows:

4258 (a) By July 1 of each year, the Department of  
4259 Transportation, or a transportation authority established  
4260 pursuant to chapter 348 or chapter 349 which chooses to  
4261 participate in the program, shall submit to the water management  
4262 districts a list of its projects in the adopted work program and  
4263 an environmental impact inventory of habitat impacts and the

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4264 anticipated amount of mitigation needed to offset impacts as  
4265 described in paragraph (b). The environmental impact inventory  
4266 must be based on habitats addressed in the rules adopted  
4267 pursuant to this part, and s. 404 of the Clean Water Act, 33  
4268 U.S.C. s. 1344, and which may be impacted by the Department of  
4269 Transportation's its plan of construction for transportation  
4270 projects in the next 3 years of the tentative work program. The  
4271 Department of Transportation or a transportation authority  
4272 established pursuant to chapter 348 or chapter 349 may also  
4273 include in its environmental impact inventory the habitat  
4274 impacts and the anticipated amount of mitigation needed for of  
4275 any future transportation project. The Department of  
4276 Transportation and each transportation authority established  
4277 pursuant to chapter 348 or chapter 349 may fund any mitigation  
4278 activities for future projects using current year funds.

4279 (b) The environmental impact inventory must ~~shall~~ include a  
4280 description of ~~these~~ habitat impacts, including ~~their~~ location,  
4281 acreage, and type; the anticipated amount of mitigation needed  
4282 based on the functional loss as determined through the Uniform  
4283 Mitigation Assessment Method (UMAM) adopted in Chapter 62-345,  
4284 F.A.C.; identification of the proposed mitigation option; state  
4285 water quality classification of impacted wetlands and other  
4286 surface waters; any other state or regional designations for  
4287 these habitats; and a list of threatened species, endangered  
4288 species, and species of special concern affected by the proposed  
4289 project.

4290 (c) Before projects are identified for inclusion in a water  
4291 management district mitigation plan as described in subsection  
4292 (4), the Department of Transportation must consider using

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4293 credits from a permitted mitigation bank. The Department of  
4294 Transportation must consider availability of suitable and  
4295 sufficient mitigation bank credits within the transportation  
4296 project's area, ability to satisfy commitments to regulatory and  
4297 resource agencies, availability of suitable and sufficient  
4298 mitigation purchased or developed through this section, ability  
4299 to complete existing water management district or Department of  
4300 Environmental Protection suitable mitigation sites initiated  
4301 with Department of Transportation mitigation funds, and ability  
4302 to satisfy state and federal requirements including long-term  
4303 maintenance and liability.

4304 (3) (a) To implement the mitigation option ~~fund development~~  
4305 ~~and implementation of the mitigation plan for the projected~~  
4306 ~~impacts~~ identified in the environmental impact inventory  
4307 described in subsection (2), the Department of Transportation  
4308 may purchase credits for current and future use directly from a  
4309 mitigation bank; purchase mitigation services through the water  
4310 management districts or the Department of Environmental  
4311 Protection; conduct its own mitigation; or use other mitigation  
4312 options that meet state and federal requirements. ~~shall identify~~  
4313 ~~funds quarterly in an escrow account within the State~~  
4314 ~~Transportation Trust Fund for the environmental mitigation phase~~  
4315 ~~of projects budgeted by~~ Funding for the identified mitigation  
4316 option as described in the environmental impact inventory must  
4317 be included in the Department of Transportation's work program  
4318 developed pursuant to s. 339.135 ~~for the current fiscal year.~~  
4319 ~~The escrow account shall be maintained by the Department of~~  
4320 ~~Transportation for the benefit of the water management~~  
4321 ~~districts. Any interest earnings from the escrow account shall~~

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4322 ~~remain with the Department of Transportation. The amount~~  
4323 programmed each year by the Department of Transportation and  
4324 participating transportation authorities established pursuant to  
4325 chapter 348 or chapter 349 must correspond to an estimated cost  
4326 per credit of \$150,000 multiplied by the projected number of  
4327 credits identified in the environmental impact inventory  
4328 described in subsection (2). This estimated cost per credit will  
4329 be adjusted every 2 years by the Department of Transportation  
4330 based on the average cost per UMAM credit paid through this  
4331 section.

4332 (b) Each transportation authority established pursuant to  
4333 chapter 348 or chapter 349 that chooses to participate in this  
4334 program shall create an escrow account within its financial  
4335 structure and deposit funds in the account to pay for the  
4336 environmental mitigation phase of projects budgeted for the  
4337 current fiscal year. The escrow account shall be maintained by  
4338 the authority for the benefit of the water management districts.  
4339 Any interest earnings from the escrow account shall remain with  
4340 the authority.

4341 (c) For mitigation implemented by the water management  
4342 district or the Department of Environmental Protection, as  
4343 appropriate, the amount paid each year must be based on  
4344 mitigation services provided by the water management districts  
4345 or Department of Environmental Protection pursuant to an  
4346 approved water management district plan, as described in  
4347 subsection (4). ~~Except for current mitigation projects in the~~  
4348 ~~monitoring and maintenance phase and except as allowed by~~  
4349 ~~paragraph (d),~~ The water management districts or the Department  
4350 of Environmental Protection, as appropriate, may request payment

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4351 ~~a transfer of funds from an escrow account~~ no sooner than 30  
4352 days before the date the funds are needed to pay for activities  
4353 associated with development or implementation of the permitted  
4354 mitigation meeting the requirements pursuant to this part, 33  
4355 U.S.C. s. 1344, and 33 C.F.R. s. 332, in the approved mitigation  
4356 plan described in subsection (4) for the current fiscal year,  
4357 ~~including, but not limited to, design, engineering, production,~~  
4358 ~~and staff support. Actual conceptual plan preparation costs~~  
4359 ~~incurred before plan approval may be submitted to the Department~~  
4360 ~~of Transportation or the appropriate transportation authority~~  
4361 ~~each year with the plan. The conceptual plan preparation costs~~  
4362 ~~of each water management district will be paid from mitigation~~  
4363 ~~funds associated with the environmental impact inventory for the~~  
4364 ~~current year. The amount transferred to the escrow accounts each~~  
4365 ~~year by the Department of Transportation and participating~~  
4366 ~~transportation authorities established pursuant to chapter 348~~  
4367 ~~or chapter 349 shall correspond to a cost per acre of \$75,000~~  
4368 ~~multiplied by the projected acres of impact identified in the~~  
4369 ~~environmental impact inventory described in subsection (2).~~  
4370 ~~However, the \$75,000 cost per acre does not constitute an~~  
4371 ~~admission against interest by the state or its subdivisions and~~  
4372 ~~is not admissible as evidence of full compensation for any~~  
4373 ~~property acquired by eminent domain or through inverse~~  
4374 ~~condemnation. Each July 1, the cost per acre shall be adjusted~~  
4375 ~~by the percentage change in the average of the Consumer Price~~  
4376 ~~Index issued by the United States Department of Labor for the~~  
4377 ~~most recent 12-month period ending September 30, compared to the~~  
4378 ~~base year average, which is the average for the 12-month period~~  
4379 ~~ending September 30, 1996. Each quarter, the projected amount of~~

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4380 mitigation must ~~acreage of impact shall~~ be reconciled with the  
4381 actual amount of mitigation needed for ~~acreage of impact of~~  
4382 projects as permitted, including permit modifications, pursuant  
4383 to this part and s. 404 of the Clean Water Act, 33 U.S.C. s.  
4384 1344. The subject year's programming ~~transfer~~ of funds shall be  
4385 adjusted ~~accordingly~~ to reflect the mitigation ~~acreage of~~  
4386 ~~impacts~~ as permitted. ~~The Department of Transportation and~~  
4387 ~~participating transportation authorities established pursuant to~~  
4388 ~~chapter 348 or chapter 349 are authorized to transfer such funds~~  
4389 ~~from the escrow accounts to the water management districts to~~  
4390 ~~carry out the mitigation programs. Environmental mitigation~~  
4391 ~~funds that are identified for or maintained in an escrow account~~  
4392 ~~for the benefit of a water management district may be released~~  
4393 ~~if the associated transportation project is excluded in whole or~~  
4394 ~~part from the mitigation plan. For a mitigation project that is~~  
4395 ~~in the maintenance and monitoring phase, the water management~~  
4396 ~~district may request and receive a one-time payment based on the~~  
4397 ~~project's expected future maintenance and monitoring costs. If~~  
4398 the water management district excludes a project from an  
4399 approved water management district mitigation plan, cannot  
4400 timely permit a mitigation site to offset the impacts of a  
4401 Department of Transportation project identified in the  
4402 environmental impact inventory, or if the proposed mitigation  
4403 does not meet state and federal requirements, the Department of  
4404 Transportation may use the associated funds for the purchase of  
4405 mitigation bank credits or any other mitigation option that  
4406 satisfies state and federal requirements. Upon final  
4407 ~~disbursement of the final maintenance and monitoring payment for~~  
4408 mitigation of a transportation project as permitted, the



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4409 obligation of the Department of Transportation or the  
4410 participating transportation authority is satisfied and the  
4411 water management district or the Department of Environmental  
4412 Protection, as appropriate, will have continuing responsibility  
4413 for the mitigation project, the escrow account for the project  
4414 established by the Department of Transportation or the  
4415 participating transportation authority may be closed. Any  
4416 interest earned on these disbursed funds shall remain with the  
4417 water management district and must be used as authorized under  
4418 this section.

4419 (d) Beginning with the March 2014 water management district  
4420 mitigation plans, in the 2005-2006 fiscal year, each water  
4421 management district or the Department of Environmental  
4422 Protection, as appropriate, shall invoice the Department of  
4423 Transportation for mitigation services to offset only the  
4424 impacts of a Department of Transportation project identified in  
4425 the environmental impact inventory, including planning, design,  
4426 construction, maintenance and monitoring, and other costs  
4427 necessary to meet requirements pursuant to this section, 33  
4428 U.S.C. s. 1344, and 33 C.F.R. s. 332 be paid a lump sum amount  
4429 of \$75,000 per acre, adjusted as provided under paragraph (c),  
4430 for federally funded transportation projects that are included  
4431 on the environmental impact inventory and that have an approved  
4432 mitigation plan. Beginning in the 2009-2010 fiscal year, each  
4433 water management district shall be paid a lump sum amount of  
4434 \$75,000 per acre, adjusted as provided under paragraph (c), for  
4435 federally funded and nonfederally funded transportation projects  
4436 that have an approved mitigation plan. All mitigation costs,  
4437 including, but not limited to, the costs of preparing conceptual

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4438 ~~plans and the costs of design, construction, staff support,~~  
4439 ~~future maintenance, and monitoring the mitigated acres shall be~~  
4440 ~~funded through these lump-sum amounts.~~ If the water management  
4441 district identifies the use of mitigation bank credits to offset  
4442 a Department of Transportation impact, the water management  
4443 district shall exclude that purchase from the mitigation plan,  
4444 and the Department of Transportation must purchase the bank  
4445 credits.

4446 (e) For mitigation activities occurring on existing water  
4447 management district or Department of Environmental Protection  
4448 mitigation sites initiated with Department of Transportation  
4449 mitigation funds before July 1, 2013, the water management  
4450 district or Department of Environmental Protection shall invoice  
4451 the Department of Transportation or a participating  
4452 transportation authority at a cost per acre of \$75,000  
4453 multiplied by the projected acres of impact as identified in the  
4454 environmental impact inventory. The cost per acre must be  
4455 adjusted by the percentage change in the average of the Consumer  
4456 Price Index issued by the United States Department of Labor for  
4457 the most recent 12-month period ending September 30, compared to  
4458 the base year average, which is the average for the 12-month  
4459 period ending September 30, 1996. When implementing the  
4460 mitigation activities necessary to offset the permitted impacts  
4461 as provided in the approved mitigation plan, the water  
4462 management district shall maintain records of the costs incurred  
4463 in implementing the mitigation. The records must include, but  
4464 are not limited to, costs for planning, land acquisition,  
4465 design, construction, staff support, long-term maintenance and  
4466 monitoring of the mitigation site, and other costs necessary to

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4467 meet the requirements of 33 U.S.C. s. 1344 and 33 C.F.R. s. 332.

4468 (f) For purposes of preparing and implementing the  
4469 mitigation plans to be adopted by the water management districts  
4470 on or before March 1, 2013, for impacts based on the July 1,  
4471 2012, environmental impact inventory, the funds identified in  
4472 the Department of Transportation's work program or participating  
4473 transportation authorities' escrow accounts must correspond to a  
4474 cost per acre of \$75,000 multiplied by the project acres of  
4475 impact as identified in the environmental impact inventory. The  
4476 cost per acre shall be adjusted by the percentage change in the  
4477 average of the Consumer Price Index issued by the United States  
4478 Department of Labor for the most recent 12-month period ending  
4479 September 30, compared to the base year average, which is the  
4480 average for the 12-month period ending September 30, 1996.

4481 Payment as provided under this paragraph is limited to those  
4482 mitigation activities that are identified in the first year of  
4483 the 2013 mitigation plan and for which the transportation  
4484 project is permitted and is in the Department of  
4485 Transportation's adopted work program, or equivalent for a  
4486 transportation authority. When implementing the mitigation  
4487 activities necessary to offset the permitted impacts as provided  
4488 in the approved mitigation plan, the water management district  
4489 shall maintain records of the costs incurred in implementing the  
4490 mitigation. The records must include, but are not limited to,  
4491 costs for planning, land acquisition, design, construction,  
4492 staff support, long-term maintenance and monitoring of the  
4493 mitigation site, and other costs necessary to meet the  
4494 requirements of 33 U.S.C. s. 1344 and 33 C.F.R. s. 332. To the  
4495 extent moneys paid to a water management district by the

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4496 Department of Transportation or a participating transportation  
4497 authority exceed the amount expended by the water management  
4498 districts in implementing the mitigation to offset the permitted  
4499 impacts, these funds must be refunded to the Department of  
4500 Transportation or participating transportation authority. This  
4501 paragraph expires June 30, 2014.

4502 (4) Before March 1 of each year, each water management  
4503 district shall develop a mitigation plan to offset only the  
4504 impacts of transportation projects in the environmental impact  
4505 inventory for which a water management district is implementing  
4506 mitigation that meets the requirements of this section, 33  
4507 U.S.C. s. 1344, and 33 C.F.R. s. 332. The water management-  
4508 district mitigation plan must be developed, in consultation with  
4509 the Department of Environmental Protection, the United States  
4510 Army Corps of Engineers, the Department of Transportation,  
4511 participating transportation authorities established pursuant to  
4512 chapter 348 or chapter 349, and other appropriate federal,  
4513 state, and local governments, and other interested parties,  
4514 including entities operating mitigation banks, ~~shall develop a~~  
4515 ~~plan for the primary purpose of complying with the mitigation~~  
4516 ~~requirements adopted pursuant to this part and 33 U.S.C. s.~~  
4517 ~~1344.~~ In developing such plans, the water management districts  
4518 shall use sound ecosystem management practices to address  
4519 significant water resource needs and consider ~~shall focus on~~  
4520 activities of the Department of Environmental Protection and the  
4521 water management districts, such as surface water improvement  
4522 and management (SWIM) projects and lands identified for  
4523 potential acquisition for preservation, restoration, or  
4524 enhancement, and the control of invasive and exotic plants in

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4525 wetlands and other surface waters, to the extent that the  
4526 activities comply with the mitigation requirements adopted under  
4527 this part, ~~and~~ 33 U.S.C. s. 1344, and 33 C.F.R. s. 332. The  
4528 water management district mitigation plan must identify each  
4529 site where the water management district will mitigate for a  
4530 transportation project. For each mitigation site, the water  
4531 management district shall provide the scope of the mitigation  
4532 services, provide the functional gain as determined through the  
4533 UMAM per Chapter 62-345, F.A.C., describe how the mitigation  
4534 offsets the impacts of each transportation project as permitted,  
4535 and provide a schedule for the mitigation services. The water  
4536 management districts shall maintain records of costs incurred  
4537 and payments received for providing these services. Records must  
4538 include, but are not limited to, planning, land acquisition,  
4539 design, construction, staff support, long-term maintenance and  
4540 monitoring of the mitigation site, and other costs necessary to  
4541 meet the requirements of 33 U.S.C. s. 1344 and 33 C.F.R. s. 332.  
4542 To the extent monies paid to a water management district by the  
4543 Department of Transportation or a participating transportation  
4544 authority exceed the amount expended by the water management  
4545 districts in providing the mitigation services to offset the  
4546 permitted transportation project impacts, these monies must be  
4547 refunded to the Department of Transportation or participating  
4548 transportation authority ~~In determining the activities to be~~  
4549 ~~included in the plans, the districts shall consider the purchase~~  
4550 ~~of credits from public or private mitigation banks permitted~~  
4551 ~~under s. 373.4136 and associated federal authorization and shall~~  
4552 ~~include the purchase as a part of the mitigation plan when the~~  
4553 ~~purchase would offset the impact of the transportation project,~~

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4554 ~~provide equal benefits to the water resources than other~~  
4555 ~~mitigation options being considered, and provide the most cost-~~  
4556 ~~effective mitigation option.~~ The mitigation plan shall be  
4557 submitted to the water management district governing board, or  
4558 its designee, for review and approval. At least 14 days before  
4559 approval by the governing board, the water management district  
4560 shall provide a copy of the draft mitigation plan to the  
4561 Department of Environmental Protection and any person who has  
4562 requested a copy. Subsequent to governing board approval, the  
4563 mitigation plan must be submitted to the Department of  
4564 Environmental Protection for approval. The plan may not be  
4565 implemented until it is submitted to and approved, in part or in  
4566 its entirety, by the Department of Environmental Protection.

4567 ~~(a) For each transportation project with a funding request~~  
4568 ~~for the next fiscal year, the mitigation plan must include a~~  
4569 ~~brief explanation of why a mitigation bank was or was not chosen~~  
4570 ~~as a mitigation option, including an estimation of identifiable~~  
4571 ~~costs of the mitigation bank and nonbank options and other~~  
4572 ~~factors such as time saved, liability for success of the~~  
4573 ~~mitigation, and long-term maintenance.~~

4574 (a) (b) Specific projects may be excluded from the  
4575 mitigation plan, in whole or in part, and are not subject to  
4576 this section upon the election of the Department of  
4577 Transportation, a transportation authority if applicable, or the  
4578 appropriate water management district. The Department of  
4579 Transportation or a participating transportation authority may  
4580 not exclude a transportation project from the mitigation plan  
4581 when mitigation is scheduled for implementation by the water  
4582 management district in the current fiscal year, except when the

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4583 transportation project is removed from the Department of  
4584 Transportation's work program or transportation authority  
4585 funding plan, the mitigation cannot be timely permitted to  
4586 offset the impacts of a Department of Transportation project  
4587 identified in the environmental impact inventory, or the  
4588 proposed mitigation does not meet state and federal  
4589 requirements. If a project is removed from the work program or  
4590 the mitigation plan, costs expended by the water management  
4591 district prior to removal are eligible for reimbursement by the  
4592 Department of Transportation or participating transportation  
4593 authority.

4594 (b) ~~(e)~~ When determining which projects to include in or  
4595 exclude from the mitigation plan, the Department of  
4596 Transportation shall investigate using credits from a permitted  
4597 mitigation bank before those projects are submitted for  
4598 inclusion in a water management district mitigation ~~the~~ plan.  
4599 ~~The investigation shall consider the cost-effectiveness of~~  
4600 ~~mitigation bank credits, including, but not limited to, factors~~  
4601 ~~such as time saved, transfer of liability for success of the~~  
4602 ~~mitigation, and long-term maintenance.~~ The Department of  
4603 Transportation shall exclude a project from the mitigation plan  
4604 if the investigation undertaken pursuant to this paragraph  
4605 results in the conclusion that the use of credits from a  
4606 permitted mitigation bank promotes efficiency, timeliness in  
4607 project delivery, cost-effectiveness, and transfer of liability  
4608 for success and long-term maintenance.

4609 (5) The water management district shall ensure that  
4610 mitigation requirements pursuant to 33 U.S.C. s. 1344 and 33  
4611 C.F.R. s. 332 are met for the impacts identified in the

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4612 environmental impact inventory for which the water management  
4613 district will implement mitigation described in subsection (2),  
4614 by implementation of the approved mitigation plan described in  
4615 subsection (4) to the extent funding is provided by the  
4616 Department of Transportation, or a transportation authority  
4617 established pursuant to chapter 348 or chapter 349, if  
4618 applicable. In developing and implementing the mitigation plan,  
4619 the water management district shall comply with federal  
4620 permitting requirements pursuant to 33 U.S.C. s. 1344 and 33  
4621 C.F.R. s. 332. During the federal permitting process, the water  
4622 management district may deviate from the approved mitigation  
4623 plan in order to comply with federal permitting requirements  
4624 upon notice and coordination with the Department of  
4625 Transportation or participating transportation authority.

4626 (6) The water management district mitigation plans shall be  
4627 updated annually to reflect the most current Department of  
4628 Transportation work program and project list of a transportation  
4629 authority established pursuant to chapter 348 or chapter 349, if  
4630 applicable, and may be amended throughout the year to anticipate  
4631 schedule changes or additional projects which may arise. Before  
4632 amending the mitigation plan to include new projects, the  
4633 Department of Transportation shall consider mitigation banks and  
4634 other available mitigation options that meet state and federal  
4635 requirements. Each update and amendment of the mitigation plan  
4636 shall be submitted to the governing board of the water  
4637 management district or its designee for approval. However, such  
4638 approval shall not be applicable to a deviation as described in  
4639 subsection (5).

4640 (7) Upon approval by the governing board of the water



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4641 management district and the Department of Environmental  
4642 Protection ~~or its designee~~, the mitigation plan shall be deemed  
4643 to satisfy the mitigation requirements under this part for  
4644 impacts specifically identified in the environmental impact  
4645 inventory described in subsection (2) and any other mitigation  
4646 requirements imposed by local, regional, and state agencies for  
4647 these same impacts. The approval of the governing board of the  
4648 water management district ~~or its designee~~ and the Department of  
4649 Environmental Protection shall authorize the activities proposed  
4650 in the mitigation plan, and no other state, regional, or local  
4651 permit or approval shall be necessary.

4652 (8) This section shall not be construed to eliminate the  
4653 need for the Department of Transportation or a transportation  
4654 authority established pursuant to chapter 348 or chapter 349 to  
4655 comply with the requirement to implement practicable design  
4656 modifications, including realignment of transportation projects,  
4657 to reduce or eliminate the impacts of its transportation  
4658 projects on wetlands and other surface waters as required by  
4659 rules adopted pursuant to this part, or to diminish the  
4660 authority under this part to regulate other impacts, including  
4661 water quantity or water quality impacts, or impacts regulated  
4662 under this part that are not identified in the environmental  
4663 impact inventory described in subsection (2).

4664 ~~(9) The process for environmental mitigation for the impact~~  
4665 ~~of transportation projects under this section shall be available~~  
4666 ~~to an expressway, bridge, or transportation authority~~  
4667 ~~established under chapter 348 or chapter 349. Use of this~~  
4668 ~~process may be initiated by an authority depositing the~~  
4669 ~~requisite funds into an escrow account set up by the authority~~

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4670 ~~and filing an environmental impact inventory with the~~  
4671 ~~appropriate water management district. An authority that~~  
4672 ~~initiates the environmental mitigation process established by~~  
4673 ~~this section shall comply with subsection (6) by timely~~  
4674 ~~providing the appropriate water management district with the~~  
4675 ~~requisite work program information. A water management district~~  
4676 ~~may draw down funds from the escrow account as provided in this~~  
4677 ~~section.~~

4678 Section 81. Section 373.618, Florida Statutes, is amended  
4679 to read:

4680 373.618 Public service warnings, alerts, and  
4681 announcements.—The Legislature believes it is in the public  
4682 interest that each ~~all~~ water management district ~~districts~~  
4683 created pursuant to s. 373.069 own, acquire, develop, construct,  
4684 operate, and manage public information systems. Public  
4685 information systems may be located on property owned by the  
4686 water management district, upon terms and conditions approved by  
4687 the water management district, and must display messages to the  
4688 general public concerning water management services, activities,  
4689 events, and sponsors, as well as other public service  
4690 announcements, including watering restrictions, severe weather  
4691 reports, amber alerts, and other essential information needed by  
4692 the public. Local government review or approval is not required  
4693 for a public information system owned or hereafter acquired,  
4694 developed, or constructed by the water management district on  
4695 its own property. A public information system is exempt from the  
4696 requirements of chapter 479; however, a public information  
4697 system that is subject to the Highway Beautification Act of 1965  
4698 must be approved by the Department of Transportation and the

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4699 Federal Highway Administration if required by federal law and  
4700 federal regulation under the agreement between the state and the  
4701 United States Department of Transportation, and federal  
4702 regulations enforced by the Department of Transportation under  
4703 s. 479.02(1). Water management district funds may not be used to  
4704 pay the cost to acquire, develop, construct, operate, or manage  
4705 a public information system. Any necessary funds for a public  
4706 information system shall be paid for and collected from private  
4707 sponsors who may display commercial messages.

4708 Section 82. Subsection (3) of section 341.052, Florida  
4709 Statutes, is amended to read:

4710 341.052 Public transit block grant program; administration;  
4711 eligible projects; limitation.—

4712 (3) The following limitations shall apply to the use of  
4713 public transit block grant program funds:

4714 (a) State participation in eligible capital projects shall  
4715 be limited to 50 percent of the nonfederal share of such project  
4716 costs.

4717 (b) State participation in eligible public transit  
4718 operating costs may not exceed 50 percent of such costs or an  
4719 amount equal to the total revenue, excluding farebox, charter,  
4720 and advertising revenue and federal funds, received by the  
4721 provider for operating costs, whichever amount is less.

4722 (c) No eligible public transit provider shall use public  
4723 transit block grant funds to supplant local tax revenues made  
4724 available to such provider for operations in the previous year;  
4725 however, the Secretary of Transportation may waive this  
4726 provision for public transit providers located in a county  
4727 recovering from a state of emergency declared pursuant to part I

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4728 of chapter 252.

4729 (d) Notwithstanding any law to the contrary, no eligible  
4730 public transit provider shall use public transit block grant  
4731 funds in pursuit of strategies or actions leading to or  
4732 promoting the levying of new or additional taxes through public  
4733 referenda. To the extent that a public transit provider uses  
4734 other public funds in pursuit of strategies or actions leading  
4735 to or promoting the levying of new or additional taxes through  
4736 public referenda, the amount of the provider's grant must be  
4737 reduced by the same amount. As used in this paragraph, the term  
4738 "public funds" means all moneys under the jurisdiction or  
4739 control of a federal agency, the state, a county, or a  
4740 municipality, including any district, authority, commission,  
4741 board, or agency thereof for any public purpose.

4742 (e) The state may not give any county more than 39 percent  
4743 of the funds available for distribution under this section or  
4744 more than the amount that local revenue sources provide to that  
4745 transit system.

4746 Section 83. The Florida Transportation Commission shall  
4747 conduct a study of the potential for the state to obtain revenue  
4748 from any parking meters or other parking time-limit devices that  
4749 regulate designated parking spaces located within or along the  
4750 right-of-way limits of a state road. The commission may retain  
4751 such experts as are reasonably necessary to complete the study,  
4752 and the department shall pay the expenses of such experts. On or  
4753 before August 31, 2013, each municipality and county that  
4754 receives revenue from any parking meters or other parking time-  
4755 limit devices that regulate designated parking spaces located  
4756 within or along the right-of-way limits of a state road shall

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4757 provide the commission a written inventory of the location of  
4758 each such meter or device and the total revenue collected from  
4759 such locations during the last 3 fiscal years. Each municipality  
4760 and county shall at the same time inform the commission of any  
4761 pledge or commitment by the municipality or county of such  
4762 revenues to the payment of debt service on any bonds or other  
4763 debt issued by the municipality or county. The commission shall  
4764 consider the information provided by the municipalities and  
4765 counties, together with such other matters as it deems  
4766 appropriate, including, but not limited to, the use of variable  
4767 rate parking, and shall develop policy recommendations regarding  
4768 the manner and extent that revenues generated by regulating  
4769 parking within the right-of-way limits of a state road may be  
4770 allocated between the department and municipalities and  
4771 counties. The commission shall develop specific recommendations  
4772 concerning the allocation of revenues generated by meters or  
4773 devices regulating such parking that were installed before July  
4774 1, 2013, and the allocation of revenues that may be generated by  
4775 meters or devices installed after that date. The commission  
4776 shall complete the study and provide a written report of its  
4777 findings and conclusions to the Governor, the President of the  
4778 Senate, the Speaker of the House of Representatives, and the  
4779 chairs of each of the appropriations committees of the  
4780 Legislature by October 31, 2013.

4781 (2) The Legislature finds that preservation of the status  
4782 quo pending the commission's study and the Legislature's review  
4783 of the commission's report is appropriate and desirable. From  
4784 July 1, 2013, through July 1, 2014, a county or municipality may  
4785 not install any parking meters or other parking time-limit

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4786 devices that regulate designated parking spaces located within  
4787 or along the right-of-way limits of a state road. This  
4788 subsection does not prohibit the replacement of meters or  
4789 similar devices installed before July 1, 2013, with new devices  
4790 that regulate the same designated parking spaces.

4791 Section 84. Sale of used tires.-

4792 (1) It is unlawful for any used tire retailer in this state  
4793 to sell unsafe used tires for the purpose of mounting on a  
4794 vehicle as defined in s. 316.003, Florida Statutes. This section  
4795 does not apply to a used tire retailer who sells used tires for  
4796 recapping.

4797 (2) For purposes of this section, a used tire is considered  
4798 unsafe if the tire:

4799 (a) Is worn to 2/32 of an inch tread depth or less on any  
4800 area of the tread;

4801 (b) Has any damage exposing the reinforcing plies of the  
4802 tire, including any cuts, cracks, bulges, punctures, scrapes, or  
4803 wear;

4804 (c) Has had an improper repair including:

4805 1. Any repair made in the tread shoulder or belt edge area  
4806 of the tire;

4807 2. Any puncture that has not been sealed or patched on the  
4808 inside and repaired with a cured rubber stem through to the  
4809 outside of the tire;

4810 3. A repair to the sidewall or bead area of the tire; or

4811 4. A puncture repair of damage larger than one-quarter of  
4812 an inch;

4813 (d) Has evidence of prior use of a temporary tire sealant  
4814 without evidence of a subsequent proper repair;

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4815       (e) Has its tire identification number defaced or removed;

4816       (f) Has inner liner or bead damage; or

4817       (g) Has an indication of internal separation, such as

4818 bulges or local areas of irregular tread wear.

4819       (3) A person who violates this section commits an unfair

4820 and deceptive trade practice as defined in part II of chapter

4821 501, Florida Statutes.

4822       Section 85. Except as otherwise expressly provided in this

4823 act, this act shall take effect upon becoming law.