

## CHAPTER 2012-128

### Senate Bill No. 1998

An act relating to transportation; repealing s. 288.063, F.S., relating to contract requirements for transportation projects; amending s. 288.0656, F.S.; conforming a cross-reference; revising the title of ch. 311, F.S.; amending s. 311.07, F.S.; revising provisions for the financing of port transportation or port facilities projects; increasing funding for the Florida Seaport Transportation and Economic Development Program; directing the Florida Seaport Transportation and Economic Development Council to develop guidelines for project funding; directing council staff, the Department of Transportation, and the Department of Economic Opportunity to work in cooperation to review projects and allocate funds as specified; revising certain authorized uses of program funds; revising the list of projects eligible for funding under the program; removing a cap on distribution of program funds; removing a requirement for a specified audit; authorizing the Department of Transportation to subject projects funded under the program to a specified audit; amending s. 311.09, F.S.; revising provisions for rules of the council for evaluating certain projects; removing provisions for review by the Department of Community Affairs of the list of projects approved by the council; revising provisions for review and evaluation of such projects by the Department of Transportation and the Department of Economic Opportunity; increasing the amount of funding the Department of Transportation is required to include in its annual legislative budget request for the Florida Seaport Transportation and Economic Development Program; revising provisions relating to funding to be included in the budget; creating s. 311.10, F.S.; establishing the Strategic Port Investment Initiative within the Department of Transportation; providing for a minimum annual amount from the State Transportation Trust Fund to fund the initiative; directing the department to work with deepwater ports to develop and maintain a priority list of strategic investment projects; providing project selection criteria; requiring the department to schedule a publicly noticed workshop with the Department of Economic Opportunity and the deepwater ports to review the proposed projects; directing the department to finalize a prioritized list of potential projects after considering comments received in the workshop; directing the department to include the proposed seaport projects in the tentative work program; creating s. 311.101, F.S.; creating the Intermodal Logistics Center Infrastructure Support Program within the Department of Transportation; providing purpose of the program; defining the term “intermodal logistics center”; providing criteria for consideration by the department when evaluating projects for program assistance; directing the department to coordinate and consult with the Department of Economic Opportunity in the selection of projects to be funded; authorizing the department to administer contracts on behalf of the entity selected to receive funding; providing for the department’s share of project costs; providing for a certain amount of funds in the State Transportation Trust

Fund to be made available for eligible projects; directing the department to include the proposed projects in the tentative work program; authorizing the department to adopt rules; amending s. 311.22, F.S.; conforming a cross-reference; amending s. 316.302, F.S.; requiring owners or drivers of commercial motor vehicles that are engaged in intrastate commerce to be subject to specified federal rules and regulations as such rules and regulations existed on a certain date; providing that certain restrictions on the number of consecutive hours that a commercial motor vehicle may operate do not apply to a farm labor vehicle operated during a state of emergency or during an emergency pertaining to agriculture; correcting terminology; amending s. 318.14, F.S.; authorizing a person who does not hold a commercial driver license and who is cited for a noncriminal traffic infraction while driving a noncommercial motor vehicle to elect to attend a basic driver improvement course in lieu of a court appearance; authorizing a person who does not hold a commercial driver license and who is cited for certain offenses while driving a noncommercial motor vehicle to elect to enter a plea of nolo contendere and to provide proof of compliance in lieu of payment of fine or court appearance; amending s. 319.32, F.S.; increasing the amount of the fees deposited into the State Transportation Trust Fund from original and duplicate certificates of title issued for motor vehicles; specifying the allocation and purposes of funds received from increasing the amount of the fees from original and duplicate certificates of title issued for motor vehicles; providing for the transfer of funds to the State Transportation Trust Fund that result from increased revenues from the seaport programs; amending s. 320.20, F.S.; conforming provisions to changes made by the act; repealing s. 320.204, F.S., relating to the transfer of funds from the Highway Safety Operating Trust Fund to the Transportation Disadvantaged Trust Fund; amending s. 322.07, F.S.; revising provisions relating to temporary commercial instruction permits; amending s. 322.53, F.S.; revising an exemption from the requirement to obtain a commercial driver license for farmers transporting agricultural products, farm supplies, or farm machinery under certain circumstances; providing that such exemption applies if the vehicle is not used in the operations of a common or contract motor carrier; amending s. 322.54, F.S.; requiring that persons who drive a motor vehicle having a gross vehicle weight rating or gross vehicle weight of a specified amount or more possess certain classifications of driver licenses; amending s. 322.59, F.S.; revising provisions relating to the possession of a medical examiner's certificate; requiring that the department disqualify a driver from operating a commercial motor vehicle if the driver holds a commercial driver license and fails to comply with the medical certification requirements; authorizing the department to issue, under certain circumstances, a Class E driver license to a person who is disqualified from operating a commercial motor vehicle; amending s. 322.61, F.S.; revising provisions relating to the disqualification from operating a commercial motor vehicle; providing that any holder of a commercial driver license who is convicted of two violations committed while operating any motor vehicle is permanently disqualified from operating a commercial motor vehicle; amending s. 334.30, F.S., relating to public-private transportation facilities; deleting obsolete

provisions relating to the Toll Facilities Revolving Trust Fund; amending s. 335.074, F.S., relating to bridge safety inspection reports; requiring the governmental entity having maintenance responsibility for a bridge to reduce the maximum weight, size, or speed limit for the bridge or to close the bridge upon receipt of a report recommending the reduction or closure; requiring the entity to post the reduced limits and notify the department; requiring the department to post the reduced limits or to close the bridge under certain circumstances; requiring costs associated with the department posting the revised limits or closure of the bridge to be assessed against and collected from the governmental entity; creating s. 338.151, F.S.; authorizing the department to establish tolls on certain transportation facilities to pay for the cost of such project; prohibiting the department from establishing tolls on certain lanes of limited access facilities; providing an exception; providing for application; amending s. 338.155, F.S.; authorizing the department adopt rules to allow public transit vehicles and certain military-service-related funeral processions to use certain toll facilities without payment of tolls; amending s. 338.161, F.S.; authorizing the Department of Transportation to enter into certain agreements with a public or private transportation facility owner if it can increase nontoll revenues or add convenience or other value; providing criteria; amending s. 338.165, F.S.; authorizing the Department of Transportation to transfer the Beachline-East Expressway to the turnpike system; providing for the deposit of any funds expended by the Florida Turnpike Enterprise for the acquisition of the Beachline-East Expressway into the State Transportation Trust Fund for allocation to construct the Wekiva Parkway; defining the term “Wekiva Parkway”; amending s. 338.166, F.S.; revising a provision for issuance of bonds secured by toll revenues collected on high-occupancy toll lanes or express lanes; revising authorized uses of such toll revenues; providing restrictions on such use; amending s. 338.221, F.S.; revising the definition of the term “economically feasible” for purposes of proposed turnpike projects; amending s. 338.223, F.S.; revising provisions for department requests for legislative approval of proposed turnpike projects; conforming a cross-reference; repealing s. 338.251, F.S., relating to the Toll Facilities Revolving Trust Fund; amending s. 339.08, F.S.; conforming a cross-reference; creating s. 339.139, F.S.; declaring that management of transportation infrastructure financing to ensure the fiscal integrity of the State Transportation Trust Fund is state policy; requiring that the department provide a debt and debtlike contractual obligations load report to the Executive Office of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the legislative appropriations committees; requiring that the load report provide certain data; requiring that the department manage levels of debt to ensure that no more than a certain percentage of revenues is committed; providing exceptions that allow the limitation to be exceeded; requiring that the department prepare a report on debt obligations that are secured by and payable from pledged revenues; requiring that the department provide the report to the Executive Office of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the legislative appropriations committees; creating

s. 339.2821, F.S.; authorizing the Department of Transportation, in consultation with the Department of Economic Opportunity, to make and approve expenditures and enter into contracts with an appropriate governmental body for the direct costs of transportation projects; providing definitions; authorizing the Department of Economic Opportunity and the Department of Environmental Protection to review and comment on recommended transportation projects; providing criteria that the Department of Transportation must follow when reviewing a contract for approval; providing criteria for the transportation contract with a governmental body; providing that Space Florida may serve as a governmental body or as a contracting agency for transportation projects within spaceport territory; requiring each governmental body to submit a financial audit by an independent certified public accountant to the department; requiring that the department monitor each construction site receiving funding; assigning and transferring the rights and obligations of the Department of Economic Opportunity under certain contracts to the Department of Transportation; requiring the contracts to be administered by the Department of Transportation; creating s. 339.2825, F.S.; requiring the Department of Transportation to submit a summary of proposed public-private transportation projects to the Executive Office of the Governor, each legislative appropriations committee, the President of the Senate, and the Speaker of the House of Representatives; providing criteria for the summary; providing for the department to proceed with a project upon approval by the Governor; prohibiting the Governor from approving a transportation project if a legislative appropriations committee, the President of the Senate, or the Speaker of the House of Representatives objects within a certain period after receipt of the summary; providing for receipt by the department of an unsolicited proposal for certain transportation projects; exempting a public-private partnership agreement involving the lease of a toll facility from the requirements of the approval process; amending s. 339.63, F.S.; adding military access facilities to the types of facilities included in the Strategic Intermodal System and the Emerging Strategic Intermodal System which form components of an interconnected transportation system; providing that an intermodal logistics center meeting certain criteria shall be designated as part of the Strategic Intermodal System; providing for a waiver of transportation concurrency for such facility if it is located within a described area; amending s. 348.7546, F.S.; authorizing the Orlando-Orange County Expressway Authority to construct, finance, operate, own, and maintain those portions of the Wekiva Parkway which are identified by agreement between the authority and the department; providing that the authority's exercise of certain condemnation powers or acquisition of any property; requiring the authority to repay certain expenditures by the department; requiring that the funds paid to the department be allocated for construction of the Wekiva Parkway; providing that the department's obligations to construct certain portions of the Wekiva Parkway are contingent upon timely payment by the authority and receipt of all required permits and approvals; amending s. 348.755, F.S.; prohibiting the authority from issuing any bonds, except as permitted under the terms of a

certain memorandum of understanding between the authority and the department; amending s. 348.757, F.S.; limiting certain authorized lease-purchase agreements; providing for the termination of the department's obligations under certain lease-purchase agreements; amending s. 369.317, F.S.; providing for the Department of Environmental Protection to have exclusive permitting authority for certain activities associated with the Wekiva Parkway and related transportation facilities; requiring the department to locate the precise corridor and interchanges for the Wekiva Parkway to be located in Seminole County; amending s. 377.809, F.S.; conforming a cross-reference; transferring funds and all future payments of obligated funds in the Toll Facilities Revolving Trust Fund to the State Transportation Trust Fund; requiring that a challenge to a consolidated environmental resource permit or an associated variance or a sovereign submerged lands authorization proposed or issued by the Department of Environmental Protection in connection with the state's deepwater ports be conducted pursuant to certain summary hearing provisions; providing a timeframe when the summary proceeding must be conducted; requiring the administrative law judge's decision be in the form of a recommended order; providing that the recommended order does not constitute final agency action of the department; requiring the department to issue the final order within 45 working days after receipt of the recommended order; providing exceptions for pending administrative proceedings; providing effective dates.

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

Section 1. Section 288.063, Florida Statutes, is repealed.

Section 2. Paragraph (a) of subsection (7) of section 288.0656, Florida Statutes, is amended to read:

288.0656 Rural Economic Development Initiative.—

(7)(a) REDI may recommend to the Governor up to three rural areas of critical economic concern. The Governor may by executive order designate up to three rural areas of critical economic concern which will establish these areas as priority assignments for REDI as well as to allow the Governor, acting through REDI, to waive criteria, requirements, or similar provisions of any economic development incentive. Such incentives shall include, but not be limited to: the Qualified Target Industry Tax Refund Program under s. 288.106, the Quick Response Training Program under s. 288.047, the Quick Response Training Program for participants in the welfare transition program under s. 288.047(8), transportation projects under s. 339.2821 ~~288.063~~, the brownfield redevelopment bonus refund under s. 288.107, and the rural job tax credit program under ss. 212.098 and 220.1895.

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

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

311.07 Florida seaport transportation and economic development funding.—

(1) There is created the Florida Seaport Transportation and Economic Development Program within the Department of Transportation to finance port transportation or port facilities projects that will improve the movement and intermodal transportation of cargo or passengers in commerce and trade and that will support the interests, purposes, and requirements of the ports listed in s. 311.09 located in this state.

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

(3)(a) Florida Seaport Transportation and Economic Development Program funds shall be used to fund approved projects on a 50-50 matching basis with any of the deepwater ports, as listed in s. 311.09 s. 403.021(9)(b), which is governed by a public body or any other deepwater port which is governed by a public body and which complies with the water quality provisions of s. 403.061, the comprehensive master plan requirements of s. 163.3178(2)(k), and the local financial management and reporting provisions of part III of chapter 218. However, program funds used to fund projects that involve the rehabilitation of wharves, docks, berths, bulkheads, or similar structures shall require a 25-percent match of funds. Program funds also may be used by the Seaport Transportation and Economic Development Council for data and analysis that to develop trade data information products which will assist Florida's seaports and international trade.

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

1. Transportation facilities within the jurisdiction of the port.
2. The dredging or deepening of channels, turning basins, or harbors.
3. The construction or rehabilitation of wharves, docks, structures, jetties, piers, storage facilities, cruise terminals, automated people mover systems, or any facilities necessary or useful in connection with any of the foregoing.
4. The acquisition of vessel tracking systems, container cranes, or other mechanized equipment used in the movement of cargo or passengers in international commerce.
5. The acquisition of land to be used for port purposes.

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

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

8. Transportation facilities as defined in s. 334.03(31) which are not otherwise part of the Department of Transportation’s adopted work program.

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

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

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

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

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

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

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

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

311.09 Florida Seaport Transportation and Economic Development Council.—

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

(5) The council shall review and approve or disapprove each project eligible to be funded pursuant to the Florida Seaport Transportation and Economic Development Program. The council shall annually submit to the Secretary of Transportation and the executive director of the Department of Economic Opportunity, or his or her designee, a list of projects which have been approved by the council. The list shall specify the recommended funding level for each project; and, if staged implementation of the project is appropriate, the funding requirements for each stage shall be specified.

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

~~(6)(7) The Department of Transportation shall review the list of project applications projects approved by the council for consistency with the Florida Transportation Plan, the Statewide Seaport and Waterways System Plan, and the department's adopted work program. In evaluating the consistency of a project, the department shall assess the transportation impacts and economic benefits for each project determine whether the transportation impact of the proposed project is adequately handled by existing state-owned transportation facilities or by the construction of additional state-owned transportation facilities as identified in the Florida Transportation Plan and the department's adopted work program. In reviewing for consistency a transportation facility project as defined in s. 334.03(31) which is not otherwise part of the department's work program, the department shall evaluate whether the project is needed to provide for projected movement of cargo or passengers from the port to a state transportation facility or local road. If the project is needed to provide for projected movement of cargo or passengers, the project shall be approved for consistency as a consideration to facilitate the economic development and growth of the state in a timely manner. The Department of Transportation shall identify those projects that which are inconsistent with the Florida Transportation Plan, the Statewide~~



Seaport and Waterways System Plan, or and the adopted work program and shall notify the council of projects found to be inconsistent.

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

(8)(9) The council shall review the findings of the Department of Economic Opportunity and the Department of Transportation. Projects found to be inconsistent pursuant to subsections (6), or (7), and (8) or and projects that which have been determined not to offer an economic benefit to the state pursuant to subsection (7) (8) may shall not be included in the list of projects to be funded.

(9)(10) The Department of Transportation shall include no less than \$15 million per year in its annual legislative budget request for the a Florida Seaport Transportation and Economic Development grant Program funded under s. 311.07 for expenditure of funds of not less than \$8 million per year. Such budget shall include funding for projects approved by the council which have been determined by each agency to be consistent and which have been determined by the Department of Economic Opportunity to be economically beneficial. The department shall include the specific approved Florida Seaport Transportation and Economic Development Program seaport projects to be funded under s. 311.07 this section during the ensuing fiscal year in the tentative work program developed pursuant to s. 339.135(4). The total amount of funding to be allocated to Florida Seaport Transportation and Economic Development Program seaport projects under s. 311.07 during the successive 4 fiscal years shall also be included in the tentative work program developed pursuant to s. 339.135(4). The council may submit to the department a list of approved projects that could be made production-ready within the next 2 years. The list shall be submitted by the department as part of the needs and project list prepared pursuant to s. 339.135(2)(b). However, the department shall, upon written request of the Florida Seaport Transportation and Economic Development Council, submit work program amendments pursuant to s. 339.135(7) to the Governor within 10 days after the later of the date the request is received by the department or the effective date of the amendment, termination, or closure of the applicable funding agreement between the department and the affected seaport, as required to release the funds from the existing commitment. Notwithstanding s. 339.135(7)(c), any work program amendment to transfer prior year

funds from one approved seaport project to another seaport project is subject to the procedures in s. 339.135(7)(d). Notwithstanding any provision of law to the contrary, the department may transfer unexpended budget between the seaport projects as identified in the approved work program amendments.

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

~~(11)~~(12) Members of the council shall serve without compensation but are entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.061. The council may elect to provide an administrative staff to provide services to the council on matters relating to the Florida Seaport Transportation and Economic Development Program and the council. The cost for such administrative services shall be paid by all ports that receive funding from the Florida Seaport Transportation and Economic Development Program, based upon a pro rata formula measured by each recipient’s share of the funds as compared to the total funds disbursed to all recipients during the year. The share of costs for administrative services shall be paid in its total amount by the recipient port upon execution by the port and the Department of Transportation of a joint participation agreement for each council-approved project, and such payment is in addition to the matching funds required to be paid by the recipient port. Except as otherwise exempted by law, all moneys derived from the Florida Seaport Transportation and Economic Development Program shall be expended in accordance with the provisions of s. 287.057. Seaports subject to competitive negotiation requirements of a local governing body shall abide by the provisions of s. 287.055.

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

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

311.10 Strategic Port Investment Initiative.—

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

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

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

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

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

(2) Before making final project allocations, the Department of Transportation shall schedule a publicly noticed workshop with the Department of Economic Opportunity and the deepwater ports listed in s. 311.09 to review the proposed projects. After considering the comments received, the Department of Transportation shall finalize a prioritized list of potential projects.

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

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

311.101 Intermodal Logistics Center Infrastructure Support Program.

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

(2) As used in this section, the term “intermodal logistics center” means a facility or group of facilities, including, but not limited to, an inland port,

servicing as a point of intermodal transfer of freight in a specific area physically separated from a seaport where activities relating to transport, logistics, goods distribution, consolidation, or value-added activities are carried out and whose activities and services are designed to support or be supported by conveyance or shipping through one or more seaports listed in s. 311.09.

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

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

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

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

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

(e) A commitment of a funding match.

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

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

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

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

(5) The department may administer contracts on behalf of the entity selected to receive funding for a project under this section.

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

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

(8) The Department of Transportation may adopt rules to administer this section.

Section 8. Subsection (2) of section 311.22, Florida Statutes, is amended to read:

311.22 Additional authorization for funding certain dredging projects.

(2) The council shall adopt rules for evaluating the projects that may be funded pursuant to this section. The rules must provide criteria for evaluating the economic benefit of the project. The rules must include the creation of an administrative review process by the council which is similar to the process described in s. ~~311.09(5)-(11)~~ 311.09(5)-(12), and provide for a review by the Department of Transportation and the Department of Economic Opportunity of all projects submitted for funding under this section.

Section 9. Paragraph (b) of subsection (1) and paragraph (c) of subsection (2) of section 316.302, Florida Statutes, are amended to read:

316.302 Commercial motor vehicles; safety regulations; transporters and shippers of hazardous materials; enforcement.—

(1)

(b) Except as otherwise provided in this section, all owners or drivers of commercial motor vehicles that are engaged in intrastate commerce are subject to the rules and regulations contained in 49 C.F.R. parts 382, 385, and 390-397, with the exception of 49 C.F.R. s. 390.5 as it relates to the definition of bus, as such rules and regulations existed on October 1, 2011 ~~2009~~.

(2)

(c) Except as provided in 49 C.F.R. s. 395.1, a person who operates a commercial motor vehicle solely in intrastate commerce not transporting any hazardous material in amounts that require placarding pursuant to 49 C.F.R. part 172 may not drive after having been on duty more than 70 hours in any period of 7 consecutive days or more than 80 hours in any period of 8 consecutive days if the motor carrier operates every day of the week. Thirty-four consecutive hours off duty shall constitute the end of any such period of 7 or 8 consecutive days. This weekly limit does not apply to a person who operates a commercial motor vehicle solely within this state while transporting, during harvest periods, any unprocessed agricultural products or unprocessed food or fiber that is subject to seasonal harvesting from place of harvest to the first place of processing or storage or from place of harvest directly to market or while transporting livestock, livestock feed, or farm supplies directly related to growing or harvesting agricultural products. Upon request of the Department of Highway Safety and Motor Vehicles ~~Department of Transportation~~, motor carriers shall furnish time records or other written verification to that department so that the Department of Highway Safety and Motor Vehicles ~~Department of Transportation~~ can determine compliance with this subsection. These time records must be

furnished to the Department of Highway Safety and Motor Vehicles ~~Department of Transportation~~ within 2 days after receipt of that department's request. Falsification of such information is subject to a civil penalty not to exceed \$100. The provisions of this paragraph do not apply to operators of farm labor vehicles operated during a state of emergency declared by the Governor or operated pursuant to s. 570.07(21), and do not apply to drivers of utility service vehicles as defined in 49 C.F.R. s. 395.2.

Section 10. Subsections (9) and (10) of section 318.14, Florida Statutes, are amended to read:

318.14 Noncriminal traffic infractions; exception; procedures.—

(9) Any person who does not hold a commercial ~~driver~~ driver's license and who is cited while driving a noncommercial motor vehicle for an infraction under this section other than a violation of s. 316.183(2), s. 316.187, or s. 316.189 when the driver exceeds the posted limit by 30 miles per hour or more, s. 320.0605, s. 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in lieu of a court appearance, elect to attend in the location of his or her choice within this state a basic driver improvement course approved by the Department of Highway Safety and Motor Vehicles. In such a case, adjudication must be withheld and points, as provided by s. 322.27, may not be assessed. However, a person may not make an election under this subsection if the person has made an election under this subsection in the preceding 12 months. A person may not ~~no~~ make more than five elections within his or her lifetime under this subsection. The requirement for community service under s. 318.18(8) is not waived by a plea of nolo contendere or by the withholding of adjudication of guilt by a court. If a person makes an election to attend a basic driver improvement course under this subsection, 18 percent of the civil penalty imposed under s. 318.18(3) shall be deposited in the State Courts Revenue Trust Fund; however, that portion is not revenue for purposes of s. 28.36 and may not be used in establishing the budget of the clerk of the court under that section or s. 28.35.

(10)(a) Any person who does not hold a commercial ~~driver~~ driver's license and who is cited while driving a noncommercial motor vehicle for an offense listed under this subsection may, in lieu of payment of fine or court appearance, elect to enter a plea of nolo contendere and provide proof of compliance to the clerk of the court, designated official, or authorized operator of a traffic violations bureau. In such case, adjudication shall be withheld; however, a person may not make an ~~no election shall be made~~ under this subsection if the ~~such~~ person has made an election under this subsection in the preceding 12 months ~~preceding election hereunder~~. A ~~No~~ person may not make more than three elections under this subsection. This subsection applies to the following offenses:

1. Operating a motor vehicle without a valid ~~driver~~ driver's license in violation of ~~the provisions of~~ s. 322.03, s. 322.065, or s. 322.15(1), or operating a motor vehicle with a license that has been suspended for failure to appear,

failure to pay civil penalty, or failure to attend a driver improvement course pursuant to s. 322.291.

2. Operating a motor vehicle without a valid registration in violation of s. 320.0605, s. 320.07, or s. 320.131.

3. Operating a motor vehicle in violation of s. 316.646.

4. Operating a motor vehicle with a license that has been suspended under s. 61.13016 or s. 322.245 for failure to pay child support or for failure to pay any other financial obligation as provided in s. 322.245; however, this subparagraph does not apply if the license has been suspended pursuant to s. 322.245(1).

5. Operating a motor vehicle with a license that has been suspended under s. 322.091 for failure to meet school attendance requirements.

(b) Any person cited for an offense listed in this subsection shall present proof of compliance before ~~prior to~~ the scheduled court appearance date. For the purposes of this subsection, proof of compliance shall consist of a valid, renewed, or reinstated driver ~~driver's~~ license or registration certificate and proper proof of maintenance of security as required by s. 316.646. Notwithstanding waiver of fine, any person establishing proof of compliance shall be assessed court costs of \$25, except that a person charged with violation of s. 316.646(1)-(3) may be assessed court costs of \$8. One dollar of such costs shall be remitted to the Department of Revenue for deposit into the Child Welfare Training Trust Fund of the Department of Children and Family Services. One dollar of such costs shall be distributed to the Department of Juvenile Justice for deposit into the Juvenile Justice Training Trust Fund. Fourteen dollars of such costs shall be distributed to the municipality and \$9 shall be deposited by the clerk of the court into the fine and forfeiture fund established pursuant to s. 142.01, if the offense was committed within the municipality. If the offense was committed in an unincorporated area of a county or if the citation was for a violation of s. 316.646(1)-(3), the entire amount shall be deposited by the clerk of the court into the fine and forfeiture fund established pursuant to s. 142.01, except for the moneys to be deposited into the Child Welfare Training Trust Fund and the Juvenile Justice Training Trust Fund. This subsection does ~~shall~~ not be ~~construed to~~ authorize the operation of a vehicle without a valid driver ~~driver's~~ license, without a valid vehicle tag and registration, or without the maintenance of required security.

Section 11. Section 319.32, Florida Statutes, is amended to read:

319.32 Fees; service charges; disposition.—

(1) The department shall charge a fee of \$70 for each original certificate of title, except for a certificate of title for a motor vehicle for hire registered under s. 320.08(6) for which the title fee shall be \$49; \$70 for each duplicate copy of a certificate of title, except for a certificate of title for a motor vehicle

for hire registered under s. 320.08(6) for which the title fee shall be \$49; \$2 for each salvage certificate of title; and \$3 for each assignment by a lienholder. The department shall also charge a fee of \$2 for noting a lien on a title certificate, which fee includes the services for the subsequent issuance of a corrected certificate or cancellation of lien when that lien is satisfied. If an application for a certificate of title is for a vehicle that is required by s. 319.14(1)(b) to have a physical examination, the department shall charge an additional fee of \$40 for the initial examination and \$20 for each subsequent examination. The initial examination fee shall be deposited into the General Revenue Fund, and each subsequent examination fee shall be deposited into the Highway Safety Operating Trust Fund. The physical examination of the vehicle includes, but is not limited to, verification of the vehicle identification number and verification of the bill of sale or title for major components. In addition to all other fees charged, a sum of \$1 shall be paid for the issuance of an original or duplicate certificate of title to cover the cost of materials used for security purposes. A service fee of \$2.50, to be deposited into the Highway Safety Operating Trust Fund, shall be charged for shipping and handling for each paper title mailed by the department.

(2)(a) There shall be a service charge of \$4.25 for each application ~~that~~ which is handled in connection with the issuance, duplication, or transfer of any certificate of title. There shall be a service charge of \$1.25 for each application ~~that~~ which is handled in connection with the recordation or notation of a lien on a motor vehicle or mobile home which is not in connection with the purchase of such vehicle.

(b) The service charges specified in paragraph (a) shall be collected by the department on any application handled directly from its office. Otherwise, these service charges shall be collected and retained by the tax collector who handles the application.

(3) The department shall charge a fee of \$10 in addition to that charged in subsection (1) for each original certificate of title issued for a vehicle previously registered outside this state.

(4) The department shall charge a fee of \$7 for each lien placed on a motor vehicle by the state child support enforcement program pursuant to s. 319.24.

(5)(a) Forty-seven dollars of each fee collected, except for fees charged on a certificate of title for a motor vehicle for hire registered under s. 320.08(6), for each applicable original certificate of title and each applicable duplicate copy of a certificate of title, after deducting the service charges imposed by s. 215.20, shall be deposited into the State Transportation Trust Fund. Deposits to the State Transportation Trust Fund pursuant to this paragraph may not exceed \$200 million in any fiscal year and any collections in excess of that amount during the fiscal year shall be paid into the General Revenue Fund.

(b) All fees collected pursuant to subsection (3) shall be paid into the Nongame Wildlife Trust Fund. Twenty-one dollars of each fee, except for fees



charged on a certificate of title for a motor vehicle for hire registered under s. 320.08(6), for each applicable original certificate of title and each applicable duplicate copy of a certificate of title, after deducting the service charges imposed by s. 215.20, shall be deposited into the State Transportation Trust Fund. All other fees collected by the department under this chapter shall be paid into the General Revenue Fund.

(6) Notwithstanding chapter 116, each every county officer within this state authorized to collect funds provided for in this chapter shall pay all sums officially received by the officer into the State Treasury no later than 5 working days after the close of the business day in which the officer received the funds. Payment by county officers to the state shall be made by means of electronic funds transfer.

Section 12. Funds that result from increased revenues to the State Transportation Trust Fund derived from the amendments to s. 319.32(5)(a), Florida Statutes, made by this act must be used as follows, notwithstanding any other provision of law:

(1)(a) In the 2012-2013 fiscal year, \$200 million, or actual receipts up to \$200 million, shall be transferred to the General Revenue Fund.

(b) The Department of Transportation shall transfer the actual receipts monthly to the General Revenue Fund. These transfers shall be made in the month following the deposit of those receipts into the State Transportation Trust Fund.

(2) Beginning in 2013-2014 fiscal year and annually for up to 30 years thereafter, \$10 million shall be for the purpose of funding any seaport project identified in the adopted work program of the Department of Transportation, to be known as the Seaport Investment Program. The revenues may be assigned, pledged, or set aside as a trust for the payment of principal or interest on bonds, tax anticipation certificates, or other forms of indebtedness issued by an individual port or appropriate local government having jurisdiction thereof, or collectively by interlocal agreement among any of the ports, or used to purchase credit support to permit such borrowings. However, the debt is not a general obligation of the state. The state covenants with holders of the revenue bonds or other instruments of indebtedness issued pursuant to this subsection that it will not repeal or impair or amend this subsection in any manner that will materially or adversely affect the rights of holders so long as bonds authorized by this subsection are outstanding. The proceeds of any bonds or other indebtedness secured by a pledge of the funding, after payment of costs of issuance and establishment of any required reserves, shall be invested in projects approved by the Department of Transportation and included in the department's adopted work program, by amendment if necessary. Any revenues that are not pledged to the repayment of bonds as authorized by this section may be used for purposes authorized under the Florida Seaport Transportation and Economic Development Program. This revenue source is in addition to any amounts provided for and appropriated in accordance with

ss. 311.07 and 320.20(3) and (4), Florida Statutes. Revenue bonds shall be issued by the Division of Bond Finance at the request of the Department of Transportation pursuant to the State Bond Act.

(3) Beginning in the 2013-2014 fiscal year and annually for up to 30 years thereafter, \$35 million shall be transferred to Florida's Turnpike Enterprise, to be used in accordance with Florida Turnpike Enterprise Law, to the maximum extent feasible for feeder roads, structures, interchanges, appurtenances, and other rights to create or facilitate access to the existing turnpike system.

(4) Beginning in the 2013-2014 fiscal year and annually thereafter, \$10 million shall be transferred to the Transportation Disadvantaged Trust Fund, to be used as specified in s. 427.0159, Florida Statutes.

(5) Beginning in the 2013-2014 fiscal year and annually thereafter, \$10 million shall be allocated to the Small County Outreach Program, to be used as specified in s. 339.2818, Florida Statutes. These funds are in addition to the funds provided in s. 201.15(1)(c)1.b., Florida Statutes.

(6) After the distributions required pursuant to subsections (1)-(5), the remaining funds shall be used annually for transportation projects within this state for existing or planned strategic transportation projects which connect major markets within this state or between this state and other states, which focus on job creation, and which increase this state's viability in the national and global markets.

(7) Pursuant to s. 339.135(7), Florida Statutes, the department shall amend the work program to add the projects provided for in this section.

Section 13. Subsections (3) and (4) of section 320.20, Florida Statutes, are amended to read:

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

(3) Notwithstanding any other provision of law except subsections (1) and (2), on July 1, 1996, and annually thereafter, \$15 million shall be deposited annually into in the State Transportation Trust Fund solely for the purposes of funding the Florida Seaport Transportation and Economic Development Program as provided for in chapter 311. Such revenues shall be distributed on a 50-50 matching basis to any port listed in s. 311.09(1) to be used for funding projects as described in s. 311.07(3)(b). Such revenues may be assigned, pledged, or set aside as a trust for the payment of principal or interest on bonds, tax anticipation certificates, or any other form of indebtedness issued by an individual port or appropriate local government having jurisdiction thereof, or collectively by interlocal agreement among any of the ports, or used to purchase credit support to permit such

borrowings. However, such debt ~~is shall~~ not constitute a general obligation of the state of Florida. The state ~~covenants does hereby covenant~~ with holders of such revenue bonds or other instruments of indebtedness issued here-~~under~~ that it will not repeal or impair or amend in any manner ~~that~~ which will materially and adversely affect the rights of such holders so long as bonds authorized by this section are outstanding. Any revenues ~~that~~ which are not pledged to the repayment of bonds as authorized by this section may be ~~used~~ utilized for purposes authorized under the Florida Seaport Transportation and Economic Development Program. This revenue source is in addition to any amounts provided ~~for~~ and appropriated in accordance with s. 311.07. The Florida Seaport Transportation and Economic Development Council shall approve ~~the~~ distribution of funds to ports for projects ~~that~~ which have been approved pursuant to s. ~~311.09(5)-(8)~~ 311.09(5)-(9). The council and the Department of Transportation ~~may are~~ authorized to perform ~~such acts as are~~ required to facilitate and implement the provisions of this subsection. To better enable the ports to cooperate to their mutual advantage, the governing body of each port may exercise powers provided to municipalities or counties in s. 163.01(7)(d) subject to ~~the provisions of~~ chapter 311 and special acts, if any, pertaining to a port. The use of funds provided pursuant to this subsection are limited to eligible projects listed in this subsection. Income derived from a project completed with the use of program funds, beyond operating costs and debt service, ~~is shall be~~ restricted solely to further port capital improvements consistent with maritime purposes ~~and for no other purpose~~. Use of such income for nonmaritime purposes is prohibited. ~~The provisions of s. 311.07(4) do not apply to any funds received pursuant to this subsection.~~ The revenues available under this subsection ~~may shall~~ not be pledged to the payment of any bonds other than the Florida Ports Financing Commission Series 1996 and Series 1999 Bonds currently outstanding; ~~provided,~~ however, such revenues may be pledged to secure payment of refunding bonds to refinance the Florida Ports Financing Commission Series 1996 and Series 1999 Bonds. No Refunding bonds secured by revenues available under this subsection may ~~not~~ be issued with a final maturity later than the final maturity of the Florida Ports Financing Commission Series 1996 and Series 1999 Bonds or which provide for higher debt service in any year than is currently payable on such bonds. Any revenue bonds or other indebtedness issued after July 1, 2000, other than refunding bonds shall be issued by the Division of Bond Finance at the request of the Department of Transportation pursuant to the State Bond Act.

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

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

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

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

(d) For seaport intermodal access projects that involve the dredging or deepening of channels, turning basins, or harbors; or the rehabilitation of wharves, docks, or similar structures. Funding for such projects requires ~~shall require~~ a 25 percent match of the funds received pursuant to this subsection. Matching funds must ~~shall~~ come from any port funds, federal funds, local funds, or private funds.

Such revenues may be assigned, pledged, or set aside as a trust for the payment of principal or interest on bonds, tax anticipation certificates, or ~~any~~ other form of indebtedness issued by an individual port or appropriate local government having jurisdiction thereof, or collectively by interlocal agreement among any of the ports, or used to purchase credit support to permit such borrowings. However, such debt ~~is~~ shall not constitute a general obligation of the state. This state covenants ~~hereby covenants~~ with holders of such revenue bonds or other instruments of indebtedness issued hereunder that it will not repeal or impair or amend this subsection in any manner that ~~which~~ will materially and adversely affect the rights of holders so long as bonds authorized by this subsection are outstanding. Any revenues that are not pledged to the repayment of bonds as authorized by this section may be used ~~utilized~~ for purposes authorized under the Florida Seaport Transportation and Economic Development Program. This revenue source is in addition to any amounts provided for and appropriated in accordance with s. 311.07 and subsection (3). The Florida Seaport Transportation and Economic Development Council shall approve distribution of funds to ports for projects that have been approved pursuant to s. ~~311.09(5)-(8)~~ 311.09(5)-(9), or for seaport intermodal access projects identified in the 5-year Florida Seaport Mission Plan as provided in s. 311.09(3) and mutually agreed upon by the FSTED Council and the Department of Transportation. All contracts for actual construction of projects authorized by this subsection must include a provision encouraging employment of participants in the welfare transition program. The goal for such ~~employment of participants in the welfare transition program~~ is 25 percent of all new employees employed specifically for the project, unless the Department of Transportation and the Florida Seaport Transportation and Economic Development Council demonstrate that such a requirement would severely hamper the successful

completion of the project. In such an instance, Workforce Florida, Inc., shall establish an appropriate percentage of employees who are ~~that must be~~ participants in the welfare transition program. The council and the Department of Transportation may ~~are authorized to~~ perform such acts as are required to facilitate and implement the provisions of this subsection. To better enable the ports to cooperate to their mutual advantage, the governing body of each port may exercise powers provided to municipalities or counties in s. 163.01(7)(d) subject to the provisions of chapter 311 and special acts, if any, pertaining to a port. The use of funds provided pursuant to this subsection is limited to eligible projects listed in this subsection. ~~The provisions of s. 311.07(4) do not apply to any funds received pursuant to this subsection.~~ The revenues available under this subsection may ~~shall~~ not be pledged to the payment of any bonds other than the Florida Ports Financing Commission Series 1996 and Series 1999 Bonds currently outstanding; ~~provided,~~ however, such revenues may be pledged to secure payment of refunding bonds to refinance the Florida Ports Financing Commission Series 1996 and Series 1999 Bonds. ~~No~~ Refunding bonds secured by revenues available under this subsection may not be issued with a final maturity later than the final maturity of the Florida Ports Financing Commission Series 1996 and Series 1999 Bonds or which provide for higher debt service in any year than is currently payable on such bonds. Any revenue bonds or other indebtedness issued after July 1, 2000, other than refunding bonds shall be issued by the Division of Bond Finance at the request of the Department of Transportation pursuant to the State Bond Act.

Section 14. Section 320.204, Florida Statutes, is repealed.

Section 15. Subsection (3) of section 322.07, Florida Statutes, is amended to read:

322.07 Instruction permits and temporary licenses.—

(3) Any person who, except for his or her lack of instruction in operating a commercial motor vehicle, would otherwise be qualified to obtain a commercial driver ~~driver's~~ license under this chapter, may apply for a temporary commercial instruction permit. The department shall issue such a permit entitling the applicant, while having the permit in his or her immediate possession, to drive a commercial motor vehicle on the highways, if provided that:

(a) The applicant possesses a valid Florida driver ~~driver's~~ license issued ~~in any state;~~ and

(b) The applicant, while operating a commercial motor vehicle, is accompanied by a licensed driver who is 21 years of age or older, who is licensed to operate the class of vehicle being operated, and who is ~~actually~~ occupying the closest seat to the right of the driver.

Section 16. Subsection (2) of section 322.53, Florida Statutes, is amended to read:

322.53 License required; exemptions.—

(2) The following persons are exempt from the requirement to obtain a commercial driver ~~driver's~~ license:

(a) Drivers of authorized emergency vehicles.

(b) Military personnel driving vehicles operated for military purposes.

(c) Farmers transporting agricultural products, farm supplies, or farm machinery to or from their farms and within 150 miles of their farms farm, if the vehicle operated under this exemption is not used in the operations of a common or contract motor carrier or transporting agricultural products to or from the first place of storage or processing or directly to or from market, within 150 miles of their farm.

(d) Drivers of recreational vehicles, as defined in s. 320.01.

(e) Drivers who operate straight trucks, as defined in s. 316.003, and who that are exclusively transporting exclusively their own tangible personal property, which is not for sale.

(f) Employees ~~An employee~~ of a publicly owned transit system who are is limited to moving vehicles for maintenance or parking purposes exclusively within the restricted-access confines of a transit system's property.

Section 17. Subsection (2) of section 322.54, Florida Statutes, is amended to read:

322.54 Classification.—

(2) The department shall issue, pursuant to the requirements of this chapter, driver ~~drivers'~~ licenses in accordance with the following classifications:

(a) Any person who drives a motor vehicle combination having a gross vehicle weight rating or gross vehicle weight of 26,001 pounds or more must possess a valid Class A driver ~~driver's~~ license, if provided the gross vehicle weight rating or gross vehicle weight of the vehicle being towed is more than 10,000 pounds. Any person who possesses a valid Class A driver ~~driver's~~ license may, subject to the appropriate restrictions and endorsements, drive any class of motor vehicle within this state.

(b) Any person, except a person who possesses a valid Class A driver ~~driver's~~ license, who drives a motor vehicle having a gross vehicle weight rating or gross vehicle weight of 26,001 pounds or more must possess a valid Class B driver ~~driver's~~ license. Any person, except a person who possesses a valid Class A driver ~~driver's~~ license, who drives such vehicle towing a vehicle having a gross vehicle weight rating of 10,000 pounds or less must possess a valid Class B driver ~~driver's~~ license. Any person who possesses a valid Class B driver ~~driver's~~ license may, subject to the appropriate restrictions and

endorsements, drive any class of motor vehicle, other than the type of motor vehicle for which a Class A driver ~~driver's~~ license is required, within this state.

(c) Any person, except a person who possesses a valid Class A or a valid Class B driver ~~driver's~~ license, who drives a motor vehicle having a gross vehicle weight rating of less than 26,001 pounds and who is required to obtain an endorsement pursuant to paragraph (1)(b), paragraph (1)(c), or paragraph (1)(e) of s. 322.57, must possess a valid Class C driver ~~driver's~~ license. Any person who possesses a valid Class C driver ~~driver's~~ license may, subject to the appropriate restrictions and endorsements, drive any class of motor vehicle, other than the type of motor vehicle for which a Class A or a Class B driver ~~driver's~~ license is required, within this state.

(d) Any person, except a person who possesses a valid Class A, valid Class B, or valid Class C driver ~~driver's~~ license, who drives a motor vehicle must possess a valid Class E driver ~~driver's~~ license. Any person who possesses a valid Class E driver ~~driver's~~ license may, subject to the appropriate restrictions and endorsements, drive any type of motor vehicle, other than the type of motor vehicle for which a Class A, Class B, or Class C driver ~~driver's~~ license is required, within this state.

Section 18. Section 322.59, Florida Statutes, is amended to read:

322.59 Possession of medical examiner's certificate.—

(1) The department may ~~shall~~ not issue a commercial driver ~~driver's~~ license to a ~~any~~ person who is required by the laws of this state or by federal law to possess a medical examiner's certificate, unless the ~~such~~ person presents a valid certificate, as described in 49 C.F.R. s. 383.71, before prior ~~to~~ licensure.

(2) The department shall disqualify a driver from operating a commercial motor vehicle if the driver holds a commercial driver license and fails to comply with the medical certification requirements in 49 C.F.R. s. 383.71 ~~This section does not expand the requirements as to who must possess a medical examiner's certificate.~~

(3) A person who is disqualified from operating a commercial motor vehicle under this section may, if otherwise qualified, be issued a Class E driver license pursuant to s. 322.251.

Section 19. Subsections (3) and (5) of section 322.61, Florida Statutes, are amended to read:

322.61 Disqualification from operating a commercial motor vehicle.—

(3)(a) Except as provided in subsection (4), any person who is convicted of one of the offenses listed in paragraph (b) while operating a commercial motor vehicle shall, in addition to any other applicable penalties, be disqualified from operating a commercial motor vehicle for a period of 1 year.:

(b) Except as provided in subsection (4), any holder of a commercial driver driver's license who is convicted of one of the offenses listed in this paragraph while operating a noncommercial motor vehicle shall, in addition to any other applicable penalties, be disqualified from operating a commercial motor vehicle for a period of 1 year:

1. Driving a motor vehicle while he or she is under the influence of alcohol or a controlled substance;
2. Driving a commercial motor vehicle while the alcohol concentration of his or her blood, breath, or urine is .04 percent or higher;
3. Leaving the scene of a crash involving a motor vehicle driven by such person;
4. Using a motor vehicle in the commission of a felony;
5. Driving a commercial motor vehicle while in possession of a controlled substance;
6. Refusing to submit to a test to determine his or her alcohol concentration while driving a motor vehicle;
7. Driving a commercial vehicle while the licenseholder's commercial driver driver's license is suspended, revoked, or canceled or while the licenseholder is disqualified from driving a commercial vehicle; or
8. Causing a fatality through the negligent operation of a commercial motor vehicle.

(5) A Any person who is convicted of two violations specified in subsection (3) which were committed while operating a commercial motor vehicle, or any combination thereof, arising in separate incidents shall be permanently disqualified from operating a commercial motor vehicle. A Any holder of a commercial driver driver's license who is convicted of two violations specified in subsection (3) which were committed while operating any a noncommercial motor vehicle, ~~or any combination thereof~~, arising in separate incidents shall be permanently disqualified from operating a commercial motor vehicle. The penalty provided in this subsection is in addition to any other applicable penalty.

Section 20. Present subsections (8) through (13) of section 334.30, Florida Statutes, are redesignated as subsections (7) through (12), respectively, and present subsection (7) of that section is amended, to read:

334.30 Public-private transportation facilities.—The Legislature finds and declares that there is a public need for the rapid construction of safe and efficient transportation facilities for the purpose of traveling within the state, and that it is in the public's interest to provide for the construction of additional safe, convenient, and economical transportation facilities.



~~(7) The department may lend funds from the Toll Facilities Revolving Trust Fund, as outlined in s. 338.251, to private entities that construct projects on the State Highway System containing toll facilities that are approved under this section. To be eligible, a private entity must comply with s. 338.251 and must provide an indication from a nationally recognized rating agency that the senior bonds for the project will be investment grade, or must provide credit support such as a letter of credit or other means acceptable to the department, to ensure that the loans will be fully repaid. The state's liability for the funding of a facility is limited to the amount approved for that specific facility in the department's 5-year work program adopted pursuant to s. 339.135.~~

Section 21. Subsection (5) is added to section 335.074, Florida Statutes, to read:

335.074 Safety inspection of bridges.—

(5) Upon receipt of an inspection report that recommends reducing the weight, size, or speed limit on a bridge, the governmental entity having maintenance responsibility for the bridge shall reduce the maximum limits for the bridge in accordance with the inspection report and shall post the limits in accordance with s. 316.555. The governmental entity shall, within 30 days after receipt of an inspection report recommending lower limits, notify the department that the limitations have been implemented and the limits have been posted accordingly. If the required actions are not taken within 30 days after receipt of an inspection report, the department shall post the limits on the bridge in accordance with the recommendations in the inspection report. The costs incurred by the department in connection with providing notice of the bridge's limitations or restrictions shall be assessed against and collected from the governmental entity having maintenance responsibility for the bridge. If an inspection report recommends closure of a bridge, the bridge shall be immediately closed. If the governmental entity does not close the bridge immediately upon receipt of an inspection report recommending closure, the department shall close the bridge. The costs incurred by the department in connection with the bridge closure shall be assessed against and collected from the governmental entity having maintenance responsibility for the bridge. This subsection does not alter existing jurisdictional responsibilities for the operation and maintenance of bridges.

Section 22. Section 338.151, Florida Statutes, is created to read:

338.151 Authority of the department to establish tolls on the State Highway System.—Notwithstanding s. 338.165(8), the department may establish tolls on new limited access facilities on the State Highway System, lanes added to existing limited access facilities on the State Highway System, new major bridges on the State Highway System over waterways, and replacements for existing major bridges on the State Highway System over waterways to pay, fully or partially, for the cost of such projects. Except for high-occupancy vehicle lanes, express lanes, the turnpike system, and as

otherwise authorized by law, the department may not establish tolls on lanes of limited access facilities that exist on July 1, 2012, unless tolls were in effect for the lanes before that date. The authority provided in this section is in addition to the authority provided under the Florida Turnpike Enterprise Law and s. 338.166.

Section 23. Subsection (1) of section 338.155, Florida Statutes, is amended to read:

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

(1) A person may not ~~No persons are permitted to~~ use any toll facility without payment of tolls, except employees of the agency operating the toll project when using the toll facility on official state business, state military personnel while on official military business, handicapped persons as provided in this section, persons exempt from toll payment by the authorizing resolution for bonds issued to finance the facility, and persons exempt on a temporary basis where use of such toll facility is required as a detour route. Any law enforcement officer operating a marked official vehicle is exempt from toll payment when on official law enforcement business. Any person operating a fire vehicle when on official business or a rescue vehicle when on official business is exempt from toll payment. Any person participating in the funeral procession of a law enforcement officer or firefighter killed in the line of duty is exempt from toll payment. The secretary, or the secretary's designee, may suspend the payment of tolls on a toll facility when necessary to assist in emergency evacuation. The failure to pay a prescribed toll constitutes a noncriminal traffic infraction, punishable as a moving violation as provided in pursuant to s. 318.18. The department may ~~is authorized to~~ adopt rules relating to the payment, collection, and enforcement of tolls, as authorized in chapters 316, 318, 320, 322, and 338, including, but not limited to, rules for the implementation of video or other image billing and variable pricing. The department may by rule allow the use of toll facilities that it manages by public transit vehicles or by vehicles participating in a funeral procession for an active-duty military service member without the payment of tolls if the revenues of these toll facilities are not pledged to repayment of bonds.

Section 24. Section 338.161, Florida Statutes, is amended to read:

338.161 ~~Authority of department or toll agencies to advertise and promote electronic toll collection; Expanded uses of electronic toll collection system; studies authorized.—~~

(1) The department may ~~is authorized to~~ incur expenses for paid advertising, marketing, and promotion of toll facilities and electronic toll collection products and services. Promotions may include discounts and free products.

(2) The department ~~may is authorized to~~ receive funds from advertising placed on electronic toll collection products and promotional materials to defray the costs of products and services.

(3)(a) The department or any toll agency created by statute may incur expenses to advertise or promote its electronic toll collection system to consumers on or off the turnpike or toll system.

(4)(b) If the department or ~~any~~ toll agency created by statute finds that it can increase nontoll revenues or add convenience or other value for its customers, the department or toll agency may enter into agreements with a ~~any~~ private or public entity allowing the use of its electronic toll collection system to pay parking fees for vehicles equipped with a transponder or similar device. The department or toll agency may initiate feasibility studies of ~~other~~ additional future uses of its electronic toll collection system and make recommendations to the Legislature to authorize such uses.

(5) If the department finds that it can increase nontoll revenues or add convenience or other value for its customers, and if a public or private transportation facility owner agrees that its facility will become interoperable with the department's electronic toll collection and video billing systems, the department may enter into an agreement with the owner of such facility under which the department uses its systems to collect and enforce for the owner tolls, fares, administrative fees, and other applicable charges due in connection with use of the owner's facility.

Section 25. Subsection (10) is added to section 338.165, Florida Statutes, to read:

338.165 Continuation of tolls.—

(10) The department's Beachline-East Expressway may be transferred by the department and become part of the turnpike system under the Florida Turnpike Enterprise Law. Any funds expended by the Florida Turnpike Enterprise for the acquisition of the Beachline-East Expressway shall be deposited into the State Transportation Trust Fund, and, notwithstanding any other law to the contrary, such funds shall first be allocated by the department to fund the department's obligation to construct Wekiva Parkway. The term "Wekiva Parkway" means a limited access highway or expressway constructed between State Road 429 and Interstate 4 specifically incorporating the corridor alignment recommended by Recommendation 2 of the Wekiva River Basin Area Task Force final report dated January 15, 2003, and the recommendations of the SR 429 Working Group which were adopted January 16, 2004, and related transportation facilities.

Section 26. Section 338.166, Florida Statutes, is amended to read:

338.166 High-occupancy toll lanes or express lanes.—

(1) Under s. 11, Art. VII of the State Constitution, the department may request the Division of Bond Finance to issue bonds secured by toll revenues

collected on high-occupancy toll lanes or express lanes established on facilities owned by the department located on Interstate 95 in Miami-Dade and Broward Counties.

(2) The department may continue to collect the toll on the high-occupancy toll lanes or express lanes after the discharge of any bond indebtedness related to such project. All tolls so collected shall first be used to pay the annual cost of the operation, maintenance, and improvement of the high-occupancy toll lanes or express lanes project or associated transportation system.

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

(4) The department may implement variable rate tolls on high-occupancy toll lanes or express lanes.

(5) Except for high-occupancy toll lanes or express lanes, tolls may not be charged for use of an interstate highway where tolls were not charged as of July 1, 1997.

(6) This section does not apply to the turnpike system as defined under the Florida Turnpike Enterprise Law.

Section 27. Paragraph (a) of subsection (8) of section 338.221, Florida Statutes, is amended to read:

338.221 Definitions of terms used in ss. 338.22-338.241.—As used in ss. 338.22-338.241, the following words and terms have the following meanings, unless the context indicates another or different meaning or intent:

(8) “Economically feasible” means:

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

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

Section 28. Paragraphs (a) and (b) of subsection (1) of section 338.223, Florida Statutes, are amended to read:

338.223 Proposed turnpike projects.—

(1)(a) Any proposed project to be constructed or acquired as part of the turnpike system and any turnpike improvement shall be included in the tentative work program. ~~A No~~ proposed project or group of proposed projects may not shall be added to the turnpike system unless such project or projects are determined to be economically feasible and a statement of environmental feasibility has been completed for such project or projects and such projects are determined to be consistent, to the maximum extent feasible, with approved local government comprehensive plans of the local governments in which such projects are located. The department may authorize engineering studies, traffic studies, environmental studies, and other expert studies of the location, costs, economic feasibility, and practicality of proposed turnpike projects throughout the state and may proceed with the design phase of such projects. The department may shall not request legislative approval of a proposed turnpike project until the design phase of that project is at least 30 ~~60~~ percent complete. If a proposed project or group of proposed projects is found to be economically feasible, consistent, to the maximum extent feasible, with approved local government comprehensive plans of the local governments in which such projects are located, and a favorable statement of environmental feasibility has been completed, the department, with the approval of the Legislature, shall, after the receipt of all necessary permits, construct, maintain, and operate such turnpike projects.

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

Section 29. Section 338.251, Florida Statutes, is repealed.

Section 30. Paragraph (f) of subsection (1) of section 339.08, Florida Statutes, is amended to read:

339.08 Use of moneys in State Transportation Trust Fund.—

(1) The department shall expend moneys in the State Transportation Trust Fund accruing to the department, in accordance with its annual budget. The use of such moneys shall be restricted to the following purposes:

(f) To pay the cost of economic development transportation projects in accordance with s. 339.2821 ~~288.063~~.

Section 31. Section 339.139, Florida Statutes, is created to read:

339.139 Transportation debt assessment.—

(1) It is the policy of the state to manage the financing of transportation infrastructure in a manner that ensures the fiscal integrity of the State Transportation Trust Fund.

(2) The department shall provide a debt and debtlike contractual obligations load report to the Executive Office of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the legislative appropriations committees in conjunction with the tentative work program required under s. 339.135. The debt and debtlike contractual obligations load report must include the following data on current and planned department commitments that are payable from the State Transportation Trust Fund:

(a) Debt service payments that are required to be made under any resolution for the issuance of bonds secured by a lien on federal highway aid reimbursements or motor fuel and diesel fuel taxes.

(b) Funding for seaports which has been pledged to the payment of principal and interest on bonds issued by the Florida Ports Financing Commission pursuant to s. 320.20.

(c) Commitments of the department to pay the costs of operating, maintaining, repairing, and rehabilitating expressway and bridge systems under the terms of lease-purchase agreements which are enforceable by the holders of bonds issued by expressway and bridge authorities pursuant to chapter 348.

(d) Availability, milestone, and final acceptance payments that are required by public-private partnerships pursuant to s. 334.30 and that are not payments for the cost of operation or maintenance of a facility.

(e) Agreed-on payments to a department contractor for work performed in the current fiscal year for which payment is deferred to a later fiscal year pursuant to s. 334.30.

(f) Reimbursements to local governments for work performed on a project if the reimbursement is deferred to a later fiscal year pursuant to s. 339.12.

(g) Loan repayments on state infrastructure bank loans extended to a department district pursuant to s. 339.55.

(3) The department shall manage all levels of debt to ensure that by the beginning of the 2017–2018 fiscal year, not more than 20 percent of total projected available state and federal revenues from the State Transportation Trust Fund, together with any local funds committed to department projects, are committed to the obligations identified in subsection (2) in any year.

(4) If the department believes that a critical project would justify exceeding the limitation established in this section, the department shall notify the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the legislative appropriations committees. The notification must identify the critical project and the projected impact on the department's total debt load. The department may proceed with the project upon approval by the Governor. If either chair of the legislative appropriations committees, the President of the Senate, or the Speaker of the House of Representatives objects in writing to a proposed project within 14 days after submittal of a department request to exceed debt limits and specifies the reasons for such objection, the Governor may not approve the project.

(5) The department shall prepare a separate report on debt obligations that are secured by and payable solely from pledged revenues. The department shall provide the report on pledged revenue debt to the Executive Office of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the legislative appropriations committees in conjunction with the tentative work program required under s. 339.135.

Section 32. Section 339.2821, Florida Statutes, is created to read:

339.2821 Economic development transportation projects.—

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

(b) As used in this section, the term:

1. "Governmental body" means an instrumentality of the state or a county, municipality, district, authority, board, or commission, or an agency thereof, within which jurisdiction the transportation project is located and which is responsible to the department for the transportation project.

2. "Transportation project" means a transportation facility, as defined in s. 334.03, which the department, in consultation with the Department of Economic Opportunity, deems necessary to facilitate the economic development and growth of the state.

(2) The department, in consultation with the Department of Economic Opportunity, shall review each transportation project for approval and funding. In the review, the department must consider:

(a) The cost per job created or retained considering the amount of transportation funds requested;

- (b) The average hourly rate of wages for jobs created;
- (c) The reliance on any program as an inducement for determining the transportation project's location;
- (d) The amount of capital investment to be made by a business;
- (e) The demonstrated local commitment;
- (f) The location of the transportation project in an enterprise zone as designated in s. 290.0055;
- (g) The location of the transportation project in a spaceport territory as defined in s. 331.304;
- (h) The unemployment rate of the surrounding area; and
- (i) The poverty rate of the community.

The department may contact any agency it deems appropriate for additional information regarding the approval of a transportation project. A transportation project must be approved by the department to be eligible for funding.

(3)(a) The department must approve a transportation project if it determines that the transportation project will:

1. Attract new employment opportunities to the state or expand or retain employment in existing companies operating within the state.

2. Allow for the construction or expansion of a state or federal correctional facility in a county having a population of 75,000 or fewer which creates new employment opportunities or expands or retains employment in the county.

(b) The department must ensure that small and minority businesses have equal access to participate in transportation projects funded pursuant to this section.

(c) In addition to administrative costs and equipment purchases specified in the contract, funds for approved transportation projects may be used for expenses that are necessary for building new, or improving existing, transportation facilities. Funds made available pursuant to this section may not be expended for the relocation of a business from one community to another community in this state unless the department determines that, without the relocation, the business will move outside the state or determines that the business has a compelling economic reason for the relocation, such as creating additional jobs.

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



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

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

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

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

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

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

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

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

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

(f) Specify that the department transfer funds to the governmental body not more often than quarterly, upon receipt of a request for funds from the governmental body and consistent with the needs of the transportation project. The governmental body shall expend funds received from the department in a timely manner. The department may not transfer funds unless construction has begun on the facility of a business on whose behalf the award was made. A contract totaling less than \$200,000 is exempt from the transfer requirement.

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

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

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

(6) Each governmental body receiving funds under this section shall submit to the department a financial audit of the governmental body conducted by an independent certified public accountant. The department, in consultation with the Department of Economic Opportunity, shall develop procedures to ensure that audits are received and reviewed in a timely manner and that deficiencies or questioned costs noted in the audit are resolved.

(7) The department shall monitor the construction or building site for each transportation project that receives funding under this section, including, but not limited to, the construction of the business facility, to ensure compliance with contractual requirements.

Section 33. In order to implement sections 1 and 32 of this act, which transfer the responsibility of administering economic development transportation projects from the Department of Economic Opportunity to the Department of Transportation, with minimal disruption of services, the Department of Economic Opportunity shall transfer the following to the Department of Transportation:

(1) All powers, duties, functions, records, pending issues, existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, or other funds relating to the Economic Development Transportation program.

(2) Any unexpended balances of released appropriations and appropriations that remain unreleased, and any funds remaining in the Economic Development Trust Fund relating to economic development transportation projects.

(3) Any binding contract or interagency agreement in effect between the Department of Economic Opportunity and any other agency, entity, or person shall continue as a binding contract or agreement for the remainder of the term of such contract or agreement on the successor department responsible for the program.

Section 34. Section 339.2825, Florida Statutes, is created to read:

339.2825 Approval of contractor-financed projects.—

(1) Before the department solicits proposals pursuant to s. 334.30 to advance a project programmed in the adopted 5-year work program or in the

10-year Strategic Intermodal Plan using funds provided by a public-private partnership or a private entity to be reimbursed from department funds for the project as programmed in the adopted work program, the department must provide a summary of the proposed project to the Executive Office of the Governor, the chair of each legislative appropriations committee, the President of the Senate, and the Speaker of the House of Representatives. The summary must include a description of any anticipated commitment by the department for the years outside the adopted work program, a description of the anticipated impacts on the department's overall debt load, and sufficient information to demonstrate that the project will not cause the department to exceed the overall debt limitation provided in s. 339.139. The department may proceed with the project upon approval of the Governor. If the chair of either legislative appropriations committee, the President of the Senate, or the Speaker of the House of Representatives objects to the proposed project in writing within 14 days after receipt of the summary, the Governor may not approve the project.

(2) If the department receives an unsolicited proposal pursuant to s. 334.30 to advance a project programmed in the adopted 5-year work program or in the 10-year Strategic Intermodal Plan using funds provided by public-private partnerships or private entities to be reimbursed from department funds for the project as programmed in the adopted work program, the department shall provide a summary of the proposed project to the Executive Office of the Governor, the chair of each legislative appropriations committee, the President of the Senate, and the Speaker of the House of Representatives before the department advertises receipt of the proposal as provided in s. 334.30. The summary must include a description of any anticipated commitments by the department for the years outside the adopted work program, a description of any anticipated impacts on the department's overall debt load, and sufficient information to demonstrate that the project will not cause the department to exceed the overall debt limitation provided in s. 339.14. The department may not accept the unsolicited proposal, advertise receipt of the unsolicited proposal, or solicit other proposals for the same project purpose without the approval of the Executive Office of the Governor. If the chair of either legislative appropriations committee, the President of the Senate, or the Speaker of the House of Representatives objects to the proposed project in writing within 14 days after receipt of the summary, the Executive Office of the Governor may not approve the proposed project.

(3) This section does not apply to a public-private partnership agreement authorized in s. 334.30(2)(a).

Section 35. Subsection (5) is added to section 339.63, Florida Statutes, to read:

339.63 System facilities designated; additions and deletions.—

(5)(a) The Secretary of Transportation shall designate a planned facility as part of the Strategic Intermodal System upon request of the facility if it

meets the criteria and thresholds established by the department pursuant to subsection (4), meets the definition of an intermodal logistics center, and has been designated in a local comprehensive plan or local government development order as an intermodal logistics center or an equivalent planning term. For the purpose of this section, the term “intermodal logistics center” means a facility or group of facilities, including, but not limited to, an inland port, serving as a point of intermodal transfer of freight in a specific area physically separated from a seaport whose activities relating to transport, logistics, goods distribution, consolidation, or value-added activities are carried out and whose activities and services are designed to support or be supported by one or more seaports, as provided in s. 311.09, or an airport whose activities and services are designed to support the transport, logistics, goods distribution, consolidation, or value added activities related to airborne cargo.

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

1. Within an area designated pursuant to s. 288.0656(7) as a rural area of critical economic concern;
2. Within a rural enterprise zone as defined in s. 290.004(5); or
3. Within 15 miles of the boundary of a rural area of critical economic concern or a rural enterprise zone.

Section 36. Section 348.7546, Florida Statutes, is amended to read:

~~348.7546~~ Wekiva Parkway, construction authorized; financing.—Notwithstanding s. 338.2275,

(1) The Orlando-Orange County Expressway Authority is hereby authorized to exercise its condemnation powers ~~and to~~, construct, finance, operate, own, and maintain those portions of the Wekiva Parkway which are identified by agreement between the authority and the department and which are included as part of the authority’s long-range capital improvement plan. The “Wekiva Parkway” means any limited access highway or expressway constructed between State Road 429 and Interstate 4 specifically incorporating the corridor alignment recommended by Recommendation 2 of the Wekiva River Basin Area Task Force final report dated January 15, 2003, and the recommendations of the SR 429 Working Group which that were adopted January 16, 2004. This project may be financed with any funds available to the authority for such purpose or revenue bonds issued by the authority under s. 11, Art. VII of the State Constitution and s. 348.755(1)(b). This section does not invalidate the exercise by the authority of its

condemnation powers or the acquisition of any property for the Wekiva Parkway before July 1, 2012.

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

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

Section 37. Subsection (6) is added to section 348.755, Florida Statutes, to read:

348.755 Bonds of the authority.—

(6) Notwithstanding any other provision of law to the contrary, on and after July 1, 2012, the authority may not issue any bonds except as permitted under the terms of the memorandum of understanding between the authority and the department as ratified by the authority board on February 22, 2012.

Section 38. Subsections (8) and (9) are added to section 348.757, Florida Statutes, to read:

348.757 Lease-purchase agreement.—

(8) The only lease-purchase agreement authorized by this section is the lease-purchase agreement between the department and the authority dated December 23, 1985, as supplemented by a first supplement to the lease-purchase agreement dated November 25, 1986, and a second supplement to the lease-purchase agreement dated October 27, 1988.

(9) Upon the earlier of the defeasance, redemption, or payment in full of the authority bonds issued before July 1, 2012, or the earlier date to which the purchasers of the authority bonds have consented:

(a) The obligations of the department under the lease-purchase agreement with the authority, including any obligation to pay any cost of operation, maintenance, repair, or rehabilitation of the expressway system, terminate;

(b) The lease purchase agreement terminates;

(c) The expressway system remains the property of the authority and may not be transferred to the department; and

(d) The authority remains obligated to reimburse the department in accordance with the terms of the memorandum of understanding between the authority and the department as ratified by the authority board on February 22, 2012.

Section 39. Subsections (2) and (5) of section 369.317, Florida Statutes, are amended to read:

369.317 Wekiva Parkway.—

(2) The Wekiva Parkway and related transportation facilities shall follow the design criteria contained in the recommendations of the Wekiva River Basin Area Task Force adopted by reference by the Wekiva River Basin Coordinating Committee in its final report of March 16, 2004, and the recommendations of the Wekiva Coordinating Committee contained in its final report of March 16, 2004, subject to reasonable environmental, economic, and engineering considerations. For those activities associated with the Wekiva Parkway and related transportation facilities which require authorization pursuant to part IV of chapter 373, the Department of Environmental Protection is the exclusive permitting authority.

(5) In Seminole County, ~~the Seminole County Expressway Authority, the Department of Transportation, and the Florida Turnpike Enterprise~~ shall locate the precise corridor and interchanges for the Wekiva Parkway consistent with the legislative intent expressed in this act and other provisions of this act.

Section 40. Paragraph (a) of subsection (4) of section 377.809, Florida Statutes, is amended to read:

377.809 Energy Economic Zone Pilot Program.—

(4)(a) Beginning July 1, 2012, all the incentives and benefits provided for enterprise zones pursuant to state law shall be available to the energy economic zones designated pursuant to this section on or before July 1, 2010. In order to provide incentives, by March 1, 2012, each local governing body that has jurisdiction over an energy economic zone must, by local ordinance, establish the boundary of the energy economic zone, specify applicable energy-efficiency standards, and determine eligibility criteria for the application of state and local incentives and benefits in the energy economic zone. However, in order to receive benefits provided under s. 288.106, a

business must be a qualified target industry business under s. 288.106 for state purposes. An energy economic zone's boundary may be revised by local ordinance. Such incentives and benefits include those in ss. 212.08, 212.096, 220.181, 220.182, 220.183, 288.106, and 624.5105 and the public utility discounts provided in s. 290.007(8). The exemption provided in s. 212.08(5)(c) shall be for renewable energy as defined in s. 377.803. For purposes of this section, any applicable requirements for employee residency for higher refund or credit thresholds must be based on employee residency in the energy economic zone or an enterprise zone. A business in an energy economic zone may also be eligible for funding under ss. 288.047 and 445.003, and a transportation project in an energy economic zone shall be provided priority in funding under s. ~~339.2821~~ 288.063. Other projects shall be given priority ranking to the extent practicable for grants administered under state energy programs.

Section 41. The funds in the Toll Facilities Revolving Trust Fund and all future payments of obligated funds shall be deposited into the State Transportation Trust Fund to be expended for the purposes specified in s. 339.08, Florida Statutes.

Section 42. Notwithstanding s. 120.569, s. 120.57, or s. 373.427, Florida Statutes, or any other provision of law to the contrary, a challenge to a consolidated environmental resource permit or an associated variance or a sovereign submerged lands authorization proposed or issued by the Department of Environmental Protection in connection with the state's deepwater ports, as listed in s. 403.021(9), Florida Statutes, shall be conducted pursuant to the summary hearing provisions of s. 120.574, Florida Statutes. However, the summary proceeding shall be conducted within 30 days after a party files a motion for a summary hearing, regardless of whether the parties agree to the summary proceeding, and the administrative law judge's decision shall be in the form of a recommended order and does not constitute final agency action of the department. The Department of Environmental Protection shall issue the final order within 45 working days after receipt of the administrative law judge's recommended order. The summary hearing provisions of this section apply to pending administrative proceedings, however, s. 120.574(1)(b) and (d) and (2)(a)3. and 5., Florida Statutes, do not apply to pending administrative proceedings. This section shall take effect upon this act becoming a law.

Section 43. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2012.

Approved by the Governor April 20, 2012.

Filed in Office Secretary of State April 20, 2012.