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LEGISLATIVE ACTION

Senate

.

House

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Floor: 1/RS/2R

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05/03/2013 03:35 PM

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Senator Brandes moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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11.45, Florida Statutes, is repealed.

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

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



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14 (2)

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

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

19 2. Periodically review the status of the state
20 transportation system including highway, transit, rail, seaport,
21 intermodal development, and aviation components of the system
22 and recommend improvements therein to the Governor and the
23 Legislature.

24 3. Perform an in-depth evaluation of the annual department
25 budget request, the Florida Transportation Plan, and the
26 tentative work program for compliance with all applicable laws
27 and established departmental policies. Except as specifically
28 provided in s. 339.135(4)(c)2., (d), and (f), the commission may
29 not consider individual construction projects, but shall
30 consider methods of accomplishing the goals of the department in
31 the most effective, efficient, and businesslike manner.

32 4. Monitor the financial status of the department on a
33 regular basis to assure that the department is managing revenue
34 and bond proceeds responsibly and in accordance with law and
35 established policy.

36 5. Monitor on at least a quarterly basis, the efficiency,
37 productivity, and management of the department, using
38 performance and production standards developed by the commission
39 pursuant to s. 334.045.

40 6. Perform an in-depth evaluation of the factors causing
41 disruption of project schedules in the adopted work program and
42 recommend to the Legislature and the Governor methods to



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43 eliminate or reduce the disruptive effects of these factors.

44 7. Recommend to the Governor and the Legislature
45 improvements to the department's organization in order to
46 streamline and optimize the efficiency of the department. In
47 reviewing the department's organization, the commission shall
48 determine if the current district organizational structure is
49 responsive to Florida's changing economic and demographic
50 development patterns. The initial report by the commission must
51 be delivered to the Governor and Legislature by December 15,
52 2000, and each year thereafter, as appropriate. The commission
53 may retain ~~such~~ experts that ~~as~~ are reasonably necessary to
54 effectuate this subparagraph, and the department shall pay the
55 expenses of the ~~such~~ experts.

56 8. Monitor the efficiency, productivity, and management of
57 the authorities created under chapters 345, 348, and 349,
58 including any authority formed using the provisions of part I of
59 chapter 348, and any authority formed under chapter 343 ~~which is~~
60 ~~not monitored under subsection (3)~~. The commission shall also
61 conduct periodic reviews of each authority's operations and
62 budget, acquisition of property, management of revenue and bond
63 proceeds, and compliance with applicable laws and generally
64 accepted accounting principles.

65 ~~(3) There is created the Florida Statewide Passenger Rail~~
66 ~~Commission.~~

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

69 ~~a. Three members shall be appointed by the Governor, one of~~
70 ~~whom must have a background in the area of environmental~~
71 ~~concerns, one of whom must have a legislative background, and~~



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72 ~~one of whom must have a general business background.~~

73 ~~b. Three members shall be appointed by the President of the~~
74 ~~Senate, one of whom must have a background in civil engineering,~~
75 ~~one of whom must have a background in transportation~~
76 ~~construction, and one of whom must have a general business~~
77 ~~background.~~

78 ~~e. Three members shall be appointed by the Speaker of the~~
79 ~~House of Representatives, one of whom must have a legal~~
80 ~~background, one of whom must have a background in financial~~
81 ~~matters, and one of whom must have a general business~~
82 ~~background.~~

83 ~~2. The initial term of each member appointed by the~~
84 ~~Governor shall be for 4 years. The initial term of each member~~
85 ~~appointed by the President of the Senate shall be for 3 years.~~
86 ~~The initial term of each member appointed by the Speaker of the~~
87 ~~House of Representatives shall be for 2 years. Succeeding terms~~
88 ~~for all members shall be for 4 years.~~

89 ~~3. A vacancy occurring during a term shall be filled by the~~
90 ~~respective appointing authority in the same manner as the~~
91 ~~original appointment and only for the balance of the unexpired~~
92 ~~term. An appointment to fill a vacancy shall be made within 60~~
93 ~~days after the occurrence of the vacancy.~~

94 ~~4. The commission shall elect one of its members as chair~~
95 ~~of the commission. The chair shall hold office at the will of~~
96 ~~the commission. Five members of the commission shall constitute~~
97 ~~a quorum, and the vote of five members shall be necessary for~~
98 ~~any action taken by the commission. The commission may meet upon~~
99 ~~the constitution of a quorum. A vacancy in the commission does~~
100 ~~not impair the right of a quorum to exercise all rights and~~



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101 ~~perform all duties of the commission.~~

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

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

106 ~~1. Monitoring the efficiency, productivity, and management~~
107 ~~of all publicly funded passenger rail systems in the state,~~
108 ~~including, but not limited to, any authority created under~~
109 ~~chapter 343, chapter 349, or chapter 163 if the authority~~
110 ~~receives public funds for the provision of passenger rail~~
111 ~~service. The commission shall advise each monitored authority of~~
112 ~~its findings and recommendations. The commission shall also~~
113 ~~conduct periodic reviews of each monitored authority's passenger~~
114 ~~rail and associated transit operations and budget, acquisition~~
115 ~~of property, management of revenue and bond proceeds, and~~
116 ~~compliance with applicable laws and generally accepted~~
117 ~~accounting principles. The commission may seek the assistance of~~
118 ~~the Auditor General in conducting such reviews and shall report~~
119 ~~the findings of such reviews to the Legislature. This paragraph~~
120 ~~does not preclude the Florida Transportation Commission from~~
121 ~~conducting its performance and work program monitoring~~
122 ~~responsibilities.~~

123 ~~2. Advising the department on policies and strategies used~~
124 ~~in planning, designing, building, operating, financing, and~~
125 ~~maintaining a coordinated statewide system of passenger rail~~
126 ~~services.~~

127 ~~3. Evaluating passenger rail policies and providing advice~~
128 ~~and recommendations to the Legislature on passenger rail~~
129 ~~operations in the state.~~



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130 ~~(c) The commission or a member of the commission may not~~
131 ~~enter into the day-to-day operation of the department or a~~
132 ~~monitored authority and is specifically prohibited from taking~~
133 ~~part in:~~

134 ~~1. The awarding of contracts.~~

135 ~~2. The selection of a consultant or contractor or the~~
136 ~~prequalification of any individual consultant or contractor.~~
137 ~~However, the commission may recommend to the secretary standards~~
138 ~~and policies governing the procedure for selection and~~
139 ~~prequalification of consultants and contractors.~~

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

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

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

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

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

147 ~~(d) The commission is assigned to the Office of the~~
148 ~~Secretary of the Department of Transportation for administrative~~
149 ~~and fiscal accountability purposes, but it shall otherwise~~
150 ~~function independently of the control and direction of the~~
151 ~~department except that reasonable expenses of the commission~~
152 ~~shall be subject to approval by the Secretary of Transportation.~~
153 ~~The department shall provide administrative support and service~~
154 ~~to the commission.~~

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

157 110.205 Career service; exemptions.—

158 (2) EXEMPT POSITIONS.—The exempt positions that are not



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159 covered by this part include the following:

160 (j) The appointed secretaries and the State Surgeon
161 General, assistant secretaries, deputy secretaries, and deputy
162 assistant secretaries of all departments; the executive
163 directors, assistant executive directors, deputy executive
164 directors, and deputy assistant executive directors of all
165 departments; the directors of all divisions and those positions
166 determined by the department to have managerial responsibilities
167 comparable to such positions, which positions include, but are
168 not limited to, program directors, assistant program directors,
169 district administrators, deputy district administrators, the
170 Director of Central Operations Services of the Department of
171 Children and Family Services, the State Transportation
172 Development Administrator, State Freight and Logistics ~~Public~~
173 ~~Transportation and Modal~~ Administrator, district secretaries,
174 district directors of transportation development, transportation
175 operations, transportation support, and the managers of the
176 offices specified in s. 20.23(3)(b) ~~20.23(4)(b)~~, of the
177 Department of Transportation. Unless otherwise fixed by law, the
178 department shall set the salary and benefits of these positions
179 in accordance with the rules of the Senior Management Service;
180 and the county health department directors and county health
181 department administrators of the Department of Health.

182 (m) All assistant division director, deputy division
183 director, and bureau chief positions in any department, and
184 those positions determined by the department to have managerial
185 responsibilities comparable to such positions, which include,
186 but are not limited to:

187 1. Positions in the Department of Health and the Department



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188 of Children and Family Services that are assigned primary duties
189 of serving as the superintendent or assistant superintendent of
190 an institution.

191 2. Positions in the Department of Corrections that are
192 assigned primary duties of serving as the warden, assistant
193 warden, colonel, or major of an institution or that are assigned
194 primary duties of serving as the circuit administrator or deputy
195 circuit administrator.

196 3. Positions in the Department of Transportation that are
197 assigned primary duties of serving as regional toll managers and
198 managers of offices, as defined in s. 20.23(3)(b) and (4)(c)
199 ~~20.23(4)(b) and (5)(c)~~.

200 4. Positions in the Department of Environmental Protection
201 that are assigned the duty of an Environmental Administrator or
202 program administrator.

203 5. Positions in the Department of Health that are assigned
204 the duties of Environmental Administrator, Assistant County
205 Health Department Director, and County Health Department
206 Financial Administrator.

207
208 Unless otherwise fixed by law, the department shall set the
209 salary and benefits of the positions listed in this paragraph in
210 accordance with the rules established for the Selected Exempt
211 Service.

212 Section 4. Section 311.22, Florida Statutes, is amended to
213 read:

214 311.22 Additional authorization for funding certain
215 dredging projects.-

216 (1) The Department of Transportation ~~Florida Seaport~~



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217 ~~Transportation and Economic Development Council~~ shall establish
218 a program to fund dredging projects in counties having a
219 population of fewer than 300,000 according to the last official
220 census. Funds made available under this program may be used to
221 fund approved projects for the dredging or deepening of
222 channels, turning basins, or harbors on a 25-percent local
223 matching basis with any port authority, as such term is defined
224 in s. 315.02(2), which complies with the permitting requirements
225 in part IV of chapter 373 and the local financial management and
226 reporting provisions of part III of chapter 218.

227 (2) The department ~~council~~ shall adopt rules for evaluating
228 the projects that may be funded pursuant to this section. The
229 rules must provide criteria for evaluating the economic benefit
230 of the project. The rules must include the creation of an
231 administrative review process by the department ~~council~~ which is
232 similar to the process described in s. 311.09(5)-(11), and
233 provide for a review by the ~~Department of Transportation and the~~
234 Department of Economic Opportunity of all projects submitted for
235 funding under this section.

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

237 Section 5. Paragraph (a) of subsection (3) of section
238 316.515, Florida Statutes, is amended to read

239 316.515 Maximum width, height, length.—

240 (3) LENGTH LIMITATION.—Except as otherwise provided in this
241 section, length limitations apply solely to a semitrailer or
242 trailer, and not to a truck tractor or to the overall length of
243 a combination of vehicles. No combination of commercial motor
244 vehicles coupled together and operating on the public roads may
245 consist of more than one truck tractor and two trailing units.



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246 Unless otherwise specifically provided for in this section, a
247 combination of vehicles not qualifying as commercial motor
248 vehicles may consist of no more than two units coupled together;
249 such nonqualifying combination of vehicles may not exceed a
250 total length of 65 feet, inclusive of the load carried thereon,
251 but exclusive of safety and energy conservation devices approved
252 by the department for use on vehicles using public roads.
253 Notwithstanding any other provision of this section, a truck
254 tractor-semitrailer combination engaged in the transportation of
255 automobiles or boats may transport motor vehicles or boats on
256 part of the power unit; and, except as may otherwise be mandated
257 under federal law, an automobile or boat transporter semitrailer
258 may not exceed 50 feet in length, exclusive of the load;
259 however, the load may extend up to an additional 6 feet beyond
260 the rear of the trailer. The 50-foot length limitation does not
261 apply to non-stinger-steered automobile or boat transporters
262 that are 65 feet or less in overall length, exclusive of the
263 load carried thereon, or to stinger-steered automobile or boat
264 transporters that are 75 feet or less in overall length,
265 exclusive of the load carried thereon. For purposes of this
266 subsection, a "stinger-steered automobile or boat transporter"
267 is an automobile or boat transporter configured as a semitrailer
268 combination wherein the fifth wheel is located on a drop frame
269 located behind and below the rearmost axle of the power unit.
270 Notwithstanding paragraphs (a) and (b), any straight truck or
271 truck tractor-semitrailer combination engaged in the
272 transportation of horticultural trees may allow the load to
273 extend up to an additional 10 feet beyond the rear of the
274 vehicle, provided said trees are resting against a retaining bar



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275 mounted above the truck bed so that the root balls of the trees
276 rest on the floor and to the front of the truck bed and the tops
277 of the trees extend up over and to the rear of the truck bed,
278 and provided the overhanging portion of the load is covered with
279 protective fabric.

280 (a) *Straight trucks.*—A straight truck may not exceed a
281 length of 40 feet in extreme overall dimension, exclusive of
282 safety and energy conservation devices approved by the
283 department for use on vehicles using public roads. A straight
284 truck may attach a forklift to the rear of the cargo bed,
285 provided the overall combined length of the vehicle and the
286 forklift does not exceed 50 feet. A straight truck may tow no
287 more than one trailer, and the overall length of the truck-
288 trailer combination may not exceed 68 feet, including the load
289 thereon. Notwithstanding any other provisions of this section, a
290 truck-trailer combination engaged in the transportation of
291 boats, or boat trailers whose design dictates a front-to-rear
292 stacking method may not exceed the length limitations of this
293 paragraph exclusive of the load; however, the load may extend up
294 to an additional 6 feet beyond the rear of the trailer.

295 Section 6. Subsection (3) of section 316.530, Florida
296 Statutes, is repealed.

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

299 316.545 Weight and load unlawful; special fuel and motor
300 fuel tax enforcement; inspection; penalty; review.—

301 (3) Any person who violates the overloading provisions of
302 this chapter shall be conclusively presumed to have damaged the
303 highways of this state by reason of such overloading, which



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304 damage is hereby fixed as follows:

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

308 (b) Five cents per pound for each pound of weight in excess
309 of the maximum ~~herein~~ provided in this chapter if ~~when~~ the
310 excess weight exceeds 200 pounds. However, if ~~whenever~~ the gross
311 weight of the vehicle or combination of vehicles does not exceed
312 the maximum allowable gross weight, the maximum fine for the
313 first 600 pounds of unlawful axle weight is ~~shall be~~ \$10;

314 (c) For a vehicle equipped with fully functional idle-
315 reduction technology, any penalty shall be calculated by
316 reducing the actual gross vehicle weight or the internal bridge
317 weight by the certified weight of the idle-reduction technology
318 or by 550 ~~400~~ pounds, whichever is less. The vehicle operator
319 must present written certification of the weight of the idle-
320 reduction technology and must demonstrate or certify that the
321 idle-reduction technology is fully functional at all times. This
322 calculation is not allowed for vehicles described in s.
323 316.535(6);

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

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

332 Section 8. Section 331.360, Florida Statutes, is reordered



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333 and amended to read:

334 331.360 ~~Joint participation agreement or assistance;~~
335 Spaceport system ~~master~~ plan.—

336 (2)~~(1)~~ ~~It shall be the duty, function, and responsibility~~
337 ~~of~~ The department shall ~~of Transportation to~~ promote the further
338 development and improvement of aerospace transportation
339 facilities; to address intermodal requirements and impacts of
340 the launch ranges, spaceports, and other space transportation
341 facilities; to assist in the development of joint-use facilities
342 and technology that support aviation and aerospace operations;
343 to coordinate and cooperate in the development of spaceport
344 infrastructure and related transportation facilities contained
345 in the Strategic Intermodal System Plan; to encourage, where
346 appropriate, the cooperation and integration of airports and
347 spaceports in order to meet transportation-related needs; and to
348 facilitate and promote cooperative efforts between federal and
349 state government entities to improve space transportation
350 capacity and efficiency. In carrying out this duty and
351 responsibility, the department may assist and advise, cooperate
352 with, and coordinate with federal, state, local, or private
353 organizations and individuals. The department may
354 administratively house its space transportation responsibilities
355 within an existing division or office.

356 (3)~~(2)~~ Notwithstanding any other provision of law, the
357 department ~~of Transportation~~ may enter into an ~~a~~ joint
358 ~~participation~~ agreement with, or otherwise assist, Space Florida
359 as necessary to effectuate the provisions of this chapter and
360 may allocate funds for such purposes in its 5-year work program.
361 However, the department may not fund the administrative or



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362 operational costs of Space Florida.

363 ~~(1)(3)~~ Space Florida shall develop a spaceport system
364 ~~master~~ plan that identifies statewide spaceport goals and the
365 need for expansion and modernization of space transportation
366 facilities within spaceport territories as defined in s.
367 331.303. The plan must ~~shall~~ contain recommended projects that
368 ~~to~~ meet current and future commercial, national, and state space
369 transportation requirements. Space Florida shall submit the plan
370 to each ~~any~~ appropriate metropolitan planning organization for
371 review of intermodal impacts. Space Florida shall submit the
372 spaceport system ~~master~~ plan to the department ~~of~~
373 Transportation, which may include those portions of the system
374 plan which are relevant to the Department of Transportation's
375 mission and such plan may be included within the department's 5-
376 year work program of qualifying projects aerospace discretionary
377 capacity improvement under subsection (4). The plan must ~~shall~~
378 identify appropriate funding levels for each project and include
379 ~~recommendations on appropriate sources of revenue that may be~~
380 ~~developed to contribute to the State Transportation Trust Fund.~~

381 (4)(a) Beginning in fiscal year 2013-2014, a minimum of \$15
382 million annually is authorized to be made available from the
383 State Transportation Trust Fund to fund space transportation
384 projects. The funds for this initiative shall be from the funds
385 dedicated to public transportation projects pursuant to s.
386 206.46(3).

387 (b) Before executing an agreement, Space Florida must
388 provide project-specific information to the department in order
389 to demonstrate that the project includes transportation and
390 aerospace benefits. The project-specific information must



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391 include, but need not be limited to:

392 1. The description, characteristics, and scope of the
393 project.

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

395 3. The financing considerations that emphasize federal,
396 local, and private participation.

397 4. A financial feasibility and risk analysis, including a
398 description of the efforts to protect the state's investment and
399 to ensure that project goals are realized.

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

402 (c) The department may fund up to 50 percent of eligible
403 project costs. If the project meets the following criteria, the
404 department may fund up to 100 percent of eligible project costs.

405 The project must:

406 1. Provide important access and on-spaceport capacity
407 improvements;

408 2. Provide capital improvements to strategically position
409 the state to maximize opportunities in the aerospace industry or
410 foster growth and development of a sustainable and world-leading
411 aerospace industry in the state;

412 3. Meet state goals of an integrated intermodal
413 transportation system; and

414 4. Demonstrate the feasibility and availability of matching
415 funds through federal, local, or private partners ~~Subject to the~~
416 ~~availability of appropriated funds, the department may~~
417 ~~participate in the capital cost of eligible spaceport~~
418 ~~discretionary capacity improvement projects. The annual~~
419 ~~legislative budget request shall be based on the proposed~~



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420 ~~funding requested for approved spaceport discretionary capacity~~
421 ~~improvement projects.~~

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

424 332.007 Administration and financing of aviation and
425 airport programs and projects; state plan.-

426 (11) The department may fund strategic airport investment
427 projects at up to 100 percent of the project's cost if all the
428 following criteria are met:

429 (a) Important access and on-airport capacity improvements
430 are provided.

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

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

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

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

440 334.044 Department; powers and duties.-The department shall
441 have the following general powers and duties:

442 (16) To plan, acquire, lease, construct, maintain, and
443 operate toll facilities; to authorize the issuance and refunding
444 of bonds; and to fix and collect tolls or other charges for
445 travel on any such facilities. Effective July 1, 2013, and
446 notwithstanding any other law to the contrary, the department
447 may not enter into a lease-purchase agreement with an expressway
448 authority, regional transportation authority, or other entity.



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449 This provision does not invalidate a lease-purchase agreement
450 authorized under chapter 348 or chapter 2000-411, Laws of
451 Florida, and existing as of July 1, 2013, and does not limit the
452 department's authority under s. 334.30.

453 (26) To provide for the enhancement of environmental
454 benefits, including air and water quality; to prevent roadside
455 erosion; to conserve the natural roadside growth and scenery;
456 and to provide for the implementation and maintenance of
457 roadside conservation, enhancement, and stabilization programs.
458 No less than 1.5 percent of the amount contracted for
459 construction projects shall be allocated by the department on a
460 statewide basis for the purchase of plant materials. Department
461 districts may not expend funds for landscaping in connection
462 with any project that is limited to resurfacing existing lanes
463 unless the expenditure has been approved by the department's
464 secretary or the secretary's designee. To the greatest extent
465 practical, a minimum of 50 percent of the funds allocated under
466 this subsection shall be allocated for large plant materials and
467 the remaining funds for other plant materials. Except as
468 prohibited by applicable federal law or regulation, all plant
469 materials shall be purchased from Florida commercial nursery
470 stock in this state on a uniform competitive bid basis. The
471 department shall develop grades and standards for landscaping
472 materials purchased through this process. To accomplish these
473 activities, the department may contract with nonprofit
474 organizations having the primary purpose of developing youth
475 employment opportunities.

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



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478 335.0415 Public road jurisdiction and transfer process.-

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

485 (a) The department shall enter into an interlocal agreement
486 with the City of Miami which must provide that the City of Miami
487 be responsible for street cleaning, landscaping, and maintenance
488 of the right-of-way of State Road 5/Brickell Avenue/Biscayne
489 Boulevard, from its intersection with Interstate 95 to its
490 intersection with Northeast 15th Street, excluding the Brickell
491 Bridge and its approaches, for a 5-year period. The interlocal
492 agreement must:

493 1. Contain performance measures to ensure that the facility
494 and landscaping are maintained in accordance with applicable
495 department standards.

496 2. Require the city to meet or exceed the performance
497 measures as a condition of payment by the department for the
498 work performed by the city.

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

502 (b) During the final year of the 5-year pilot program, the
503 Florida Transportation Commission shall conduct a study to
504 evaluate the effectiveness and benefits of the pilot program.
505 The commission may retain such experts as are reasonably
506 necessary to complete the study, and the department shall pay



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507 the expenses of such experts. The commission shall complete the
508 study within 60 days after the end of the 5-year pilot program
509 and shall provide a written report of its findings and
510 conclusions to the Governor, the President of the Senate, the
511 Speaker of the House of Representatives, and the chairs of each
512 of the appropriations committees of the Legislature.

513 Section 12. Section 335.06, Florida Statutes, is amended to
514 read:

515 335.06 Access roads to the state park system.—A Any road
516 that ~~which~~ provides access to property within the state park
517 system ~~must shall~~ be maintained by the department if the road is
518 a part of the State Highway System and may be improved and
519 maintained by the department if the road is part of a county
520 road system or city street system. If the department does not
521 maintain a county or city road that is a part of the county road
522 system or the city street system and that provides access to the
523 state park system, the road must ~~or shall~~ be maintained by the
524 appropriate county or municipality ~~if the road is a part of the~~
525 county road system or the city street system.

526 Section 13. Section 336.71, Florida Statutes, is created to
527 read:

528 336.71 Public-private cooperation in construction of county
529 roads.—

530 (1) If a county receives a proposal, solicited or
531 unsolicited, from a private entity seeking to construct, extend,
532 or improve a county road or portion thereof, the county may
533 enter into an agreement with the private entity for completion
534 of the road construction project, which agreement may provide
535 for payment to the private entity, from public funds, if the



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536 county conducts a noticed public hearing and finds that the
537 proposed county road construction project:
538 (a) Is in the best interest of the public.
539 (b) Would only use county funds for portions of the project
540 that will be part of the county road system.
541 (c) Would have adequate safeguards to ensure that
542 additional costs or unreasonable service disruptions are not
543 realized by the traveling public and residents of the state.
544 (d) Upon completion, would be a part of the county road
545 system owned by the county.
546 (e) Would result in a financial benefit to the public by
547 completing the subject project at a cost to the public
548 significantly lower than if the project were constructed by the
549 county using the normal procurement process.
550 (2) The notice for the public hearing provided for in
551 subsection (1) must be published at least 14 days before the
552 date of the public meeting at which the governing board takes
553 final action. The notice must identify the project and the
554 estimated cost of the project, and specify that the purpose for
555 the public meeting is to consider whether it is in the public's
556 best interest to accept the proposal and enter into an
557 agreement. The determination of cost savings pursuant to
558 paragraph (1)(e) must be supported by a cost estimate of a
559 professional engineer which is made available to the public at
560 least 14 days before the public meeting and placed in the record
561 for that meeting.
562 (3) The project and agreement are exempt from s. 255.20
563 pursuant to s. 255.20(1)(c)11. if the process in subsection (1)
564 is followed.



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565 (4) Except as otherwise expressly provided in this section,
566 this section does not affect existing law by granting additional
567 powers to or imposing further restrictions on local government
568 entities.

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

571 337.11 Contracting authority of department; bids; emergency
572 repairs, supplemental agreements, and change orders; combined
573 design and construction contracts; progress payments; records;
574 requirements of vehicle registration.-

575 (13) Each contract let by the department for the
576 performance of road or bridge construction or maintenance work
577 shall require ~~contain a provision requiring the contractor to~~
578 ~~provide proof to the department, in the form of a notarized~~
579 ~~affidavit from the contractor, that~~ all motor vehicles that the
580 contractor ~~he or she~~ operates or causes to be operated in this
581 state to be ~~are~~ registered in compliance with chapter 320.

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

584 337.14 Application for qualification; certificate of
585 qualification; restrictions; request for hearing.-

586 (1) A ~~Any~~ person who desires ~~desiring~~ to bid for the
587 performance of any construction contract with a proposed budget
588 estimate in excess of \$250,000 which the department proposes to
589 let must first be certified by the department as qualified
590 pursuant to this section and rules of the department. The rules
591 of the department must ~~shall~~ address the qualification of a
592 person ~~persons~~ to bid on construction contracts with a proposed
593 budget estimate that is in excess of \$250,000 and must ~~shall~~



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594 include requirements with respect to the equipment, past record,
595 experience, financial resources, and organizational personnel of
596 the applicant necessary to perform the specific class of work
597 for which the person seeks certification. The department may
598 limit the dollar amount of any contract upon which a person is
599 qualified to bid or the aggregate total dollar volume of
600 contracts such person may ~~is allowed to~~ have under contract at
601 any one time. Each applicant who seeks ~~seeking~~ qualification to
602 bid on construction contracts with a proposed budget estimate in
603 excess of \$250,000 must ~~shall~~ furnish the department a statement
604 under oath, on such forms as the department may prescribe,
605 setting forth detailed information as required on the
606 application. Each application for certification must ~~shall~~ be
607 accompanied by the latest annual financial statement of the
608 applicant completed within the last 12 months. If the
609 application or the annual financial statement shows the
610 financial condition of the applicant more than 4 months before
611 ~~prior to~~ the date on which the application is received by the
612 department, ~~then~~ an interim financial statement must be
613 submitted and be accompanied by an updated application. The
614 interim financial statement must cover the period from the end
615 date of the annual statement and must show the financial
616 condition of the applicant no more than 4 months before ~~prior to~~
617 the date the interim financial statement is received by the
618 department. However, upon request by the applicant, an
619 application and accompanying annual or interim financial
620 statement received by the department within 15 days after either
621 4-month period provided pursuant to ~~under~~ this subsection must
622 ~~shall~~ be considered timely. Each required annual or interim



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623 financial statement must be audited and accompanied by the
624 opinion of a certified public accountant. An applicant desiring
625 to bid exclusively for the performance of construction contracts
626 with proposed budget estimates of less than \$1 million may
627 submit reviewed annual or reviewed interim financial statements
628 prepared by a certified public accountant. The information
629 required by this subsection is confidential and exempt from the
630 provisions of s. 119.07(1). The department shall act upon the
631 application for qualification within 30 days after the
632 department determines that the application is complete. The
633 department may waive the requirements of this subsection for
634 projects having a contract price of \$500,000 or less if the
635 department determines that the project is of a noncritical
636 nature and the waiver will not endanger public health, safety,
637 or property.

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

640 337.168 Confidentiality of official estimates, identities
641 of potential bidders, and bid analysis and monitoring system.-

642 (2) A document that reveals ~~revealing~~ the identity of a
643 person who has ~~persons who have~~ requested or obtained a bid
644 package, plan ~~packages, plans,~~ or specifications pertaining to
645 any project to be let by the department is confidential and
646 exempt from the provisions of s. 119.07(1) for the period that
647 ~~which~~ begins 2 working days before ~~prior to~~ the deadline for
648 obtaining bid packages, plans, or specifications and ends with
649 the letting of the bid. A document that reveals the identity of
650 a person who has requested or obtained a bid package, plan, or
651 specifications pertaining to any project to be let by the



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652 department before the 2 working days before the deadline for
653 obtaining bid packages, plans, or specifications remains a
654 public record subject to the provisions of s. 119.07(1).

655 Section 17. Section 337.25, Florida Statutes, is amended to
656 read:

657 337.25 Acquisition, lease, and disposal of real and
658 personal property.-

659 (1) (a) The department may purchase, lease, exchange, or
660 otherwise acquire any land, property interests, or buildings or
661 other improvements, including personal property within such
662 buildings or on such lands, necessary to secure or utilize
663 transportation rights-of-way for existing, proposed, or
664 anticipated transportation facilities on the State Highway
665 System, on the State Park Road System, in a rail corridor, or in
666 a transportation corridor designated by the department. Such
667 property shall be held in the name of the state.

668 (b) The department may accept donations of any land or
669 buildings or other improvements, including personal property
670 within such buildings or on such lands with or without such
671 conditions, reservations, or reverter provisions as are
672 acceptable to the department. Such donations may be used as
673 transportation rights-of-way or to secure or utilize
674 transportation rights-of-way for existing, proposed, or
675 anticipated transportation facilities on the State Highway
676 System, on the State Park Road System, or in a transportation
677 corridor designated by the department.

678 (c) When lands, buildings, or other improvements are needed
679 for transportation purposes, but are held by a federal, state,
680 or local governmental entity and utilized for public purposes



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681 other than transportation, the department may compensate the
682 entity for such properties by providing functionally equivalent
683 replacement facilities. The providing of replacement facilities
684 under this subsection may only be undertaken with the agreement
685 of the governmental entity affected.

686 (d) The department may contract pursuant to s. 287.055 for
687 auction services used in the conveyance of real or personal
688 property or the conveyance of leasehold interests under the
689 provisions of subsections (4) and (5). The contract may allow
690 for the contractor to retain a portion of the proceeds as
691 compensation for the contractor's services.

692 (2) A complete inventory shall be made of all real or
693 personal property immediately upon possession or acquisition.
694 Such inventory shall include a statement of the location or site
695 of each piece of realty, structure, or severable item ~~an~~
696 ~~itemized listing of all appliances, fixtures, and other~~
697 ~~severable items; a statement of the location or site of each~~
698 ~~piece of realty, structure, or severable item; and the serial~~
699 ~~number assigned to each.~~ Copies of each inventory shall be filed
700 in the district office in which the property is located. Such
701 inventory shall be carried forward to show the final disposition
702 of each item of property, both real and personal.

703 (3) The inventory of real property which was acquired by
704 the state after December 31, 1988, which has been owned by the
705 state for 10 or more years, and which is not within a
706 transportation corridor or within the right-of-way of a
707 transportation facility shall be evaluated to determine the
708 necessity for retaining the property. If the property is not
709 needed for the construction, operation, and maintenance of a



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710 transportation facility, or is not located within a
711 transportation corridor, the department may dispose of the
712 property pursuant to subsection (4).

713 (4) The department may convey ~~sell~~, in the name of the
714 state, any land, building, or other property, real or personal,
715 which was acquired under the provisions of subsection (1) and
716 which the department has determined is not needed for the
717 construction, operation, and maintenance of a transportation
718 facility. ~~With the exception of any parcel governed by paragraph~~
719 ~~(c), paragraph (d), paragraph (f), paragraph (g), or paragraph~~
720 ~~(i), the department shall afford first right of refusal to the~~
721 ~~local government in the jurisdiction of which the parcel is~~
722 ~~situated.~~ When such a determination has been made, property may
723 be disposed of through negotiations, sealed competitive bids,
724 auctions, or any other means the department deems to be in its
725 best interest, with due advertisement for property valued by the
726 department at greater than \$10,000. A sale may not occur at a
727 price less than the department's current estimate of value,
728 except as provided in paragraphs (a)-(d). The department may
729 afford a right of first refusal to the local government or other
730 political subdivision in the jurisdiction in which the parcel is
731 situated, except in conveyances transacted under paragraph (a),
732 paragraph (c), or paragraph (e). ~~in the following manner:~~

733 (a) If the ~~value of the property has been donated to the~~
734 state for transportation purposes and a facility has not been
735 constructed for a period of at least 5 years, plans have not
736 been prepared for the construction of such facility, and the
737 property is not located in a transportation corridor, the
738 governmental entity may authorize reconveyance of the donated



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739 property for no consideration to the original donor or the
740 donor's heirs, successors, assigns, or representatives is
741 \$10,000 or less as determined by department estimate, the
742 department may negotiate the sale.

743 (b) If the value of the property is to be used for a public
744 purpose, the property may be conveyed without consideration to a
745 governmental entity exceeds \$10,000 as determined by department
746 estimate, such property may be sold to the highest bidder
747 through receipt of sealed competitive bids, after due
748 advertisement, or by public auction held at the site of the
749 improvement which is being sold.

750 (c) If the property was originally acquired specifically to
751 provide replacement housing for persons displaced by
752 transportation projects, the department may negotiate for the
753 sale of such property as replacement housing. As compensation,
754 the state shall receive no less than its investment in such
755 property or the department's current estimate of value,
756 whichever is lower. It is expressly intended that this benefit
757 be extended only to persons actually displaced by the project.
758 Dispositions to any other person must be for no less than the
759 department's current estimate of value, in the discretion of the
760 department, public sale would be inequitable, properties may be
761 sold by negotiation to the owner holding title to the property
762 abutting the property to be sold, provided such sale is at a
763 negotiated price not less than fair market value as determined
764 by an independent appraisal, the cost of which shall be paid by
765 the owner of the abutting land. If negotiations do not result in
766 the sale of the property to the owner of the abutting land and
767 the property is sold to someone else, the cost of the



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768 ~~independent appraisal shall be borne by the purchaser; and the~~
769 ~~owner of the abutting land shall have the cost of the appraisal~~
770 ~~refunded to him or her. If, however, no purchase takes place,~~
771 ~~the owner of the abutting land shall forfeit the sum paid by him~~
772 ~~or her for the independent appraisal. If, due to action of the~~
773 ~~department, the property is removed from eligibility for sale,~~
774 ~~the cost of any appraisal prepared shall be refunded to the~~
775 ~~owner of the abutting land.~~

776 (d) If the department determines that the property will
777 require significant costs to be incurred or that continued
778 ownership of the property exposes the department to significant
779 liability risks, the department may use the projected
780 maintenance costs over the next 10 years to offset the
781 property's value in establishing a value for disposal of the
782 property, even if that value is zero ~~property acquired for use~~
783 ~~as a borrow pit is no longer needed, the department may sell~~
784 ~~such property to the owner of the parcel of abutting land from~~
785 ~~which the borrow pit was originally acquired, provided the sale~~
786 ~~is at a negotiated price not less than fair market value as~~
787 ~~determined by an independent appraisal, the cost of which shall~~
788 ~~be paid by the owner of such abutting land.~~

789 (e) If, in the discretion of the department, a sale to
790 anyone other than an abutting property owner would be
791 inequitable, the property may be sold to the abutting owner for
792 the department's current estimate of value. ~~the department~~
793 ~~begins the process for disposing of the property on its own~~
794 ~~initiative, either by negotiation under the provisions of~~
795 ~~paragraph (a), paragraph (c), paragraph (d), or paragraph (i),~~
796 ~~or by receipt of sealed competitive bids or public auction under~~



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797 ~~the provisions of paragraph (b) or paragraph (i), a department~~
798 ~~staff appraiser may determine the fair market value of the~~
799 ~~property by an appraisal.~~

800 ~~(f) Any property which was acquired by a county or by the~~
801 ~~department using constitutional gas tax funds for the purpose of~~
802 ~~a right-of-way or borrow pit for a road on the State Highway~~
803 ~~System, State Park Road System, or county road system and which~~
804 ~~is no longer used or needed by the department may be conveyed~~
805 ~~without consideration to that county. The county may then sell~~
806 ~~such surplus property upon receipt of competitive bids in the~~
807 ~~same manner prescribed in this section.~~

808 ~~(g) If a property has been donated to the state for~~
809 ~~transportation purposes and the facility has not been~~
810 ~~constructed for a period of at least 5 years and no plans have~~
811 ~~been prepared for the construction of such facility and the~~
812 ~~property is not located in a transportation corridor, the~~
813 ~~governmental entity may authorize reconveyance of the donated~~
814 ~~property for no consideration to the original donor or the~~
815 ~~donor's heirs, successors, assigns, or representatives.~~

816 ~~(h) If property is to be used for a public purpose, the~~
817 ~~property may be conveyed without consideration to a governmental~~
818 ~~entity.~~

819 ~~(i) If property was originally acquired specifically to~~
820 ~~provide replacement housing for persons displaced by~~
821 ~~transportation projects, the department may negotiate for the~~
822 ~~sale of such property as replacement housing. As compensation,~~
823 ~~the state shall receive no less than its investment in such~~
824 ~~properties or fair market value, whichever is lower. It is~~
825 ~~expressly intended that this benefit be extended only to those~~



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826 ~~persons actually displaced by such project. Dispositions to any~~
827 ~~other persons must be for fair market value.~~

828 ~~(j) If the department determines that the property will~~
829 ~~require significant costs to be incurred or that continued~~
830 ~~ownership of the property exposes the department to significant~~
831 ~~liability risks, the department may use the projected~~
832 ~~maintenance costs over the next 5 years to offset the market~~
833 ~~value in establishing a value for disposal of the property, even~~
834 ~~if that value is zero.~~

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

841 (a) A lease may be through negotiations, sealed competitive
842 bids, auctions, or any other means the department deems to be in
843 its best interest ~~The department may negotiate such a lease at~~
844 ~~the prevailing market value with the owner from whom the~~
845 ~~property was acquired; with the holders of leasehold estates~~
846 ~~existing at the time of the department's acquisition; or, if~~
847 ~~public bidding would be inequitable, with the owner holding~~
848 ~~title to privately owned abutting property, if reasonable notice~~
849 ~~is provided to all other owners of abutting property. The~~
850 department may allow an outdoor advertising sign to remain on
851 the property acquired, or be relocated on department property,
852 and such sign shall not be considered a nonconforming sign
853 pursuant to chapter 479.

854 (b) If, in the discretion of the department, a lease to a



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855 person other than an abutting property owner or tenant with a
856 leasehold interest in the abutting property would be
857 inequitable, the property may be leased to the abutting owner or
858 tenant for no less than the department's current estimate of
859 value ~~All other leases shall be by competitive bid.~~

860 (c) No lease signed pursuant to paragraph (a) ~~or paragraph~~
861 ~~(b)~~ shall be for a period of more than 5 years; however, the
862 department may renegotiate or extend such a lease for an
863 additional term of 5 years as the department deems appropriate
864 ~~without rebidding.~~

865 (d) Each lease shall provide that, unless otherwise
866 directed by the lessor, any improvements made to the property
867 during the term of the lease shall be removed at the lessee's
868 expense.

869 (e) If property is to be used for a public purpose,
870 ~~including a fair, art show, or other educational, cultural, or~~
871 ~~fundraising activity,~~ the property may be leased without
872 consideration to a governmental entity ~~or school board.~~ A lease
873 for a public purpose is exempt from the term limits in paragraph
874 (c).

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

878 (g) No lease executed under this subsection may be utilized
879 by the lessee to establish the ~~4 years'~~ standing required by s.
880 73.071(3) (b) if the business had not been established for the
881 specified number of 4 years on the date title passed to the
882 department.

883 (h) The department may enter into a long-term lease without



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884 compensation with a public port listed in s. 403.021(9)(b) for
885 rail corridors used for the operation of a short-line railroad
886 to the port.

887 (6) Nothing in this chapter prevents the joint use of
888 right-of-way for alternative modes of transportation; provided
889 that the joint use does not impair the integrity and safety of
890 the transportation facility.

891 (7) The department's estimate of value, required by
892 subsections (4) and (5), shall be prepared in accordance with
893 department procedures, guidelines, and rules for valuation of
894 real property. If the value of the property exceeds \$50,000, as
895 determined by the department estimate, the sale or lease must be
896 at a negotiated price not less than the estimate of value as
897 determined by an appraisal prepared in accordance with
898 department procedures, guidelines, and rules for valuation of
899 real property, the cost of which shall be paid by the party
900 seeking the purchase or lease of the property appraisal required
901 by paragraphs (4)(c) and (d) shall be prepared in accordance
902 with department guidelines and rules by an independent appraiser
903 who has been certified by the department. If federal funds were
904 used in the acquisition of the property, the appraisal shall
905 also be subject to the approval of the Federal Highway
906 Administration.

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

912 (9) The department, with the approval of the Chief



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913 Financial Officer, is authorized to disburse state funds for
914 real estate closings in a manner consistent with good business
915 practices and in a manner minimizing costs and risks to the
916 state.

917 (10) The department is authorized to purchase title
918 insurance in those instances where it is determined that such
919 insurance is necessary to protect the public's investment in
920 property being acquired for transportation purposes. The
921 department shall adopt procedures to be followed in making the
922 determination to purchase title insurance for a particular
923 parcel or group of parcels which, at a minimum, shall set forth
924 criteria which the parcels must meet.

925 (11) This section does not modify the requirements of s.
926 73.013.

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

929 337.251 Lease of property for joint public-private
930 development and areas above or below department property.-

931 (2) The department may request proposals for the lease of
932 such property or, if the department receives a proposal for ~~to~~
933 ~~negotiate~~ a lease of a particular department property that the
934 department desires to consider, the department must ~~it shall~~
935 publish a notice in a newspaper of general circulation at least
936 once a week for 2 weeks, stating that it has received the
937 proposal and will accept, for 120 ~~60~~ days after the date of
938 publication, other proposals for lease of the particular
939 property use of the space. A copy of the notice must be mailed
940 to each local government in the affected area. The department
941 shall, by rule, establish an application fee for the submission



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942 of proposals pursuant to this section. The fee must be
943 sufficient to pay the anticipated costs of evaluating the
944 proposals. The department may engage the services of private
945 consultants to assist in the evaluation. Before approval, the
946 department must determine that the proposed lease:

- 947 (a) Is in the public's best interest;
948 (b) Does not require state funds to be used; and
949 (c) Has adequate safeguards in place to ensure that no
950 additional costs are borne and no service disruptions are
951 experienced by the traveling public and residents of the state
952 in the event of default by the private lessee or upon
953 termination or expiration of the lease.

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

956 338.161 Authority of department or toll agencies to
957 advertise and promote electronic toll collection; expanded uses
958 of electronic toll collection system; authority of department to
959 collect tolls, fares, and fees for private and public entities.-

960 (5) If the department finds that it can increase nontoll
961 revenues or add convenience or other value for its customers,
962 and if a public or private transportation facility owner agrees
963 that its facility will become interoperable with the
964 department's electronic toll collection and video billing
965 systems, the department may ~~is authorized to~~ enter into an
966 agreement with the owner of such facility under which the
967 department uses ~~private or public entities for the department's~~
968 ~~use of~~ its electronic toll collection and video billing systems
969 to collect and enforce for the owner tolls, fares,
970 administrative fees, and other applicable charges due ~~imposed~~ in



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971 connection with use of the owner's facility ~~transportation~~
972 ~~facilities of the private or public entities that become~~
973 ~~interoperable with the department's electronic toll collection~~
974 ~~system.~~ The department may modify its rules regarding toll
975 collection procedures and the imposition of administrative
976 charges to be applicable to toll facilities that are not part of
977 the turnpike system or otherwise owned by the department. This
978 subsection may not be construed to limit the authority of the
979 department under any other provision of law or under any
980 agreement entered into before ~~prior to~~ July 1, 2012.

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

983 338.165 Continuation of tolls.—

984 (4) Notwithstanding any other law to the contrary, pursuant
985 to s. 11, Art. VII of the State Constitution, and subject to the
986 requirements of subsection (2), the Department of Transportation
987 may request the Division of Bond Finance to issue bonds secured
988 by toll revenues collected on the Alligator Alley, the Sunshine
989 Skyway Bridge, ~~the Beeline East Expressway, the Navarre Bridge,~~
990 and the Pinellas Bayway to fund transportation projects located
991 within the county or counties in which the revenue-producing
992 project is located and contained in the adopted work program of
993 the department.

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

996 338.26 Alligator Alley toll road.—

997 (3) Fees generated from tolls shall be deposited in the
998 State Transportation Trust Fund, and any amount of funds
999 generated annually in excess of that required to reimburse



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1000 outstanding contractual obligations, to operate and maintain the
1001 highway and toll facilities, including reconstruction and
1002 restoration, to pay for those projects that are funded with
1003 Alligator Alley toll revenues and that are contained in the
1004 1993-1994 adopted work program or the 1994-1995 tentative work
1005 program submitted to the Legislature on February 22, 1994, and
1006 to design and construct ~~develop and operate~~ a fire station at
1007 mile marker 63 on Alligator Alley, which may be used by Collier
1008 County or other appropriate local governmental entity to provide
1009 fire, rescue, and emergency management services ~~to the adjacent~~
1010 ~~counties~~ along Alligator Alley, may be transferred to the
1011 Everglades Fund of the South Florida Water Management District
1012 in accordance with the memorandum of understanding of June 30,
1013 1997, between the district and the department. The South Florida
1014 Water Management District shall deposit funds for projects
1015 undertaken pursuant to s. 373.4592 in the Everglades Trust Fund
1016 pursuant to s. 373.45926(4)(a). Any funds remaining in the
1017 Everglades Fund may be used for environmental projects to
1018 restore the natural values of the Everglades, subject to
1019 compliance with any applicable federal laws and regulations.
1020 Projects must ~~shall~~ be limited to:
1021 (a) Highway redesign to allow for improved sheet flow of
1022 water across the southern Everglades.
1023 (b) Water conveyance projects to enable more water
1024 resources to reach Florida Bay to replenish marine estuary
1025 functions.
1026 (c) Engineering design plans for wastewater treatment
1027 facilities as recommended in the Water Quality Protection
1028 Program Document for the Florida Keys National Marine Sanctuary.



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1029 (d) Acquisition of lands to move STA 3/4 out of the Toe of
1030 the Boot, provided such lands are located within 1 mile of the
1031 northern border of STA 3/4.

1032 (e) Other Everglades Construction Projects as described in
1033 the February 15, 1994, conceptual design document.

1034 ~~(4) The district may issue revenue bonds or notes under s.~~
1035 ~~373.584 and pledge the revenue from the transfers from the~~
1036 ~~Alligator Alley toll revenues as security for such bonds or~~
1037 ~~notes. The proceeds from such revenue bonds or notes shall be~~
1038 ~~used for environmental projects; at least 50 percent of said~~
1039 ~~proceeds must be used for projects that benefit Florida Bay, as~~
1040 ~~described in this section subject to resolutions approving such~~
1041 ~~activity by the Board of Trustees of the Internal Improvement~~
1042 ~~Trust Fund and the governing board of the South Florida Water~~
1043 ~~Management District and the remaining proceeds must be used for~~
1044 ~~restoration activities in the Everglades Protection Area.~~

1045 Section 22. Subsections (2) through (4) of section 339.175,
1046 Florida Statutes, are amended to read:

1047 339.175 Metropolitan planning organization.—

1048 (2) DESIGNATION.—

1049 (a)1. An M.P.O. shall be designated for each urbanized area
1050 of the state; however, this does not require that an individual
1051 M.P.O. be designated for each such area. The M.P.O. Such
1052 designation shall be accomplished by agreement between the
1053 Governor and units of general-purpose local government that
1054 together represent representing at least 75 percent of the
1055 population, including the largest incorporated municipality,
1056 based on population, of the urbanized area; however, the unit of
1057 general-purpose local government that represents the central



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1058 ~~city or cities within the M.P.O. jurisdiction,~~ as named defined
1059 by the United States Bureau of the Census, ~~must be a party to~~
1060 ~~such agreement.~~

1061 2. To the extent possible, only one M.P.O. shall be
1062 designated for each urbanized area or group of contiguous
1063 urbanized areas. More than one M.P.O. may be designated within
1064 an existing urbanized area only if the Governor and the existing
1065 M.P.O. determine that the size and complexity of the existing
1066 urbanized area makes the designation of more than one M.P.O. for
1067 the area appropriate.

1068 (b) Each M.P.O. designated in a manner prescribed by Title
1069 23 of the United States Code shall be created and operated under
1070 the provisions of this section pursuant to an interlocal
1071 agreement entered into pursuant to s. 163.01. The signatories to
1072 the interlocal agreement shall be the department and the
1073 governmental entities designated by the Governor for membership
1074 on the M.P.O. Each M.P.O. shall be considered separate from the
1075 state or the governing body of a local government that is
1076 represented on the governing board of the M.P.O. or that is a
1077 signatory to the interlocal agreement creating the M.P.O. and
1078 shall have such powers and privileges that are provided under s.
1079 163.01. If there is a conflict between this section and s.
1080 163.01, this section prevails.

1081 (c) The jurisdictional boundaries of an M.P.O. shall be
1082 determined by agreement between the Governor and the applicable
1083 M.P.O. The boundaries must include at least the metropolitan
1084 planning area, which is the existing urbanized area and the
1085 contiguous area expected to become urbanized within a 20-year
1086 forecast period, and may encompass the entire metropolitan



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1087 statistical area or the consolidated metropolitan statistical
1088 area.

1089 (d) In the case of an urbanized area designated as a
1090 nonattainment area for ozone or carbon monoxide under the Clean
1091 Air Act, 42 U.S.C. ss. 7401 et seq., the boundaries of the
1092 metropolitan planning area in existence as of the date of
1093 enactment of this paragraph shall be retained, except that the
1094 boundaries may be adjusted by agreement of the Governor and
1095 affected metropolitan planning organizations in the manner
1096 described in this section. If more than one M.P.O. has authority
1097 within a metropolitan area or an area that is designated as a
1098 nonattainment area, each M.P.O. shall consult with other
1099 M.P.O.'s designated for such area and with the state in the
1100 coordination of plans and programs required by this section.

1101 (e) The governing body of the M.P.O. shall designate, at a
1102 minimum, a chair, vice chair, and agency clerk. The chair and
1103 vice chair shall be selected from among the member delegates
1104 comprising the governing board. The agency clerk shall be
1105 charged with the responsibility of preparing meeting minutes and
1106 maintaining agency records. The clerk shall be a member of the
1107 M.P.O. governing board, an employee of the M.P.O., or other
1108 natural person.

1109
1110 Each M.P.O. required under this section must be fully
1111 operative no later than 6 months following its designation.

1112 (3) VOTING MEMBERSHIP.—

1113 (a) The voting membership of an M.P.O. shall consist of not
1114 fewer than 5 or more than 19 apportioned members, the exact
1115 number to be determined on an equitable geographic-population



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1116 ratio ~~basis by the Governor~~, based on an agreement among the
1117 affected units of general-purpose local government and the
1118 Governor as required by federal ~~rules and~~ regulations. The
1119 voting membership of an M.P.O. that is redesignated after the
1120 effective date of this act as a result of the expansion of the
1121 M.P.O. to include a new urbanized area or the consolidation of
1122 two or more M.P.O.'s may consist of no more than 25 members. The
1123 Governor, in accordance with 23 U.S.C. s. 134, may also provide
1124 for M.P.O. members who represent municipalities to alternate
1125 with representatives from other municipalities within the
1126 metropolitan planning area that do not have members on the
1127 M.P.O. County commission members shall compose not less than
1128 one-third of the M.P.O. membership, except for an M.P.O. with
1129 more than 15 members located in a county with a 5-member county
1130 commission or an M.P.O. with 19 members located in a county with
1131 no more than 6 county commissioners, in which case county
1132 commission members may compose less than one-third percent of
1133 the M.P.O. membership, but all county commissioners must be
1134 members. All voting members shall be elected officials of
1135 general-purpose local governments, except that an M.P.O. may
1136 include, as part of its apportioned voting members, a member of
1137 a statutorily authorized planning board, an official of an
1138 agency that operates or administers a major mode of
1139 transportation, or an official of Space Florida. As used in this
1140 section, the term "elected officials of a general-purpose local
1141 government" excludes ~~shall exclude~~ constitutional officers,
1142 including sheriffs, tax collectors, supervisors of elections,
1143 property appraisers, clerks of the court, and similar types of
1144 officials. County commissioners shall compose not less than 20



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1145 percent of the M.P.O. membership if an official of an agency
1146 that operates or administers a major mode of transportation has
1147 been appointed to an M.P.O.

1148 (b) In metropolitan areas in which authorities or other
1149 agencies have been or may be created by law to perform
1150 transportation functions and are performing transportation
1151 functions that are not under the jurisdiction of a general-
1152 purpose local government represented on the M.P.O., they may
1153 ~~shall~~ be provided voting membership on the M.P.O. In all other
1154 M.P.O.'s where transportation authorities or agencies are to be
1155 represented by elected officials from general-purpose local
1156 governments, the M.P.O. shall establish a process by which the
1157 collective interests of such authorities or other agencies are
1158 expressed and conveyed.

1159 (c) Any other provision of this section to the contrary
1160 notwithstanding, a chartered county with a population of more
1161 than ~~over~~ 1 million ~~population~~ may elect to reapportion the
1162 membership of an M.P.O. whose jurisdiction is wholly within the
1163 county. The charter county may exercise the provisions of this
1164 paragraph if:

1165 1. The M.P.O. approves the reapportionment plan by a three-
1166 fourths vote of its membership;

1167 2. The M.P.O. and the charter county determine that the
1168 reapportionment plan is needed to fulfill specific goals and
1169 policies applicable to that metropolitan planning area; and

1170 3. The charter county determines the reapportionment plan
1171 otherwise complies with all federal requirements pertaining to
1172 M.P.O. membership.

1173



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1174 A ~~Any~~ charter county that elects to exercise the provisions
1175 of this paragraph shall notify the Governor in writing.

1176 (d) Any other provision of this section to the contrary
1177 notwithstanding, a ~~any~~ county chartered under s. 6(e), Art. VIII
1178 of the State Constitution may elect to have its county
1179 commission serve as the M.P.O., if the M.P.O. jurisdiction is
1180 wholly contained within the county. A ~~Any~~ charter county that
1181 elects to exercise the provisions of this paragraph shall so
1182 notify the Governor in writing. Upon receipt of the ~~such~~
1183 notification, the Governor must designate the county commission
1184 as the M.P.O. The Governor must appoint four additional voting
1185 members to the M.P.O., one of whom must be an elected official
1186 representing a municipality within the county, one of whom must
1187 be an expressway authority member, one of whom must be a person
1188 who does not hold elected public office and who resides in the
1189 unincorporated portion of the county, and one of whom must be a
1190 school board member.

1191 (4) APPORTIONMENT.—

1192 (a) Each M.P.O. in the state shall review the composition
1193 of its membership in conjunction with the decennial census, as
1194 prepared by the United States Department of Commerce, Bureau of
1195 the Census, and, with the agreement of the affected units of
1196 general-purpose local government and the Governor, reapportion
1197 the membership as necessary to comply with subsection (3) ~~The~~
1198 ~~Governor shall, with the agreement of the affected units of~~
1199 ~~general-purpose local government as required by federal rules~~
1200 ~~and regulations, apportion the membership on the applicable~~
1201 ~~M.P.O. among the various governmental entities within the area.~~

1202 (b) At the request of a majority of the affected units of



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1203 general-purpose local government comprising an M.P.O., the
1204 Governor and a majority of units of general-purpose local
1205 government serving on an M.P.O. shall cooperatively agree upon
1206 and prescribe who may serve as an alternate member and a method
1207 for appointing alternate members who may vote at any M.P.O.
1208 meeting that an alternate member attends in place of a regular
1209 member. The method must ~~shall~~ be set forth as a part of the
1210 interlocal agreement describing the M.P.O.'s membership or in
1211 the M.P.O.'s operating procedures and bylaws. The governmental
1212 entity so designated shall appoint the appropriate number of
1213 members to the M.P.O. from eligible officials. Representatives
1214 of the department shall serve as nonvoting advisers to the
1215 M.P.O. governing board. Additional nonvoting advisers may be
1216 appointed by the M.P.O. as deemed necessary; however, to the
1217 maximum extent feasible, each M.P.O. shall seek to appoint
1218 nonvoting representatives of various multimodal forms of
1219 transportation not otherwise represented by voting members of
1220 the M.P.O. An M.P.O. shall appoint nonvoting advisers
1221 representing major military installations located within the
1222 jurisdictional boundaries of the M.P.O. upon the request of the
1223 aforesaid major military installations and subject to the
1224 agreement of the M.P.O. All nonvoting advisers may attend and
1225 participate fully in governing board meetings but may not vote
1226 or be members of the governing board. ~~The Governor shall review~~
1227 ~~the composition of the M.P.O. membership in conjunction with the~~
1228 ~~decennial census as prepared by the United States Department of~~
1229 ~~Commerce, Bureau of the Census, and reapportion it as necessary~~
1230 ~~to comply with subsection (3).~~

1231 (c) ~~(b)~~ Except for members who represent municipalities on



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1232 the basis of alternating with representatives from other
1233 municipalities that do not have members on the M.P.O. as
1234 provided in paragraph (3) (a), the members of an M.P.O. shall
1235 serve 4-year terms. Members who represent municipalities on the
1236 basis of alternating with representatives from other
1237 municipalities that do not have members on the M.P.O. as
1238 provided in paragraph (3) (a) may serve terms of up to 4 years as
1239 further provided in the interlocal agreement described in
1240 paragraph (2) (b). The membership of a member who is a public
1241 official automatically terminates upon the member's leaving his
1242 or her elective or appointive office for any reason, or may be
1243 terminated by a majority vote of the total membership of the
1244 entity's governing board represented by the member. A vacancy
1245 shall be filled by the original appointing entity. A member may
1246 be reappointed for one or more additional 4-year terms.

1247 (d) ~~(e)~~ If a governmental entity fails to fill an assigned
1248 appointment to an M.P.O. within 60 days after notification by
1249 the Governor of its duty to appoint, that appointment must ~~shall~~
1250 be made by the Governor from the eligible representatives of
1251 that governmental entity.

1252 Section 23. Paragraph (a) of subsection (1) and subsections
1253 (4) and (5) of section 339.2821, Florida Statutes, are amended
1254 to read:

1255 339.2821 Economic development transportation projects.—

1256 (1) (a) The department, in consultation with the Department
1257 of Economic Opportunity and Enterprise Florida, Inc., may make
1258 and approve expenditures and contract with the appropriate
1259 governmental body for the direct costs of transportation
1260 projects. The Department of Economic Opportunity and the



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1261 Department of Environmental Protection may formally review and
1262 comment on recommended transportation projects, although the
1263 department has final approval authority for any project
1264 authorized under this section.

1265 (4) A contract between the department and a governmental
1266 body for a transportation project must:

1267 (a) Specify that the transportation project is for the
1268 construction of a new or expanding business and specify the
1269 number of full-time permanent jobs that will result from the
1270 project.

1271 (b) Identify the governmental body and require that the
1272 governmental body award the construction of the particular
1273 transportation project to the lowest and best bidder in
1274 accordance with applicable state and federal statutes or rules
1275 unless the transportation project can be constructed using
1276 existing local governmental employees within the contract period
1277 specified by the department.

1278 (c) Require that the governmental body provide the
1279 department with ~~quarterly~~ progress reports. Each ~~quarterly~~
1280 progress report must contain:

1281 1. A narrative description of the work completed and
1282 whether the work is proceeding according to the transportation
1283 project schedule;

1284 2. A description of each change order executed by the
1285 governmental body;

1286 3. A budget summary detailing planned expenditures compared
1287 to actual expenditures; and

1288 4. The identity of each small or minority business used as
1289 a contractor or subcontractor.



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1290 (d) Require that the governmental body make and maintain
1291 records in accordance with accepted governmental accounting
1292 principles and practices for each progress payment made for work
1293 performed in connection with the transportation project, each
1294 change order executed by the governmental body, and each payment
1295 made pursuant to a change order. The records are subject to
1296 financial audit as required by law.

1297 (e) Require that the governmental body, upon completion and
1298 acceptance of the transportation project, certify to the
1299 department that the transportation project has been completed in
1300 compliance with the terms and conditions of the contract between
1301 the department and the governmental body and meets the minimum
1302 construction standards established in accordance with s.
1303 336.045.

1304 (f) Specify that ~~the department transfer funds~~ will not be
1305 transferred to the governmental body unless construction has
1306 begun on the facility of the ~~not more often than quarterly, upon~~
1307 ~~receipt of a request for funds from the governmental body and~~
1308 ~~consistent with the needs of the transportation project. The~~
1309 ~~governmental body shall expend funds received from the~~
1310 ~~department in a timely manner. The department may not transfer~~
1311 ~~funds unless construction has begun on the facility of a~~
1312 business on whose behalf the award was made. If construction of
1313 the transportation project does not begin within 4 years after
1314 the date of the initial grant award, the grant award is
1315 terminated ~~A contract totaling less than \$200,000 is exempt from~~
1316 ~~the transfer requirement.~~

1317 (g) Require that funds be used only on a transportation
1318 project that has been properly reviewed and approved in



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1319 accordance with the criteria set forth in this section.

1320 (h) Require that the governing board of the governmental
1321 body adopt a resolution accepting future maintenance and other
1322 attendant costs occurring after completion of the transportation
1323 project if the transportation project is constructed on a county
1324 or municipal system.

1325 (5) For purposes of this section, Space Florida may serve
1326 as the governmental body or as the contracting agency for a
1327 ~~transportation~~ project within a spaceport territory as defined
1328 by s. 331.304.

1329 Section 24. Section 339.401, Florida Statutes, is repealed.

1330 Section 25. Section 339.402, Florida Statutes, is repealed.

1331 Section 26. Section 339.403, Florida Statutes, is repealed.

1332 Section 27. Section 339.404, Florida Statutes, is repealed.

1333 Section 28. Section 339.405, Florida Statutes, is repealed.

1334 Section 29. Section 339.406, Florida Statutes, is repealed.

1335 Section 30. Section 339.407, Florida Statutes, is repealed.

1336 Section 31. Section 339.408, Florida Statutes, is repealed.

1337 Section 32. Section 339.409, Florida Statutes, is repealed.

1338 Section 33. Section 339.410, Florida Statutes, is repealed.

1339 Section 34. Section 339.411, Florida Statutes, is repealed.

1340 Section 35. Section 339.412, Florida Statutes, is repealed.

1341 Section 36. Section 339.414, Florida Statutes, is repealed.

1342 Section 37. Section 339.415, Florida Statutes, is repealed.

1343 Section 38. Section 339.416, Florida Statutes, is repealed.

1344 Section 39. Section 339.417, Florida Statutes, is repealed.

1345 Section 40. Section 339.418, Florida Statutes, is repealed.

1346 Section 41. Section 339.419, Florida Statutes, is repealed.

1347 Section 42. Section 339.420, Florida Statutes, is repealed.



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1348 Section 43. Section 339.421, Florida Statutes, is repealed.

1349 Section 44. Paragraphs (a) and (c) of subsection (2) and
1350 paragraph (i) of subsection (7) of section 339.55, Florida
1351 Statutes, are amended to read:

1352 339.55 State-funded infrastructure bank.—

1353 (2) The bank may lend capital costs or provide credit
1354 enhancements for:

1355 (a) A transportation facility project that is on the State
1356 Highway System or that provides for increased mobility on the
1357 state's transportation system or provides intermodal
1358 connectivity with airports, seaports, spaceports, rail
1359 facilities, and other transportation terminals, pursuant to s.
1360 341.053, for the movement of people and goods.

1361 (c)1. Emergency loans for damages incurred to public-use
1362 commercial deepwater seaports, public-use airports, public-use
1363 spaceports, and other public-use transit and intermodal
1364 facilities that are within an area that is part of an official
1365 state declaration of emergency pursuant to chapter 252 and all
1366 other applicable laws. Such loans:

1367 a. May not exceed 24 months in duration except in extreme
1368 circumstances, for which the Secretary of Transportation may
1369 grant up to 36 months upon making written findings specifying
1370 the conditions requiring a 36-month term.

1371 b. Require application from the recipient to the department
1372 that includes documentation of damage claims filed with the
1373 Federal Emergency Management Agency or an applicable insurance
1374 carrier and documentation of the recipient's overall financial
1375 condition.

1376 c. Are subject to approval by the Secretary of



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1377 Transportation and the Legislative Budget Commission.

1378 2. Loans provided under this paragraph must be repaid upon
1379 receipt by the recipient of eligible program funding for damages
1380 in accordance with the claims filed with the Federal Emergency
1381 Management Agency or an applicable insurance carrier, but no
1382 later than the duration of the loan.

1383 (7) The department may consider, but is not limited to, the
1384 following criteria for evaluation of projects for assistance
1385 from the bank:

1386 (i) The extent to which the project will provide for
1387 connectivity between the State Highway System and airports,
1388 seaports, spaceports, rail facilities, and other transportation
1389 terminals and intermodal options pursuant to s. 341.053 for the
1390 increased accessibility and movement of people and goods.

1391 Section 45. Subsection (11) of section 341.031, Florida
1392 Statutes, is amended to read:

1393 341.031 Definitions relating to Florida Public Transit
1394 Act.—As used in ss. 341.011–341.061, the term:

1395 (11) “Intercity bus service” means regularly scheduled bus
1396 service for the general public which operates with limited stops
1397 over fixed routes connecting two or more urban areas not in
1398 close proximity; has the capacity for transporting baggage
1399 carried by passengers; and makes meaningful connections with
1400 scheduled intercity bus service to more distant points, if such
1401 service is available; ~~maintains scheduled information in the~~
1402 ~~National Official Bus Guide; and provides package express~~
1403 ~~service incidental to passenger transportation.~~

1404 Section 46. Section 341.053, Florida Statutes, is amended
1405 to read:



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1406 341.053 Intermodal Development Program; administration;
1407 eligible projects; limitations.-

1408 (1) There is created within the Department of
1409 Transportation an Intermodal Development Program to provide for
1410 major capital investments in fixed-guideway transportation
1411 systems, access to seaports, airports, spaceports, and other
1412 transportation terminals, providing for the construction of
1413 intermodal or multimodal terminals; and to plan or fund
1414 construction of airport, spaceport, seaport, transit, and rail
1415 projects that ~~otherwise~~ facilitate the intermodal or multimodal
1416 movement of people and goods.

1417 (2) The Intermodal Development Program shall be used for
1418 projects that support statewide goals as outlined in the Florida
1419 Transportation Plan, the Strategic Intermodal System Plan, the
1420 Freight Mobility and Trade Plan, or the appropriate department
1421 modal plan ~~In recognition of the department's role in the~~
1422 ~~economic development of this state, the department shall develop~~
1423 ~~a proposed intermodal development plan to connect Florida's~~
1424 ~~airports, deepwater seaports, rail systems serving both~~
1425 ~~passenger and freight, and major intermodal connectors to the~~
1426 ~~Strategic Intermodal System highway corridors as the primary~~
1427 ~~system for the movement of people and freight in this state in~~
1428 ~~order to make the intermodal development plan a fully integrated~~
1429 ~~and interconnected system. The intermodal development plan must:~~

1430 (a) ~~Define and assess the state's freight intermodal~~
1431 ~~network, including airports, seaports, rail lines and terminals,~~
1432 ~~intercity bus lines and terminals, and connecting highways.~~

1433 (b) ~~Prioritize statewide infrastructure investments,~~
1434 ~~including the acceleration of current projects, which are found~~



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1435 ~~by the Freight Stakeholders Task Force to be priority projects~~
1436 ~~for the efficient movement of people and freight.~~

1437 ~~(c) Be developed in a manner that will assure maximum use~~
1438 ~~of existing facilities and optimum integration and coordination~~
1439 ~~of the various modes of transportation, including both~~
1440 ~~government-owned and privately owned resources, in the most~~
1441 ~~cost-effective manner possible.~~

1442 (3) The Intermodal Development Program shall be
1443 administered by the department.

1444 (4) The department shall review funding requests from a
1445 rail authority created pursuant to chapter 343. The department
1446 may include projects of the authorities, including planning and
1447 design, in the tentative work program.

1448 ~~(5) No single transportation authority operating a fixed-~~
1449 ~~guideway transportation system, or single fixed-guideway~~
1450 ~~transportation system not administered by a transportation~~
1451 ~~authority, receiving funds under the Intermodal Development~~
1452 ~~Program shall receive more than 33 1/3 percent of the total~~
1453 ~~intermodal development funds appropriated between July 1, 1990,~~
1454 ~~and June 30, 2015. In determining the distribution of funds~~
1455 ~~under the Intermodal Development Program in any fiscal year, the~~
1456 ~~department shall assume that future appropriation levels will be~~
1457 ~~equal to the current appropriation level.~~

1458 ~~(6) The department may is authorized to fund projects~~
1459 ~~within the Intermodal Development Program, which are consistent,~~
1460 ~~to the maximum extent feasible, with approved local government~~
1461 ~~comprehensive plans of the units of local government in which~~
1462 ~~the project is located. Projects that are eligible for funding~~
1463 ~~under this program include planning studies, major capital~~



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1464 investments in public rail and fixed-guideway transportation or
1465 freight facilities and systems which provide intermodal access;
1466 road, rail, intercity bus service, or fixed-guideway access to,
1467 from, or between seaports, airports, spaceports, intermodal
1468 logistics centers, and other transportation terminals;
1469 construction of intermodal or multimodal terminals, including
1470 projects on airports, spaceports, intermodal logistics centers,
1471 or seaports which assist in the movement or transfer of people
1472 or goods; development and construction of dedicated bus lanes;
1473 and projects which otherwise facilitate the intermodal or
1474 multimodal movement of people and goods.

1475 Section 47. Section 343.80, Florida Statutes, is amended to
1476 read:

1477 343.80 Short title.—This part may be cited as the
1478 “Northwest Florida Regional Transportation Finance ~~Corridor~~
1479 Authority Law.”

1480 Section 48. Section 343.805, Florida Statutes, is amended
1481 to read:

1482 343.805 Definitions.—As used in this part, the term:

1483 (1) “Agency of the state” means the state and any
1484 department of, or corporation, agency, or instrumentality
1485 heretofore or hereafter created, designated, or established by,
1486 the state.

1487 (2) “Authority” means the body politic and corporate and
1488 agency of the state created by this part.

1489 (3) “Bonds” means the notes, bonds, refunding bonds, or
1490 other evidences of indebtedness or obligations, in either
1491 temporary or definitive form, which the authority is authorized
1492 to issue pursuant to this part.



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1493 (4) "Department" means the Department of Transportation
1494 existing under chapters 334-339.

1495 (5) "Federal agency" means the United States, the President
1496 of the United States, and any department of, or corporation,
1497 agency, or instrumentality heretofore or hereafter created,
1498 designated, or established by, the United States.

1499 (6) "Limited access expressway" or "expressway" means a
1500 street or highway especially designed for through traffic and
1501 over, from, or to which a person does not have the right of
1502 easement, use, or access except in accordance with the rules
1503 adopted and established by the authority for the use of such
1504 facility. Such highway or street may be a parkway, from which
1505 trucks, buses, and other commercial vehicles are excluded, or it
1506 may be a freeway open to use by all customary forms of street
1507 and highway traffic.

1508 (7) "Members" means the governing body of the authority,
1509 and the term "member" means one of the individuals constituting
1510 such governing body.

1511 (8) "Northwest Florida Regional Transportation Finance
1512 Authority System" or "system" means any and all expressways and
1513 appurtenant facilities thereto owned by the Authority,
1514 including, but not limited to, all approaches, roads, bridges,
1515 and avenues of access for said expressway or expressways.

1516 (9)-(8) "State Board of Administration" means the body
1517 corporate existing under the provisions of s. 9, Art. XII of the
1518 State Constitution, or any successor thereto.

1519 ~~(9) "U.S. 98 corridor" means U.S. Highway 98 and any feeder~~
1520 ~~roads, reliever roads, connector roads, bridges, and other~~
1521 ~~transportation appurtenances, existing or constructed in the~~



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1522 ~~future, that support U.S. Highway 98 in Escambia, Santa Rosa,~~
1523 ~~Okaloosa, Walton, Bay, Gulf, Franklin, and Wakulla Counties.~~

1524 ~~(10) "U.S. 98 corridor system" means any and all~~
1525 ~~expressways and appurtenant facilities, including, but not~~
1526 ~~limited to, all approaches, roads, bridges, and avenues of~~
1527 ~~access for the expressways that are either built by the~~
1528 ~~authority or whose ownership is transferred to the authority by~~
1529 ~~other governmental or private entities.~~

1530
1531 Terms importing singular number include the plural number
1532 in each case and vice versa, and terms importing persons include
1533 firms and corporations.

1534 Section 49. Section 343.81, Florida Statutes, is amended to
1535 read:

1536 343.81 Northwest Florida Regional Transportation Finance
1537 ~~Corridor~~ Authority.—

1538 (1) There is created and established a body politic and
1539 corporate, an agency of the state, to be known as the Northwest
1540 Florida Regional Transportation Finance ~~Corridor~~ Authority,
1541 hereinafter referred to as "the authority."

1542 (2) (a) The governing body of the authority shall consist of
1543 five ~~eight~~ voting members, two from Okaloosa County and one each
1544 ~~from Escambia, Santa Rosa, Walton, Okaloosa, Bay, and Gulf,~~
1545 ~~Franklin, and Wakulla Counties,~~ appointed by the Governor to a
1546 4-year term. The appointees shall be residents of their
1547 respective counties and may not hold an elected office. Upon the
1548 effective date of his or her appointment, or as soon thereafter
1549 as practicable, each appointed member of the authority shall
1550 enter upon his or her duties. Each appointed member shall hold



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1551 office until his or her successor has been appointed and has
1552 qualified. A vacancy occurring during a term shall be filled
1553 only for the balance of the unexpired term. Any member of the
1554 authority shall be eligible for reappointment. Members of the
1555 authority may be removed from office by the Governor for
1556 misconduct, malfeasance, misfeasance, or nonfeasance in office.

1557 (b) The district secretary of the Department of
1558 Transportation serving Northwest Florida shall serve as an ex
1559 officio, nonvoting member.

1560 (3) (a) The authority shall elect one of its members as
1561 chair and shall also elect a secretary and a treasurer who may
1562 or may not be members of the authority. The chair, secretary,
1563 and treasurer shall hold such offices at the will of the
1564 authority.

1565 (b) Three ~~Five~~ members of the authority shall constitute a
1566 quorum, and the vote of at least three ~~Five~~ members shall be
1567 necessary for any action taken by the authority. A vacancy in
1568 the authority does not impair the right of a quorum of the
1569 authority to exercise all of the rights and perform all of the
1570 duties of the authority.

1571 (c) The authority shall meet at least quarterly but may
1572 meet more frequently upon the call of the chair. The authority
1573 should alternate the locations of its meetings among the seven
1574 counties.

1575 (4) Members of the authority shall serve without
1576 compensation but shall be entitled to receive from the authority
1577 their travel expenses and per diem incurred in connection with
1578 the business of the authority, as provided in s. 112.061.

1579 (5) The authority may employ an executive director, an



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1580 executive secretary, its own counsel and legal staff, technical
1581 experts, engineers, and such employees, permanent or temporary,
1582 as it may require. The authority shall determine the
1583 qualifications and fix the compensation of such persons, firms,
1584 or corporations and may employ a fiscal agent or agents;
1585 however, the authority shall solicit sealed proposals from at
1586 least three persons, firms, or corporations for the performance
1587 of any services as fiscal agents. The authority may delegate to
1588 one or more of its agents or employees its power as it shall
1589 deem necessary to carry out the purposes of this part, subject
1590 always to the supervision and control of the authority.

1591 ~~(6) The authority may establish technical advisory~~
1592 ~~committees to provide guidance and advice on corridor-related~~
1593 ~~issues. The authority shall establish the size, composition, and~~
1594 ~~focus of any technical advisory committee created. A member~~
1595 ~~appointed to a technical advisory committee shall serve without~~
1596 ~~compensation but shall be entitled to per diem or travel~~
1597 ~~expenses, as provided in s. 112.061.~~

1598 Section 50. Section 343.82, Florida Statutes, is amended to
1599 read:

1600 343.82 Purposes and powers.—

1601 (1) The authority created and established by the provisions
1602 of this part is hereby granted and shall have the right to
1603 acquire, hold, construct, improve, maintain, operate, own and
1604 lease in the capacity of lessor, the Northwest Florida Regional
1605 Transportation Finance Authority System ~~The primary purpose of~~
1606 ~~the authority is to improve mobility on the U.S. 98 corridor in~~
1607 ~~Northwest Florida to enhance traveler safety, identify and~~
1608 ~~develop hurricane evacuation routes, promote economic~~



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1609 ~~development along the corridor, and implement transportation~~
1610 ~~projects to alleviate current or anticipated traffic congestion.~~

1611 (2) (a) The authority, in the construction of the Northwest
1612 Florida Regional Transportation Finance Authority System, is
1613 authorized to construct any feeder roads, reliever roads,
1614 connector roads, bypasses, or appurtenant facilities ~~that are~~
1615 ~~intended to improve mobility along the U.S. 98 corridor.~~ The
1616 transportation improvement projects may also include all
1617 necessary approaches, roads, bridges, and avenues of access that
1618 are desirable and proper with the concurrence, where applicable,
1619 of the department if the project is to be part of the State
1620 Highway System or the respective county or municipal governing
1621 boards. Any transportation facilities constructed by the
1622 authority may be tolled.

1623 (b) Notwithstanding any special act to the contrary, the
1624 authority shall plan for and study the feasibility of
1625 constructing, operating, and maintaining a bridge or bridges
1626 spanning Choctawhatchee Bay ~~or Santa Rosa Sound, or both,~~ and
1627 access roads to such bridge or bridges, including studying the
1628 environmental and economic feasibility of such bridge or bridges
1629 and access roads, and such other transportation facilities that
1630 become part of such bridge system. The authority may construct,
1631 operate, and maintain the bridge system if the authority
1632 determines that the bridge system project is feasible and
1633 consistent with the authority's primary purpose and master plan.

1634 ~~(3) (a) The authority shall develop and adopt a corridor~~
1635 ~~master plan no later than July 1, 2007. The goals and objectives~~
1636 ~~of the master plan are to identify areas of the corridor where~~
1637 ~~mobility, traffic safety, and efficient hurricane evacuation~~



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1638 ~~need to be improved; evaluate the economic development potential~~
1639 ~~of the corridor and consider strategies to develop that~~
1640 ~~potential; develop methods of building partnerships with local~~
1641 ~~governments, other state and federal entities, the private~~
1642 ~~sector business community, and the public in support of corridor~~
1643 ~~improvements; and to identify projects that will accomplish~~
1644 ~~these goals and objectives.~~

1645 ~~(b) After its adoption, the master plan shall be updated~~
1646 ~~annually before July 1 of each year.~~

1647 ~~(c) The authority shall present the original master plan~~
1648 ~~and updates to the governing bodies of the counties within the~~
1649 ~~corridor and to the legislative delegation members representing~~
1650 ~~those counties within 90 days after adoption.~~

1651 ~~(d) The authority may undertake projects or other~~
1652 ~~improvements in the master plan in phases as particular projects~~
1653 ~~or segments thereof become feasible, as determined by the~~
1654 ~~authority. In carrying out its purposes and powers, the~~
1655 ~~authority may request funding and technical assistance from the~~
1656 ~~department and appropriate federal and local agencies,~~
1657 ~~including, but not limited to, state infrastructure bank loans,~~
1658 ~~advances from the Toll Facilities Revolving Trust Fund, and from~~
1659 ~~any other sources.~~

1660 ~~(3)(4)~~ The authority is granted and shall have and may
1661 exercise all powers necessary, appurtenant, convenient, or
1662 incidental to the carrying out of the aforesaid purposes,
1663 including, but not limited to, the following rights and powers:

1664 (a) To acquire, hold, construct, improve, maintain,
1665 operate, own, and lease in the capacity of lessor transportation
1666 facilities ~~within the U.S. 98 corridor.~~



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1667 (b) To borrow money and to make and issue negotiable notes,
1668 bonds, refunding bonds, and other evidences of indebtedness or
1669 obligations, either in temporary or definitive form, hereinafter
1670 in this chapter sometimes called "revenue bonds" of the
1671 authority, for the purpose of financing all or part of the
1672 Northwest Florida Regional Transportation Finance Authority
1673 System ~~mobility improvements within the U.S. 98 corridor~~, as
1674 well as the appurtenant facilities, including all approaches,
1675 streets, roads, bridges, and avenues of access authorized by
1676 this part, the bonds to mature not exceeding 40 years after the
1677 date of the issuance thereof, and to secure the payment of such
1678 bonds or any part thereof by a pledge of any or all of its
1679 revenues, rates, fees, rentals, or other charges.

1680 (c) To fix, alter, charge, establish, and collect tolls,
1681 rates, fees, rentals, and other charges for the services and
1682 facilities of the Northwest Florida Regional Transportation
1683 Finance Authority ~~Corridor~~ System, which rates, fees, rentals,
1684 and other charges shall always be sufficient to comply with any
1685 covenants made with the holders of any bonds issued pursuant to
1686 this part; however, such right and power may be assigned or
1687 delegated by the authority to the department. ~~The authority may~~
1688 ~~not impose tolls or other charges on existing highways and other~~
1689 ~~transportation facilities within the corridor.~~

1690 (d) To acquire by donation or otherwise, purchase, hold,
1691 lease as lessee, and use any franchise, property, real,
1692 personal, or mixed, tangible or intangible, or any options
1693 thereof in its own name or in conjunction with others, or
1694 interest therein, necessary or desirable for carrying out the
1695 purposes of the authority and to sell, lease as lessor,



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1696 transfer, and dispose of any property or interest therein at any
1697 time acquired by the authority, which the authority and the
1698 department have determined is not needed for the construction,
1699 operation, and maintenance of the system it.

1700 (e) To sue and be sued, implead and be impleaded, complain,
1701 and defend in all courts.

1702 (f) To adopt, use, and alter at will a corporate seal.

1703 (g) To enter into and make leases.

1704 ~~(h) To enter into and make lease-purchase agreements with~~
1705 ~~the department for terms not exceeding 40 years or until any~~
1706 ~~bonds secured by a pledge of rentals thereunder, and any~~
1707 ~~refundings thereof, are fully paid as to both principal and~~
1708 ~~interest, whichever is longer.~~

1709 ~~(h)~~~~(i)~~ To make contracts of every name and nature,
1710 including, but not limited to, partnerships providing for
1711 participation in ownership and revenues, and to execute all
1712 instruments necessary or convenient for the carrying on of its
1713 business.

1714 ~~(i)~~~~(j)~~ Without limitation of the foregoing, to ~~borrow money~~
1715 ~~and~~ accept grants from and to enter into contracts, leases, or
1716 other transactions with any federal agency, the state, any
1717 agency of the state, or any other public body of the state.

1718 ~~(j)~~~~(k)~~ To have the power of eminent domain, including the
1719 procedural powers granted under chapters 73 and 74.

1720 ~~(k)~~~~(l)~~ To pledge, hypothecate, or otherwise encumber all or
1721 any part of the revenues, rates, fees, rentals, or other charges
1722 or receipts of the authority.

1723 ~~(l)~~~~(m)~~ To enter into partnership and other agreements
1724 respecting ownership and revenue participation in order to



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1725 facilitate financing and constructing any project or portions
1726 thereof.

1727 ~~(m)~~ ~~(n)~~ To participate in agreements with private entities
1728 and to receive private contributions.

1729 ~~(n)~~ ~~(o)~~ To contract with the department or with a private
1730 entity for the operation of traditional and electronic toll
1731 collection facilities ~~along the U.S. 98 corridor.~~

1732 ~~(o)~~ ~~(p)~~ To do all acts and things necessary or convenient
1733 for the conduct of its business and the general welfare of the
1734 authority in order to carry out the powers granted to it by this
1735 part or any other law.

1736 ~~(p)~~ ~~(q)~~ To construct, operate, and maintain roads, bridges,
1737 avenues of access, thoroughfares, and boulevards and to
1738 construct, repair, replace, operate, install, and maintain
1739 electronic toll payment systems thereon, with all necessary and
1740 incidental powers to accomplish the foregoing.

1741 ~~(4)~~ ~~(5)~~ The authority does not have power at any time or in
1742 any manner to pledge the credit or taxing power of the state or
1743 any political subdivision or agency thereof, nor shall any of
1744 the authority's obligations be deemed to be obligations of the
1745 state or of any political subdivision or agency thereof, nor
1746 shall the state or any political subdivision or agency thereof,
1747 except the authority, be liable for the payment of the principal
1748 of or interest on such obligations.

1749 Section 51. Section 343.83, Florida Statutes, is amended to
1750 read:

1751 343.83 Improvements, bond financing authority.—Pursuant to
1752 s. 11(f), Art. VII of the State Constitution, the Legislature
1753 approves bond financing by the Northwest Florida Regional



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1754 Transportation Finance Corridor Authority for improvements to
1755 toll collection facilities, interchanges to the legislatively
1756 approved system, and any other facility appurtenant, necessary,
1757 or incidental to the approved system. Subject to terms and
1758 conditions of applicable revenue bond resolutions and covenants,
1759 such costs may be financed in whole or in part by revenue bonds
1760 issued pursuant to s. 343.835(1) (a) or (b) whether currently
1761 issued or issued in the future or by a combination of such
1762 bonds.

1763 Section 52. Subsections (2) and (3) of section 343.835,
1764 Florida Statutes, is amended to read:

1765 343.835 Bonds of the authority.—

1766 (2) Any such resolution or resolutions authorizing any
1767 bonds hereunder may contain provisions that are part of the
1768 contract with the holders of such bonds, as to:

1769 (a) The pledging of all or any part of the revenues, rates,
1770 fees, rentals, or other charges or receipts of the authority,
1771 ~~derived by the authority for the U.S. 98 corridor improvements.~~

1772 (b) The completion, improvement, operation, extension,
1773 maintenance, repair, or lease of the system, and the duties of
1774 the authority and others with reference thereto.

1775 (c) Limitations on the purposes to which the proceeds of
1776 the bonds, then or thereafter to be issued, or of any loan or
1777 grant by the United States or the state may be applied.

1778 (d) The fixing, charging, establishing, and collecting of
1779 rates, fees, rentals, or other charges for use of the services
1780 and facilities owned or provided ~~constructed~~ by the authority.

1781 (e) The setting aside of reserves or sinking funds or
1782 repair and replacement funds and the regulation and disposition



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1783 thereof.

1784 (f) Limitations on the issuance of additional bonds.

1785 (g) The terms and provisions of any lease-purchase
1786 agreement, deed of trust, or indenture securing the bonds or
1787 under which the same may be issued.

1788 (h) Any other or additional agreements with the holders of
1789 the bonds which the authority may deem desirable and proper.

1790 (3) The authority may employ fiscal agents as provided by
1791 this part or the State Board of Administration may, upon request
1792 of the authority, act as fiscal agent for the authority in the
1793 issuance of any bonds that are issued pursuant to this part, and
1794 the State Board of Administration may, upon request of the
1795 authority, take over the management, control, administration,
1796 custody, and payment of any or all debt services or funds or
1797 assets now or hereafter available for any bonds issued pursuant
1798 to this part. The authority may enter into any deeds of trust,
1799 indentures, or other agreements with its fiscal agent, or with
1800 any bank or trust company within or without the state, as
1801 security for such bonds and may, under such agreements, sign and
1802 pledge all or any of the revenues, rates, fees, rentals, or
1803 other charges or receipts of the authority. Such deed of trust,
1804 indenture, or other agreement may contain such provisions as are
1805 customary in such instruments or, as the authority authorizes,
1806 including, but without limitation, provisions as to:

1807 (a) The completion, improvement, operation, extension,
1808 maintenance, repair, and lease of the system ~~U.S. 98 corridor~~
1809 ~~improvements~~ and the duties of the authority and others with
1810 reference thereto.

1811 (b) The application of funds and the safeguarding of funds



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1812 on hand or on deposit.

1813 (c) The rights and remedies of the trustee and the holders
1814 of the bonds.

1815 (d) The terms and provisions of the bonds or the
1816 resolutions authorizing the issuance of the bonds.

1817 Section 53. Section 343.84, Florida Statutes, is amended to
1818 read:

1819 343.84 Department to construct, operate, and maintain
1820 facilities ~~may be appointed agent of authority for~~
1821 ~~construction.~~-

1822 (1) The department is the agent of ~~may be appointed by~~ the
1823 authority ~~as its agent~~ for the purpose of constructing
1824 improvements and extensions to the system and for the completion
1825 thereof. ~~In such event,~~ The authority shall provide the
1826 department with complete copies of all documents, agreements,
1827 resolutions, contracts, and instruments relating thereto, shall
1828 request the department to do such construction work, including
1829 the planning, surveying, and actual construction of the
1830 completion, extensions, and improvements to the system, and
1831 shall transfer to the credit of an account of the department in
1832 the treasury of the state the necessary funds therefor. The
1833 department shall proceed with such construction and use the
1834 funds for such purpose in the same manner that it is now
1835 authorized to use the funds otherwise provided by law for its
1836 use in construction of roads and bridges. The authority may
1837 alternatively, with the consent and approval of the department,
1838 elect to appoint a local agency certified by the department to
1839 administer federal aid projects in accordance with federal law
1840 as the authority's agent for the purpose of performing each



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1841 phase of a project.

1842 (2) Notwithstanding the provisions of subsection (1), the
1843 department is the agent of the authority for the purpose of
1844 operating and maintaining the system. The department shall
1845 operate and maintain the system, and the costs incurred by the
1846 department for operation and maintenance shall be reimbursed
1847 from revenues of the system. The appointment of the department
1848 as agent for the authority does not create an independent
1849 obligation of the department to operate and maintain the system.
1850 The authority shall remain obligated as principal to operate and
1851 maintain its system, and, except as otherwise provided by the
1852 lease-purchase agreement between the department and the Mid-Bay
1853 Bridge Authority in connection with its issuance of bonds, the
1854 authority's bondholders do not have an independent right to
1855 compel the department to operate and maintain any part of the
1856 authority's system.

1857 (3) The authority shall fix, alter, charge, establish, and
1858 collect tolls, rates, fees, rentals, and other charges for the
1859 authority's facilities, as otherwise provided in this part.

1860 Section 54. Subsection (1) of section 343.85, Florida
1861 Statutes, is amended to read:

1862 343.85 Acquisition of lands and property.—

1863 (1) For the purposes of this part, the Northwest Florida
1864 Regional Transportation Finance Corridor Authority may acquire
1865 private or public property and property rights, including rights
1866 of access, air, view, and light, by gift, devise, purchase, or
1867 condemnation by eminent domain proceedings, as the authority may
1868 deem necessary for any purpose of this part, including, but not
1869 limited to, any lands reasonably necessary for securing



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1870 applicable permits, areas necessary for management of access,
1871 borrow pits, drainage ditches, water retention areas, rest
1872 areas, replacement access for landowners whose access is
1873 impaired due to the construction of a facility, and replacement
1874 rights-of-way for relocated rail and utility facilities; for
1875 existing, proposed, or anticipated transportation facilities
1876 ~~within the U.S. 98 transportation corridor designated by the~~
1877 ~~authority~~; or for the purposes of screening, relocation,
1878 removal, or disposal of junkyards and scrap metal processing
1879 facilities. The authority may condemn any material and property
1880 necessary for such purposes.

1881 Section 55. Section 343.875, Florida Statutes, is repealed.

1882 Section 56. Subsection (3) of section 343.89, Florida
1883 Statutes, is amended to read:

1884 343.89 Complete and additional statutory authority.—

1885 (3) This part does not preclude the department from
1886 acquiring, holding, constructing, improving, maintaining,
1887 operating, or owning tolled or nontolled facilities funded and
1888 constructed from nonauthority sources that are part of the State
1889 Highway System within the geographical boundaries of the
1890 Northwest Florida Regional Transportation Finance ~~Corridor~~
1891 Authority.

1892 Section 57. Subsection (4) of section 343.922, Florida
1893 Statutes, is amended to read:

1894 343.922 Powers and duties.—

1895 (4) The authority may undertake projects or other
1896 improvements in the master plan in phases as particular projects
1897 or segments become feasible, as determined by the authority. The
1898 authority shall coordinate project planning, development, and



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1899 implementation with the applicable local governments. The
1900 authority's projects that are transportation oriented shall be
1901 consistent to the maximum extent feasible with the adopted local
1902 government comprehensive plans at the time they are funded for
1903 construction. Authority projects that are not transportation
1904 oriented and meet the definition of development pursuant to s.
1905 380.04 shall be consistent with the local comprehensive plans.
1906 In carrying out its purposes and powers, the authority may
1907 request funding and technical assistance from the department and
1908 appropriate federal and local agencies, including, but not
1909 limited to, state infrastructure bank loans, ~~advances from the~~
1910 ~~Toll Facilities Revolving Trust Fund,~~ and funding and technical
1911 assistance from any other source.

1912 Section 58. Chapter 345, Florida Statutes, consisting of
1913 sections 345.0001, 345.0002, 345.0003, 345.0004, 345.0005,
1914 345.0006, 345.0007, 345.0008, 345.0009, 345.0010, 345.0011,
1915 345.0012, 345.0013, 345.0014, 345.0015, and 345.0016, is created
1916 to read:

1917 345.0001 Short title.—This act may be cited as the "Florida
1918 Regional Transportation Finance Authority Act."

1919 345.0002 Definitions.—As used in this chapter, the term:

1920 (1) "Agency of the state" means the state and any
1921 department of, or any corporation, agency, or instrumentality
1922 heretofore or hereafter created, designated, or established by,
1923 the state.

1924 (2) "Area served" means the geographical area of the
1925 counties for which an authority is established.

1926 (3) "Authority" means a regional transportation finance
1927 authority, a body politic and corporate, and an agency of the



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1928 state, established pursuant to the Florida Regional
1929 Transportation Finance Authority Act.

1930 (4) "Bonds" means the notes, bonds, refunding bonds, or
1931 other evidences of indebtedness or obligations, in temporary or
1932 definitive form, which an authority may issue pursuant to this
1933 act.

1934 (5) "Department" means the Department of Transportation of
1935 Florida and any successor thereto.

1936 (6) "Division" means the Division of Bond Finance of the
1937 State Board of Administration.

1938 (7) "Federal agency" means the United States, the President
1939 of the United States, and any department of, or any bureau,
1940 corporation, agency, or instrumentality heretofore or hereafter
1941 created, designated, or established by, the United States.

1942 (8) "Members" means the governing body of an authority, and
1943 the term "member" means one of the individuals constituting such
1944 governing body.

1945 (9) "Regional system" or "system" means, generally, a
1946 modern tolled highway system of roads, bridges, causeways, and
1947 tunnels within any area of the authority, with access limited or
1948 unlimited as an authority may determine, and the buildings and
1949 structures and appurtenances and facilities related to the
1950 system, including all approaches, streets, roads, bridges, and
1951 avenues of access for the system.

1952 (10) "Revenues" means the tolls, revenues, rates, fees,
1953 charges, receipts, rentals, contributions, and other income
1954 derived from or in connection with the operation or ownership of
1955 a regional system, including the proceeds of any use and
1956 occupancy insurance on any portion of the system but excluding



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1957 state funds available to an authority and any other municipal or
1958 county funds available to an authority under an agreement with a
1959 municipality or county.

1960 345.0003 Regional transportation finance authority;
1961 formation; membership.-

1962 (1) A county, or two or more contiguous counties, may,
1963 after the approval of the Legislature, form a regional
1964 transportation finance authority for the purposes of financing,
1965 constructing, maintaining, and operating transportation projects
1966 in a region of this state. An authority shall be governed in
1967 accordance with the provisions of this chapter. An authority may
1968 not be created without the approval of the Legislature and the
1969 approval of the county commission of each county that will be a
1970 part of the authority. An authority may not be created to serve
1971 a particular area of this state as provided by this subsection
1972 if a regional transportation finance authority has been created
1973 and is operating within all or a portion of the same area served
1974 pursuant to an act of the Legislature. Each authority shall be
1975 the only authority created and operating pursuant to this
1976 chapter within the area served by the authority.

1977 (2) The governing body of an authority shall consist of a
1978 board of voting members as follows:

1979 (a) The county commission of each county in the area served
1980 by the authority shall each appoint a member who must be a
1981 resident of the county from which he or she is appointed. The
1982 county commission of each county with a total population of more
1983 than 250,000 shall appoint a second member who must be a
1984 resident of the county. If possible, the member must represent
1985 the business and civic interests of the community.



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1986 (b) The Governor shall appoint an equal number of members
1987 to the board as those appointed by the county commissions. The
1988 members appointed by the Governor must be residents of the area
1989 served by the authority.

1990 (c) The secretary of the Department of Transportation shall
1991 appoint one of the district secretaries, or his or her designee,
1992 for the districts within which the area served by the authority
1993 is located.

1994 (3) The term of office of each member shall be for 4 years
1995 or until his or her successor is appointed and qualified.

1996 (4) A member may not hold an elected office.

1997 (5) A vacancy occurring in the governing body before the
1998 expiration of the member's term shall be filled by the
1999 respective appointing authority in the same manner as the
2000 original appointment and only for the balance of the unexpired
2001 term.

2002 (6) Each member, before entering upon his or her official
2003 duties, must take and subscribe to an oath before an official
2004 authorized by law to administer oaths that he or she will
2005 honestly, faithfully, and impartially perform the duties
2006 devolving upon him or her in office as a member of the governing
2007 body of the authority and that he or she will not neglect any
2008 duties imposed upon him or her by this chapter.

2009 (7) A member of an authority may be removed from office by
2010 the Governor for misconduct, malfeasance, misfeasance, or
2011 nonfeasance in office.

2012 (8) The members of the authority shall designate one of its
2013 members as chair.

2014 (9) The members of the authority shall serve without



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2015 compensation, but shall be entitled to reimbursement for per
2016 diem and other expenses in accordance with s. 112.061 while in
2017 performance of their duties.

2018 (10) A majority of the members of the authority constitutes
2019 a quorum, and resolutions enacted or adopted by a vote of a
2020 majority of the members present and voting at any meeting become
2021 effective without publication, posting, or any further action of
2022 the authority.

2023 345.0004 Powers and duties.—

2024 (1) (a) An authority created and established, or governed,
2025 by the Florida Regional Transportation Finance Authority Act
2026 shall plan, develop, finance, construct, reconstruct, improve,
2027 own, operate, and maintain a regional system in the area served
2028 by the authority.

2029 (b) An authority may not exercise the powers in paragraph
2030 (a) with respect to an existing system for transporting people
2031 and goods by any means that is owned by another entity without
2032 the consent of that entity. If an authority acquires, purchases,
2033 or inherits an existing entity, the authority shall also inherit
2034 and assume all rights, assets, appropriations, privileges, and
2035 obligations of the existing entity.

2036 (2) Each authority may exercise all powers necessary,
2037 appurtenant, convenient, or incidental to the carrying out of
2038 the purposes of this section, including, but not limited to, the
2039 following rights and powers:

2040 (a) To sue and be sued, implead and be impleaded, and
2041 complain and defend in all courts in its own name.

2042 (b) To adopt and use a corporate seal.

2043 (c) To have the power of eminent domain, including the



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2044 procedural powers granted under chapters 73 and 74.

2045 (d) To acquire, purchase, hold, lease as a lessee, and use
2046 any property, real, personal, or mixed, tangible or intangible,
2047 or any interest therein, necessary or desirable for carrying out
2048 the purposes of the authority.

2049 (e) To sell, convey, exchange, lease, or otherwise dispose
2050 of any real or personal property acquired by the authority,
2051 which the authority and the department have determined is not
2052 needed for the construction, operation, and maintenance of the
2053 system, including air rights.

2054 (f) To fix, alter, charge, establish, and collect rates,
2055 fees, rentals, and other charges for the use of any system owned
2056 or operated by the authority, which rates, fees, rentals, and
2057 other charges must always be sufficient to comply with any
2058 covenants made with the holders of any bonds issued pursuant to
2059 this act; however, such right and power may be assigned or
2060 delegated by the authority to the department.

2061 (g) To borrow money, make and issue negotiable notes,
2062 bonds, refunding bonds, and other evidences of indebtedness or
2063 obligations, in temporary or definitive form, for the purpose of
2064 financing all or part of the improvement of the authority's
2065 system and appurtenant facilities, including the approaches,
2066 streets, roads, bridges, and avenues of access for the system
2067 and for any other purpose authorized by this chapter, the bonds
2068 to mature in not exceeding 30 years after the date of the
2069 issuance thereof, and to secure the payment of such bonds or any
2070 part thereof by a pledge of its revenues, rates, fees, rentals,
2071 or other charges, including municipal or county funds received
2072 by the authority pursuant to the terms of an agreement between



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2073 the authority and a municipality or county; and, in general, to
2074 provide for the security of the bonds and the rights and
2075 remedies of the holders of the bonds; however, municipal or
2076 county funds may not be pledged for the construction of a
2077 project for which a toll is to be charged unless the anticipated
2078 tolls are reasonably estimated by the governing board of the
2079 municipality or county, at the date of its resolution pledging
2080 said funds, to be sufficient to cover the principal and interest
2081 of such obligations during the period when the pledge of funds
2082 is in effect. An authority shall reimburse a municipality or
2083 county for sums expended from municipal or county funds used for
2084 the payment of the bond obligations.

2085 (h) To make contracts of every name and nature, including,
2086 but not limited to, partnerships providing for participation in
2087 ownership and revenues, and to execute each instrument necessary
2088 or convenient for the conduct of its business.

2089 (i) Without limitation of the foregoing, to cooperate with,
2090 accept grants from, and to enter into contracts or other
2091 transactions with any federal agency, the state, or any agency
2092 or any other public body of the state.

2093 (j) To employ an executive director, attorney, staff, and
2094 consultants. Upon the request of an authority, the department
2095 shall furnish the services of a department employee to act as
2096 the executive director of the authority.

2097 (k) To accept funds or other property from private
2098 donations.

2099 (l) To do all acts and things necessary or convenient for
2100 the conduct of its business and the general welfare of the
2101 authority, in order to carry out the powers granted to it by



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2102 this act or any other law.

2103 (3) An authority does not have the power at any time or in
2104 any manner to pledge the credit or taxing power of the state or
2105 any political subdivision or agency thereof. Obligations of the
2106 authority may not be deemed to be obligations of the state or of
2107 any other political subdivision or agency thereof. The state or
2108 any political subdivision or agency thereof, except the
2109 authority, is not liable for the payment of the principal of or
2110 interest on such obligations.

2111 (4) An authority has no power, other than by consent of the
2112 affected county or an affected municipality, to enter into an
2113 agreement that would legally prohibit the construction of a road
2114 by the county or the municipality.

2115 (5) An authority formed pursuant to this chapter shall
2116 comply with the statutory requirements of general application
2117 which relate to the filing of a report or documentation required
2118 by law, including the requirements of ss. 189.4085, 189.415,
2119 189.417, and 189.418.

2120 345.0005 Bonds.—

2121 (1) (a) Bonds may be issued on behalf of an authority
2122 pursuant to the State Bond Act.

2123 (b) An authority may also issue bonds in such principal
2124 amount as is necessary, in the opinion of the authority, to
2125 provide sufficient moneys for achieving its corporate purposes,
2126 including construction, reconstruction, improvement, extension,
2127 and repair of the system; the cost of acquisition of all real
2128 property; interest on bonds during construction and for a
2129 reasonable period thereafter, and establishment of reserves to
2130 secure bonds; and all other expenditures of the authority



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2131 incident to and necessary or convenient to carry out its
2132 corporate purposes and powers.

2133 (2) (a) Bonds issued by an authority pursuant to paragraph
2134 (1) (a) or paragraph (1) (b) must be authorized by resolution of
2135 the members of the authority and must bear such date or dates;
2136 mature at such time or times, not exceeding 30 years after their
2137 respective dates; bear interest at such rate or rates, not
2138 exceeding the maximum rate fixed by general law for authorities;
2139 be in such denominations; be in such form, either coupon or
2140 fully registered; carry such registration, exchangeability and
2141 interchangeability privileges; be payable in such medium of
2142 payment and at such place or places; be subject to such terms of
2143 redemption; and be entitled to such priorities of lien on the
2144 revenues and other available moneys as such resolution or any
2145 resolution subsequent to the bonds' issuance may provide. The
2146 bonds shall be executed either by manual or facsimile signature
2147 by such officers as the authority shall determine, provided that
2148 such bonds bear at least one signature that is manually executed
2149 thereon. The coupons attached to such bonds shall bear the
2150 facsimile signature or signatures of such officer or officers as
2151 designated by the authority. Such bonds shall have the seal of
2152 the authority affixed, imprinted, reproduced, or lithographed
2153 thereon.

2154 (b) Bonds issued pursuant to paragraph (1) (a) or paragraph
2155 (1) (b) must be sold at public sale in the same manner provided
2156 in the State Bond Act. Pending the preparation of definitive
2157 bonds, temporary bonds or interim certificates may be issued to
2158 the purchaser or purchasers of such bonds and may contain terms
2159 and conditions as the authority may determine.



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2160 (3) A resolution that authorizes any bonds may contain
2161 provisions that must be part of the contract with the holders of
2162 the bonds, as to:

2163 (a) The pledging of all or any part of the revenues,
2164 available municipal or county funds, or other charges or
2165 receipts of the authority derived from the regional system.

2166 (b) The construction, reconstruction, improvement,
2167 extension, repair, maintenance, and operation of the system, or
2168 any part or parts of the system, and the duties and obligations
2169 of the authority with reference thereto.

2170 (c) Limitations on the purposes to which the proceeds of
2171 the bonds, then or thereafter issued, or of any loan or grant by
2172 any federal agency or the state or any political subdivision of
2173 the state may be applied.

2174 (d) The fixing, charging, establishing, revising,
2175 increasing, reducing, and collecting of tolls, rates, fees,
2176 rentals, or other charges for use of the services and facilities
2177 of the system or any part of the system.

2178 (e) The setting aside of reserves or of sinking funds and
2179 the regulation and disposition of the reserves or sinking funds.

2180 (f) Limitations on the issuance of additional bonds.

2181 (g) The terms and provisions of any deed of trust or
2182 indenture securing the bonds, or under which the bonds may be
2183 issued.

2184 (h) Any other or additional matters, of like or different
2185 character, which in any way affect the security or protection of
2186 the bonds.

2187 (4) The authority may enter into any deeds of trust,
2188 indentures, or other agreements with any bank or trust company



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2189 within or without the state, as security for such bonds, and
2190 may, under such agreements, assign and pledge any of the
2191 revenues and other available moneys, including any available
2192 municipal or county funds, pursuant to the terms of this
2193 chapter. The deed of trust, indenture, or other agreement may
2194 contain provisions that are customary in such instruments or
2195 that the authority may authorize, including, but without
2196 limitation, provisions that:

2197 (a) Pledge any part of the revenues or other moneys
2198 lawfully available therefor.

2199 (b) Apply funds and safeguard funds on hand or on deposit.

2200 (c) Provide for the rights and remedies of the trustee and
2201 the holders of the bonds.

2202 (d) Provide for the terms and provisions of the bonds or
2203 for resolutions authorizing the issuance of the bonds.

2204 (e) Provide for any other or additional matters, of like or
2205 different character, which affect the security or protection of
2206 the bonds.

2207 (5) Any bonds issued pursuant to this act are negotiable
2208 instruments and have all the qualities and incidents of
2209 negotiable instruments under the law merchant and the negotiable
2210 instruments law of the state.

2211 (6) A resolution that authorizes the issuance of authority
2212 bonds and pledges the revenues of the system must require that
2213 revenues of the system be periodically deposited into
2214 appropriate accounts in such sums as are sufficient to pay the
2215 costs of operation and maintenance of the system for the current
2216 fiscal year as set forth in the annual budget of the authority
2217 and to reimburse the department for any unreimbursed costs of



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2218 operation and maintenance of the system from prior fiscal years
2219 before revenues of the system are deposited into accounts for
2220 the payment of interest or principal owing or that may become
2221 owing on such bonds.

2222 (7) State funds may not be used or pledged to pay the
2223 principal or interest of any authority bonds, and all such bonds
2224 must contain a statement on their face to this effect.

2225 345.0006 Remedies of bondholders.—

2226 (1) The rights and the remedies granted to authority
2227 bondholders under this chapter are in addition to and not in
2228 limitation of any rights and remedies lawfully granted to such
2229 bondholders by the resolution or indenture providing for the
2230 issuance of bonds, or by any deed of trust, indenture, or other
2231 agreement under which the bonds may be issued or secured. If an
2232 authority defaults in the payment of the principal of or
2233 interest on any of the bonds issued pursuant to this chapter
2234 after such principal of or interest on the bonds becomes due,
2235 whether at maturity or upon call for redemption, as provided in
2236 the resolution or indenture, and such default continues for 30
2237 days, or in the event that the authority fails or refuses to
2238 comply with the provisions of this chapter or any agreement made
2239 with, or for the benefit of, the holders of the bonds, the
2240 holders of 25 percent in aggregate principal amount of the bonds
2241 then outstanding shall be entitled as of right to the
2242 appointment of a trustee to represent such bondholders for the
2243 purposes of the default provided that the holders of 25 percent
2244 in aggregate principal amount of the bonds then outstanding
2245 first gave written notice of their intention to appoint a
2246 trustee, to the authority and to the department.



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2247 (2) The trustee, and any trustee under any deed of trust,
2248 indenture, or other agreement, may, and upon written request of
2249 the holders of 25 percent, or such other percentages specified
2250 in any deed of trust, indenture, or other agreement, in
2251 principal amount of the bonds then outstanding, shall, in any
2252 court of competent jurisdiction, in his, her, or its own name:

2253 (a) By mandamus or other suit, action, or proceeding at
2254 law, or in equity, enforce all rights of the bondholders,
2255 including the right to require the authority to fix, establish,
2256 maintain, collect, and charge rates, fees, rentals, and other
2257 charges, adequate to carry out any agreement as to, or pledge
2258 of, the revenues, and to require the authority to carry out any
2259 other covenants and agreements with or for the benefit of the
2260 bondholders, and to perform its and their duties under this
2261 chapter.

2262 (b) Bring suit upon the bonds.

2263 (c) By action or suit in equity, require the authority to
2264 account as if it were the trustee of an express trust for the
2265 bondholders.

2266 (d) By action or suit in equity, enjoin any acts or things
2267 that may be unlawful or in violation of the rights of the
2268 bondholders.

2269 (3) A trustee, if appointed pursuant to this section or
2270 acting under a deed of trust, indenture, or other agreement, and
2271 whether or not all bonds have been declared due and payable,
2272 shall be entitled as of right to the appointment of a receiver.
2273 The receiver may enter upon and take possession of the system or
2274 the facilities or any part or parts of the system, the revenues
2275 and other pledged moneys, for and on behalf of and in the name



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2276 of, the authority and the bondholders. The receiver may collect
2277 and receive all revenues and other pledged moneys in the same
2278 manner as the authority. The receiver shall deposit all such
2279 revenues and moneys in a separate account and apply all such
2280 revenues and moneys remaining after allowance for payment of all
2281 costs of operation and maintenance of the system in such manner
2282 as the court directs. In a suit, action, or proceeding by the
2283 trustee, the fees, counsel fees, and expenses of the trustee,
2284 and said receiver, if any, and all costs and disbursements
2285 allowed by the court must be a first charge on any revenues
2286 after payment of the costs of operation and maintenance of the
2287 system. The trustee also has all other powers necessary or
2288 appropriate for the exercise of any functions specifically set
2289 forth in this section or incident to the representation of the
2290 bondholders in the enforcement and protection of their rights.

2291 (4) This section or any other section of this chapter does
2292 not authorize a receiver appointed pursuant to this section for
2293 the purpose of operating and maintaining the system or any
2294 facilities or parts thereof to sell, assign, mortgage, or
2295 otherwise dispose of any of the assets belonging to the
2296 authority. The powers of the receiver are limited to the
2297 operation and maintenance of the system, or any facility or
2298 parts thereof and to the collection and application of revenues
2299 and other moneys due the authority, in the name and for and on
2300 behalf of the authority and the bondholders. A holder of bonds
2301 or any trustee does not have the right in any suit, action, or
2302 proceeding, at law or in equity, to compel a receiver, or a
2303 receiver may not be authorized or a court may not direct a
2304 receiver to, sell, assign, mortgage, or otherwise dispose of any



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2305 assets of whatever kind or character belonging to the authority.

2306 345.0007 Department to construct, operate, and maintain
2307 facilities.-

2308 (1) The department is the agent of each authority for the
2309 purpose of performing each phase of a project, including, but
2310 not limited to, constructing improvements and extensions to the
2311 system. The authority shall provide to the department complete
2312 copies of the documents, agreements, resolutions, contracts, and
2313 instruments that relate to the project and shall request that
2314 the department perform the construction work, including the
2315 planning, surveying, design, and actual construction of the
2316 completion, extensions, and improvements to the system. After
2317 the issuance of bonds to finance construction of an improvement
2318 or addition to the system, the authority shall transfer to the
2319 credit of an account of the department in the State Treasury the
2320 necessary funds for construction. The department shall proceed
2321 with construction and use the funds for the purpose authorized
2322 and as otherwise provided by law for construction of roads and
2323 bridges. An authority may alternatively, with the consent and
2324 approval of the department, elect to appoint a local agency
2325 certified by the department to administer federal aid projects
2326 in accordance with federal law as the authority's agent for the
2327 purpose of performing each phase of a project.

2328 (2) Notwithstanding the provisions of subsection (1), the
2329 department is the agent of each authority for the purpose of
2330 operating and maintaining the system. The department shall
2331 operate and maintain the system, and the costs incurred by the
2332 department for operation and maintenance shall be reimbursed
2333 from revenues of the system. The appointment of the department



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2334 as agent for each authority does not create an independent
2335 obligation of the department to operate and maintain a system.
2336 Each authority shall remain obligated as principal to operate
2337 and maintain its system, and an authority's bondholders do not
2338 have an independent right to compel the department to operate or
2339 maintain the authority's system.

2340 (3) Each authority shall fix, alter, charge, establish, and
2341 collect tolls, rates, fees, rentals, and other charges for the
2342 authority's facilities, as otherwise provided in this chapter.

2343 345.0008 Department contributions to authority projects.-

2344 (1) The department may agree with an authority to provide
2345 for or contribute to the payment of costs of financial or
2346 engineering and traffic feasibility studies and the design,
2347 financing, acquisition, or construction of an authority project
2348 or system included in the 10-year Strategic Intermodal Plan,
2349 subject to appropriation by the Legislature.

2350 (a) In the manner required by chapter 216, the department
2351 shall include any issue in its legislative budget request for
2352 funding the payment of costs of financial or engineering and
2353 traffic feasibility studies and the design, financing,
2354 acquisition, or construction of an authority project or system.
2355 The request for funding may be included as part of the 5-year
2356 Tentative Work Program; however, it will be decided upon
2357 separately as a distinct funding item for consideration by the
2358 Legislature. The department shall include a financial
2359 feasibility test to accompany such legislative budget request
2360 for consideration of funding any authority project.

2361 (b) As determined by the Legislature in the General
2362 Appropriations Act, funding provided for authority projects must



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2363 be appropriated in a specific fixed capital outlay appropriation
2364 category that clearly identifies the authority project.

2365 (c) The department may not request legislative approval of
2366 acquisition or construction of a proposed authority project
2367 unless the estimated net revenues of the proposed project will
2368 be sufficient to pay at least 50 percent of the annual debt
2369 service on the bonds associated with the project by the end of
2370 the 12th year of operation and to pay at least 100 percent of
2371 the debt service on the bonds by the end of the 30th year of
2372 operation.

2373 (2) The department may use its engineering and other
2374 personnel, including consulting engineers and traffic engineers,
2375 to conduct feasibility studies under subsection (1). The
2376 department may participate in authority-funded projects that, at
2377 a minimum:

2378 (a) Serve national, statewide, or regional functions and
2379 function as part of an integrated regional transportation
2380 system.

2381 (b) Are identified in the capital improvements element of a
2382 comprehensive plan that has been determined to be in compliance
2383 with part II of chapter 163. Further, the project must be in
2384 compliance with local government comprehensive plan policies
2385 relative to corridor management.

2386 (c) Are consistent with the Strategic Intermodal System
2387 Plan developed under s. 339.64.

2388 (d) Have a commitment for local, regional, or private
2389 financial matching funds as a percentage of the overall project
2390 cost.

2391 (3) Before approval, the department must determine that the



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2392 proposed project:
2393 (a) Is in the public's best interest;
2394 (b) Would not require state funds to be used unless the
2395 project is on the State Highway System;
2396 (c) Would have adequate safeguards in place to ensure that
2397 additional costs or service disruptions would not be realized by
2398 the traveling public and residents of the state in the event of
2399 default or cancellation of the agreement by the department; and
2400 (d) Would have adequate safeguards in place to ensure that
2401 the department and the regional transportation finance authority
2402 have the opportunity to add capacity to the proposed project and
2403 other transportation facilities serving similar origins and
2404 destinations.
2405 (4) An obligation or expense incurred by the department
2406 under this section is a part of the cost of the authority
2407 project for which the obligation or expense was incurred. The
2408 department may require money contributed by the department under
2409 this section to be repaid from tolls of the project on which the
2410 money was spent, other revenue of the authority, or other
2411 sources of funds.
2412 (5) The department shall receive from an authority a share
2413 of the authority's net revenues equal to the ratio of the
2414 department's total contributions to the authority under this
2415 section to the sum of: the department's total contributions
2416 under this section; contributions by any local government to the
2417 cost of revenue producing authority projects; and the sale
2418 proceeds of authority bonds after payment of costs of issuance.
2419 For the purpose of this subsection, net revenues are gross
2420 revenues of an authority after payment of debt service,



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2421 administrative expenses, operations and maintenance expenses,
2422 and all reserves required to be established under any resolution
2423 under which authority bonds are issued.

2424 345.0009 Acquisition of lands and property.-

2425 (1) For the purposes of this chapter, an authority may
2426 acquire private or public property and property rights,
2427 including rights of access, air, view, and light, by gift,
2428 devise, purchase, condemnation by eminent domain proceedings, or
2429 transfer from another political subdivision of the state, as the
2430 authority may deem necessary for any of the purposes of this
2431 chapter, including, but not limited to, any lands reasonably
2432 necessary for securing applicable permits, areas necessary for
2433 management of access, borrow pits, drainage ditches, water
2434 retention areas, rest areas, replacement access for landowners
2435 whose access is impaired due to the construction of a facility,
2436 and replacement rights-of-way for relocated rail and utility
2437 facilities; for existing, proposed, or anticipated
2438 transportation facilities on the system or in a transportation
2439 corridor designated by the authority; or for the purposes of
2440 screening, relocation, removal, or disposal of junkyards and
2441 scrap metal processing facilities. Each authority shall also
2442 have the power to condemn any material and property necessary
2443 for such purposes.

2444 (2) An authority shall exercise the right of eminent domain
2445 conferred under this section in the manner provided by law.

2446 (3) If an authority acquires property for a transportation
2447 facility or in a transportation corridor, it is not subject to
2448 any liability imposed by chapter 376 or chapter 403 for
2449 preexisting soil or groundwater contamination due solely to its



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2450 ownership. This section does not affect the rights or
2451 liabilities of any past or future owners of the acquired
2452 property or affect the liability of any governmental entity for
2453 the results of its actions which create or exacerbate a
2454 pollution source. An authority and the Department of
2455 Environmental Protection may enter into interagency agreements
2456 for the performance, funding, and reimbursement of the
2457 investigative and remedial acts necessary for property acquired
2458 by the authority.

2459 345.0010 Cooperation with other units, boards, agencies,
2460 and individuals.—A county, municipality, drainage district, road
2461 and bridge district, school district, or any other political
2462 subdivision, board, commission, or individual in, or of, the
2463 state may make and enter into a contract, lease, conveyance,
2464 partnership, or other agreement with an authority within the
2465 provisions and purposes of this chapter. Each authority may make
2466 and enter into contracts, leases, conveyances, partnerships, and
2467 other agreements with any political subdivision, agency, or
2468 instrumentality of the state and any federal agency,
2469 corporation, and individual, to carry out the purposes of this
2470 chapter.

2471 345.0011 Covenant of the state.—The state pledges to, and
2472 agrees with, any person, firm, or corporation, or federal or
2473 state agency subscribing to, or acquiring the bonds to be issued
2474 by an authority for the purposes of this chapter that the state
2475 will not limit or alter the rights vested by this chapter in the
2476 authority and the department until all bonds at any time issued,
2477 together with the interest thereon, are fully paid and
2478 discharged insofar as the rights vested in the authority and the



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2479 department affect the rights of the holders of bonds issued
2480 pursuant to this chapter. The state further pledges to, and
2481 agrees with, the United States that if a federal agency
2482 constructs or contributes any funds for the completion,
2483 extension, or improvement of the system, or any parts of the
2484 system, the state will not alter or limit the rights and powers
2485 of the authority and the department in any manner that is
2486 inconsistent with the continued maintenance and operation of the
2487 system or the completion, extension, or improvement of the
2488 system, or which would be inconsistent with the due performance
2489 of any agreements between the authority and any such federal
2490 agency, and the authority and the department shall continue to
2491 have and may exercise all powers granted in this section, so
2492 long as the powers are necessary or desirable to carry out the
2493 purposes of this chapter and the purposes of the United States
2494 in the completion, extension, or improvement of the system, or
2495 any part of the system.

2496 345.0012 Exemption from taxation.—The authority created
2497 under this chapter is for the benefit of the people of the
2498 state, for the increase of their commerce and prosperity, and
2499 for the improvement of their health and living conditions, and
2500 because the authority will be performing essential governmental
2501 functions pursuant to this chapter, the authority is not
2502 required to pay any taxes or assessments of any kind or nature
2503 whatsoever upon any property acquired or used by it for such
2504 purposes, or upon any rates, fees, rentals, receipts, income, or
2505 charges received by it, and the bonds issued by the authority,
2506 their transfer and the income from their issuance, including any
2507 profits made on the sale of the bonds, shall be free from



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2508 taxation by the state or by any political subdivision, taxing
2509 agency, or instrumentality of the state. The exemption granted
2510 by this section does not apply to any tax imposed by chapter 220
2511 on interest, income, or profits on debt obligations owned by
2512 corporations.

2513 345.0013 Eligibility for investments and security.—Any
2514 bonds or other obligations issued pursuant to this chapter are
2515 legal investments for banks, savings banks, trustees, executors,
2516 administrators, and all other fiduciaries, and for all state,
2517 municipal, and other public funds and are also securities
2518 eligible for deposit as security for all state, municipal, or
2519 other public funds, notwithstanding the provisions of any other
2520 law to the contrary.

2521 345.0014 Applicability.—

2522 (1) The powers conferred by this chapter are in addition to
2523 the powers conferred by other law and do not repeal the
2524 provisions of any other general or special law or local
2525 ordinance, but supplement such other laws in the exercise of the
2526 powers provided in this chapter, and provide a complete method
2527 for the exercise of the powers granted in this chapter. The
2528 extension and improvement of a system, and the issuance of bonds
2529 pursuant to this chapter to finance all or part of the cost
2530 thereof, may be accomplished upon compliance with the provisions
2531 of this chapter without regard to or necessity for compliance
2532 with the provisions, limitations, or restrictions contained in
2533 any other general, special, or local law, including, but not
2534 limited to, s. 215.821, and approval of any bonds issued under
2535 this act by the qualified electors or qualified electors who are
2536 freeholders in the state or in any political subdivision of the



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2537 state is not required for the issuance of such bonds pursuant to
2538 this chapter.

2539 (2) This act does not repeal, rescind, or modify any other
2540 law or laws relating to the State Board of Administration, the
2541 Department of Transportation, or the Division of Bond Finance of
2542 the State Board of Administration, but supersedes any other law
2543 that is inconsistent with the provisions of this chapter,
2544 including, but not limited to, s. 215.821.

2545 345.0015 Santa Rosa-Escambia Regional Transportation
2546 Finance Authority.-

2547 (1) There is hereby created and established a body politic
2548 and corporate, an agency of the state, to be known as the Santa
2549 Rosa-Escambia Regional Transportation Finance Authority,
2550 hereinafter referred to as the "authority."

2551 (2) The area served by the authority shall be Escambia and
2552 Santa Rosa Counties.

2553 (3) The purposes and powers of the authority are as
2554 identified in the Florida Regional Transportation Finance
2555 Authority Act for the area served by the authority, and the
2556 authority operates in the manner provided by the Florida
2557 Regional Transportation Finance Authority Act.

2558 345.0016 Suncoast Regional Transportation Finance
2559 Authority.-

2560 (1) There is hereby created and established a body politic
2561 and corporate, an agency of the state, to be known as the
2562 Suncoast Regional Transportation Finance Authority, hereinafter
2563 referred to as the "authority."

2564 (2) The area served by the authority shall be Citrus, Levy,
2565 Marion, and Alachua Counties.



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2566 (3) The purposes and powers of the authority are as
2567 identified in the Florida Regional Transportation Finance
2568 Authority Act for the area served by the authority, and the
2569 authority operates in the manner provided by the Florida
2570 Regional Transportation Finance Authority Act.

2571 Section 59. Transfer to the Northwest Florida Regional
2572 Transportation Finance Authority.—The governance and control of
2573 the Mid-Bay Bridge Authority System, created pursuant to chapter
2574 2000-411, Laws of Florida, is transferred to the Northwest
2575 Florida Regional Transportation Finance Authority.

2576 (1) The assets, facilities, tangible and intangible
2577 property and any rights in such property, and any other legal
2578 rights of the Mid-Bay Bridge Authority, including the bridge
2579 system operated by the authority, are transferred to the
2580 Northwest Florida Regional Transportation Finance Authority. All
2581 powers of the Mid-Bay Bridge Authority shall succeed to the
2582 Northwest Florida Regional Transportation Finance Authority, and
2583 the operations and maintenance of the bridge system shall be
2584 under the control of the Northwest Florida Regional
2585 Transportation Finance Authority, pursuant to this section.
2586 Revenues collected on the bridge system may be considered
2587 Northwest Florida Regional Transportation Finance Authority
2588 revenues, and the Mid-Bay Bridge may be considered part of the
2589 authority system, if bonds of the Mid-Bay Bridge Authority are
2590 not outstanding. The Northwest Florida Regional Transportation
2591 Finance Authority also assumes all liability for bonds of the
2592 Mid-Bay Bridge Authority pursuant to the provisions of
2593 subsection (2). The Northwest Florida Regional Transportation
2594 Finance Authority may review other contracts, financial



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2595 obligations, and contractual obligations and liabilities of the
2596 Mid-Bay Bridge Authority and may assume legal liability for the
2597 obligations that are determined to be necessary for the
2598 continued operation of the bridge system.

2599 (2) The transfer pursuant to this section is subject to the
2600 terms and covenants provided for the protection of the holders
2601 of the Mid-Bay Bridge Authority bonds in the lease-purchase
2602 agreement and the resolutions adopted in connection with the
2603 issuance of the bonds. Further, the transfer does not impair the
2604 terms of the contract between the Mid-Bay Bridge Authority and
2605 the bondholders, does not act to the detriment of the
2606 bondholders, and does not diminish the security for the bonds.
2607 After the transfer, until the bonds of the Mid-Bay Bridge
2608 Authority are fully defeased or paid in full, the department
2609 shall operate and maintain the bridge system and any other
2610 facilities of the authority in accordance with the terms,
2611 conditions, and covenants contained in the bond resolutions and
2612 lease-purchase agreement securing the bonds of the bridge
2613 authority. The Department of Transportation, as the agent of the
2614 Northwest Florida Regional Transportation Finance Authority,
2615 shall collect toll revenues and apply them to the payment of
2616 debt service as provided in the bond resolution securing the
2617 bonds. The Northwest Florida Regional Transportation Finance
2618 Authority shall expressly assume all obligations relating to the
2619 bonds to ensure that the transfer will have no adverse impact on
2620 the security for the bonds of the Mid-Bay Bridge Authority. The
2621 transfer does not make the obligation to pay the principal and
2622 interest on the bonds a general liability of the Northwest
2623 Florida Regional Transportation Finance Authority or pledge the



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2624 authority system revenues to payment of the Mid-Bay Bridge
2625 Authority bonds. Revenues that are generated by the bridge
2626 system and other facilities of the Mid-Bay Bridge Authority and
2627 that were pledged by the Mid-Bay Bridge Authority to the payment
2628 of the bonds remain subject to the pledge for the benefit of the
2629 bondholders. The transfer does not modify or eliminate any prior
2630 obligation of the Department of Transportation to pay certain
2631 costs of the bridge system from sources other than revenues of
2632 the bridge system. With regard to the bridge authority's current
2633 long-term debt of \$9.5 million due to the department as of June
2634 30, 2012, and to the extent permitted by the bond resolutions
2635 and lease-purchase agreement securing the bonds, the Northwest
2636 Florida Regional Transportation Finance Authority shall make
2637 payment annually to the State Transportation Trust Fund, for the
2638 purpose of repaying the Mid-Bay Bridge Authority's long-term
2639 debt due to the department, from any bridge system revenues
2640 obtained under this section which remain after the payment of
2641 the costs of operations, maintenance, renewal, and replacement
2642 of the bridge system; the payment of current debt service; and
2643 other payments required in relation to the bonds. The Northwest
2644 Florida Regional Transportation Finance Authority shall make the
2645 annual payments, not to exceed \$1 million per year, to the State
2646 Transportation Trust Fund until all remaining authority long-
2647 term debt due to the department has been repaid.

2648 (3) Any remaining toll revenue from the facilities of the
2649 Mid-Bay Bridge Authority collected by the Northwest Florida
2650 Regional Transportation Finance Authority after meeting the
2651 requirements of subsections (1) and (2) shall be used for the
2652 construction, maintenance, or improvement of any toll facility



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2653 of the Northwest Florida Regional Transportation Finance
2654 Authority within the county or counties in which the revenue was
2655 collected.

2656 Section 60. Section 348.751, Florida Statutes, is amended
2657 to read:

2658 348.751 Short title.—This part ~~shall be known and~~ may be
2659 cited as the "Central Florida Orlando-Orange County Expressway
2660 Authority Law."

2661 Section 61. Section 348.752, Florida Statutes, is amended
2662 to read:

2663 348.752 Definitions.—As used in this chapter ~~The following~~
2664 ~~terms, whenever used or referred to in this law, shall have the~~
2665 ~~following meanings, except in those instances where the context~~
2666 ~~clearly indicates otherwise:~~

2667 (1) The term "agency of the state" means ~~and includes~~ the
2668 state and any department of, or corporation, agency, or
2669 instrumentality ~~heretofore or hereafter~~ created, designated, or
2670 established by, the state.

2671 (2) The term "authority" means the body politic and
2672 corporate, and agency of the state created by this part.

2673 (3) The term "bonds" means ~~and includes~~ the notes, bonds,
2674 refunding bonds, or other evidences of indebtedness or
2675 obligations, in either temporary or definitive form, which the
2676 authority is authorized to issue pursuant to this part.

2677 (4) The term "Central Florida Expressway Authority" means
2678 the body politic and corporate, and agency of the state created
2679 by this chapter ~~The term "city" means the City of Orlando.~~

2680 (5) The term "Central Florida Expressway System" means any
2681 expressway and appurtenant facilities, including all approaches,



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2682 roads, bridges, and avenues for the expressway and any rapid
2683 transit, trams, or fixed guideways located within the right-of-
2684 way of an expressway ~~The term "county" means the County of~~
2685 ~~Orange.~~

2686 (6) The term "department" means the Department of
2687 Transportation ~~existing under chapters 334-339.~~

2688 (7) The term "expressway" has the same meaning ~~is the same~~
2689 as limited access expressway.

2690 (8) The term "federal agency" means and includes the United
2691 States, the President of the United States, and any department
2692 of, or corporation, agency, or instrumentality ~~heretofore or~~
2693 ~~hereafter~~ created, designated, or established by, the United
2694 States.

2695 (9) The term "lease-purchase agreement" means the lease-
2696 purchase agreements that ~~which~~ the authority is authorized
2697 ~~pursuant to this part~~ to enter into with the Department of
2698 Transportation pursuant to this part.

2699 (10) The term "limited access expressway" means a street or
2700 highway specifically ~~especially~~ designed for through traffic,
2701 and over, from, or to which, a ~~no~~ person does not ~~shall~~ have the
2702 right of easement, use, or access except in accordance with the
2703 rules of ~~and regulations promulgated and established by the~~
2704 authority governing its use ~~for the use of such facility.~~ Such
2705 highways or streets may be parkways that do not allow traffic
2706 by, ~~from which~~ trucks, buses, and other commercial vehicles
2707 ~~shall be excluded,~~ or they may be freeways open to use by all
2708 customary forms of street and highway traffic.

2709 (11) The term ~~"members"~~ means ~~the governing body of the~~
2710 ~~authority, and the term~~ "member" means an individual who serves



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2711 on the one of the individuals constituting such governing body
2712 of the authority.

2713 (12) The term "Orange County gasoline tax funds" means ~~all~~
2714 the revenue derived from the 80-percent surplus gasoline tax
2715 funds accruing in each year to the Department of Transportation
2716 for use in Orange County under ~~the provisions of~~ s. 9, Art. XII
2717 of the State Constitution, after deducting ~~deduction only of~~ any
2718 amounts of said gasoline tax funds previously ~~heretofore~~ pledged
2719 by the department or the county for outstanding obligations.

2720 ~~(13) The term "Orlando-Orange County Expressway System"~~
2721 ~~means any and all expressways and appurtenant facilities~~
2722 ~~thereto, including, but not limited to, all approaches, roads,~~
2723 ~~bridges, and avenues of access for said expressway or~~
2724 ~~expressways.~~

2725 (13) ~~(14)~~ The term "State Board of Administration" means the
2726 body corporate existing under the provisions of s. 9, Art. XII
2727 of the State Constitution, or any successor ~~thereto~~.

2728 (14) The term "transportation facilities" means and
2729 includes the mobile and fixed assets, and the associated real or
2730 personal property or rights, used in the transportation of
2731 persons or property by any means of conveyance, and all
2732 appurtenances, such as, but not limited to, highways; limited or
2733 controlled access lanes, avenues of access, and facilities;
2734 vehicles; fixed guideway facilities, including maintenance
2735 facilities; and administrative and other office space for the
2736 exercise by the authority of the powers and obligations granted
2737 in this part.

2738 ~~(15) Words importing singular number include the plural~~
2739 ~~number in each case and vice versa, and words importing persons~~



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2740 ~~include firms and corporations.~~

2741 Section 62. Section 348.753, Florida Statutes, is amended
2742 to read:

2743 348.753 Central Florida ~~Orlando-Orange County~~ Expressway
2744 Authority.-

2745 (1) There is ~~hereby~~ created and established a body politic
2746 and corporate, an agency of the state, to be known as the
2747 Central Florida ~~Orlando-Orange County~~ Expressway Authority. ~~7~~
2748 ~~hereinafter referred to as "authority."~~

2749 (2) (a) Effective July 1, 2014, the Central Florida
2750 Expressway Authority shall assume the governance and control of
2751 the Orlando-Orange County Expressway Authority System, including
2752 its assets, personnel, contracts, obligations, liabilities,
2753 facilities, and tangible and intangible property. Any rights in
2754 such property, and other legal rights of the authority, are
2755 transferred to the Central Florida Expressway Authority. The
2756 powers, responsibilities, and obligations of the Orlando-Orange
2757 County Expressway Authority shall succeed to and be assumed by
2758 the Central Florida Expressway Authority on July 1, 2014.

2759 (b) The transfer pursuant to this subsection is subject to
2760 the terms and covenants provided for the protection of the
2761 holders of the Orlando-Orange County Expressway Authority bonds
2762 in the lease-purchase agreement and the resolutions adopted in
2763 connection with the issuance of the bonds. Further, the transfer
2764 does not impair the terms of the contract between the Orlando-
2765 Orange County Expressway Authority and the bondholders, does not
2766 act to the detriment of the bondholders, and does not diminish
2767 the security for the bonds. After the transfer, the Central
2768 Florida Expressway Authority shall operate and maintain the



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2769 expressway system and any other facilities of the Orlando-Orange
2770 County Expressway Authority in accordance with the terms,
2771 conditions, and covenants contained in the bond resolutions and
2772 lease-purchase agreement securing the bonds of the authority.
2773 The Central Florida Expressway Authority shall collect toll
2774 revenues and apply them to the payment of debt service as
2775 provided in the bond resolution securing the bonds, and
2776 expressly assumes all obligations relating to the bonds to
2777 ensure that the transfer will have no adverse impact on the
2778 security for the bonds. The transfer does not make the
2779 obligation to pay the principal and interest on the bonds a
2780 general liability of the Central Florida Expressway Authority or
2781 pledge additional expressway system revenues to payment of the
2782 bonds. Revenues that are generated by the expressway system and
2783 other facilities of the Central Florida Expressway Authority
2784 which were pledged by the Orlando-Orange County Expressway
2785 Authority for payment of the bonds remains subject to the pledge
2786 for the benefit of the bondholders. The transfer does not modify
2787 or eliminate any prior obligation of the department to pay
2788 certain costs of the expressway system from sources other than
2789 revenues of the expressway system.

2790 (3)~~(2)~~ The governing body of the authority shall consist of
2791 11 ~~five~~ members. The chairs of the boards of the county
2792 commissions of Seminole, Lake, and Osceola Counties shall each
2793 appoint one member, who may be a commission member or chair. The
2794 Governor shall appoint six citizen members. Of the Governor's
2795 appointments, two ~~Three~~ members must ~~shall~~ be citizens of Orange
2796 County, one member each must be a citizen of Seminole, Lake, and
2797 Osceola Counties, and one member may be a citizen of any of the



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2798 identified counties ~~who shall be appointed by the Governor.~~ The
2799 10th fourth member must shall be, ~~ex officio,~~ the Mayor of chair
2800 of the County Commissioners of Orange County. The 11th member
2801 must be the Mayor of the City of Orlando. The executive director
2802 of Florida Turnpike Enterprise shall serve as a nonvoting
2803 advisor to the governing body of the authority, ~~and the fifth~~
2804 ~~member shall be, ex officio, the district secretary of the~~
2805 ~~Department of Transportation serving in the district that~~
2806 ~~contains Orange County.~~ The term of Each appointed member
2807 appointed by the Governor shall serve ~~be~~ for 4 years. Each
2808 county-appointed member shall serve for 2 years. Standing board
2809 members shall complete their terms. Each appointed member shall
2810 hold office until his or her successor has been appointed and
2811 has qualified. A vacancy occurring during a term must shall be
2812 filled only for the balance of the unexpired term. Each
2813 appointed member of the authority shall be a person of
2814 outstanding reputation for integrity, responsibility, and
2815 business ability, but, except as provided in this subsection, a
2816 ~~no~~ person who is an officer or employee of a municipality or any
2817 ~~city or of Orange county~~ may not in any other capacity shall be
2818 an appointed member of the authority. Any member of the
2819 authority is shall be eligible for reappointment.

2820 (4)(3)(a) The authority shall elect one of its members as
2821 chair of the authority. The authority shall also elect one of
2822 its members as vice chair, one of its members as a secretary,
2823 and one of its members as a treasurer ~~who may or may not be~~
2824 ~~members of the authority.~~ The chair, vice chair, secretary, and
2825 treasurer shall hold such offices at the will of the authority.
2826 Six Three members of the authority ~~shall~~ constitute a quorum,



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2827 and the vote of six ~~three~~ members is ~~shall be~~ necessary for any
2828 action taken by the authority. A ~~No~~ vacancy in the authority
2829 does not ~~shall~~ impair the right of a quorum of the authority to
2830 exercise all of the rights and perform all of the duties of the
2831 authority.

2832 (b) Upon the effective date of his or her appointment, or
2833 as soon thereafter as practicable, each appointed member of the
2834 authority shall enter upon his or her duties.

2835 (5) ~~(4)~~ (a) The authority may employ an executive secretary,
2836 an executive director, its own counsel and legal staff,
2837 technical experts, and the ~~such~~ engineers, ~~and such~~ employees
2838 that, permanent or temporary, as it requires. The authority may
2839 ~~require and~~ may determine the qualifications and fix the
2840 compensation of such persons, firms, or corporations, and may
2841 employ a fiscal agent or agents; ~~provided, however, that~~ the
2842 authority shall solicit sealed proposals from at least three
2843 persons, firms, or corporations for the performance of any
2844 services as fiscal agents. The authority may delegate to one or
2845 more of its agents or employees the ~~such of its~~ power ~~as it~~
2846 deems ~~shall deem~~ necessary to carry out the purposes of this
2847 part, ~~subject always to the supervision and control of the~~
2848 ~~authority.~~ Members of the authority may be removed from ~~their~~
2849 office by the Governor for misconduct, malfeasance, misfeasance,
2850 or nonfeasance in office.

2851 (b) Members of the authority are ~~shall be~~ entitled to
2852 receive from the authority their travel and other necessary
2853 expenses incurred in connection with the business of the
2854 authority as provided in s. 112.061, but may not ~~they shall~~ draw
2855 ~~no~~ salaries or other compensation.



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2856 Section 63. Section 348.754, Florida Statutes, is amended
2857 to read:

2858 348.754 Purposes and powers.—

2859 (1) (a) The authority created and established under ~~by the~~
2860 ~~provisions of this part~~ is ~~hereby~~ granted and has ~~shall~~ have the
2861 right to acquire, hold, construct, improve, maintain, operate,
2862 own, and lease in the capacity of lessor, the Central Florida
2863 ~~Orlando-Orange County~~ Expressway System, hereinafter referred to
2864 as "system." Except as otherwise specifically provided by law,
2865 including paragraph (2) (n), the area served by the authority
2866 shall be within the geographical boundaries of Orange, Seminole,
2867 Lake, and Osceola Counties.

2868 (b) ~~It is the express intention of this part that said~~
2869 ~~authority,~~ In the construction of the Central Florida said
2870 ~~Orlando-Orange County~~ Expressway System, the authority may ~~shall~~
2871 ~~be authorized to~~ construct any extensions, additions, or
2872 improvements to the said system or appurtenant facilities,
2873 including all necessary approaches, roads, bridges, ~~and~~ avenues
2874 of access, rapid transit, trams, fixed guideways, thoroughfares,
2875 and boulevards with any such changes, modifications, or
2876 revisions of the said project which are ~~as shall be~~ deemed
2877 desirable and proper.

2878 (c) Notwithstanding any provision of this part to the
2879 contrary, to ensure the continued financial feasibility of the
2880 portion of the Wekiva Parkway to be constructed by the
2881 department, the authority may not, without the prior consent of
2882 the secretary of the department, construct an extension,
2883 addition, or improvement to the expressway system in Lake
2884 County.



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2885 (2) The authority ~~is hereby granted, and shall have and~~ may
2886 exercise all powers necessary, appurtenant, convenient, or
2887 incidental to the implementation ~~carrying out~~ of the stated
2888 ~~aforsaid~~ purposes, including, but not ~~without being~~ limited to,
2889 the following rights and powers:

2890 (a) To sue and be sued, implead and be impleaded, complain
2891 and defend in all courts.

2892 (b) To adopt, use, and alter at will a corporate seal.

2893 (c) To acquire by donation or otherwise, purchase, hold,
2894 lease as lessee, and use any franchise or any, property, real,
2895 personal, ~~or~~ mixed, or tangible or intangible, or any options
2896 ~~thereof~~ in its own name or in conjunction with others, or
2897 interest in those options ~~therein~~, necessary or desirable to
2898 carry for ~~carrying~~ out the purposes of the authority, and to
2899 sell, lease as lessor, transfer, and dispose of any property or
2900 interest in the property ~~therein~~ at any time acquired by it.

2901 (d) To enter into and make leases for terms not exceeding
2902 99 ~~40~~ years, as ~~either~~ lessee or lessor, in order to carry out
2903 the right to lease as specified ~~set forth~~ in this part.

2904 (e) To enter into and make lease-purchase agreements with
2905 the department for terms not exceeding 40 years, or until any
2906 bonds secured by a pledge of rentals pursuant to the agreement
2907 ~~thereunder~~, and any refundings pursuant to the agreement
2908 ~~thereof~~, are fully paid as to both principal and interest,
2909 whichever is longer. The authority is a party to a lease-
2910 purchase agreement between the department and the authority
2911 dated December 23, 1985, as supplemented by a first supplement
2912 to the lease-purchase agreement dated November 25, 1986, and a
2913 second supplement to the lease-purchase agreement dated October



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2914 27, 1988. The authority may not enter into other lease-purchase
2915 agreements with the department and may not amend the existing
2916 agreement in a manner that expands or increases the department's
2917 obligations unless the department determines that the agreement
2918 or amendment is necessary to permit the refunding of bonds
2919 issued before July 1, 2012.

2920 (f) To fix, alter, charge, establish, and collect rates,
2921 fees, rentals, and other charges for the services and facilities
2922 of the Central Florida Orlando-Orange County Expressway System,
2923 which must rates, fees, rentals and other charges shall always
2924 be sufficient to comply with any covenants made with the holders
2925 of any bonds issued pursuant to this part; provided, however,
2926 that such right and power may be assigned or delegated, by the
2927 authority, to the department. Toll revenues attributable to an
2928 increase in the toll rates charged on or after July 1, 2014, for
2929 the use of a facility or portion of a facility may not be used
2930 to construct or expand a different facility unless a two-thirds
2931 majority of the members of the authority votes to approve such
2932 use. This requirement does not apply if, and to the extent that:

2933 1. Application of the requirement would violate any
2934 covenant established in a resolution or trust indenture under
2935 which bonds were issued by the Orlando-Orange County Expressway
2936 Authority on or before July 1, 2014; or

2937 2. Application of the requirement would cause the authority
2938 to be unable to meet its obligations under the terms of the
2939 memorandum of understanding between the authority and the
2940 department as ratified by the Orlando-Orange County Expressway
2941 Authority board on February 22, 2012.
2942



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2943 Notwithstanding s. 338.165, and except as otherwise
2944 prohibited by this part, to the extent revenues of the
2945 expressway system exceed amounts required to comply with any
2946 covenants made with the holders of bonds issued pursuant to this
2947 part, revenues may be used for purposes enumerated in subsection
2948 (6), if the expenditures are consistent with the metropolitan
2949 planning organization's adopted long-range plan.

2950 (g) To borrow money, make and issue negotiable notes,
2951 bonds, refunding bonds, and other evidences of indebtedness or
2952 obligations, either in temporary or definitive form, ~~hereinafter~~
2953 ~~in this chapter sometimes called "bonds" of the authority,~~ for
2954 the purpose of financing all or part of the improvement or
2955 extension of the Central Florida Orlando-Orange County
2956 Expressway System, and appurtenant facilities, including all
2957 approaches, streets, roads, bridges, and avenues of access for
2958 the Central Florida said Orlando-Orange County Expressway System
2959 and for any other purpose authorized by this part, ~~said bonds to~~
2960 ~~mature in not exceeding 40 years from the date of the issuance~~
2961 ~~thereof,~~ and to secure the payment of such bonds or any part
2962 thereof by a pledge of any or all of its revenues, rates, fees,
2963 rentals, or other charges, including all or any portion of the
2964 Orange County gasoline tax funds received by the authority
2965 pursuant to ~~the terms of~~ any lease-purchase agreement between
2966 the authority and the department; and in general to provide for
2967 the security of the said bonds and the rights and remedies of
2968 the holders thereof. ~~Provided, However, that~~ no portion of the
2969 Orange County gasoline tax funds may shall be pledged for the
2970 construction of any project for which a toll is to be charged
2971 unless the anticipated toll is ~~tolls are~~ reasonably estimated by



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2972 the board of county commissioners, at the date of its resolution
2973 pledging the said funds, to be sufficient to cover the principal
2974 and interest of such obligations during the period when the said
2975 pledge of funds is shall be in effect. The bonds issued under
2976 this paragraph must mature not more than 40 years after their
2977 issue date.

2978 1. The authority shall reimburse Orange County for any sums
2979 expended from the said gasoline tax funds used for the payment
2980 of such obligations. Any gasoline tax funds so disbursed must
2981 shall be repaid when the authority deems it practicable,
2982 together with interest at the highest rate applicable to any
2983 obligations of the authority.

2984 2. If, pursuant to this section, ~~In the event~~ the authority
2985 funds shall determine to fund or refunds refund any bonds
2986 previously theretofore issued by the said authority, ~~or the by~~
2987 said commission before the bonds mature as aforesaid prior to
2988 ~~the maturity thereof,~~ the proceeds of such funding or refunding
2989 must bonds shall, pending the prior redemption of these the
2990 bonds ~~to be funded or refunded,~~ be invested in direct
2991 obligations of the United States, ~~and it is the express~~
2992 ~~intention of this part that such outstanding bonds may be funded~~
2993 ~~or refunded by the issuance of bonds pursuant to this part.~~

2994 (h) To make contracts ~~of every name and nature,~~ including,
2995 but not limited to, partnerships providing for participation in
2996 ownership and revenues, and to execute all instruments necessary
2997 or convenient for conducting the carrying on of its business.

2998 (i) Notwithstanding paragraphs (a)-(h), ~~Without limitation~~
2999 ~~of the foregoing,~~ to borrow money and accept grants from, and to
3000 enter into contracts, leases, or other transactions with any



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3001 federal agency, the state, any agency of the state, the County
3002 of Orange, the City of Orlando, or with any other public body of
3003 the state.

3004 (j) To have the power of eminent domain, including the
3005 procedural powers granted under both chapters 73 and 74.

3006 (k) To pledge, hypothecate, or otherwise encumber ~~all or~~
3007 any part of the revenues, rates, fees, rentals, or other charges
3008 or receipts of the authority, including all or any portion of
3009 the Orange County gasoline tax funds received by the authority
3010 pursuant to the terms of any lease-purchase agreement between
3011 the authority and the department, as security for ~~all or~~ any of
3012 the obligations of the authority.

3013 (l) To enter into partnership and other agreements
3014 respecting ownership and revenue participation in order to
3015 facilitate financing and constructing the Western Beltway, or
3016 portions thereof.

3017 (m) To do everything ~~all acts and things~~ necessary or
3018 convenient for the conduct of its business and the general
3019 welfare of the authority, in order to comply with ~~carry out the~~
3020 ~~powers granted to it by~~ this part or any other law.

3021 (n) With the consent of the county within whose
3022 jurisdiction the following activities occur, the authority shall
3023 have the right to construct, operate, and maintain roads,
3024 bridges, avenues of access, transportation facilities,
3025 thoroughfares, and boulevards outside the jurisdictional
3026 boundaries of Orange, Seminole, Lake, and Osceola Counties
3027 ~~County,~~ together with the right to construct, repair, replace,
3028 operate, install, and maintain electronic toll payment systems
3029 thereon, ~~with all necessary and incidental powers to accomplish~~



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3030 ~~the foregoing.~~

3031 (3) The authority does not ~~shall~~ have the ~~no~~ power ~~at any~~
3032 ~~time or in any manner~~ to pledge the credit or taxing power of
3033 the state or any political subdivision or agency thereof,
3034 including any city and any county ~~the City of Orlando and the~~
3035 ~~County of Orange,~~ nor may ~~nor shall~~ any of the authority's
3036 obligations be deemed to be obligations of the state or of any
3037 political subdivision or agency thereof, nor may ~~nor shall~~ the
3038 state or any political subdivision or agency thereof, except the
3039 authority, be liable for the payment of the principal of or
3040 interest on such obligations.

3041 ~~(4) Anything in this part to the contrary notwithstanding,~~
3042 ~~acquisition of right-of-way for a project of the authority which~~
3043 ~~is within the boundaries of any municipality in Orange County~~
3044 ~~shall not be begun unless and until the route of said project~~
3045 ~~within said municipality has been given prior approval by the~~
3046 ~~governing body of said municipality.~~

3047 ~~(4)-(5)~~ The authority has ~~shall have~~ no power other than by
3048 consent of an affected ~~Orange~~ county or any affected city, to
3049 enter into any agreement which would legally prohibit the
3050 construction of a any road by the respective county or city
3051 ~~Orange County or by any city within Orange County.~~

3052 (5) The authority shall encourage the inclusion of local-,
3053 small-, minority-, and women-owned businesses in its procurement
3054 and contracting opportunities.

3055 ~~(6)-(a)~~ The authority may, within the right-of-way of the
3056 expressway system, finance or refinance the planning, design,
3057 acquisition, construction, extension, rehabilitation, equipping,
3058 preservation, maintenance, or improvement of an intermodal



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3059 facility or facilities, a multimodal corridor or corridors, or
3060 any programs or projects that will improve the levels of service
3061 on the expressway system ~~Notwithstanding s. 255.05, the Orlando-~~
3062 ~~Orange County Expressway Authority may waive payment and~~
3063 ~~performance bonds on construction contracts for the construction~~
3064 ~~of a public building, for the prosecution and completion of a~~
3065 ~~public work, or for repairs on a public building or public work~~
3066 ~~that has a cost of \$500,000 or less and when the project is~~
3067 ~~awarded pursuant to an economic development program for the~~
3068 ~~encouragement of local small businesses that has been adopted by~~
3069 ~~the governing body of the Orlando-Orange County Expressway~~
3070 ~~Authority pursuant to a resolution or policy.~~

3071 ~~(b) The authority's adopted criteria for participation in~~
3072 ~~the economic development program for local small businesses~~
3073 ~~requires that a participant:~~

3074 ~~1. Be an independent business.~~

3075 ~~2. Be principally domiciled in the Orange County Standard~~
3076 ~~Metropolitan Statistical Area.~~

3077 ~~3. Employ 25 or fewer full-time employees.~~

3078 ~~4. Have gross annual sales averaging \$3 million or less~~
3079 ~~over the immediately preceding 3 calendar years with regard to~~
3080 ~~any construction element of the program.~~

3081 ~~5. Be accepted as a participant in the Orlando-Orange~~
3082 ~~County Expressway Authority's microcontracts program or such~~
3083 ~~other small business program as may be hereinafter enacted by~~
3084 ~~the Orlando-Orange County Expressway Authority.~~

3085 ~~6. Participate in an educational curriculum or technical~~
3086 ~~assistance program for business development that will assist the~~
3087 ~~small business in becoming eligible for bonding.~~



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3088 ~~(c) The authority's adopted procedures for waiving payment~~
3089 ~~and performance bonds on projects with values not less than~~
3090 ~~\$200,000 and not exceeding \$500,000 shall provide that payment~~
3091 ~~and performance bonds may only be waived on projects that have~~
3092 ~~been set aside to be competitively bid on by participants in an~~
3093 ~~economic development program for local small businesses. The~~
3094 ~~authority's executive director or his or her designee shall~~
3095 ~~determine whether specific construction projects are suitable~~
3096 ~~for:~~

3097 ~~1. Bidding under the authority's microcontracts program by~~
3098 ~~registered local small businesses; and~~

3099 ~~2. Waiver of the payment and performance bond.~~

3100
3101 ~~The decision of the authority's executive director or~~
3102 ~~deputy executive director to waive the payment and performance~~
3103 ~~bond shall be based upon his or her investigation and conclusion~~
3104 ~~that there exists sufficient competition so that the authority~~
3105 ~~receives a fair price and does not undertake any unusual risk~~
3106 ~~with respect to such project.~~

3107 ~~(d) For any contract for which a payment and performance~~
3108 ~~bond has been waived pursuant to the authority set forth in this~~
3109 ~~section, the Orlando Orange County Expressway Authority shall~~
3110 ~~pay all persons defined in s. 713.01 who furnish labor,~~
3111 ~~services, or materials for the prosecution of the work provided~~
3112 ~~for in the contract to the same extent and upon the same~~
3113 ~~conditions that a surety on the payment bond under s. 255.05~~
3114 ~~would have been obligated to pay such persons if the payment and~~
3115 ~~performance bond had not been waived. The authority shall record~~
3116 ~~notice of this obligation in the manner and location that surety~~



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3117 ~~bonds are recorded. The notice shall include the information~~
3118 ~~describing the contract that s. 255.05(1) requires be stated on~~
3119 ~~the front page of the bond. Notwithstanding that s. 255.05(9)~~
3120 ~~generally applies when a performance and payment bond is~~
3121 ~~required, s. 255.05(9) shall apply under this subsection to any~~
3122 ~~contract on which performance or payment bonds are waived and~~
3123 ~~any claim to payment under this subsection shall be treated as a~~
3124 ~~contract claim pursuant to s. 255.05(9).~~

3125 ~~(e) A small business that has been the successful bidder on~~
3126 ~~six projects for which the payment and performance bond was~~
3127 ~~waived by the authority pursuant to paragraph (a) shall be~~
3128 ~~ineligible to bid on additional projects for which the payment~~
3129 ~~and performance bond is to be waived. The local small business~~
3130 ~~may continue to participate in other elements of the economic~~
3131 ~~development program for local small businesses as long as it is~~
3132 ~~eligible.~~

3133 ~~(f) The authority shall conduct bond eligibility training~~
3134 ~~for businesses qualifying for bond waiver under this subsection~~
3135 ~~to encourage and promote bond eligibility for such businesses.~~

3136 ~~(g) The authority shall prepare a biennial report on the~~
3137 ~~activities undertaken pursuant to this subsection to be~~
3138 ~~submitted to the Orange County legislative delegation. The~~
3139 ~~initial report shall be due December 31, 2010.~~

3140 Section 64. Section 348.7543, Florida Statutes, is amended
3141 to read:

3142 348.7543 Improvements, bond financing authority for.—
3143 Pursuant to s. 11(f), Art. VII of the State Constitution, the
3144 Legislature hereby approves for bond financing by the Central
3145 Florida Orlando-Orange County Expressway Authority improvements



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3146 to toll collection facilities, interchanges to the legislatively
3147 approved expressway system, and any other facility appurtenant,
3148 necessary, or incidental to the approved system. Subject to
3149 terms and conditions of applicable revenue bond resolutions and
3150 covenants, such costs may be financed in whole or in part by
3151 revenue bonds issued pursuant to s. 348.755(1)(a) or (b) whether
3152 currently issued or issued in the future, or by a combination of
3153 such bonds.

3154 Section 65. Section 348.7544, Florida Statutes, is amended
3155 to read:

3156 348.7544 Northwest Beltway Part A, construction authorized;
3157 financing.—Notwithstanding s. 338.2275, the Central Florida
3158 ~~Orlando-Orange County~~ Expressway Authority may ~~is hereby~~
3159 ~~authorized to~~ construct, finance, operate, own, and maintain
3160 that portion of the Western Beltway known as the Northwest
3161 Beltway Part A, extending from Florida's Turnpike near Ocoee
3162 north to U.S. 441 near Apopka, as part of the authority's 20-
3163 year capital projects plan. This project may be financed with
3164 any funds available to the authority for such purpose or revenue
3165 bonds issued by the Division of Bond Finance of the State Board
3166 of Administration on behalf of the authority pursuant to s. 11,
3167 Art. VII of the State Constitution and the State Bond Act, ss.
3168 215.57-215.83.

3169 Section 66. Section 348.7545, Florida Statutes, is amended
3170 to read:

3171 348.7545 Western Beltway Part C, construction authorized;
3172 financing.—Notwithstanding s. 338.2275, the Central Florida
3173 ~~Orlando-Orange County~~ Expressway Authority may ~~is authorized to~~
3174 exercise its condemnation powers, construct, finance, operate,



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3175 own, and maintain that portion of the Western Beltway known as
3176 the Western Beltway Part C, extending from Florida's Turnpike
3177 near Ocoee in Orange County southerly through Orange and Osceola
3178 Counties to an interchange with I-4 near the Osceola-Polk County
3179 line, as part of the authority's 20-year capital projects plan.
3180 This project may be financed with any funds available to the
3181 authority for such purpose or revenue bonds issued by the
3182 Division of Bond Finance of the State Board of Administration on
3183 behalf of the authority pursuant to s. 11, Art. VII of the State
3184 Constitution and the State Bond Act, ss. 215.57-215.83. This
3185 project may be refinanced with bonds issued by the authority
3186 pursuant to s. 348.755(1)(d).

3187 Section 67. Section 348.7546, Florida Statutes, is amended
3188 to read:

3189 348.7546 Wekiva Parkway, construction authorized;
3190 financing.—

3191 (1) The Central Florida ~~Orlando-Orange County~~ Expressway
3192 Authority may ~~is authorized to~~ exercise its condemnation powers
3193 and ~~to~~ construct, finance, operate, own, and maintain those
3194 portions of the Wekiva Parkway which are identified by agreement
3195 between the authority and the department and which are included
3196 as part of the authority's long-range capital improvement plan.
3197 The "Wekiva Parkway" means any limited access highway or
3198 expressway constructed between State Road 429 and Interstate 4
3199 specifically incorporating the corridor alignment recommended by
3200 Recommendation 2 of the Wekiva River Basin Area Task Force final
3201 report dated January 15, 2003, and the recommendations of the SR
3202 429 Working Group, which were adopted January 16, 2004. This
3203 project may be financed with any funds available to the



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3204 authority for such purpose or revenue bonds issued by the
3205 authority under s. 11, Art. VII of the State Constitution and s.
3206 348.755(1)(b). This section does not invalidate the exercise by
3207 the authority of its condemnation powers or the acquisition of
3208 any property for the Wekiva Parkway before July 1, 2012.

3209 (2) Notwithstanding any other provision of law ~~to the~~
3210 ~~contrary~~, in order to ensure that funds are available to the
3211 department for its portion of the Wekiva Parkway, beginning July
3212 1, 2012, the authority shall repay the expenditures by the
3213 department for costs of operation and maintenance of the Central
3214 Florida Orlando-Orange County Expressway System in accordance
3215 with the terms of the memorandum of understanding between the
3216 authority and the department as ratified by the authority board
3217 on February 22, 2012, which requires the authority to pay the
3218 department \$10 million on July 1, 2012, and \$20 million on each
3219 successive July 1 until the department has been fully reimbursed
3220 for all costs of the Central Florida Orlando-Orange County
3221 Expressway System which were paid, advanced, or reimbursed to
3222 the authority by the department, with a final payment in the
3223 amount of the balance remaining. Notwithstanding any other law
3224 ~~to the contrary~~, the funds paid to the department pursuant to
3225 this subsection must ~~shall~~ be allocated by the department for
3226 construction of the Wekiva Parkway.

3227 (3) The department's obligation to construct its portions
3228 of the Wekiva Parkway is contingent upon the timely payment by
3229 the authority of the annual payments required of the authority
3230 and receipt of all required environmental permits and approvals
3231 by the Federal Government.

3232 Section 68. Section 348.7547, Florida Statutes, is amended



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3233 to read:

3234 348.7547 Maitland Boulevard Extension and Northwest Beltway
3235 Part A Realignment construction authorized; financing.—
3236 Notwithstanding s. 338.2275, the Central Florida ~~Orlando-Orange~~
3237 ~~County~~ Expressway Authority may ~~is hereby authorized to~~ exercise
3238 its condemnation powers, construct, finance, operate, own, and
3239 maintain the portion of State Road 414 known as the Maitland
3240 Boulevard Extension and the realigned portion of the Northwest
3241 Beltway Part A as part of the authority's long-range capital
3242 improvement plan. The Maitland Boulevard Extension extends ~~will~~
3243 ~~extend~~ from the current terminus of State Road 414 at U.S. 441
3244 west to State Road 429 in west Orange County. The realigned
3245 portion of the Northwest Beltway Part A runs ~~will run~~ from the
3246 point at or near where the Maitland Boulevard Extension connects
3247 ~~will connect~~ with State Road 429 and proceeds ~~will proceed~~ to
3248 the west and then north resulting in the northern terminus of
3249 State Road 429 moving farther west before reconnecting with U.S.
3250 441. However, under no circumstances may ~~shall~~ the realignment
3251 of the Northwest Beltway Part A conflict with or contradict ~~with~~
3252 the alignment of the Wekiva Parkway as defined in s. 348.7546.
3253 This project may be financed with any funds available to the
3254 authority for such purpose or revenue bonds issued by the
3255 authority under s. 11, Art. VII of the State Constitution and s.
3256 348.755(1)(b).

3257 Section 69. Subsections (2) and (3) of section 348.755,
3258 Florida Statutes, are amended to read:

3259 348.755 Bonds of the authority.—

3260 (2) Any ~~such~~ resolution that authorizes ~~or resolutions~~
3261 ~~authorizing~~ any bonds issued under this section hereunder may



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3262 contain provisions that must ~~which shall~~ be part of the contract
3263 with the holders of such bonds, relating as to:

3264 (a) The pledging of ~~all or~~ any part of the revenues, rates,
3265 fees, rentals, ~~(including all or~~ any portion of the Orange
3266 County gasoline tax funds received by the authority pursuant to
3267 the terms of any lease-purchase agreement between the authority
3268 and the department, or any part thereof), or other charges or
3269 receipts of the authority, derived by the authority, from the
3270 Central Florida Orlando-Orange County Expressway System.

3271 (b) The completion, improvement, operation, extension,
3272 maintenance, repair, lease or lease-purchase agreement of the
3273 ~~said~~ system, and the duties of the authority and others,
3274 including the department, ~~with reference thereto~~.

3275 (c) Limitations on the purposes to which the proceeds of
3276 the bonds, then or thereafter to be issued, or of any loan or
3277 grant by the United States or the state may be applied.

3278 (d) The fixing, charging, establishing, and collecting of
3279 rates, fees, rentals, or other charges for use of the services
3280 and facilities of the Central Florida Orlando-Orange County
3281 Expressway System or any part thereof.

3282 (e) The setting aside of reserves or sinking funds or
3283 repair and replacement funds and the regulation and disposition
3284 thereof.

3285 (f) Limitations on the issuance of additional bonds.

3286 (g) The terms and provisions of any lease-purchase
3287 agreement, deed of trust or indenture securing the bonds, or
3288 under which the same may be issued.

3289 (h) Any other or additional agreements with the holders of
3290 the bonds which the authority may deem desirable and proper.



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3291 (3) The authority may employ fiscal agents as provided by
3292 this part or the State Board of Administration of Florida may
3293 upon request of the authority act as fiscal agent for the
3294 authority in the issuance of any bonds that ~~which~~ may be issued
3295 pursuant to this part, and the State Board of Administration may
3296 upon request of the authority take over the management, control,
3297 administration, custody, and payment of any ~~or all~~ debt services
3298 or funds or assets now or hereafter available for any bonds
3299 issued pursuant to this part. The authority may enter into any
3300 deeds of trust, indentures or other agreements with its fiscal
3301 agent, or with any bank or trust company within or without the
3302 state, as security for such bonds, and may, under such
3303 agreements, sign and pledge ~~all or~~ any of the revenues, rates,
3304 fees, rentals or other charges or receipts of the authority,
3305 including ~~all or~~ any portion of the Orange County gasoline tax
3306 funds received by the authority pursuant to the terms of any
3307 lease-purchase agreement between the authority and the
3308 department, ~~thereunder~~. Such deed of trust, indenture, or other
3309 agreement may contain such provisions as are customary in such
3310 instruments, or, as the authority may authorize, including but
3311 without limitation, provisions as to:

3312 (a) The completion, improvement, operation, extension,
3313 maintenance, repair, and lease of, or lease-purchase agreement
3314 relating to the Central Florida ~~Orlando-Orange County~~ Expressway
3315 System, and the duties of the authority and others including the
3316 department, with reference thereto.

3317 (b) The application of funds and the safeguarding of funds
3318 on hand or on deposit.

3319 (c) The rights and remedies of the trustee and the holders



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3320 of the bonds.

3321 (d) The terms and provisions of the bonds or the
3322 resolutions authorizing the issuance of same.

3323 Section 70. Subsections (3) and (4) of section 348.756,
3324 Florida Statutes, are amended to read:

3325 348.756 Remedies of the bondholders.-

3326 (3) When a trustee is when appointed pursuant to
3327 subsection (1) as aforesaid, or is acting under a deed of trust,
3328 indenture, or other agreement, and whether or not all bonds have
3329 been declared due and payable, the trustee is shall be entitled
3330 as of right to the appointment of a receiver, who may enter upon
3331 and take possession of the Central Florida Orlando-Orange County
3332 Expressway System or the facilities or any part of the system or
3333 facilities or parts thereof, the rates, fees, rentals, or other
3334 revenues, charges, or receipts that from which are, or may be,
3335 applicable to the payment of the bonds so in default, and
3336 subject to and in compliance with the provisions of any lease-
3337 purchase agreement between the authority and the department
3338 operate and maintain the same, for and on behalf of and in the
3339 name of, the authority, the department, and the bondholders, and
3340 collect and receive all rates, fees, rentals, and other charges
3341 or receipts or revenues arising therefrom in the same manner as
3342 the authority or the department might do, and shall deposit all
3343 such moneys in a separate account and apply the same in such
3344 manner as the court directs shall direct. In any suit, action,
3345 or proceeding by the trustee, the fees, counsel fees, and
3346 expenses of the trustee, and the said receiver, if any, and all
3347 costs and disbursements allowed by the court must shall be a
3348 first charge on any rates, fees, rentals, or other charges,



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3349 revenues, or receipts, derived from the Central Florida Orlando-
3350 Orange County Expressway System, or the facilities or services
3351 or any part of the system or facilities ~~or parts thereof~~,
3352 including payments under any such lease-purchase agreement ~~as~~
3353 ~~aforsaid~~ which ~~said~~ rates, fees, rentals, or other charges,
3354 revenues, or receipts ~~shall or~~ may be applicable to the payment
3355 of the bonds that are ~~so~~ in default. The ~~Such~~ trustee has ~~shall~~,
3356 ~~in addition to the foregoing, have and possess~~ all of the powers
3357 necessary or appropriate for the exercise of any functions
3358 specifically set forth in this section ~~herein~~ or incident to the
3359 representation of the bondholders in the enforcement and
3360 protection of their rights.

3361 (4) ~~Nothing in~~ This section or any other section of this
3362 part does not ~~shall~~ authorize any receiver appointed pursuant
3363 ~~hereto~~ for the purpose, subject to and in compliance with the
3364 provisions of any lease-purchase agreement between the authority
3365 and the department, of operating and maintaining the Central
3366 Florida Orlando-Orange County Expressway System or any
3367 facilities or part of the system or facilities ~~or parts thereof~~,
3368 to sell, assign, mortgage, or otherwise dispose of any of the
3369 assets of whatever kind and character belonging to the
3370 authority. ~~It is the intention of this part to limit~~ The powers
3371 of the ~~such~~ receiver, subject to and in compliance with the
3372 provisions of any lease-purchase agreement between the authority
3373 and the department, are limited to the operation and maintenance
3374 of the Central Florida Orlando-Orange County Expressway System,
3375 or any facility, or part ~~or parts~~ thereof, as the court may
3376 direct, in the name and for and on behalf of the authority, the
3377 department, and the bondholders, and no holder of bonds on the



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3378 authority nor any trustee, has ~~shall ever have~~ the right in any
3379 suit, action, or proceeding at law or in equity, to compel a
3380 receiver, nor may ~~shall~~ any receiver be authorized or any court
3381 be empowered to direct the receiver to sell, assign, mortgage,
3382 or otherwise dispose of any assets ~~of whatever kind or character~~
3383 belonging to the authority.

3384 Section 71. Subsections (1) through (7) of section 348.757,
3385 Florida Statutes, are amended to read:

3386 348.757 Lease-purchase agreement.—

3387 (1) ~~In order to effectuate the purposes of this part and as~~
3388 ~~authorized by this part,~~ The authority may enter into a lease-
3389 purchase agreement with the department relating to and covering
3390 the former Orlando-Orange County Expressway System.

3391 (2) The ~~Such~~ lease-purchase agreement must ~~shall~~ provide
3392 for the leasing of the former Orlando-Orange County Expressway
3393 System, by the authority, as lessor, to the department, as
3394 lessee, must ~~shall~~ prescribe the term of such lease and the
3395 rentals to be paid ~~thereunder~~, and must ~~shall~~ provide that upon
3396 the completion of the faithful performance ~~thereunder~~ and the
3397 termination of the ~~such~~ lease-purchase agreement, title in fee
3398 simple absolute to the former Orlando-Orange County Expressway
3399 System as then constituted shall be transferred in accordance
3400 with law by the authority, to the state and the authority shall
3401 deliver to the department such deeds and conveyances as shall be
3402 necessary or convenient to vest title in fee simple absolute in
3403 the state.

3404 (3) The ~~Such~~ lease-purchase agreement may include ~~such~~
3405 other provisions, agreements, and covenants that ~~as~~ the
3406 authority and the department deem advisable or required,



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3407 including, but not limited to, provisions as to the bonds to be
3408 issued under, and for the purposes of, this part, the
3409 completion, extension, improvement, operation, and maintenance
3410 of the former Orlando-Orange County Expressway System and the
3411 expenses and the cost of operation of the ~~said~~ authority, the
3412 charging and collection of tolls, rates, fees, and other charges
3413 for the use of the services and facilities of the system
3414 ~~thereof~~, the application of federal or state grants or aid that
3415 ~~which~~ may be made or given to assist the authority in the
3416 completion, extension, improvement, operation, and maintenance
3417 of the former Orlando-Orange County ~~Orlando~~ Expressway System,
3418 which the authority is ~~hereby~~ authorized to accept and apply to
3419 such purposes, the enforcement of payment and collection of
3420 rentals and any other terms, provisions, or covenants necessary,
3421 incidental, or appurtenant to the making of and full performance
3422 under the ~~such~~ lease-purchase agreement.

3423 (4) The department as lessee under the ~~such~~ lease-purchase
3424 agreement, may ~~is hereby authorized to pay as rentals under the~~
3425 agreement thereunder any rates, fees, charges, funds, moneys,
3426 receipts, or income accruing to the department from the
3427 operation of the former Orlando-Orange County Expressway System
3428 and the Orange County gasoline tax funds and may also pay as
3429 rentals any appropriations received by the department pursuant
3430 to any act of the Legislature of the state heretofore or
3431 hereafter enacted; ~~provided~~, however, this part or the ~~that~~
3432 ~~nothing herein nor in such~~ lease-purchase agreement is not
3433 intended to and does not ~~nor shall this part or such lease-~~
3434 ~~purchase agreement~~ require the making or continuance of such
3435 appropriations, and ~~nor shall~~ any holder of bonds issued



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3436 pursuant to this part does not ~~ever~~ have any right to compel the
3437 making or continuance of such appropriations.

3438 (5) A ~~No~~ pledge of the said Orange County gasoline tax
3439 funds as rentals under a ~~such~~ lease-purchase agreement may not
3440 ~~shall~~ be made without the consent of the County of Orange
3441 evidenced by a resolution duly adopted by the board of county
3442 commissioners of said county at a public hearing held pursuant
3443 to due notice thereof published at least once a week for 3
3444 consecutive weeks before the hearing in a newspaper of general
3445 circulation in Orange County. The ~~Said~~ resolution, among other
3446 things, must ~~shall~~ provide that any excess of the said pledged
3447 gasoline tax funds which is not required for debt service or
3448 reserves for the ~~such~~ debt service for any bonds issued by the
3449 ~~said~~ authority shall be returned annually to the department for
3450 distribution to Orange County as provided by law. Before making
3451 any application for a ~~such~~ pledge of gasoline tax funds, the
3452 authority shall present the plan of its proposed project to the
3453 Orange County planning and zoning commission for its comments
3454 and recommendations.

3455 (6) The ~~Said~~ department may ~~shall have power to~~ covenant in
3456 any lease-purchase agreement that it will pay all or any part of
3457 the cost of the operation, maintenance, repair, renewal, and
3458 replacement of the said system, and any part of the cost of
3459 completing the said system to the extent that the proceeds of
3460 bonds issued ~~therefor~~ are insufficient, from sources other than
3461 the revenues derived from the operation of the said system and
3462 the said Orange County gasoline tax funds. The ~~said~~ department
3463 may also agree to make such other payments from any moneys
3464 available to the said commission, the said county, or the said



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3465 city in connection with the construction or completion of the
3466 ~~said~~ system as shall be deemed by the ~~said~~ department to be fair
3467 and proper under any ~~such~~ covenants ~~heretofore or hereafter~~
3468 entered into.

3469 (7) The ~~said~~ system must ~~shall~~ be a part of the state road
3470 system and the ~~said~~ department may ~~is hereby authorized,~~ upon
3471 the request of the authority, ~~to~~ expend out of any funds
3472 available for the purpose the ~~such~~ moneys, and ~~to~~ use ~~such of~~
3473 its engineering and other forces, as may be necessary ~~and~~
3474 ~~desirable in the judgment of said department,~~ for the operation
3475 of the ~~said~~ authority and for traffic surveys, borings, surveys,
3476 preparation of plans and specifications, estimates of cost, and
3477 other preliminary engineering and other studies; provided,
3478 however, that the aggregate amount of moneys expended for the
3479 ~~said~~ purposes by the ~~said~~ department do ~~shall~~ not exceed the sum
3480 of \$375,000.

3481 Section 72. Section 348.758, Florida Statutes, is amended
3482 to read:

3483 348.758 Appointment of department as ~~may be appointed~~ agent
3484 of authority for construction.—The department may be appointed
3485 by the ~~said~~ authority as its agent for the purpose of
3486 constructing improvements and extensions to the Central Florida
3487 ~~Orlando-Orange County~~ Expressway System and for its ~~the~~
3488 completion ~~thereof~~. In such event, the authority shall provide
3489 the department with complete copies of all documents,
3490 agreements, resolutions, contracts, and instruments relating
3491 thereto and shall request the department to do such construction
3492 work, including the planning, surveying, and actual construction
3493 of the completion, extensions, and improvements to the Central



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3494 Florida ~~Orlando-Orange County~~ Expressway System and shall
3495 transfer to the credit of an account of the department in the
3496 State Treasury ~~of the state~~ the necessary funds, ~~therefor~~ and
3497 the department ~~may shall thereupon be authorized, empowered and~~
3498 ~~directed to~~ proceed with such construction and ~~to~~ use the ~~said~~
3499 funds for such purpose in the same manner that it is ~~now~~
3500 authorized to use the funds ~~otherwise provided by law~~ for the
3501 ~~its use in~~ construction of roads and bridges.

3502 Section 73. Section 348.759, Florida Statutes, is amended
3503 to read:

3504 348.759 Acquisition of lands and property.-

3505 (1) For the purposes of this part, the Central Florida
3506 ~~Orlando-Orange County~~ Expressway Authority may acquire private
3507 or public property and property rights, including rights of
3508 access, air, view, and light, by gift, devise, purchase, or
3509 condemnation by eminent domain proceedings, as the authority
3510 deems ~~may deem~~ necessary for any of the purposes of this part,
3511 including, but not limited to, any lands reasonably necessary
3512 for securing applicable permits, areas necessary for management
3513 of access, borrow pits, drainage ditches, water retention areas,
3514 rest areas, replacement access for landowners whose access is
3515 impaired due to the construction of a facility, and replacement
3516 rights-of-way for relocated rail and utility facilities; for
3517 existing, proposed, or anticipated transportation facilities on
3518 the Central Florida ~~Orlando-Orange County~~ Expressway System or
3519 in a transportation corridor designated by the authority; or for
3520 the purposes of screening, relocation, removal, or disposal of
3521 junkyards and scrap metal processing facilities. The authority
3522 may ~~shall also have the power to~~ condemn any material and



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3523 property necessary for such purposes.

3524 (2) The ~~right of eminent domain herein conferred shall be~~
3525 ~~exercised by the~~ authority shall exercise the right of eminent
3526 domain in the manner provided by law.

3527 (3) When the authority acquires property for a
3528 transportation facility or in a transportation corridor, it is
3529 not subject to any liability imposed by chapter 376 or chapter
3530 403 for preexisting soil or groundwater contamination due solely
3531 to its ownership. This section does not affect the rights or
3532 liabilities of any past or future owners of the acquired
3533 property and ~~nor~~ does not ~~it~~ affect the liability of any
3534 governmental entity for the results of its actions which create
3535 or exacerbate a pollution source. The authority and the
3536 Department of Environmental Protection may enter into
3537 interagency agreements for the performance, funding, and
3538 reimbursement of the investigative and remedial acts necessary
3539 for property acquired by the authority.

3540 Section 74. Section 348.760, Florida Statutes, is amended
3541 to read:

3542 348.760 Cooperation with other units, boards, agencies, and
3543 individuals. ~~A Express authority and power is hereby given and~~
3544 ~~granted any~~ county, municipality, drainage district, road and
3545 bridge district, school district or any other political
3546 subdivision, board, commission, or individual in, or of, the
3547 state may ~~to~~ make and enter into with the authority, contracts,
3548 leases, conveyances, partnerships, or other agreements pursuant
3549 to ~~within the provisions and purposes of~~ this part. The
3550 authority may ~~is hereby expressly authorized to~~ make and enter
3551 into contracts, leases, conveyances, partnerships, and other



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3552 agreements with any political subdivision, agency, or
3553 instrumentality of the state and any ~~and all~~ federal agencies,
3554 corporations, and individuals, for the purpose of carrying out
3555 the provisions of this part ~~or with the consent of the Seminole~~
3556 ~~County Expressway Authority, for the purpose of carrying out and~~
3557 ~~implementing part VIII of this chapter.~~

3558 Section 75. Section 348.761, Florida Statutes, is amended
3559 to read:

3560 348.761 Covenant of the state.—The state pledges ~~does~~
3561 ~~hereby pledge~~ to, and agrees, with any person, firm or
3562 corporation, or federal or state agency subscribing to, or
3563 acquiring the bonds to be issued by the authority for the
3564 purposes of this part that the state will not limit or alter the
3565 rights that are hereby vested in the authority and the
3566 department until all issued bonds and interest ~~at any time~~
3567 ~~issued, together with the interest thereon,~~ are fully paid and
3568 discharged insofar as the pledge ~~same~~ affects the rights of the
3569 holders of bonds issued pursuant to this part ~~hereunder~~. The
3570 state does further pledge to, and agree, with the United States
3571 that in the event any federal agency constructs or contributes
3572 ~~shall construct or contribute~~ any funds for the completion,
3573 extension, or improvement of the Central Florida ~~Orlando-Orange~~
3574 ~~County~~ Expressway System, or any part or portion of the system
3575 ~~thereof~~, the state will not alter or limit the rights and powers
3576 of the authority and the department in any manner that ~~which~~
3577 would be inconsistent with the continued maintenance and
3578 operation of the Central Florida ~~Orlando-Orange County~~
3579 Expressway System or the completion, extension, or improvement
3580 of the system ~~thereof~~, or that ~~which~~ would be inconsistent with



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3581 the due performance of any agreements between the authority and
3582 any such federal agency, and the authority and the department
3583 shall continue to have and may exercise all powers ~~herein~~
3584 granted in this part, so long as the powers are ~~same shall be~~
3585 necessary or desirable for the carrying out of the purposes of
3586 this part and the purposes of the United States in the
3587 completion, extension, or improvement of the Central Florida
3588 ~~Orlando-Orange County~~ Expressway System, or any part of the
3589 system ~~or portion thereof~~.

3590 Section 76. Section 348.765, Florida Statutes, is amended
3591 to read:

3592 348.765 This part complete and additional authority.-

3593 (1) The powers conferred by this part are ~~shall be~~ in
3594 addition and supplemental to the existing powers of the said
3595 board and the department, and this part may ~~shall~~ not be
3596 construed as repealing any of the provisions, of any other law,
3597 general, special, or local, but to supersede such other laws in
3598 the exercise of the powers provided in this part, and to provide
3599 a complete method for the exercise of the powers granted in this
3600 part. The extension and improvement of the Central Florida ~~said~~
3601 ~~Orlando-Orange County~~ Expressway System, and the issuance of
3602 bonds pursuant to this part hereunder to finance all or part of
3603 the cost of the system ~~thereof~~, may be accomplished upon
3604 compliance with the provisions of this part without regard to or
3605 necessity for compliance with the provisions, limitations, or
3606 restrictions contained in any other general, special, or local
3607 law, including, but not limited to, s. 215.821, and no approval
3608 of any bonds issued under this part by the qualified electors or
3609 qualified electors who are freeholders in the state or in the



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3610 ~~said~~ County of Orange, or in the ~~said~~ City of Orlando, or in any
3611 other political subdivision of the state, is ~~shall be~~ required
3612 for the issuance of such bonds pursuant to this part.

3613 (2) This part does ~~shall not be deemed to~~ repeal, rescind,
3614 or modify any other law ~~or laws~~ relating to the ~~said~~ State Board
3615 of Administration, the ~~said~~ Department of Transportation, or the
3616 Division of Bond Finance of the State Board of Administration,
3617 but supersedes any ~~shall be deemed to and shall supersede such~~
3618 ~~other~~ law that is ~~or laws as~~ are inconsistent with the
3619 provisions of this part, including, but not limited to, s.
3620 215.821.

3621 Section 77. Subsections (6) and (7) of section 369.317,
3622 Florida Statutes, are amended to read:

3623 369.317 Wekiva Parkway.—

3624 (6) The Central Florida ~~Orlando-Orange County~~ Expressway
3625 Authority is hereby granted the authority to act as a third-
3626 party acquisition agent, pursuant to s. 259.041 on behalf of the
3627 Board of Trustees or chapter 373 on behalf of the governing
3628 board of the St. Johns River Water Management District, for the
3629 acquisition of all necessary lands, property and all interests
3630 in property identified herein, including fee simple or less-
3631 than-fee simple interests. The lands subject to this authority
3632 are identified in paragraph 10.a., State of Florida, Office of
3633 the Governor, Executive Order 03-112 of July 1, 2003, and in
3634 Recommendation 16 of the Wekiva Basin Area Task Force created by
3635 Executive Order 2002-259, such lands otherwise known as
3636 Neighborhood Lakes, a 1,587+/-acre parcel located in Orange and
3637 Lake Counties within Sections 27, 28, 33, and 34 of Township 19
3638 South, Range 28 East, and Sections 3, 4, 5, and 9 of Township 20



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3639 South, Range 28 East; Seminole Woods/Swamp, a 5,353+/-acre
3640 parcel located in Lake County within Section 37, Township 19
3641 South, Range 28 East; New Garden Coal; a 1,605+/-acre parcel in
3642 Lake County within Sections 23, 25, 26, 35, and 36, Township 19
3643 South, Range 28 East; Pine Plantation, a 617+/-acre tract
3644 consisting of eight individual parcels within the Apopka City
3645 limits. The Department of Transportation, the Department of
3646 Environmental Protection, the St. Johns River Water Management
3647 District, and other land acquisition entities shall participate
3648 and cooperate in providing information and support to the third-
3649 party acquisition agent. The land acquisition process authorized
3650 by this paragraph shall begin no later than December 31, 2004.
3651 Acquisition of the properties identified as Neighborhood Lakes,
3652 Pine Plantation, and New Garden Coal, or approval as a
3653 mitigation bank shall be concluded no later than December 31,
3654 2010. Department of Transportation and Central Florida Orlando-
3655 ~~Orange County~~ Expressway Authority funds expended to purchase an
3656 interest in those lands identified in this subsection shall be
3657 eligible as environmental mitigation for road construction
3658 related impacts in the Wekiva Study Area. If any of the lands
3659 identified in this subsection are used as environmental
3660 mitigation for road-construction-related impacts incurred by the
3661 Department of Transportation or Central Florida Orlando-
3662 ~~County~~ Expressway Authority, or for other impacts incurred by
3663 other entities, within the Wekiva Study Area or within the
3664 Wekiva parkway alignment corridor, and if the mitigation offsets
3665 these impacts, the St. Johns River Water Management District and
3666 the Department of Environmental Protection shall consider the
3667 activity regulated under part IV of chapter 373 to meet the



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3668 cumulative impact requirements of s. 373.414(8) (a).

3669 (a) Acquisition of the land described in this section is
3670 required to provide right-of-way for the Wekiva Parkway, a
3671 limited access roadway linking State Road 429 to Interstate 4,
3672 an essential component in meeting regional transportation needs
3673 to provide regional connectivity, improve safety, accommodate
3674 projected population and economic growth, and satisfy critical
3675 transportation requirements caused by increased traffic volume
3676 growth and travel demands.

3677 (b) Acquisition of the lands described in this section is
3678 also required to protect the surface water and groundwater
3679 resources of Lake, Orange, and Seminole counties, otherwise
3680 known as the Wekiva Study Area, including recharge within the
3681 springshed that provides for the Wekiva River system. Protection
3682 of this area is crucial to the long term viability of the Wekiva
3683 River and springs and the central Florida region's water supply.
3684 Acquisition of the lands described in this section is also
3685 necessary to alleviate pressure from growth and development
3686 affecting the surface and groundwater resources within the
3687 recharge area.

3688 (c) Lands acquired pursuant to this section that are needed
3689 for transportation facilities for the Wekiva Parkway shall be
3690 determined not necessary for conservation purposes pursuant to
3691 ss. 253.034(6) and 373.089(5) and shall be transferred to or
3692 retained by the Central Florida ~~Orlando-Orange County~~ Expressway
3693 Authority or the Department of Transportation upon reimbursement
3694 of the full purchase price and acquisition costs.

3695 (7) The Department of Transportation, the Department of
3696 Environmental Protection, the St. Johns River Water Management



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3697 District, Central Florida ~~Orlando-Orange County~~ Expressway
3698 Authority, and other land acquisition entities shall cooperate
3699 and establish funding responsibilities and partnerships by
3700 agreement to the extent funds are available to the various
3701 entities. Properties acquired with Florida Forever funds shall
3702 be in accordance with s. 259.041 or chapter 373. The Central
3703 Florida ~~Orlando-Orange County~~ Expressway Authority shall acquire
3704 land in accordance with this section of law to the extent funds
3705 are available from the various funding partners, but shall not
3706 be required nor assumed to fund the land acquisition beyond the
3707 agreement and funding provided by the various land acquisition
3708 entities.

3709 Section 78. Subsection (1) of section 369.324, Florida
3710 Statutes, is amended to read:

3711 369.324 Wekiva River Basin Commission.—

3712 (1) The Wekiva River Basin Commission is created to monitor
3713 and ensure the implementation of the recommendations of the
3714 Wekiva River Basin Coordinating Committee for the Wekiva Study
3715 Area. The East Central Florida Regional Planning Council shall
3716 provide staff support to the commission with funding assistance
3717 from the Department of Economic Opportunity. The commission
3718 shall be comprised of a total of 18 ~~19~~ members appointed by the
3719 Governor, 9 of whom shall be voting members and 9 ~~10~~ shall be ad
3720 hoc nonvoting members. The voting members shall include:

3721 (a) One member of each of the Boards of County
3722 Commissioners for Lake, Orange, and Seminole Counties.

3723 (b) One municipal elected official to serve as a
3724 representative of the municipalities located within the Wekiva
3725 Study Area of Lake County.



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3726 (c) One municipal elected official to serve as a
3727 representative of the municipalities located within the Wekiva
3728 Study Area of Orange County.

3729 (d) One municipal elected official to serve as a
3730 representative of the municipalities located within the Wekiva
3731 Study Area of Seminole County.

3732 (e) One citizen representing an environmental or
3733 conservation organization, one citizen representing a local
3734 property owner, a land developer, or an agricultural entity, and
3735 one at-large citizen who shall serve as chair of the council.

3736 (f) The ad hoc nonvoting members shall include one
3737 representative from each of the following entities:

- 3738 1. St. Johns River Management District.
- 3739 2. Department of Economic Opportunity.
- 3740 3. Department of Environmental Protection.
- 3741 4. Department of Health.
- 3742 5. Department of Agriculture and Consumer Services.
- 3743 6. Fish and Wildlife Conservation Commission.
- 3744 7. Department of Transportation.
- 3745 8. MetroPlan Orlando.
- 3746 9. Central Florida ~~Orlando-Orange County~~ Expressway
3747 Authority.
- 3748 ~~10. Seminole County Expressway Authority.~~

3749 Section 79. (1) Effective upon the completion of
3750 construction of the Poinciana Parkway, a limited access facility
3751 of approximately 9 miles in length in Osceola County with its
3752 northwestern terminus at the intersection of County Road 54 and
3753 US 17/US 92 and its southeastern terminus at the current
3754 intersection of Rhododendron and Cypress Parkway, described in



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3755 the Osceola County Expressway Authority May 8, 2012, Master
3756 Plan, all powers, governance, and control of the Osceola County
3757 Expressway System, created pursuant to part V, chapter 348,
3758 Florida Statutes, is transferred to the Central Florida
3759 Expressway Authority, and the assets, liabilities, facilities,
3760 tangible and intangible property and any rights in the property,
3761 and any other legal rights of the Osceola County Expressway
3762 Authority are transferred to the Central Florida Expressway
3763 Authority. The effective date of such transfer shall be extended
3764 until completion of construction of such portions of the
3765 Southport Connector Expressway, the Northeast Connector
3766 Expressway, such portions of the Poinciana Parkway to connect to
3767 State Road 429, and the Osceola Parkway Extension, as each is
3768 described in the Osceola County Expressway Authority May 8,
3769 2012, Master Plan, which are included in any design contract
3770 executed by the Osceola County Expressway Authority before July
3771 1, 2019. Part V of chapter 348, Florida Statutes, consisting of
3772 ss. 348.9950-348.9961, is repealed on the same date that the
3773 Osceola County Expressway System is transferred to the Central
3774 Florida Expressway Authority.

3775 (2) The Central Florida Expressway Authority shall also
3776 reimburse any and all obligations of any other governmental
3777 entities with respect to the Osceola County Expressway System,
3778 including any obligations of Osceola County with respect to
3779 operations and maintenance of the Osceola County Expressway
3780 System and any loan repayment obligations, including repayment
3781 obligations with respect to State Infrastructure Bank loans.
3782 Such reimbursement shall be made from revenues available for
3783 such purpose after payment of all amounts required:



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- 3784 (a) Otherwise by law;
3785 (b) By the terms of any resolution authorizing the issuance
3786 of bonds by the authority, the Orlando-Orange County Expressway
3787 Authority, or the Osceola County Expressway Authority;
3788 (c) By the terms of any resolution under which bonds are
3789 issued by Osceola County for the purpose of constructing
3790 improvements to the Osceola County Expressway System; and
3791 (d) By the terms of the memorandum of understanding between
3792 the Orlando-Orange County Expressway Authority and the
3793 department as ratified by the board of the Orlando-Orange County
3794 Expressway Authority on February 22, 2012.

3795 Section 80. Section 373.4137, Florida Statutes, is amended
3796 to read:

3797 373.4137 Mitigation requirements for specified
3798 transportation projects.—

3799 (1) The Legislature finds that environmental mitigation for
3800 the impact of transportation projects proposed by the Department
3801 of Transportation or a transportation authority established
3802 pursuant to chapter 348 or chapter 349 can be more effectively
3803 achieved by regional, long-range mitigation planning rather than
3804 on a project-by-project basis. It is the intent of the
3805 Legislature that mitigation to offset the adverse effects of
3806 these transportation projects be funded by the Department of
3807 Transportation and be carried out by the use of mitigation banks
3808 and any other mitigation options that satisfy state and federal
3809 requirements in a manner that promotes efficiency, timeliness in
3810 project delivery, and cost-effectiveness.

3811 (2) Environmental impact inventories for transportation
3812 projects proposed by the Department of Transportation or a



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3813 transportation authority established pursuant to chapter 348 or
3814 chapter 349 shall be developed as follows:

3815 (a) By July 1 of each year, the Department of
3816 Transportation, or a transportation authority established
3817 pursuant to chapter 348 or chapter 349 which chooses to
3818 participate in the program, shall submit to the water management
3819 districts a list of its projects in the adopted work program and
3820 an environmental impact inventory of habitat impacts and the
3821 anticipated amount of mitigation needed to offset impacts as
3822 described in paragraph (b). The environmental impact inventory
3823 must be based on ~~habitats addressed in~~ the rules adopted
3824 pursuant to this part, ~~and~~ s. 404 of the Clean Water Act, 33
3825 U.S.C. s. 1344, and which may be impacted by the Department of
3826 Transportation's ~~its~~ plan of construction for transportation
3827 projects in the next 3 years of the tentative work program. The
3828 Department of Transportation or a transportation authority
3829 established pursuant to chapter 348 or chapter 349 may also
3830 include in its environmental impact inventory the habitat
3831 impacts and the anticipated amount of mitigation needed for ~~of~~
3832 any future transportation project. The Department of
3833 Transportation and each transportation authority established
3834 pursuant to chapter 348 or chapter 349 may fund any mitigation
3835 activities for future projects using current year funds.

3836 (b) The environmental impact inventory must ~~shall~~ include a
3837 description of ~~these~~ habitat impacts, including ~~their~~ location,
3838 acreage, and type; the anticipated amount of mitigation needed
3839 based on the functional loss as determined through the Uniform
3840 Mitigation Assessment Method (UMAM) adopted in Chapter 62-345,
3841 F.A.C.; identification of the proposed mitigation option; state



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3842 water quality classification of impacted wetlands and other
3843 surface waters; any other state or regional designations for
3844 these habitats; and a list of threatened species, endangered
3845 species, and species of special concern affected by the proposed
3846 project.

3847 (c) Before projects are identified for inclusion in a water
3848 management district mitigation plan as described in subsection
3849 (4), the Department of Transportation must consider using
3850 credits from a permitted mitigation bank. The Department of
3851 Transportation must consider availability of suitable and
3852 sufficient mitigation bank credits within the transportation
3853 project's area, ability to satisfy commitments to regulatory and
3854 resource agencies, availability of suitable and sufficient
3855 mitigation purchased or developed through this section, ability
3856 to complete existing water management district or Department of
3857 Environmental Protection suitable mitigation sites initiated
3858 with Department of Transportation mitigation funds, and ability
3859 to satisfy state and federal requirements including long-term
3860 maintenance and liability.

3861 (3) (a) To implement the mitigation option ~~fund development~~
3862 ~~and implementation of the mitigation plan for the projected~~
3863 ~~impacts~~ identified in the environmental impact inventory
3864 described in subsection (2), the Department of Transportation
3865 may purchase credits for current and future use directly from a
3866 mitigation bank; purchase mitigation services through the water
3867 management districts or the Department of Environmental
3868 Protection; conduct its own mitigation; or use other mitigation
3869 options that meet state and federal requirements. ~~shall identify~~
3870 ~~funds quarterly in an escrow account within the State~~



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3871 ~~Transportation Trust Fund for the environmental mitigation phase~~
3872 ~~of projects budgeted by~~ Funding for the identified mitigation
3873 option as described in the environmental impact inventory must
3874 be included in the Department of Transportation's work program
3875 developed pursuant to s. 339.135 for the current fiscal year.
3876 ~~The escrow account shall be maintained by the Department of~~
3877 ~~Transportation for the benefit of the water management~~
3878 ~~districts. Any interest earnings from the escrow account shall~~
3879 ~~remain with the Department of Transportation. The amount~~
3880 programmed each year by the Department of Transportation and
3881 participating transportation authorities established pursuant to
3882 chapter 348 or chapter 349 must correspond to an estimated cost
3883 per credit of \$150,000 multiplied by the projected number of
3884 credits identified in the environmental impact inventory
3885 described in subsection (2). This estimated cost per credit will
3886 be adjusted every 2 years by the Department of Transportation
3887 based on the average cost per UMAM credit paid through this
3888 section.

3889 (b) Each transportation authority established pursuant to
3890 chapter 348 or chapter 349 that chooses to participate in this
3891 program shall create an escrow account within its financial
3892 structure and deposit funds in the account to pay for the
3893 environmental mitigation phase of projects budgeted for the
3894 current fiscal year. The escrow account shall be maintained by
3895 the authority for the benefit of the water management districts.
3896 Any interest earnings from the escrow account shall remain with
3897 the authority.

3898 (c) For mitigation implemented by the water management
3899 district or the Department of Environmental Protection, as



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3900 appropriate, the amount paid each year must be based on
3901 mitigation services provided by the water management districts
3902 or Department of Environmental Protection pursuant to an
3903 approved water management district plan, as described in
3904 subsection (4). ~~Except for current mitigation projects in the~~
3905 ~~monitoring and maintenance phase and except as allowed by~~
3906 ~~paragraph (d),~~ The water management districts or the Department
3907 of Environmental Protection, as appropriate, may request payment
3908 ~~a transfer of funds from an escrow account~~ no sooner than 30
3909 days before the date the funds are needed to pay for activities
3910 associated with development or implementation of the permitted
3911 mitigation meeting the requirements pursuant to this part, 33
3912 U.S.C. s. 1344, and 33 C.F.R. s. 332, in the approved mitigation
3913 plan described in subsection (4) for the current fiscal year,
3914 ~~including, but not limited to, design, engineering, production,~~
3915 ~~and staff support. Actual conceptual plan preparation costs~~
3916 ~~incurred before plan approval may be submitted to the Department~~
3917 ~~of Transportation or the appropriate transportation authority~~
3918 ~~each year with the plan. The conceptual plan preparation costs~~
3919 ~~of each water management district will be paid from mitigation~~
3920 ~~funds associated with the environmental impact inventory for the~~
3921 ~~current year. The amount transferred to the escrow accounts each~~
3922 ~~year by the Department of Transportation and participating~~
3923 ~~transportation authorities established pursuant to chapter 348~~
3924 ~~or chapter 349 shall correspond to a cost per acre of \$75,000~~
3925 ~~multiplied by the projected acres of impact identified in the~~
3926 ~~environmental impact inventory described in subsection (2).~~
3927 ~~However, the \$75,000 cost per acre does not constitute an~~
3928 ~~admission against interest by the state or its subdivisions and~~



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3929 ~~is not admissible as evidence of full compensation for any~~
3930 ~~property acquired by eminent domain or through inverse~~
3931 ~~condemnation. Each July 1, the cost per acre shall be adjusted~~
3932 ~~by the percentage change in the average of the Consumer Price~~
3933 ~~Index issued by the United States Department of Labor for the~~
3934 ~~most recent 12-month period ending September 30, compared to the~~
3935 ~~base year average, which is the average for the 12-month period~~
3936 ~~ending September 30, 1996. Each quarter, the projected amount of~~
3937 ~~mitigation must acreage of impact shall be reconciled with the~~
3938 ~~actual amount of mitigation needed for acreage of impact of~~
3939 ~~projects as permitted, including permit modifications, pursuant~~
3940 ~~to this part and s. 404 of the Clean Water Act, 33 U.S.C. s.~~
3941 ~~1344. The subject year's programming transfer of funds shall be~~
3942 ~~adjusted accordingly to reflect the mitigation acreage of~~
3943 ~~impacts as permitted. The Department of Transportation and~~
3944 ~~participating transportation authorities established pursuant to~~
3945 ~~chapter 348 or chapter 349 are authorized to transfer such funds~~
3946 ~~from the escrow accounts to the water management districts to~~
3947 ~~carry out the mitigation programs. Environmental mitigation~~
3948 ~~funds that are identified for or maintained in an escrow account~~
3949 ~~for the benefit of a water management district may be released~~
3950 ~~if the associated transportation project is excluded in whole or~~
3951 ~~part from the mitigation plan. For a mitigation project that is~~
3952 ~~in the maintenance and monitoring phase, the water management~~
3953 ~~district may request and receive a one-time payment based on the~~
3954 ~~project's expected future maintenance and monitoring costs. If~~
3955 ~~the water management district excludes a project from an~~
3956 ~~approved water management district mitigation plan, cannot~~
3957 ~~timely permit a mitigation site to offset the impacts of a~~



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3958 Department of Transportation project identified in the
3959 environmental impact inventory, or if the proposed mitigation
3960 does not meet state and federal requirements, the Department of
3961 Transportation may use the associated funds for the purchase of
3962 mitigation bank credits or any other mitigation option that
3963 satisfies state and federal requirements. Upon final
3964 disbursement of the final maintenance and monitoring payment for
3965 mitigation of a transportation project as permitted, the
3966 obligation of the Department of Transportation or the
3967 participating transportation authority is satisfied and the
3968 water management district or the Department of Environmental
3969 Protection, as appropriate, will have continuing responsibility
3970 for the mitigation project, the escrow account for the project
3971 established by the Department of Transportation or the
3972 participating transportation authority may be closed. Any
3973 interest earned on these disbursed funds shall remain with the
3974 water management district and must be used as authorized under
3975 this section.

3976 (d) Beginning with the March 2014 water management district
3977 mitigation plans, in the 2005-2006 fiscal year, each water
3978 management district or the Department of Environmental
3979 Protection, as appropriate, shall invoice the Department of
3980 Transportation for mitigation services to offset only the
3981 impacts of a Department of Transportation project identified in
3982 the environmental impact inventory, including planning, design,
3983 construction, maintenance and monitoring, and other costs
3984 necessary to meet requirements pursuant to this section, 33
3985 U.S.C. s. 1344, and 33 C.F.R. s. 332 be paid a lump sum amount
3986 of \$75,000 per acre, adjusted as provided under paragraph (c),



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3987 ~~for federally funded transportation projects that are included~~
3988 ~~on the environmental impact inventory and that have an approved~~
3989 ~~mitigation plan. Beginning in the 2009-2010 fiscal year, each~~
3990 ~~water management district shall be paid a lump sum amount of~~
3991 ~~\$75,000 per acre, adjusted as provided under paragraph (c), for~~
3992 ~~federally funded and nonfederally funded transportation projects~~
3993 ~~that have an approved mitigation plan. All mitigation costs,~~
3994 ~~including, but not limited to, the costs of preparing conceptual~~
3995 ~~plans and the costs of design, construction, staff support,~~
3996 ~~future maintenance, and monitoring the mitigated acres shall be~~
3997 ~~funded through these lump sum amounts. If the water management~~
3998 ~~district identifies the use of mitigation bank credits to offset~~
3999 ~~a Department of Transportation impact, the water management~~
4000 ~~district shall exclude that purchase from the mitigation plan,~~
4001 ~~and the Department of Transportation must purchase the bank~~
4002 ~~credits.~~

4003 (e) For mitigation activities occurring on existing water
4004 management district or Department of Environmental Protection
4005 mitigation sites initiated with Department of Transportation
4006 mitigation funds before July 1, 2013, the water management
4007 district or Department of Environmental Protection shall invoice
4008 the Department of Transportation or a participating
4009 transportation authority at a cost per acre of \$75,000
4010 multiplied by the projected acres of impact as identified in the
4011 environmental impact inventory. The cost per acre must be
4012 adjusted by the percentage change in the average of the Consumer
4013 Price Index issued by the United States Department of Labor for
4014 the most recent 12-month period ending September 30, compared to
4015 the base year average, which is the average for the 12-month



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4016 period ending September 30, 1996. When implementing the
4017 mitigation activities necessary to offset the permitted impacts
4018 as provided in the approved mitigation plan, the water
4019 management district shall maintain records of the costs incurred
4020 in implementing the mitigation. The records must include, but
4021 are not limited to, costs for planning, land acquisition,
4022 design, construction, staff support, long-term maintenance and
4023 monitoring of the mitigation site, and other costs necessary to
4024 meet the requirements of 33 U.S.C. s. 1344 and 33 C.F.R. s. 332.

4025 (f) For purposes of preparing and implementing the
4026 mitigation plans to be adopted by the water management districts
4027 on or before March 1, 2013, for impacts based on the July 1,
4028 2012, environmental impact inventory, the funds identified in
4029 the Department of Transportation's work program or participating
4030 transportation authorities' escrow accounts must correspond to a
4031 cost per acre of \$75,000 multiplied by the project acres of
4032 impact as identified in the environmental impact inventory. The
4033 cost per acre shall be adjusted by the percentage change in the
4034 average of the Consumer Price Index issued by the United States
4035 Department of Labor for the most recent 12-month period ending
4036 September 30, compared to the base year average, which is the
4037 average for the 12-month period ending September 30, 1996.
4038 Payment as provided under this paragraph is limited to those
4039 mitigation activities that are identified in the first year of
4040 the 2013 mitigation plan and for which the transportation
4041 project is permitted and is in the Department of
4042 Transportation's adopted work program, or equivalent for a
4043 transportation authority. When implementing the mitigation
4044 activities necessary to offset the permitted impacts as provided



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4045 in the approved mitigation plan, the water management district
4046 shall maintain records of the costs incurred in implementing the
4047 mitigation. The records must include, but are not limited to,
4048 costs for planning, land acquisition, design, construction,
4049 staff support, long-term maintenance and monitoring of the
4050 mitigation site, and other costs necessary to meet the
4051 requirements of 33 U.S.C. s. 1344 and 33 C.F.R. s. 332. To the
4052 extent moneys paid to a water management district by the
4053 Department of Transportation or a participating transportation
4054 authority exceed the amount expended by the water management
4055 districts in implementing the mitigation to offset the permitted
4056 impacts, these funds must be refunded to the Department of
4057 Transportation or participating transportation authority. This
4058 paragraph expires June 30, 2014.

4059 (4) Before March 1 of each year, each water management
4060 district shall develop a mitigation plan to offset only the
4061 impacts of transportation projects in the environmental impact
4062 inventory for which a water management district is implementing
4063 mitigation that meets the requirements of this section, 33
4064 U.S.C. s. 1344, and 33 C.F.R. s. 332. The water management-
4065 district mitigation plan must be developed, in consultation with
4066 the Department of Environmental Protection, the United States
4067 Army Corps of Engineers, the Department of Transportation,
4068 participating transportation authorities established pursuant to
4069 chapter 348 or chapter 349, and other appropriate federal,
4070 state, and local governments, and other interested parties,
4071 including entities operating mitigation banks, ~~shall develop a~~
4072 ~~plan for the primary purpose of complying with the mitigation~~
4073 ~~requirements adopted pursuant to this part and 33 U.S.C. s.~~



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4074 ~~1344~~. In developing such plans, the water management districts
4075 shall use sound ecosystem management practices to address
4076 significant water resource needs and consider ~~shall focus on~~
4077 activities of the Department of Environmental Protection and the
4078 water management districts, such as surface water improvement
4079 and management (SWIM) projects and lands identified for
4080 potential acquisition for preservation, restoration, or
4081 enhancement, and the control of invasive and exotic plants in
4082 wetlands and other surface waters, to the extent that the
4083 activities comply with the mitigation requirements adopted under
4084 this part, ~~and~~ 33 U.S.C. s. 1344, and 33 C.F.R. s. 332. The
4085 water management district mitigation plan must identify each
4086 site where the water management district will mitigate for a
4087 transportation project. For each mitigation site, the water
4088 management district shall provide the scope of the mitigation
4089 services, provide the functional gain as determined through the
4090 UMAM per Chapter 62-345, F.A.C., describe how the mitigation
4091 offsets the impacts of each transportation project as permitted,
4092 and provide a schedule for the mitigation services. The water
4093 management districts shall maintain records of costs incurred
4094 and payments received for providing these services. Records must
4095 include, but are not limited to, planning, land acquisition,
4096 design, construction, staff support, long-term maintenance and
4097 monitoring of the mitigation site, and other costs necessary to
4098 meet the requirements of 33 U.S.C. s. 1344 and 33 C.F.R. s. 332.
4099 To the extent monies paid to a water management district by the
4100 Department of Transportation or a participating transportation
4101 authority exceed the amount expended by the water management
4102 districts in providing the mitigation services to offset the



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4103 permitted transportation project impacts, these monies must be
4104 refunded to the Department of Transportation or participating
4105 transportation authority ~~In determining the activities to be~~
4106 ~~included in the plans, the districts shall consider the purchase~~
4107 ~~of credits from public or private mitigation banks permitted~~
4108 ~~under s. 373.4136 and associated federal authorization and shall~~
4109 ~~include the purchase as a part of the mitigation plan when the~~
4110 ~~purchase would offset the impact of the transportation project,~~
4111 ~~provide equal benefits to the water resources than other~~
4112 ~~mitigation options being considered, and provide the most cost-~~
4113 ~~effective mitigation option.~~ The mitigation plan shall be
4114 submitted to the water management district governing board, or
4115 its designee, for review and approval. At least 14 days before
4116 approval by the governing board, the water management district
4117 shall provide a copy of the draft mitigation plan to the
4118 Department of Environmental Protection and any person who has
4119 requested a copy. Subsequent to governing board approval, the
4120 mitigation plan must be submitted to the Department of
4121 Environmental Protection for approval. The plan may not be
4122 implemented until it is submitted to and approved, in part or in
4123 its entirety, by the Department of Environmental Protection.

4124 ~~(a) For each transportation project with a funding request~~
4125 ~~for the next fiscal year, the mitigation plan must include a~~
4126 ~~brief explanation of why a mitigation bank was or was not chosen~~
4127 ~~as a mitigation option, including an estimation of identifiable~~
4128 ~~costs of the mitigation bank and nonbank options and other~~
4129 ~~factors such as time saved, liability for success of the~~
4130 ~~mitigation, and long term maintenance.~~

4131 (a)(b) Specific projects may be excluded from the



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4132 mitigation plan, in whole or in part, and are not subject to
4133 this section upon the election of the Department of
4134 Transportation, a transportation authority if applicable, or the
4135 appropriate water management district. The Department of
4136 Transportation or a participating transportation authority may
4137 not exclude a transportation project from the mitigation plan
4138 when mitigation is scheduled for implementation by the water
4139 management district in the current fiscal year, except when the
4140 transportation project is removed from the Department of
4141 Transportation's work program or transportation authority
4142 funding plan, the mitigation cannot be timely permitted to
4143 offset the impacts of a Department of Transportation project
4144 identified in the environmental impact inventory, or the
4145 proposed mitigation does not meet state and federal
4146 requirements. If a project is removed from the work program or
4147 the mitigation plan, costs expended by the water management
4148 district prior to removal are eligible for reimbursement by the
4149 Department of Transportation or participating transportation
4150 authority.

4151 (b) ~~(e)~~ When determining which projects to include in or
4152 exclude from the mitigation plan, the Department of
4153 Transportation shall investigate using credits from a permitted
4154 mitigation bank before those projects are submitted for
4155 inclusion in a water management district mitigation ~~the~~ plan.
4156 ~~The investigation shall consider the cost-effectiveness of~~
4157 ~~mitigation bank credits, including, but not limited to, factors~~
4158 ~~such as time saved, transfer of liability for success of the~~
4159 ~~mitigation, and long-term maintenance.~~ The Department of
4160 Transportation shall exclude a project from the mitigation plan



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4161 if the investigation undertaken pursuant to this paragraph
4162 results in the conclusion that the use of credits from a
4163 permitted mitigation bank promotes efficiency, timeliness in
4164 project delivery, cost-effectiveness, and transfer of liability
4165 for success and long-term maintenance.

4166 (5) The water management district shall ensure that
4167 mitigation requirements pursuant to 33 U.S.C. s. 1344 and 33
4168 C.F.R. s. 332 are met for the impacts identified in the
4169 environmental impact inventory for which the water management
4170 district will implement mitigation described in subsection (2),
4171 by implementation of the approved mitigation plan described in
4172 subsection (4) to the extent funding is provided by the
4173 Department of Transportation, or a transportation authority
4174 established pursuant to chapter 348 or chapter 349, if
4175 applicable. In developing and implementing the mitigation plan,
4176 the water management district shall comply with federal
4177 permitting requirements pursuant to 33 U.S.C. s. 1344 and 33
4178 C.F.R. s. 332. During the federal permitting process, the water
4179 management district may deviate from the approved mitigation
4180 plan in order to comply with federal permitting requirements
4181 upon notice and coordination with the Department of
4182 Transportation or participating transportation authority.

4183 (6) The water management district mitigation plans shall be
4184 updated annually to reflect the most current Department of
4185 Transportation work program and project list of a transportation
4186 authority established pursuant to chapter 348 or chapter 349, if
4187 applicable, and may be amended throughout the year to anticipate
4188 schedule changes or additional projects which may arise. Before
4189 amending the mitigation plan to include new projects, the



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4190 Department of Transportation shall consider mitigation banks and
4191 other available mitigation options that meet state and federal
4192 requirements. Each update and amendment of the mitigation plan
4193 shall be submitted to the governing board of the water
4194 management district or its designee for approval. However, such
4195 approval shall not be applicable to a deviation as described in
4196 subsection (5).

4197 (7) Upon approval by the governing board of the water
4198 management district and the Department of Environmental
4199 Protection ~~or its designee~~, the mitigation plan shall be deemed
4200 to satisfy the mitigation requirements under this part for
4201 impacts specifically identified in the environmental impact
4202 inventory described in subsection (2) and any other mitigation
4203 requirements imposed by local, regional, and state agencies for
4204 these same impacts. The approval of the governing board of the
4205 water management district ~~or its designee~~ and the Department of
4206 Environmental Protection shall authorize the activities proposed
4207 in the mitigation plan, and no other state, regional, or local
4208 permit or approval shall be necessary.

4209 (8) This section shall not be construed to eliminate the
4210 need for the Department of Transportation or a transportation
4211 authority established pursuant to chapter 348 or chapter 349 to
4212 comply with the requirement to implement practicable design
4213 modifications, including realignment of transportation projects,
4214 to reduce or eliminate the impacts of its transportation
4215 projects on wetlands and other surface waters as required by
4216 rules adopted pursuant to this part, or to diminish the
4217 authority under this part to regulate other impacts, including
4218 water quantity or water quality impacts, or impacts regulated



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4219 under this part that are not identified in the environmental
4220 impact inventory described in subsection (2).

4221 ~~(9) The process for environmental mitigation for the impact~~
4222 ~~of transportation projects under this section shall be available~~
4223 ~~to an expressway, bridge, or transportation authority~~
4224 ~~established under chapter 348 or chapter 349. Use of this~~
4225 ~~process may be initiated by an authority depositing the~~
4226 ~~requisite funds into an escrow account set up by the authority~~
4227 ~~and filing an environmental impact inventory with the~~
4228 ~~appropriate water management district. An authority that~~
4229 ~~initiates the environmental mitigation process established by~~
4230 ~~this section shall comply with subsection (6) by timely~~
4231 ~~providing the appropriate water management district with the~~
4232 ~~requisite work program information. A water management district~~
4233 ~~may draw down funds from the escrow account as provided in this~~
4234 ~~section.~~

4235 Section 81. Section 373.618, Florida Statutes, is amended
4236 to read:

4237 373.618 Public service warnings, alerts, and
4238 announcements.—The Legislature believes it is in the public
4239 interest that each ~~all~~ water management district ~~districts~~
4240 created pursuant to s. 373.069 own, acquire, develop, construct,
4241 operate, and manage public information systems. Public
4242 information systems may be located on property owned by the
4243 water management district, upon terms and conditions approved by
4244 the water management district, and must display messages to the
4245 general public concerning water management services, activities,
4246 events, and sponsors, as well as other public service
4247 announcements, including watering restrictions, severe weather



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4248 reports, amber alerts, and other essential information needed by
4249 the public. Local government review or approval is not required
4250 for a public information system owned or hereafter acquired,
4251 developed, or constructed by the water management district on
4252 its own property. A public information system is exempt from the
4253 requirements of chapter 479; however, a public information
4254 system that is subject to the Highway Beautification Act of 1965
4255 must be approved by the Department of Transportation and the
4256 Federal Highway Administration if required by federal law and
4257 federal regulation under the agreement between the state and the
4258 United States Department of Transportation, and federal
4259 regulations enforced by the Department of Transportation under
4260 s. 479.02(1). Water management district funds may not be used to
4261 pay the cost to acquire, develop, construct, operate, or manage
4262 a public information system. Any necessary funds for a public
4263 information system shall be paid for and collected from private
4264 sponsors who may display commercial messages.

4265 Section 82. Subsection (3) of section 341.052, Florida
4266 Statutes, is amended to read:

4267 341.052 Public transit block grant program; administration;
4268 eligible projects; limitation.—

4269 (3) The following limitations shall apply to the use of
4270 public transit block grant program funds:

4271 (a) State participation in eligible capital projects shall
4272 be limited to 50 percent of the nonfederal share of such project
4273 costs.

4274 (b) State participation in eligible public transit
4275 operating costs may not exceed 50 percent of such costs or an
4276 amount equal to the total revenue, excluding farebox, charter,



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4277 and advertising revenue and federal funds, received by the
4278 provider for operating costs, whichever amount is less.

4279 (c) No eligible public transit provider shall use public
4280 transit block grant funds to supplant local tax revenues made
4281 available to such provider for operations in the previous year;
4282 however, the Secretary of Transportation may waive this
4283 provision for public transit providers located in a county
4284 recovering from a state of emergency declared pursuant to part I
4285 of chapter 252.

4286 (d) Notwithstanding any law to the contrary, no eligible
4287 public transit provider shall use public transit block grant
4288 funds in pursuit of strategies or actions leading to or
4289 promoting the levying of new or additional taxes through public
4290 referenda. To the extent that a public transit provider uses
4291 other public funds in pursuit of strategies or actions leading
4292 to or promoting the levying of new or additional taxes through
4293 public referenda, the amount of the provider's grant must be
4294 reduced by the same amount. As used in this paragraph, the term
4295 "public funds" means all moneys under the jurisdiction or
4296 control of a federal agency, the state, a county, or a
4297 municipality, including any district, authority, commission,
4298 board, or agency thereof for any public purpose.

4299 (e) The state may not give any county more than 39 percent
4300 of the funds available for distribution under this section or
4301 more than the amount that local revenue sources provide to that
4302 transit system.

4303 Section 83. The Florida Transportation Commission shall
4304 conduct a study of the potential for the state to obtain revenue
4305 from any parking meters or other parking time-limit devices that



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4306 regulate designated parking spaces located within or along the
4307 right-of-way limits of a state road. The commission may retain
4308 such experts as are reasonably necessary to complete the study,
4309 and the department shall pay the expenses of such experts. On or
4310 before August 31, 2013, each municipality and county that
4311 receives revenue from any parking meters or other parking time-
4312 limit devices that regulate designated parking spaces located
4313 within or along the right-of-way limits of a state road shall
4314 provide the commission a written inventory of the location of
4315 each such meter or device and the total revenue collected from
4316 such locations during the last 3 fiscal years. Each municipality
4317 and county shall at the same time inform the commission of any
4318 pledge or commitment by the municipality or county of such
4319 revenues to the payment of debt service on any bonds or other
4320 debt issued by the municipality or county. The commission shall
4321 consider the information provided by the municipalities and
4322 counties, together with such other matters as it deems
4323 appropriate, including, but not limited to, the use of variable
4324 rate parking, and shall develop policy recommendations regarding
4325 the manner and extent that revenues generated by regulating
4326 parking within the right-of-way limits of a state road may be
4327 allocated between the department and municipalities and
4328 counties. The commission shall develop specific recommendations
4329 concerning the allocation of revenues generated by meters or
4330 devices regulating such parking that were installed before July
4331 1, 2013, and the allocation of revenues that may be generated by
4332 meters or devices installed after that date. The commission
4333 shall complete the study and provide a written report of its
4334 findings and conclusions to the Governor, the President of the



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4335 Senate, the Speaker of the House of Representatives, and the
4336 chairs of each of the appropriations committees of the
4337 Legislature by October 31, 2013.

4338 (2) The Legislature finds that preservation of the status
4339 quo pending the commission's study and the Legislature's review
4340 of the commission's report is appropriate and desirable. From
4341 July 1, 2013, through July 1, 2014, a county or municipality may
4342 not install any parking meters or other parking time-limit
4343 devices that regulate designated parking spaces located within
4344 or along the right-of-way limits of a state road. This
4345 subsection does not prohibit the replacement of meters or
4346 similar devices installed before July 1, 2013, with new devices
4347 that regulate the same designated parking spaces.

4348 Section 84. Sale of used tires.-

4349 (1) It is unlawful for any used tire retailer in this state
4350 to sell unsafe used tires for the purpose of mounting on a
4351 vehicle as defined in s. 316.003, Florida Statutes. This section
4352 does not apply to a used tire retailer who sells used tires for
4353 recapping.

4354 (2) For purposes of this section, a used tire is considered
4355 unsafe if the tire:

4356 (a) Is worn to 2/32 of an inch tread depth or less on any
4357 area of the tread;

4358 (b) Has any damage exposing the reinforcing plies of the
4359 tire, including any cuts, cracks, bulges, punctures, scrapes, or
4360 wear;

4361 (c) Has had an improper repair including:

4362 1. Any repair made in the tread shoulder or belt edge area
4363 of the tire;



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4364 2. Any puncture that has not been sealed or patched on the
4365 inside and repaired with a cured rubber stem through to the
4366 outside of the tire;

4367 3. A repair to the sidewall or bead area of the tire; or

4368 4. A puncture repair of damage larger than one-quarter of
4369 an inch;

4370 (d) Has evidence of prior use of a temporary tire sealant
4371 without evidence of a subsequent proper repair;

4372 (e) Has its tire identification number defaced or removed;

4373 (f) Has inner liner or bead damage; or

4374 (g) Has an indication of internal separation, such as
4375 bulges or local areas of irregular tread wear.

4376 (3) A person who violates this section commits an unfair
4377 and deceptive trade practice as defined in part II of chapter
4378 501, Florida Statutes.

4379 Section 85. Except as otherwise expressly provided in this
4380 act, this act shall take effect upon becoming law.

4381
4382
4383 ===== T I T L E A M E N D M E N T =====

4384 And the title is amended as follows:

4385 Delete everything before the enacting clause
4386 and insert:

4387 A bill to be entitled
4388 An act relating to the Department of Transportation;
4389 repealing s. 11.45(3)(m), F.S., relating to the
4390 authority of the Auditor General to conduct audits of
4391 transportation corporations under the Florida
4392 Transportation Corporation Act; amending s. 20.23,



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4393 F.S.; requiring the Transportation Commission to also
4394 monitor authorities created under ch. 345, F.S.,
4395 relating to the Florida Regional Transportation
4396 Finance Authority Act; amending s. 110.205, F.S.;
4397 changing a title to the State Freight and Logistics
4398 Administrator from the State Public Transportation and
4399 Modal Administrator, which is an exempt position not
4400 covered under career service; amending s. 311.22,
4401 F.S.; establishing the Department of Transportation as
4402 the agency responsible for administering the section,
4403 instead of the Florida Seaport Transportation and
4404 Economic Development Council; providing for the future
4405 repeal of the section; amending s. 316.515, F.S.;
4406 providing that a straight truck may attach a forklift
4407 to the rear of the cargo bed if it does not exceed a
4408 specified length; repealing s. 316.530(3), F.S.,
4409 relating to load limits for certain towed vehicles;
4410 amending s. 316.545, F.S.; increasing the weight
4411 amount used for penalty calculations; conforming
4412 terminology; amending s. 331.360, F.S.; reordering
4413 provisions; providing for a spaceport system plan;
4414 providing funding for space transportation projects
4415 from the State Transportation Trust Fund; requiring
4416 Space Florida to provide the Department of
4417 Transportation with specific project information and
4418 to demonstrate transportation and aerospace benefits;
4419 specifying the information to be provided; providing
4420 funding criteria; amending s. 332.007, F.S.;
4421 authorizing the Department of Transportation to fund



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4422 strategic airport investments; providing criteria;
4423 amending s. 334.044, F.S.; prohibiting the department
4424 from entering into a lease-purchase agreement with
4425 certain transportation authorities after a specified
4426 time; providing an exception from the requirement to
4427 purchase all plant materials from Florida commercial
4428 nursery stock when prohibited by applicable federal
4429 law or regulation; amending s. 335.0415, F.S.;
4430 creating a pilot program in the City of Miami to
4431 transfer department responsibilities for public road
4432 maintenance to the city; requiring the department to
4433 enter into an interlocal agreement with the City of
4434 Miami; specifying requirements of the interlocal
4435 agreement; requiring the Florida Transportation
4436 Commission to conduct a study at the conclusion of the
4437 pilot program and provide the study to the Governor
4438 and the Legislature; requiring the department to pay
4439 the expenses of the study's experts; amending s.
4440 335.06, F.S.; revising the responsibilities of the
4441 Department of Transportation, a county, or a
4442 municipality to improve or maintain a road that
4443 provides access to property within the state park
4444 system; creating s. 336.71, F.S.; authorizing counties
4445 to enter into public-private partnership agreements
4446 for construction of transportation facilities;
4447 providing requirements and limitations for such
4448 agreements; providing procurement procedures;
4449 providing for applicability; amending s. 337.11, F.S.;
4450 removing the requirement that a contractor provide a



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4451 notarized affidavit as proof of registration; amending
4452 s. 337.14, F.S.; revising the criteria for bidding
4453 certain construction contracts to require a proposed
4454 budget estimate if a contract is more than a specified
4455 amount; amending s. 337.168, F.S.; providing that a
4456 document that reveals the identity of a person who has
4457 requested or received certain information before a
4458 certain time is a public record; amending s. 337.25,
4459 F.S.; authorizing the Department of Transportation to
4460 use auction services in the conveyance of certain
4461 property or leasehold interests; revising certain
4462 inventory requirements; revising provisions and
4463 providing criteria for the department to dispose of
4464 certain excess property; providing such criteria for
4465 the disposition of donated property, property used for
4466 a public purpose, or property acquired to provide
4467 replacement housing for certain displaced persons;
4468 providing value offsets for property that requires
4469 significant maintenance costs or exposes the
4470 department to significant liability; providing
4471 procedures for the sale of property to abutting
4472 property owners; deleting provisions to conform to
4473 changes made by the act; providing monetary
4474 restrictions and criteria for the conveyance of
4475 certain leasehold interests; providing exceptions to
4476 restrictions for leases entered into for a public
4477 purpose; providing criteria for the preparation of
4478 estimates of value prepared by the department;
4479 providing that the requirements of s. 73.013, F.S.,



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4480 relating to eminent domain, are not modified; amending
4481 s. 337.251, F.S.; revising criteria for leasing
4482 particular department property; increasing the time
4483 the department must accept proposals for lease after a
4484 notice is published; authorizing the department to
4485 establish an application fee by rule; providing
4486 criteria for the fee; providing criteria that the
4487 lease must meet; amending s. 338.161, F.S.;

4488 authorizing the department to enter into agreements
4489 with owners of public or private transportation
4490 facilities under which the department uses its
4491 electronic toll collection and video billing systems
4492 to collect for the owner certain charges for use of
4493 the owners' transportation facilities; amending s.
4494 338.165, F.S.; removing the Beeline-East Expressway
4495 and the Navarre Bridge from the list of facilities
4496 that have toll revenues to secure their bonds;
4497 amending s. 338.26, F.S.; revising the uses of fees
4498 that are generated from tolls to include the design
4499 and construction of a fire station that may be used by
4500 certain local governments in accordance with a
4501 specified memorandum; removing authority of a district
4502 to issue bonds or notes; amending s. 339.175, F.S.;

4503 revising the criteria that qualify a local government
4504 for participation in a metropolitan planning
4505 organization; revising the criteria to determine
4506 voting membership of a metropolitan planning
4507 organization; providing that each metropolitan
4508 planning organization shall review its membership and



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4509 reapportion it as necessary; providing criteria;
4510 relocating the requirement that the Governor review
4511 and apportion the voting membership among the various
4512 governmental entities within the metropolitan planning
4513 area; amending s. 339.2821, F.S.; authorizing
4514 Enterprise Florida, Inc., to be a consultant to the
4515 Department of Transportation for consideration of
4516 expenditures associated with and contracts for
4517 transportation projects; revising the requirements for
4518 economic development transportation project contracts
4519 between the department and a governmental entity;
4520 repealing the Florida Transportation Corporation Act;
4521 repealing s. 339.401, F.S., relating to the short
4522 title; repealing s. 339.402, F.S., relating to
4523 definitions; repealing s. 339.403, F.S., relating to
4524 legislative findings and purpose; repealing s.
4525 339.404, F.S., relating to authorization of
4526 corporations; repealing s. 339.405, F.S., relating to
4527 type and structure of the corporation and income;
4528 repealing s. 339.406, F.S., relating to contracts
4529 between the department and the corporation; repealing
4530 s. 339.407, F.S., relating to articles of
4531 incorporation; repealing s. 339.408, F.S., relating to
4532 the board of directors and advisory directors;
4533 repealing s. 339.409, F.S., relating to bylaws;
4534 repealing s. 339.410, F.S., relating to notice of
4535 meetings and open records; repealing s. 339.411, F.S.,
4536 relating to the amendment of articles; repealing s.
4537 339.412, F.S., relating to the powers of the



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4538 corporation; repealing s. 339.414, F.S., relating to
4539 use of state property; repealing s. 339.415, F.S.,
4540 relating to exemptions from taxation; repealing s.
4541 339.416, F.S., relating to the authority to alter or
4542 dissolve corporations; repealing s. 339.417, F.S.,
4543 relating to the dissolution of a corporation upon the
4544 completion of purposes; repealing s. 339.418, F.S.,
4545 relating to transfer of funds and property upon
4546 dissolution; repealing s. 339.419, F.S., relating to
4547 department rules; repealing s. 339.420, F.S., relating
4548 to construction; repealing s. 339.421, F.S., relating
4549 to issuance of debt; amending s. 339.55, F.S.; adding
4550 spaceports to the list of facility types for which the
4551 state-funded infrastructure bank may lend capital
4552 costs or provide credit enhancements; amending s.
4553 341.031, F.S.; revising the definition of the term
4554 "intercity bus service"; amending s. 341.053, F.S.;
4555 revising the types of eligible projects and criteria
4556 of the intermodal development program; amending s.
4557 343.80, F.S.; renaming the Northwest Florida
4558 Transportation Corridor Authority Law as the Northwest
4559 Florida Regional Transportation Finance Authority Law;
4560 amending s. 343.805, F.S., defining "Northwest Florida
4561 Regional Transportation Finance Authority System" or
4562 "system"; deleting definitions of "U.S. 98 corridor"
4563 and "U.S. 98 corridor system"; amending s. 343.81,
4564 F.S.; renaming the Northwest Florida Transportation
4565 Corridor Authority as the Northwest Florida Regional
4566 Transportation Finance Authority; revising the



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4567 composition of the governing board of the authority
4568 from eight to five voting members, two from Okaloosa
4569 County and one each from Walton, Bay, and Gulf
4570 Counties; removing from the governing body of the
4571 authority voting members from Escambia, Santa Rosa,
4572 Franklin, and Wakulla Counties; revising quorum
4573 requirements and the number of votes necessary for any
4574 action by the authority; removing the authority's
4575 authorization to establish a technical advisory
4576 committee and related provisions; amending s. 343.82,
4577 F.S.; authorizing the authority to acquire, hold,
4578 construct, improve, maintain, operate, own, and lease
4579 the Northwest Florida Regional Transportation Finance
4580 Authority System; removing references to intended
4581 improvement of mobility along the U.S. 98 corridor and
4582 to the Santa Rosa Sound; removing direction to the
4583 authority to adopt a corridor master plan, to annually
4584 update and present the plan, to undertake projects or
4585 other improvements in the plan, and to request certain
4586 funding and technical assistance; conforming
4587 terminology; removing a prohibition against the
4588 authority imposing tolls or other charges; providing
4589 the authority may dispose of property which the
4590 authority and the Department of Transportation have
4591 determined is not needed for the system; removing the
4592 authority's authorization to enter into lease-purchase
4593 agreements with the department; removing the
4594 authority's power to borrow money from any federal
4595 agency, the state, any agency of the state, or any



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4596 other public body of the state; amending s. 343.83,
4597 F.S.; conforming terminology; amending s. 343.835,
4598 F.S.; making conforming changes; replacing a reference
4599 to facilities "constructed" by the authority to
4600 facilities "owned or provided"; amending s. 343.84,
4601 F.S.; providing that the department is the agent of
4602 the authority for the purpose of constructing,
4603 operating, and maintaining system facilities;
4604 providing for alternative appointment of a specified
4605 local agency as construction agent with the consent
4606 and approval of the department; providing for
4607 reimbursement from revenues of the system of costs
4608 incurred by the department to operate and maintain the
4609 system; providing that the department has no
4610 independent obligation to operate and maintain the
4611 system; providing the authority remains obligated as
4612 to operate and maintain its system; directing the
4613 authority to establish and collect tolls and other
4614 charges for the authority's facilities; amending s.
4615 343.85, F.S.; conforming terminology; repealing s.
4616 343.875, F.S., removing the authority's authorization
4617 to enter into public-private partnership agreements;
4618 removing project criteria; removing department
4619 authorization to use state resources to participate in
4620 projects; removing authorization to request proposals
4621 and to receive unsolicited proposals, removing related
4622 notice provisions, and removing procedural provisions
4623 related to consideration of such proposals; removing
4624 authorization for the public-private entity to impose



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4625 tolls or fares, to exercise its powers, including
4626 eminent domain, and to adopt rules; amending s.
4627 343.89, F.S.; conforming terminology; amending s.
4628 343.922, F.S.; removing a reference to advances from
4629 the Toll Facilities Revolving Trust Fund as a source
4630 of funding for certain projects by an authority;
4631 creating ch. 345, F.S., relating to the Florida
4632 Regional Transportation Finance Authority; creating s.
4633 345.0001, F.S.; providing a short title; creating s.
4634 345.0002, F.S.; providing definitions; creating s.
4635 345.0003, F.S.; authorizing counties to form a
4636 regional transportation finance authority that can
4637 construct, maintain, or operate transportation
4638 projects in a region of the state; providing for
4639 governance of the authority; creating s. 345.0004,
4640 F.S.; providing for the powers and duties of a
4641 regional transportation finance authority; limiting an
4642 authority's power with respect to an existing system;
4643 prohibiting an authority from pledging the credit or
4644 taxing power of the state or any political subdivision
4645 or agency of the state; requiring that an authority
4646 comply with certain reporting and documentation
4647 requirements; creating s. 345.0005, F.S.; allowing
4648 bonds to be issues on behalf of an authority pursuant
4649 to the State Bond Act; authorizing an authority to
4650 issue bonds for certain purposes; providing that the
4651 issued bonds must meet certain requirements; requiring
4652 that the bonds be sold at a public sale; authorizing
4653 the issuing of temporary bonds or interim



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4654 certificates; providing that the resolution that
4655 authorizes the issuance of bonds may contain specified
4656 provisions; authorizing an authority to enter into
4657 deeds of trust, indentures, or other agreements with a
4658 bank or trust company as security for issued bonds;
4659 providing that the issued bonds are negotiable
4660 instruments; providing that a resolution authorizing
4661 the issuance of bonds and pledging of revenues of the
4662 system must require that revenues be deposited to pay
4663 operating and maintenance costs of the system and to
4664 reimburse the department for certain costs;
4665 prohibiting the use or pledge of state funds to pay
4666 principal or interest of an authority's bonds and
4667 requiring bonds to contain a statement to this effect;
4668 creating s. 345.0006, F.S.; providing for the rights
4669 and remedies granted to certain bondholders; providing
4670 the actions a trustee may take on behalf of the
4671 bondholders; providing for the appointment of a
4672 receiver; providing for the authority of the receiver;
4673 providing limitations to the receiver's authority;
4674 creating s. 345.0007, F.S.; providing that the
4675 Department of Transportation is the agent of each
4676 authority for specified purposes; providing for the
4677 administration and management of projects by the
4678 department; providing limits on the department as an
4679 agent; providing for the fiscal responsibilities of
4680 the authority; creating s. 345.0008, F.S.; authorizing
4681 the department to provide for or commit its resources
4682 for an authority project or system, included in the



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4683 10-year Strategic Intermodal Plan, if included in a
4684 specific plan and approved by the Legislature;
4685 providing for feasibility studies; requiring certain
4686 criteria to be met before department approval;
4687 providing for payment of expenses incurred by the
4688 department on behalf of an authority; requiring the
4689 department to receive a share of the revenue from the
4690 authority; providing calculations for disbursement of
4691 revenues; creating s. 345.0009, F.S.; authorizing the
4692 authority to acquire private or public property and
4693 property rights for a project or plan; authorizing the
4694 authority to exercise the right of eminent domain;
4695 providing for the rights and liabilities and remedial
4696 actions relating to property acquired for a
4697 transportation project or corridor; creating s.
4698 345.0010, F.S.; providing for contracts between
4699 governmental entities and an authority; creating s.
4700 345.0011, F.S.; providing that the state will not
4701 limit or alter the vested rights of a bondholder with
4702 regard to any issued bonds or rights relating to the
4703 bonds under certain conditions; creating s. 345.0012,
4704 F.S.; relieving the authority from the obligation of
4705 paying certain taxes or assessments for property
4706 acquired or used for certain public purposes or for
4707 revenues received relating to the issuance of bonds;
4708 providing exceptions; creating s. 345.0013, F.S.;
4709 providing that the bonds or obligations issued are
4710 legal investments of specified entities; creating s.
4711 345.0014, F.S.; providing applicability; creating s.



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4712 345.0015, F.S.; creating the Santa Rosa-Escambia
4713 Regional Transportation Finance Authority; creating s.
4714 345.0016, F.S.; creating the Suncoast Regional
4715 Transportation Finance Authority; providing for the
4716 transfer of the governance and control of the Mid-Bay
4717 Bridge Authority System to the Northwest Florida
4718 Regional Transportation Finance Authority; providing
4719 for the disposition of bonds, the protection of the
4720 bondholders, the effect on the rights and obligations
4721 under a contract or the bonds, and the revenues
4722 associated with the bonds; amending ss. 348.751 and
4723 348.752, F.S.; renaming the Orlando-Orange County
4724 Expressway System as the "Central Florida Expressway
4725 System"; revising definitions; making technical
4726 changes; amending s. 348.753, F.S.; creating the
4727 Central Florida Expressway Authority; providing for
4728 the transfer of governance and control, legal rights
4729 and powers, responsibilities, terms, and obligations
4730 to the authority; providing conditions for the
4731 transfer; revising the composition of the governing
4732 body of the authority; providing for appointment of
4733 officers of the authority; revising quorum and voting
4734 requirements; conforming terminology and making
4735 technical changes; amending s. 348.754, F.S.;
4736 providing that the area served by the authority is
4737 within the geopolitical boundaries of Orange,
4738 Seminole, Lake, and Osceola Counties; requiring the
4739 authority to have prior consent from the Secretary of
4740 the Department of Transportation to construct an



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4741 extension, addition, or improvement to the expressway
4742 system in Lake County; extending, to 99 years from 40
4743 years, the term of a lease agreement; limiting the
4744 authority's authority to enter into a lease-purchase
4745 agreement; limiting the use of certain toll-revenues;
4746 providing exceptions; removing the requirement that
4747 the route of a project must be approved by a
4748 municipality before the right-of-way can be acquired;
4749 requiring that the authority encourage the inclusion
4750 of local-, small-, minority-, and women-owned
4751 businesses in its procurement and contracting
4752 opportunities; removing the authority and criteria for
4753 an authority to waive payment and performance bonds
4754 for certain public works projects that are awarded
4755 pursuant to an economic development program;
4756 conforming terminology and making technical changes;
4757 amending ss. 348.7543, 348.7544, 348.7545, 348.7546,
4758 348.7547, 348.755, and 348.756, F.S.; conforming
4759 terminology and making technical changes; amending s.
4760 348.757, F.S.; providing that upon termination of the
4761 lease-purchase agreement of the former Orlando-Orange
4762 County Expressway System, title in fee simple to the
4763 system will be retained by the authority; conforming
4764 terminology and making technical changes; amending ss.
4765 348.758, 348.759, 348.760, 348.761, 348.765, and
4766 369.317, F.S.; conforming terminology and making
4767 technical changes; amending s. 369.324, F.S.; revising
4768 the membership of the Wekiva River Basin Commission;
4769 conforming terminology; providing criteria for the



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4770 transfer of the Osceola County Expressway System to
4771 the Central Florida Expressway Authority; providing
4772 for the repeal of part V of ch. 348, F.S., when the
4773 Osceola County Expressway System is transferred to the
4774 Central Florida Expressway Authority; requiring the
4775 Central Florida Expressway Authority to reimburse
4776 other governmental entities for obligations related to
4777 the Osceola County Expressway System; providing for
4778 reimbursement after payment of other obligations;
4779 amending s. 373.4137, F.S.; providing legislative
4780 intent that mitigation be implemented in a manner that
4781 promotes efficiency, timeliness, and cost-
4782 effectiveness in project delivery; revising the
4783 criteria of the environmental impact inventory;
4784 revising the criteria for mitigation of projected
4785 impacts identified in the environmental impact
4786 inventory; requiring the Department of Transportation
4787 to include funding for environmental mitigation for
4788 its projects in its work program; revising the process
4789 and criteria for the payment by the department or
4790 participating transportation authorities of mitigation
4791 implemented by water management districts or the
4792 Department of Environmental Protection; revising the
4793 requirements for the payment to a water management
4794 district or the Department of Environmental Protection
4795 of the costs of mitigation planning and implementation
4796 of the mitigation required by a permit; revising the
4797 payment criteria for preparing and implementing
4798 mitigation plans adopted by water management districts



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4799 for transportation impacts based on the environmental
4800 impact inventory; adding federal requirements for the
4801 development of a mitigation plan; providing for
4802 transportation projects in the environmental
4803 mitigation plan for which mitigation has not been
4804 specified; revising a water management district's
4805 responsibilities relating to a mitigation plan;
4806 amending s. 373.618, F.S.; revising the outdoor
4807 advertisement exemption criteria for a public
4808 information system; amending s. 341.052, F.S.;
4809 prohibiting an eligible public transit provider from
4810 using public transit block grant funds to pursue or
4811 promote the levying of new or additional taxes through
4812 public referenda; requiring the amount of the
4813 provider's grant to be reduced by any amount so spent;
4814 defining the term "public funds" for purposes of the
4815 prohibition; providing an exception; requiring the
4816 Florida Transportation Commission to study the
4817 potential for state revenue from parking meters and
4818 other parking time-limit devices; authorizing the
4819 commission to retain experts; requiring the department
4820 to pay for the experts; requiring certain information
4821 from municipalities and counties; requiring certain
4822 information to be considered in the study; requiring a
4823 written report; providing for a moratorium on new
4824 parking meters or other parking time-limit devices on
4825 the state right-of-way; prohibiting the sale of unsafe
4826 used tires by used tire retailers under certain
4827 circumstances; providing an exception; providing what



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4828 constitutes an unsafe used tire; providing that a
4829 person who violates this section commits an unfair and
4830 deceptive trade practice; providing an effective date.