

CHAPTER 2012-174

Committee Substitute for Committee Substitute for Committee Substitute for House Bill No. 599

An act relating to transportation and mitigation programs; amending s. 341.301, F.S.; revising the definition of the term “limited covered accident”; amending s. 341.302, F.S.; authorizing the Department of Transportation to contract to indemnify against loss and purchase liability insurance coverage for National Railroad Passenger Corporation subject to specified terms and conditions; amending s. 373.4137, F.S.; revising legislative intent to encourage the use of other mitigation options that satisfy state and federal requirements; providing the Department of Transportation or a transportation authority the option of participating in a mitigation project; requiring the Department of Transportation or a transportation authority to submit lists of its projects in the adopted work program to the water management districts; requiring a list rather than a survey of threatened or endangered species and species of special concern affected by a proposed project; providing conditions for the release of certain environmental mitigation funds; prohibiting a mitigation plan from being implemented unless the plan is submitted to and approved by the Department of Environmental Protection; providing additional factors that must be explained regarding the choice of mitigation bank; removing a provision requiring an explanation for excluding certain projects from the mitigation plan; providing criteria that the Department of Transportation must use in determining which projects to include in or exclude from the mitigation plan; amending s. 373.4135, F.S.; authorizing a governmental entity to create or provide mitigation for projects other than its own under specified circumstances; providing applicability; amending s. 373.4136, F.S.; authorizing certain seaport projects to use a mitigation bank; amending s. 20.23, F.S., relating to the Department of Transportation; authorizing district secretaries and executive directors to be a professional engineer from any state; removing obsolete language relating to authority of district secretaries to appoint district directors; amending s. 206.41, F.S., relating to payment of a tax on fuel under specified provisions; providing that a restriction on the use of agricultural equipment to qualify for a refund of the tax does not apply to citrus harvesting equipment or citrus fruit loaders; 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; creating s. 311.106, F.S., relating to seaport stormwater permitting and mitigation; authorizing a seaport to provide for onsite and offsite stormwater treatment to mitigate the impact of port activities; requiring offsite treatment to be within the same drainage basin and constructed and maintained by the seaport or in conjunction with a local government; authorizing the port to provide a regional treatment facility constructed and maintained by the seaport or in conjunction with a local government; amending s. 311.14, F.S., relating to seaport planning; directing the department to develop, in coordination with certain partners, a Statewide Seaport and Waterways System Plan consistent with the goals of the Florida Transportation Plan; providing requirements for the plan; removing provisions for the Florida Seaport Transportation and Economic Development Council to develop freight-mobility and trade-corridor plans; removing provisions that require the Office of the State Public Transportation Administrator to integrate the Florida Transportation Plan with certain other plans and programs; removing provisions relating to the

construction of seaport freight-mobility projects; amending s. 316.003, F.S.; revising the definition of the term “motor vehicle” for purposes of the payment and collection of tolls on toll facilities under specified provisions; amending s. 316.091, F.S.; permitting the use of shoulders for vehicular traffic under certain circumstances; requiring notice of where vehicular traffic is allowed; providing what may not be deemed as authorization; requiring the department to establish a pilot program to open certain limited access highways and bridges to bicycles and other human-powered vehicles; providing requirements for the pilot program; providing a timeframe for implementation of the program; authorizing the department to continue or expand the program; requiring the department to report findings and recommendations to the Governor and Legislature by a certain date; amending s. 316.1001, F.S.; revising requirements for mailing of citations for failure to pay a toll; authorizing mailing by certified mail in addition to first class mail; providing that mailing of the citation to the address of the registered motor vehicle owner constitutes notification; removing a requirement for a return receipt; amending s. 316.2068, F.S.; authorizing a county or municipality to regulate the operation of electric personal assistive mobility devices on any road, street, sidewalk, or bicycle path under its jurisdiction if the governing body of the county or municipality determines that such regulation is necessary in the interest of safety; amending s. 316.515, F.S.; revising provisions for the maximum allowed length of straight truck-trailer combinations; revising provisions for operation of implements of husbandry and farm equipment on state roads; authorizing the operation of citrus harvesting equipment and citrus fruit loaders for certain purposes; conforming a cross-reference; amending s. 320.01, F.S.; revising the definition of the term “low-speed vehicle” to include vehicles that are not electric powered; amending s. 332.08, F.S.; authorizing a municipality participating in a federal airport privatization pilot program to sell an airport or other air navigation facility or certain real property, improvements, and equipment; requiring department approval of the agreement under certain circumstances; providing criteria for department approval; amending s. 334.03, F.S.; removing the definition of the term “Florida Intrastate Highway System” and revising the definitions of the terms “functional classification” and “State Highway System” for purposes of the Florida Transportation Code; amending s. 334.044, F.S.; revising the powers and duties of the department relating to jurisdictional responsibility, designating facilities, and highway landscaping; adding the duty to develop a Freight Mobility and Trade Plan; requiring the plan to include certain proposed policies and investments; requiring the plan to be submitted to the Governor and Legislature; requiring freight issues to be emphasized in transportation plans; amending s. 334.047, F.S.; removing a provision that prohibits the department from establishing a maximum number of miles of urban principal arterial roads; 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; amending s. 335.17, F.S.; revising provisions relating to highway construction noise abatement; amending s. 336.021, F.S.; revising the date when imposition of the ninth-cent fuel tax will be levied; amending s. 336.025, F.S.; revising the date when impositions and rate changes of the local option fuel tax shall be levied; revising the definition of the term "transportation expenditures" for purposes of specified provisions that restrict the use of local option fuel tax funds by counties and municipalities; amending s. 337.111, F.S.; providing additional forms of security for the cost of removal of monuments or memorials or modifications to an installation site at highway rest areas; removing a provision requiring renewal of a bond; amending s. 337.125, F.S.; revising provisions relating to a prime contractor's submission of a disadvantaged business enterprise utilization form; repealing s. 337.137, F.S., relating to subcontracting by socially and economically disadvantaged business enterprises; amending s. 337.139, F.S.; providing an updated reference to federal law as it relates to socially and economically disadvantaged business enterprises; amending s. 337.14, F.S.; revising provisions for applications for qualification to bid on department contracts; amending s. 337.29, F.S.; authorizing transfers of right-of-way between local governments by deed; amending ss. 337.403 and 337.404, F.S.; clarifying provisions relating to responsibility for the work and costs for alleviating interference on a public road or publicly owned rail corridor caused by a utility facility; requiring the utility owner to initiate and complete the work necessary within a certain time period; requiring the local governmental authority to bear the costs of work on a utility facility that was initially installed to serve the governmental entity or its tenants; providing that the governmental entity is not responsible for the costs of utility work related to subsequent additions to the facility; requiring that the local governmental authority bear the costs of removing or relocating a utility facility under certain circumstances; providing for notice to the utility; revising provisions for payment of costs; revising provisions for completion of work when the utility owner does not perform the work; amending s. 337.408, F.S.; revising provisions for certain facilities installed within the right-of-way limits of roads on the State Highway System; requiring counties and municipalities that have authorized a bench or transit shelter to be responsible for determining if the facility is compliant with applicable laws and rules or remove the bench or transit shelter; limiting liability of the department; requiring a municipality or county that authorizes a bench or transit shelter to be installed to require the supplier or installer to indemnify the department and annually certify that the requirement has been met; requiring the removal of such facilities under certain circumstances; authorizing the department to direct a county or municipality to remove or relocate a bus stop, bench, transit shelter, waste disposal receptacle, public pay telephone, or modular news rack that is not in compliance with applicable laws or rules; removing a provision for the

replacement of an unusable transit bus bench that was in service before a certain date; prohibiting installation of a bus stop that conflicts with certain laws and regulations resulting in a loss of federal funds; authorizing the appropriate local government entity to regulate or deny competition to provide a bus stop; revising the title of ch. 338, F.S.; repealing s. 338.001, F.S., relating to provisions for the Florida Intrastate Highway System Plan; amending s. 338.01, F.S.; clarifying provisions governing the designation and function of limited access facilities; authorizing the department or other governmental entities collecting tolls to pursue collection of unpaid tolls by contracting with a private attorney or collection agency; authorizing a collection fee; providing an exception to statutory requirements related to private attorney services; 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 to enter into agreements for the use of its electronic toll collection and video billing system; authorizing modification of its rules regarding toll collection and an administrative charge; providing for construction; 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; amending s. 338.227, F.S.; conforming provisions to changes made by the act; directing the department and the Department of Management Services to create and implement a program designed to enhance participation of minority businesses in certain contracts related to the Strategic Intermodal System Plan; amending ss. 338.2275 and 338.228, F.S., relating to turnpike projects; revising cross-references; amending s. 338.231, F.S.; providing that inactive prepaid toll accounts are unclaimed property; providing for disposition by the Department of Financial Services and closing of the account; amending s. 338.234, F.S.; revising provisions that exempt certain lessees from payment of commercial rental tax; replacing a reference to the Florida Intrastate Highway System with a reference to the Strategic Intermodal System; amending s. 339.0805, F.S.; revising requirements for expenditure of certain funds with small business concerns owned and controlled by socially and economically disadvantaged individuals; revising a definition of the term “small business concern”; removing provisions for a periodic disparity study; deleting obsolete language; revising provisions for certification as a socially and economically disadvantaged business enterprise; revising requirements that a disadvantaged business enterprise notify the department of certain changes in ownership; revising

criteria for such a business enterprise to participate in a construction management development program; revising references to federal law; amending s. 339.135, F.S.; revising provisions for developing the department's tentative work program; revising provisions for a list of project priorities submitted by a metropolitan planning organization; revising criteria for proposed amendment to the department's adopted work program which deletes, advances, or defers a project or project phase; revising threshold amounts; directing the department to index the budget amendment threshold amounts to the rate of inflation; prohibiting such adjustments more frequently than once a year; subjecting such adjustments to specified notice and review procedures; amending s. 339.155, F.S.; revising provisions for the Florida Transportation Plan; requiring the planning process to conform to specified federal provisions; removing provisions for a long-range component, short-range component, and a report; amending s. 339.175, F.S.; providing that to the extent possible only one metropolitan planning organization be designated in a urbanized area; providing that representatives of the department shall serve as nonvoting advisers to a metropolitan planning organization; authorizing the appointment of additional nonvoting advisers; requiring M.P.O.'s to coordinate in the development of regionally significant project priorities; amending s. 339.2819, F.S.; revising the state matching funds requirement for the Transportation Regional Incentive Program; conforming cross-references; requiring funded projects to be in the department's work program; requiring a project to meet the program's requirements prior to being funded; amending s. 339.62, F.S.; removing the Florida Intrastate Highway System from and adding highway corridors to the list of components of the Strategic Intermodal System; providing for other corridors to be included in the system; 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. 339.64, F.S.; deleting provisions creating the Statewide Intermodal Transportation Advisory Council; creating s. 339.65, F.S.; requiring the department to plan and develop for Strategic Intermodal System highway corridors to aid traffic movement around the state; providing for components of the corridors; requiring the department to follow specified policy guidelines when developing the corridors; directing the department to establish standards and criteria for functional design; providing for appropriations; requiring such highway corridor projects to be a part of the department's adopted work program; amending 341.840, F.S.; relating to the Florida Rail Enterprise Act; revising obsolete references to the Florida High-Speed Rail Authority; providing that certain transactions made by or on behalf of the enterprise are exempt from specified taxes; providing for certain contractors to act as agents on behalf of the enterprise for purposes of the tax exemption; authorizing the department to adopt rules; amending s. 343.52, F.S.; revising the definition

of the term “area served” for purposes of provisions for the South Florida Regional Transportation Authority; revising a provision for expansion of the area; amending s. 343.53, F.S.; revising membership of and criteria for appointment to the board of the South Florida Regional Transportation Authority; amending s. 343.54, F.S.; requiring a two-thirds vote of such board to privatize certain functions; revising a provision authorizing such authority to expand its service area; amending s. 343.56, F.S., relating to bonds of the authority; removing a provision for the use of certain funds for payment of principal and interest on bonds; amending s. 343.57, F.S., relating to a state pledge to bondholders; providing for construction; providing that a bondholder shall have no right to require the Legislature to make any appropriation of state funds; amending s. 343.58, F.S.; providing conditions for funds provided to such authority by the department; providing for certain funding to cease upon commencement of an alternate dedicated local funding source; creating s. 347.215, F.S.; providing for the operation of ferries by joint agreement between public and private entities; amending s. 348.0003, F.S.; revising financial disclosure requirements for certain transportation authorities; creating s. 348.7645, F.S.; requiring the Orlando-Orange County Expressway Authority to erect a sign under certain circumstances; providing for payment for the cost of the sign; amending s. 349.03, F.S.; providing for financial disclosure requirements for the Jacksonville Transportation Authority; amending s. 349.04, F.S.; providing that the Jacksonville Transportation Authority may conduct meetings and workshops using communications media technology; providing that certain actions may not be taken unless a quorum is present in person; providing that members must be physically present to vote on any item; amending s. 373.118, F.S.; requiring that the Department of Environmental Protection initiate rulemaking to adopt a general permit for stormwater management systems serving airside activities at airports; providing for statewide application of the general permit; providing for any water management district or delegated local government to administer the general permit; providing that the rules are not subject to any special rulemaking requirements relating to small business; amending s. 373.413, F.S.; providing legislative intent regarding flexibility in the permitting of stormwater management systems; requiring the cost of stormwater treatment for a transportation project to be balanced with benefits to the public; requiring that alternatives to onsite treatment be allowed; specifying responsibilities of the department relating to abatement of pollutants and permits for adjacent lands impacted by right-of-way acquisition; authorizing water management districts and the Department of Environmental Protection to adopt rules; repealing s. 479.28, F.S., relating to the rest area information panel or device program; authorizing the department to seek Federal Highway Administration approval of a tourist-oriented commerce sign pilot program; directing the department to submit the approved pilot program for legislative approval; establishing a pilot program for the Palm Beach County school district to recognize its business partners; providing for expiration of the program; providing for the transfer of administrative rules of the former Pilotage Rate Review

Board to the Pilotage Rate Review Committee of the Board of Pilot Commissioners; providing for retroactive application of such rules; requiring the Florida Transportation Commission to study the potential costs savings of the department being the operating agent for certain expressway authorities; providing for certain related expenses to be paid by the department; requiring a report to the Governor and Legislature; providing that a challenge to a consolidated environmental resource permit or associated variance or any sovereign submerged lands authorization proposed or issued by the Department of Environmental Protection in connection with specified deepwater ports is subject to specified summary hearing provisions; requiring such proceedings to be conducted within a certain timeframe; providing that the administrative law judge's decision is a recommended order and does not constitute final agency action of the Department of Environmental Protection; requiring the Department of Environmental Protection to issue the final order within a certain timeframe; providing applicability of specified provisions; providing for a review by the Pinellas Suncoast Transit Authority and the Hillsborough Area Regional Transit Authority to consider and identify opportunities and greater efficiency and service improvements for increasing connectivity between each authority; requiring a report to the Legislature; requiring the Tampa Bay Area Regional Transportation Authority to provide assistance; authorizing governmental units that regulate the operation of vehicles for public hire or other for-hire transportation to request and receive criminal history record information for the purpose of screening applicants; amending ss. 215.616, 288.063, 311.22, 316.2122, 318.12, 320.20, 335.02, 338.222, 339.285, 341.053, 341.8225, 403.7211, 479.01, 479.07, and 479.261, F.S., relating to bonds for federal aid highway construction, contracts for transportation projects, dredging projects, operation of low-speed vehicles or mini-trucks, traffic infractions, license tax distribution, standards for lanes, turnpike projects, the Enhanced Bridge Program for Sustainable Transportation, the Intermodal Development Program, high-speed rail projects, hazardous waste facilities, outdoor advertising, and the logo sign program, respectively; deleting obsolete language; revising references to conform to the incorporation of the Florida Intrastate Highway System into the Strategic Intermodal System and to changes made by the act; providing honorary designation of certain transportation facilities in specified counties; directing the Department of Transportation to erect suitable markers; amending s. 316.0083, F.S., providing an additional defense for certain red-light traffic infractions; providing for the dismissal of a uniform traffic citation for a red-light violation when the motor vehicle owner is deceased and an affidavit with specified supporting documents is filed with the issuing agency; amending s. 320.089, F.S.; providing for the issuance of a Combat Infantry Badge license plate and a Combat Action Badge license plate; providing qualifications and requirements for the plate; providing for the use of proceeds from the sale of the plate; amending s. 338.165, F.S.; authorizing the department to transfer certain transportation facilities to the turnpike system; providing for use of funds received from Florida Turnpike Enterprise for acquisition of such facilities; defining the term

“Wekiva Parkway”; amending s. 348.7546, F.S.; revising provisions for the Orlando-Orange County Expressway Authority to construct and maintain the Wekiva Parkway; providing for construction of specified provisions; directing the authority to make certain payments to the department; providing for use of funds received by the department; providing that the department’s obligation to construct its portions of the Wekiva Parkway is contingent upon certain events; amending s. 348.755, F.S.; prohibiting the Orlando-Orange County Expressway Authority from issuing bonds except under specified circumstances; amending s. 348.757, F.S.; revising provisions for the Orlando-Orange County Expressway Authority to enter into lease-purchase agreements with the department; amending s. 369.317, F.S.; revising provisions for the Wekiva Parkway; providing that the Department of Environmental Protection is the exclusive permitting authority for certain activities; revising provisions for location of the parkway; defining the term “autonomous technology”; providing legislative intent and findings; amending s. 316.003, F.S.; defining the terms “autonomous vehicle” and “autonomous technology” when used in provisions for traffic control; creating s. 316.85, F.S.; authorizing a person who possesses a valid driver license to operate an autonomous vehicle; specifying that the person who causes the vehicle’s autonomous technology to engage is the operator; creating s. 319.145, F.S.; requiring an autonomous vehicle registered in this state to meet federal standards and regulations for a motor vehicle; specifying certain requirements for such vehicle; providing for the application of certain federal regulations; authorizing the operation of vehicles equipped with autonomous technology by certain persons for testing purposes under certain conditions; requiring an instrument of insurance, surety bond, or self-insurance prior to the testing of a vehicle; limiting liability of the original manufacturer of a vehicle converted to an autonomous vehicle; directing the department to prepare a report on the safe testing and operation of vehicles equipped with autonomous technology and submit the report to the Legislature by a certain date; providing an honorary designation of a transportation facility in a specified county; directing the department to erect suitable markers; providing effective dates.

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

Section 1. Subsection (7) of section 341.301, Florida Statutes, is amended to read:

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

(7) “Limited covered accident” means:

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

due to the conduct of the freight rail operator or its subsidiaries, agents, licensees, employees, officers, or directors; or

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

Section 2. Subsection (17) of section 341.302, Florida Statutes, is amended to read:

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

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

(a) Assume obligations pursuant to the following:

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

b. The department may assume the obligation by contract to forever protect, defend, indemnify, and hold harmless National Railroad Passenger Corporation, or its successors, and officers, agents, and employees of National Railroad Passenger Corporation, from and against any liability, cost, and expense, including, but not limited to, commuter rail passengers and rail corridor invitees in the rail corridor, regardless of whether the loss, damage, destruction, injury, or death giving rise to any such liability, cost, or expense is caused in whole or in part, and to whatever nature or degree, by

the fault, failure, negligence, misconduct, nonfeasance, or misfeasance of National Railroad Passenger Corporation, its successors, or its officers, agents, and employees, or any other person or persons whomsoever.

~~2. The Provided that such~~ assumption of liability of the department by contract pursuant to sub-subparagraph 1.a. or sub-subparagraph 1.b. may shall not in any instance exceed the following parameters of allocation of risk:

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

~~b.(1)2-~~ In the event of a limited covered accident, the authority of the department to protect, defend, and indemnify the freight operator for all liability, cost, and expense, including punitive or exemplary damages, in excess of the deductible or self-insurance retention fund established under paragraph (b) and actually in force at the time of the limited covered accident exists only if the freight operator agrees, with respect to the limited covered accident, to protect, defend, and indemnify the department for the amount of the deductible or self-insurance retention fund established under paragraph (b) and actually in force at the time of the limited covered accident.

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

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

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

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

4. For the purposes of this subsection,;

a. Any train involved in an incident that is neither the department's train nor the freight rail operator's train, hereinafter referred to in this subsection as an "other train," may be treated as a department train, solely for purposes of any allocation of liability between the department and the freight rail operator only, but only if the department and the freight rail operator share responsibility equally as to third parties outside the rail corridor who incur loss, injury, or damage as a result of any incident involving both a department train and a freight rail operator train, and the allocation as between the department and the freight rail operator, regardless of whether the other train is treated as a department train, shall remain one-half each as to third parties outside the rail corridor who incur loss, injury, or damage as a result of the incident. The involvement of any other train shall not alter the sharing of equal responsibility as to third parties outside the rail corridor who incur loss, injury, or damage as a result of the incident; or

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

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

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

(II) If only a department train and a National Railroad Passenger Corporation train, or only an other train as described in sub-subparagraph 4.b. and a National Railroad Passenger Corporation train, are involved in an incident, the department may be responsible for its property and all of its people, all commuter rail passengers, and rail corridor invitees, but only if National Railroad Passenger Corporation is responsible for its property and

all of its people, all National Railroad Passenger Corporation's rail passengers, and the department and National Railroad Passenger Corporation each share one-half responsibility as to trespassers or third parties outside the rail corridor who incur loss, injury, or damage as a result of the incident.

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

(II) If a department train, a National Railroad Passenger Corporation train, and any other train are involved in an incident, the allocation of liability between the department and National Railroad Passenger Corporation, regardless of whether the other train is treated as a department train, shall remain one-half each as to third parties outside the rail corridor who incur loss, injury, or damage as a result of the incident; the involvement of any other train shall not alter the sharing of equal responsibility as to third parties outside the rail corridor who incur loss, injury, or damage as a result of the incident; and, if the owner, operator, or insurer of the other train makes any payment to injured third parties outside the rail corridor who incur loss, injury, or damage as a result of the incident, the allocation of credit between the department and National Railroad Passenger Corporation as to such payment shall not in any case reduce National Railroad Passenger Corporation's third-party-sharing allocation of one-half under this sub-subparagraph to less than one-third of the total third party liability.

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

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

b.(I) The freight rail operator's compensation to the department for future use of the department's rail corridor shall include a monetary contribution to the cost of such liability coverage for the sole benefit of the freight rail operator.

(II) National Railroad Passenger Corporation's compensation to the department for future use of the department's rail corridor shall include a monetary contribution to the cost of such liability coverage for the sole benefit of National Railroad Passenger Corporation.

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

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

Neither the assumption by contract to protect, defend, indemnify, and hold harmless; the purchase of insurance; nor the establishment of a self-insurance retention fund shall be deemed to be a waiver of any defense of sovereign immunity for torts nor deemed to increase the limits of the department's or the governmental entity's liability for torts as provided in s. 768.28. The requirements of s. 287.022(1) shall not apply to the purchase of any insurance under this subsection. The provisions of this subsection shall apply and inure fully as to any other governmental entity providing commuter rail service and constructing, operating, maintaining, or managing a rail corridor on publicly owned right-of-way under contract by the governmental entity with the department or a governmental entity designated by the department. Notwithstanding any law to the contrary, procurement for the construction, operation, maintenance, and management of any rail corridor described in this subsection, whether by the department, a governmental entity under contract with the department, or a governmental entity designated by the department, shall be pursuant to s. 287.057 and shall include, but not be limited to, criteria for the consideration of qualifications, technical aspects of the proposal, and price. Further, any such contract for design-build shall be procured pursuant to the criteria in s. 337.11(7).

Section 3. Subsections (1) and (2), paragraph (c) of subsection (3), and subsections (4) and (5) of section 373.4137, Florida Statutes, are amended to read:

373.4137 Mitigation requirements for specified transportation projects.

(1) The Legislature finds that environmental mitigation for the impact of transportation projects proposed by the Department of Transportation or a transportation authority established pursuant to chapter 348 or chapter 349 can be more effectively achieved by regional, long-range mitigation planning rather than on a project-by-project basis. It is the intent of the Legislature that mitigation to offset the adverse effects of these transportation projects be funded by the Department of Transportation and be carried out by the water management districts, including the use of mitigation banks and any other mitigation options that satisfy state and federal requirements established pursuant to this part.

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

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

(b) The environmental impact inventory shall include a description of these habitat impacts, including their location, acreage, and type; state water quality classification of impacted wetlands and other surface waters; any other state or regional designations for these habitats; and a list ~~survey~~ of threatened species, endangered species, and species of special concern affected by the proposed project.

(3)

(c) Except for current mitigation projects in the monitoring and maintenance phase and except as allowed by paragraph (d), the water management districts may request a transfer of funds from an escrow account no sooner than 30 days before ~~prior to~~ the date the funds are needed to pay for

activities associated with development or implementation of the approved mitigation plan described in subsection (4) for the current fiscal year, including, but not limited to, design, engineering, production, and staff support. Actual conceptual plan preparation costs incurred before plan approval may be submitted to the Department of Transportation or the appropriate transportation authority each year with the plan. The conceptual plan preparation costs of each water management district will be paid from mitigation funds associated with the environmental impact inventory for the current year. The amount transferred to the escrow accounts each year by the Department of Transportation and participating transportation authorities established pursuant to chapter 348 or chapter 349 shall correspond to a cost per acre of \$75,000 multiplied by the projected acres of impact identified in the environmental impact inventory described in subsection (2). However, the \$75,000 cost per acre does not constitute an admission against interest by the state or its subdivisions and nor is not the cost admissible as evidence of full compensation for any property acquired by eminent domain or through inverse condemnation. Each July 1, the cost per acre shall be adjusted by the percentage change in the average of the Consumer Price Index issued by the United States Department of Labor for the most recent 12-month period ending September 30, compared to the base year average, which is the average for the 12-month period ending September 30, 1996. Each quarter, the projected acreage of impact shall be reconciled with the acreage of impact of projects as permitted, including permit modifications, pursuant to this part and s. 404 of the Clean Water Act, 33 U.S.C. s. 1344. The subject year's transfer of funds shall be adjusted accordingly to reflect the acreage of impacts as permitted. The Department of Transportation and participating transportation authorities established pursuant to chapter 348 or chapter 349 are authorized to transfer such funds from the escrow accounts to the water management districts to carry out the mitigation programs. Environmental mitigation funds that are identified for or maintained in an escrow account for the benefit of a water management district may be released if the associated transportation project is excluded in whole or part from the mitigation plan. For a mitigation project that is in the maintenance and monitoring phase, the water management district may request and receive a one-time payment based on the project's expected future maintenance and monitoring costs. Upon disbursement of the final maintenance and monitoring payment, the escrow account for the project established by the Department of Transportation or the participating transportation authority may be closed. Any interest earned on these disbursed funds shall remain with the water management district and must be used as authorized under this section.

(4) ~~Before~~ Prior to March 1 of each year, each water management district, in consultation with the Department of Environmental Protection, the United States Army Corps of Engineers, the Department of Transportation, participating transportation authorities established pursuant to chapter 348 or chapter 349, and other appropriate federal, state, and local governments, and other interested parties, including entities operating mitigation banks, shall develop a plan for the primary purpose of complying with the mitigation

requirements adopted pursuant to this part and 33 U.S.C. s. 1344. In developing such plans, the districts shall use ~~utilize~~ sound ecosystem management practices to address significant water resource needs and shall focus on activities of the Department of Environmental Protection and the water management districts, such as surface water improvement and management (SWIM) projects and lands identified for potential acquisition for preservation, restoration, or enhancement, and the control of invasive and exotic plants in wetlands and other surface waters, to the extent that the ~~such~~ activities comply with the mitigation requirements adopted under this part and 33 U.S.C. s. 1344. In determining the activities to be included in the ~~such~~ plans, the districts shall ~~also~~ consider the purchase of credits from public or private mitigation banks permitted under s. 373.4136 and associated federal authorization and shall include the ~~such~~ purchase as a part of the mitigation plan when the ~~such~~ purchase would offset the impact of the transportation project, provide equal benefits to the water resources than other mitigation options being considered, and provide the most cost-effective mitigation option. The mitigation plan shall be submitted to the water management district governing board, or its designee, for review and approval. At least 14 days before ~~prior to~~ approval, the water management district shall provide a copy of the draft mitigation plan to any person who has requested a copy. The plan may not be implemented until it is submitted to and approved, in part or in its entirety, by the Department of Environmental Protection.

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

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

(c) When determining which projects to include in or exclude from the mitigation plan, the Department of Transportation shall investigate using credits from a permitted mitigation bank before those projects are submitted for inclusion in the plan. The investigation shall consider the cost-effectiveness of mitigation bank credits, including, but not limited to, factors such as time saved, transfer of liability for success of the mitigation, and long-term maintenance.

(5) The water management district shall ensure ~~be responsible for~~ ensuring that mitigation requirements pursuant to 33 U.S.C. s. 1344 are

met for the impacts identified in the environmental impact inventory described in subsection (2), by implementation of the approved plan described in subsection (4) to the extent funding is provided by the Department of Transportation, or a transportation authority established pursuant to chapter 348 or chapter 349, if applicable. During the federal permitting process, the water management district may deviate from the approved mitigation plan in order to comply with federal permitting requirements.

Section 4. Paragraphs (b) through (e) of subsection (1) of section 373.4135, Florida Statutes, are redesignated as paragraphs (c) through (f), respectively, and a new paragraph (b) is added to that subsection to read:

373.4135 Mitigation banks and offsite regional mitigation.—

(1) The Legislature finds that the adverse impacts of activities regulated under this part may be offset by the creation, maintenance, and use of mitigation banks and offsite regional mitigation. Mitigation banks and offsite regional mitigation can enhance the certainty of mitigation and provide ecological value due to the improved likelihood of environmental success associated with their proper construction, maintenance, and management. Therefore, the department and the water management districts are directed to participate in and encourage the establishment of private and public mitigation banks and offsite regional mitigation. Mitigation banks and offsite regional mitigation should emphasize the restoration and enhancement of degraded ecosystems and the preservation of uplands and wetlands as intact ecosystems rather than alteration of landscapes to create wetlands. This is best accomplished through restoration of ecological communities that were historically present.

(b) Notwithstanding the provisions of this section, a governmental entity may not create or provide mitigation for a project other than its own unless the governmental entity uses land that was not previously purchased for conservation and unless the governmental entity provides the same financial assurances as required for mitigation banks permitted under s. 373.4136. This paragraph does not apply to:

1. Mitigation banks permitted before December 31, 2011, under s. 373.4136;

2. Offsite regional mitigation areas established before December 31, 2011, under subsection (6);

3. Mitigation for transportation projects under ss. 373.4137 and 373.4139;

4. Mitigation for impacts from mining activities under s. 373.41492;

5. Mitigation provided for single-family lots or homeowners under subsection (7);

6. Entities authorized in chapter 98-492, Laws of Florida;

7. Mitigation provided for electric utility impacts certified under part II of chapter 403; or

8. Mitigation provided on sovereign submerged lands under subsection (6).

Section 5. Paragraph (d) of subsection (6) of section 373.4136, Florida Statutes, is amended to read:

373.4136 Establishment and operation of mitigation banks.—

(6) MITIGATION SERVICE AREA.—The department or water management district shall establish a mitigation service area for each mitigation bank permit. The department or water management district shall notify and consider comments received on the proposed mitigation service area from each local government within the proposed mitigation service area. Except as provided herein, mitigation credits may be withdrawn and used only to offset adverse impacts in the mitigation service area. The boundaries of the mitigation service area shall depend upon the geographic area where the mitigation bank could reasonably be expected to offset adverse impacts. Mitigation service areas may overlap, and mitigation service areas for two or more mitigation banks may be approved for a regional watershed.

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

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

2. Linear projects, such as roadways, transmission lines, distribution lines, pipelines, or railways, or seaports listed in s. 311.09(1).

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

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

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

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

appropriate related discipline, such as a Master of Business Administration. The headquarters of the districts shall be located in Polk, Columbia, Washington, Broward, Volusia, Miami-Dade, and Hillsborough Counties. The headquarters of the turnpike enterprise shall be located in Orange County. The headquarters of the rail enterprise shall be located in Leon County. In order to provide for efficient operations and to expedite the decisionmaking process, the department shall provide for maximum decentralization to the districts.

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

Section 7. Paragraph (c) of subsection (4) of section 206.41, Florida Statutes, is amended to read:

206.41 State taxes imposed on motor fuel.—

(4)

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

2. For the purposes of this paragraph, “agricultural and aquacultural purposes” means motor fuel used in any tractor, vehicle, or other farm equipment which is used exclusively on a farm or for processing farm products on the farm, and no part of which fuel is used in any vehicle or equipment driven or operated upon the public highways of this state. This restriction does not apply to the movement of a farm vehicle, ~~or farm equipment, citrus harvesting equipment, or citrus fruit loaders~~ between farms. The transporting of bees by water and the operating of equipment used in the apiary of a beekeeper shall be also deemed an agricultural purpose.

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

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

Section 8. Chapter 311, Florida Statutes, is retitled “SEAPORT PROGRAMS AND FACILITIES.”

Section 9. 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 all 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(30) ~~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 10. 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 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 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 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 11. 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) Prior to 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 12. 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 that 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) For the purposes of this section, "intermodal logistics center," including, but not limited to, an "inland port," means a facility or group of facilities serving 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 projects 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 is authorized to 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 is authorized to adopt rules to implement this section.

Section 13. Section 311.106, Florida Statutes, is created to read:

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

Section 14. Section 311.14, Florida Statutes, is amended to read:

311.14 Seaport planning.—

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

(2) The Office of the State Public Transportation Administrator shall act to integrate freight-mobility and trade-corridor plans into the Florida Transportation Plan developed pursuant to s. 339.155 and into the plans and programs of metropolitan planning organizations as provided in s. 339.175. The office may also provide assistance in expediting the transportation permitting process relating to the construction of seaport freight-

~~mobility projects located outside the physical borders of seaports. The Department of Transportation may contract, as provided in s. 334.044, with any port listed in s. 311.09(1) or any such other statutorily authorized seaport entity to act as an agent in the construction of seaport freight-mobility projects.~~

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

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

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

(c) A component that identifies all intermodal transportation facilities, including sea, air, rail, or road facilities, which are available or have potential, with improvements, to be available for necessary national and international commercial linkages and provides a plan for the integration of port, airport, and railroad activities with existing and planned transportation infrastructure.

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

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

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

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

Section 15. Subsection (21) of section 316.003, Florida Statutes, is amended to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

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

Section 16. Subsection (4) of section 316.091, Florida Statutes, is amended, subsection (5) is renumbered as subsection (7), and new subsections (5) and (6) are added to that section, to read:

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

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

(5) The Department of Transportation and expressway authorities are authorized to designate use of shoulders of limited access facilities and interstate highways under their jurisdiction for such vehicular traffic determined to improve safety, reliability, and transportation system efficiency. Appropriate traffic signs or dynamic lane control signals shall be erected along those portions of the facility affected to give notice to the public of the action to be taken, clearly indicating when the shoulder is open to designated vehicular traffic. This section may not be deemed to authorize such designation in violation of any federal law or any covenant established in a resolution or trust indenture relating to the issuance of turnpike bonds, expressway authority bonds, or other bonds.

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

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

(b) The Department of Transportation, with the concurrence of the Federal Highway Administration on the interstate facilities, shall establish the three highway approaches and bridge segments for the pilot project by

October 1, 2012. In selecting the highway approaches and bridge segments, the Department of Transportation shall consider, without limitation, a minimum size of population in the urban area within 5 miles of the highway approach and bridge segment, the lack of bicycle access by other means, cost, safety, and operational impacts.

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

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

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

Section 17. Paragraph (b) of subsection (2) of section 316.1001, Florida Statutes, is amended to read:

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

(2)

(b) A citation issued under this subsection may be issued by mailing the citation by first-class mail or by certified mail, ~~return receipt requested~~, to the address of the registered owner of the motor vehicle involved in the violation. Mailing Receipt of the citation to such address constitutes notification. In the case of joint ownership of a motor vehicle, the traffic citation must be mailed to the first name appearing on the registration, unless the first name appearing on the registration is a business organization, in which case the second name appearing on the registration may be used. A citation issued under this paragraph must be mailed to the registered owner of the motor vehicle involved in the violation within 14 days after the date of issuance of the citation. In addition to the citation, notification must be sent to the registered owner of the motor vehicle involved in the violation specifying remedies available under ss. 318.14(12) and 318.18(7).

Section 18. Subsection (5) of section 316.2068, Florida Statutes, is amended to read:

316.2068 Electric personal assistive mobility devices; regulations.—

(5) A county or municipality may regulate ~~prohibit~~ the operation of electric personal assistive mobility devices on any road, street, sidewalk, or

bicycle path under its jurisdiction if the governing body of the county or municipality determines that regulation ~~such a prohibition~~ is necessary in the interest of safety.

Section 19. Paragraph (a) of subsection (3) and paragraphs (a) and (c) of subsection (5) of section 316.515, Florida Statutes, are amended to read:

316.515 Maximum width, height, length.—

(3) **LENGTH LIMITATION.**—Except as otherwise provided in this section, length limitations apply solely to a semitrailer or trailer, and not to a truck tractor or to the overall length of a combination of vehicles. No combination of commercial motor vehicles coupled together and operating on the public roads may consist of more than one truck tractor and two trailing units. Unless otherwise specifically provided for in this section, a combination of vehicles not qualifying as commercial motor vehicles may consist of no more than two units coupled together; such nonqualifying combination of vehicles may not exceed a total length of 65 feet, inclusive of the load carried thereon, but exclusive of safety and energy conservation devices approved by the department for use on vehicles using public roads. Notwithstanding any other provision of this section, a truck tractor-semitrailer combination engaged in the transportation of automobiles or boats may transport motor vehicles or boats on part of the power unit; and, except as may otherwise be mandated under federal law, an automobile or boat transporter semitrailer may not exceed 50 feet in length, exclusive of the load; however, the load may extend up to an additional 6 feet beyond the rear of the trailer. The 50-foot length limitation does not apply to non-stinger-steered automobile or boat transporters that are 65 feet or less in overall length, exclusive of the load carried thereon, or to stinger-steered automobile or boat transporters that are 75 feet or less in overall length, exclusive of the load carried thereon. For purposes of this subsection, a “stinger-steered automobile or boat transporter” is an automobile or boat transporter configured as a semitrailer combination wherein the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit. Notwithstanding paragraphs (a) and (b), any straight truck or truck tractor-semitrailer combination engaged in the transportation of horticultural trees may allow the load to extend up to an additional 10 feet beyond the rear of the vehicle, provided said trees are resting against a retaining bar mounted above the truck bed so that the root balls of the trees rest on the floor and to the front of the truck bed and the tops of the trees extend up over and to the rear of the truck bed, and provided the overhanging portion of the load is covered with protective fabric.

(a) *Straight trucks.*—~~A No~~ straight truck may not exceed a length of 40 feet in extreme overall dimension, exclusive of safety and energy conservation devices approved by the department for use on vehicles using public roads. A straight truck may tow no more than one trailer, and the overall length of the truck-trailer combination may not exceed 68 feet ~~such trailer may not exceed a length of 28 feet. However, such trailer limitation does not~~ apply if the overall length of the truck-trailer combination is 65 feet or less,

including the load thereon. Notwithstanding any other provisions of this section, a truck-trailer combination engaged in the transportation of boats, or boat trailers whose design dictates a front-to-rear stacking method may shall not exceed the length limitations of this paragraph exclusive of the load; however, the load may extend up to an additional 6 feet beyond the rear of the trailer.

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

(a) Notwithstanding any other provisions of law, straight trucks, agricultural tractors, citrus harvesting equipment, citrus fruit loaders, and cotton module movers, not exceeding 50 feet in length, or any combination of up to and including three implements of husbandry, including the towing power unit, and any single agricultural trailer with a load thereon or any agricultural implements attached to a towing power unit, or a self-propelled agricultural implement or an agricultural tractor, is authorized for the purpose of transporting peanuts, grains, soybeans, citrus, cotton, hay, straw, or other perishable farm products from their point of production to the first point of change of custody or of long-term storage, and for the purpose of returning to such point of production, or for the purpose of moving such tractors, movers, and implements from one point of agricultural production to another, by a person engaged in the production of any such product or custom hauler, if such vehicle or combination of vehicles otherwise complies with this section. The Department of Transportation may issue overlength permits for cotton module movers greater than 50 feet but not more than 55 feet in overall length. Such vehicles shall be operated in accordance with all safety requirements prescribed by law and rules of the Department of Transportation.

(c) The width and height limitations of this section do not apply to farming or agricultural equipment, whether self-propelled, pulled, or hauled, when temporarily operated during daylight hours upon a public road that is not a limited access facility as defined in s. 334.03(12) ~~s. 334.03(13)~~, and the width and height limitations may be exceeded by such equipment without a permit. To be eligible for this exemption, the equipment shall be operated within a radius of 50 miles of the real property owned, rented, or leased by the equipment owner. However, equipment being delivered by a dealer to a purchaser is not subject to the 50-mile limitation. Farming or agricultural equipment greater than 174 inches in width must have one warning lamp mounted on each side of the equipment to denote the width and must have a slow-moving vehicle sign. Warning lamps required by this paragraph must be visible from the front and rear of the vehicle and must be visible from a distance of at least 1,000 feet.

Section 20. Subsection (42) of section 320.01, Florida Statutes, is amended to read:

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

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

Section 21. Section 332.08, Florida Statutes, is amended to read:

332.08 Additional powers.—

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

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

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

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

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

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

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

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

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

Section 22. Subsections (11) through (37) of section 334.03, Florida Statutes, are renumbered as subsections (10) through (36), respectively, and present subsections (10), (11), and (25) of that section are amended to read:

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

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

~~(10)(11)~~ “Functional classification” means the assignment of roads into systems according to the character of service they provide in relation to the total road network using procedures developed by the Federal Highway Administration. Basic functional categories include arterial roads, collector roads, and local roads which may be subdivided into principal, major, or minor levels. Those levels may be additionally divided into rural and urban categories.

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

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

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

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

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

~~However, not less than 2 percent of the public road mileage of each urbanized area on record as of June 30, 1986, shall be included as minor arterials in the State Highway System. Urbanized areas not meeting the foregoing minimum requirement shall have transferred to the State Highway System additional minor arterials of the highest significance in which case the total minor arterials in the State Highway System from any urbanized area shall not exceed 2.5 percent of that area’s total public urban road mileage.~~

Section 23. Subsections (11), (13), and (26) of section 334.044, Florida Statutes, are amended, and subsection (33) is added to that section, to read:

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

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

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

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

maintenance of roadside conservation, enhancement, and stabilization programs. No less than 1.5 percent of the amount contracted for construction projects shall be allocated by the department on a statewide basis for the purchase of plant materials. Department districts may not expend funds for landscaping in connection with any project that is limited to resurfacing existing lanes unless the expenditure has been approved by the department's secretary or the secretary's designee., with, To the greatest extent practical, a minimum of 50 percent of ~~the~~ these funds allocated under this subsection shall be allocated for large plant materials and the remaining funds for other plant materials. All ~~such~~ plant materials shall be purchased from Florida commercial nursery stock in this state on a uniform competitive bid basis. The department shall ~~will~~ develop grades and standards for landscaping materials purchased through this process. To accomplish these activities, the department may contract with nonprofit organizations having the primary purpose of developing youth employment opportunities.

(33) To develop, in coordination with its partners and stakeholders, a Freight Mobility and Trade Plan to assist in making freight mobility investments that contribute to the economic growth of the state. Such plan should enhance the integration and connectivity of the transportation system across and between transportation modes throughout the state. The department shall deliver the Freight Mobility and Trade Plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives by July 1, 2013.

(a) The Freight Mobility and Trade Plan shall include, but need not be limited to, proposed policies and investments that promote the following:

1. Increasing the flow of domestic and international trade through the state's seaports and airports, including specific policies and investments that will recapture cargo currently shipped through seaports and airports located outside the state.

2. Increasing the development of intermodal logistic centers in the state, including specific strategies, policies, and investments that capitalize on the empty backhaul trucking and rail market in the state.

3. Increasing the development of manufacturing industries in the state, including specific policies and investments in transportation facilities that will promote the successful development and expansion of manufacturing facilities.

4. Increasing the implementation of compressed natural gas (CNG), liquefied natural gas (LNG), and propane energy policies that reduce transportation costs for businesses and residents located in the state.

(b) Freight issues and needs shall also be given emphasis in all appropriate transportation plans, including the Florida Transportation Plan and the Strategic Intermodal System Plan.

Section 24. Section 334.047, Florida Statutes, is amended to read:

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

Section 25. 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 must reduce the maximum limits for the bridge in accordance with the inspection report and post the limits in accordance with s. 316.555. The governmental entity must, within 30 days after receipt of an inspection report recommending lower limits, notify the department that the limitations have been implemented and the bridge has been posted accordingly. If the required actions are not taken within 30 days after receipt of an inspection report, the department shall post the bridge in accordance with the recommendations in the inspection report. All 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. All 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. Nothing in this subsection alters existing jurisdictional responsibilities for the operation and maintenance of bridges.

Section 26. Subsections (1) and (2) of section 335.17, Florida Statutes, are amended to read:

335.17 State highway construction; means of noise abatement.—

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

(2) All highway projects by the department, regardless of funding source, shall be developed in conformity with federal standards for noise abatement as contained in 23 C.F.R. 772 as such regulations existed on July 13, 2011

~~March 1, 1989.~~ The department shall, at a minimum, comply with federal requirements in the following areas:

- (a) Analysis of traffic noise impacts and abatement measures;
- (b) Noise abatement;
- (c) Information for local officials;
- (d) Traffic noise prediction; and
- (e) Construction noise.

Section 27. Subsection (5) of section 336.021, Florida Statutes, is amended to read:

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

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

Section 28. Paragraphs (a) and (b) of subsection (1), paragraph (a) of subsection (5), and subsection (7) of section 336.025, Florida Statutes, are amended to read:

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

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

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

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

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

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

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

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

3. County and municipal governments shall use moneys received pursuant to this paragraph for transportation expenditures needed to meet the requirements of the capital improvements element of an adopted comprehensive plan or for expenditures needed to meet immediate local transportation problems and for other transportation-related expenditures that are critical for building comprehensive roadway networks by local governments. For purposes of this paragraph, expenditures for the construction of new roads, the reconstruction or resurfacing of existing paved roads, or the paving of existing graded roads shall be deemed to increase capacity

and such projects shall be included in the capital improvements element of an adopted comprehensive plan. Expenditures for purposes of this paragraph shall not include routine maintenance of roads.

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

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

- (a) Public transportation operations and maintenance.
- (b) Roadway and right-of-way maintenance and equipment and structures used primarily for the storage and maintenance of such equipment.
- (c) Roadway and right-of-way drainage.
- (d) Street lighting installation, operation, maintenance, and repair.
- (e) Traffic signs, traffic engineering, signalization, and pavement markings, installation, operation, maintenance, and repair.
- (f) Bridge maintenance and operation.
- (g) Debt service and current expenditures for transportation capital projects in the foregoing program areas, including construction or reconstruction of roads and sidewalks.

Section 29. Subsection (4) of section 337.111, Florida Statutes, is amended to read:

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

(4) The group or organization making the proposal shall provide an annual renewable a 10-year bond, an irrevocable letter of credit, or another form of security as approved by the department's comptroller, for the purpose of securing the cost of removal of the monument and any modifications made

to the site as part of the placement of the monument should the Department of Transportation determine it necessary to remove or relocate the monument. Such removal or relocation shall be approved by the committee described in subsection (1). ~~Prior to expiration, the bond shall be renewed for another 10-year period if the memorial is to remain in place.~~

Section 30. Subsection (1) of section 337.125, Florida Statutes, is amended to read:

337.125 Socially and economically disadvantaged business enterprises; notice requirements.—

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

Section 31. Section 337.137, Florida Statutes, is repealed.

Section 32. Section 337.139, Florida Statutes, is amended to read:

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

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

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

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

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

Section 33. Subsection (1) of section 337.14, Florida Statutes, is amended to read:

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

(1) Any person desiring to bid for the performance of any construction contract in excess of \$250,000 which the department proposes to let must first be certified by the department as qualified pursuant to this section and rules of the department. The rules of the department shall address the qualification of persons to bid on construction contracts in excess of \$250,000 and shall include requirements with respect to the equipment, past record, experience, financial resources, and organizational personnel of the applicant necessary to perform the specific class of work for which the person seeks certification. The department ~~may is authorized to~~ limit the dollar amount of any contract upon which a person is qualified to bid or the aggregate total dollar volume of contracts such person is allowed to have under contract at any one time. Each applicant seeking qualification to bid on construction contracts in excess of \$250,000 shall furnish the department a statement under oath, on such forms as the department may prescribe, setting forth detailed information as required on the application. Each application for certification shall be accompanied by the latest annual financial statement of the applicant completed within the last 12 months. If the application or the annual financial statement shows the financial condition of the applicant more than 4 months prior to the date on which the application is received by the department, then an interim financial statement must be submitted and be accompanied by an updated application. The interim financial statement must cover the period from the end date of the annual statement and must show the financial condition of the applicant no more than 4 months prior to the date the interim financial statement is received by the department. However, upon request by the applicant, an application and accompanying annual or interim financial statement received by the department within 15 days after either 4-month period under this subsection shall be considered timely. Each required annual or interim financial statement must be audited and accompanied by the opinion of a certified public accountant ~~or a public accountant approved by the department.~~ An applicant desiring to bid exclusively for the performance of construction contracts with proposed budget estimates of less than \$1 million may submit reviewed annual or reviewed interim financial statements prepared by a certified public accountant. The information required by this subsection is confidential and exempt from the provisions of s. 119.07(1). The department shall act upon the application for qualification within 30 days after the department determines that the application is complete. The department may waive the requirements of this subsection for projects having a contract price of \$500,000 or less if the department determines that the project is of a noncritical nature and the waiver will not endanger public health, safety, or property.

Section 34. Subsection (3) of section 337.29, Florida Statutes, is amended to read:

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

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

Section 35. Section 337.403, Florida Statutes, is amended to read:

337.403 Interference caused by relocation of utility; expenses.—

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

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

(b) When a joint agreement between the department and the utility is executed for utility ~~improvement, relocation, or removal~~ work to be

accomplished as part of a contract for construction of a transportation facility, the department may participate in those utility work improvement, relocation, or removal costs that exceed the department's official estimate of the cost of the work by more than 10 percent. The amount of such participation shall be limited to the difference between the official estimate of all the work in the joint agreement plus 10 percent and the amount awarded for this work in the construction contract for such work. The department may not participate in any utility work improvement, relocation, or removal costs that occur as a result of changes or additions during the course of the contract.

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

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

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

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

(g) An authority may bear the costs of utility work required to eliminate an unreasonable interference when the utility is not able to establish that it has a compensable property right in the particular property where the utility is located if:

1. The utility was physically located on the particular property before the authority acquired rights in the property;

2. The utility demonstrates that it has a compensable property right in all adjacent properties along the alignment of the utility; and

3. The information available to the authority does not establish the relative priorities of the authority's and the utility's interests in the particular property.

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

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

Section 36. Subsection (1) of section 337.404, Florida Statutes, is amended to read:

337.404 Removal or relocation of utility facilities; notice and order; court review.—

(1) Whenever it becomes ~~shall become~~ necessary for the authority to perform utility work remove or relocate any utility as provided in s. 337.403 ~~the preceding section~~, the owner of the utility, or the owner's chief agent, shall be given notice that the authority will perform of such work removal or relocation and, after the work is completed, shall be given an order requiring the payment of the cost thereof; and a shall be given reasonable time, which may ~~shall~~ not be less than 20 or ~~nor~~ more than 30 days, in which to appear before the authority to contest the reasonableness of the order. Should the owner or the owner's representative not appear, the determination of the cost to the owner shall be final. Authorities considered agencies for the purposes of chapter 120 shall adjudicate removal or relocation of utilities pursuant to chapter 120.

Section 37. Subsections (1), (4), and (5) of section 337.408, Florida Statutes, are amended to read:

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

(1) Benches or transit shelters, including advertising displayed on benches or transit shelters, may be installed within the right-of-way limits

of any municipal, county, or state road, except a limited access highway, provided that such benches or transit shelters are for the comfort or convenience of the general public or are at designated stops on official bus routes and provided that written authorization has been given to a qualified private supplier of such service by the municipal government within whose incorporated limits such benches or transit shelters are installed or by the county government within whose unincorporated limits such benches or transit shelters are installed. A municipality or county may authorize the installation, without public bid, of benches and transit shelters together with advertising displayed thereon within the right-of-way limits of such roads. All installations shall be in compliance with all applicable laws and rules, including, without limitation, the Americans with Disabilities Act. Municipalities and counties that authorize or have authorized a bench or transit shelter to be installed within the right-of-way limits of any road on the State Highway System shall be responsible for ensuring that the bench or transit shelter complies with all applicable laws and rules, including, without limitation, the Americans with Disabilities Act, or shall remove the bench or transit shelter. The department shall have no liability for any claims, losses, costs, charges, expenses, damages, liabilities, attorney fees, or court costs relating to the installation, removal, or relocation of any benches or transit shelters authorized by a municipality or county. On and after July 1, 2012, a municipality or county that authorizes a bench or transit shelter to be installed within the right-of-way limits of any road on the State Highway System must require the qualified private supplier, or any other person under contract to install the bench or transit shelter, to indemnify, defend, and hold harmless the department from any suits, actions, proceedings, claims, losses, costs, charges, expenses, damages, liabilities, attorney fees, and court costs relating to the installation, removal, or relocation of such installations, and shall annually certify to the department in a notarized signed statement that this requirement has been met. The certification shall include the name and address of each person responsible for indemnifying the department for an authorized installation. Municipalities and counties that have authorized the installation of benches or transit shelters within the right-of-way limits of any road on the State Highway System must remove or relocate, or cause the removal or relocation of, the installation at no cost to the department within 60 days after written notice by the department that the installation is unreasonably interfering in any way with the convenient, safe, or continuous use of or the maintenance, improvement, extension, or expansion of the State Highway System road. Any contract for the installation of benches or transit shelters or advertising on benches or transit shelters which was entered into before April 8, 1992, without public bidding is ratified and affirmed. Such benches or transit shelters may not interfere with right-of-way preservation and maintenance. Any bench or transit shelter located on a sidewalk within the right-of-way limits of any road on the State Highway System or the county road system shall be located so as to leave at least 36 inches of clearance for pedestrians and persons in wheelchairs. Such clearance shall be measured in a direction perpendicular to the centerline of the road.

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

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

Section 38. Chapter 338, Florida Statutes, is retitled “LIMITED ACCESS AND TOLL FACILITIES.”

Section 39. Section 338.001, Florida Statutes, is repealed.

Section 40. Present subsections (1) through (6) of section 338.01, Florida Statutes, are renumbered as subsections (2) through (7), respectively, and new subsections (1) and (8) are added to that section to read:

338.01 Authority to establish and regulate limited access facilities.—

(1) The department may establish limited access facilities as provided in s. 335.02. The primary function of such limited access facilities shall be to allow high-speed and high-volume traffic movements within the state. Access to abutting land is subordinate to this function, and such access must be prohibited or highly regulated.

(8) The department, or other governmental entity responsible for the collection of tolls, may pursue the collection of unpaid tolls and associated

fees and other amounts to which it is entitled by contracting with a private attorney who is a member in good standing with The Florida Bar or a collection agent who is registered and in good standing pursuant to chapter 559. A collection fee in an amount that is reasonable within the collection industry, including any reasonable attorney fees, may be added to the delinquent amount collected by any attorney or collection agent retained by the department or other governmental entity. The requirements of s. 287.059 do not apply to private attorney services procured under this section.

Section 41. 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 prior to 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 42. 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. With respect to toll facilities managed by the department, the revenues of which are not pledged to repayment of bonds, the department may by rule allow the use of such facilities by public transit vehicles or by vehicles participating in a funeral procession for an active-duty military service member without the payment of tolls.

Section 43. Paragraph (c) is added to subsection (3) of section 338.161, Florida Statutes, 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; authority of department to collect tolls, fares, and fees for private and public entities.—

(3)

(c) If the department finds that it can increase nontoll revenues or add convenience or other value for its customers, the department is authorized to enter into agreements with private or public entities for the department's use of its electronic toll collection and video billing systems to collect tolls, fares, administrative fees, and other applicable charges imposed in connection with transportation facilities of the private or public entities that become interoperable with the department's electronic toll collection system. The department may modify its rules regarding toll collection procedures and the imposition of administrative charges to be applicable to toll facilities that are not part of the turnpike system or otherwise owned by the department. This paragraph may not be construed to limit the authority of the department under any other provision of law or under any agreement entered into prior to July 1, 2012.

Section 44. 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 45. 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 46. 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(5)(c) ~~s. 339.155(6)(e)~~.

Section 47. Subsection (4) of section 338.227, Florida Statutes, is amended to read:

338.227 Turnpike revenue bonds.—

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

Section 48. Subsection (2) of section 338.2275, Florida Statutes, is amended to read:

338.2275 Approved turnpike projects.—

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

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

Section 49. Section 338.228, Florida Statutes, is amended to read:

338.228 Bonds not debts or pledges of credit of state.—Turnpike revenue bonds issued under the provisions of ss. 338.22-338.241 are not debts of the state or pledges of the faith and credit of the state. Such bonds are payable exclusively from revenues pledged for their payment. All such bonds shall contain a statement on their face that the state is not obligated to pay the same or the interest thereon, except from the revenues pledged for their payment, and that the faith and credit of the state is not pledged to the payment of the principal or interest of such bonds. The issuance of turnpike revenue bonds under the provisions of ss. 338.22-338.241 does not directly, indirectly, or contingently obligate the state to levy or to pledge any form of taxation whatsoever, or to make any appropriation for their payment. Except as provided in ss. ~~338.001~~, 338.223, and 338.2275, and 339.65, ~~no~~ state funds may not ~~shall~~ be used on any turnpike project or to pay the principal or interest of any bonds issued to finance or refinance any portion of the turnpike system, and all such bonds shall contain a statement on their face to this effect.

Section 50. Paragraph (c) is added to subsection (3) of section 338.231, Florida Statutes, to read:

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

(3)

(c) Notwithstanding any other provision of law to the contrary, any prepaid toll account of any kind which has remained inactive for 3 years shall be presumed unclaimed and its disposition shall be handled by the Department of Financial Services in accordance with all applicable provisions of chapter 717 relating to the disposition of unclaimed property, and the prepaid toll account shall be closed by the department.

Section 51. Subsection (2) of section 338.234, Florida Statutes, is amended to read:

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

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

Section 52. Subsections (1), (2), and (3) of section 339.0805, Florida Statutes, are amended to read:

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

(1)(a) ~~Except to the extent that the head of the department determines otherwise, The department shall expend not less than 10 percent of federal-aid highway funds as defined in 49 C.F.R. part 26 s. 23.63(a) and state matching funds with small business concerns owned and controlled by socially and economically disadvantaged individuals as defined by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) Surface Transportation and Uniform Relocation Assistance Act of 1987.~~

(b) Upon a determination by the department of past and continuing discrimination in nonfederally funded projects on the basis of race, color, creed, national origin, or sex, the department may implement a program tailored to address specific findings of disparity. The program may include the establishment of annual goals for expending a percentage of state-administered highway funds with small business concerns. The department may utilize set-asides for small business concerns to assist in achieving goals established pursuant to this subsection. For the purpose of this subsection, the term “small business concern” means a business owned and controlled by socially and economically disadvantaged individuals as defined by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) Surface Transportation and Uniform Relocation Assistance Act of 1987. The head of the department may elect to set goals

only when significant disparity is documented. The findings of a disparity study shall be considered in determining the program goals for each group qualified to participate. ~~Such a study shall be conducted or updated by the department or its designee at a minimum of every 5 years. The department shall adopt rules to implement this subsection on or before October 1, 1993.~~

(c) The department shall certify a socially and economically disadvantaged business enterprise, ~~which certification shall be valid for 12 months, or as prescribed by 49 C.F.R. part 26.23.~~ The department's initial application for certification for a socially and economically disadvantaged business enterprise shall require sufficient information to determine eligibility as a small business concern owned and controlled by a socially and economically disadvantaged individual. For continuing eligibility ~~recertification~~ of a disadvantaged business enterprise, the department may accept an affidavit, which meets department criteria as to form and content, certifying that the business remains qualified for certification in accordance with program requirements. A firm which does not fulfill all the department's criteria for certification may ~~shall~~ not be considered a disadvantaged business enterprise. An applicant who is denied certification may not reapply within 12 ~~6~~ months after issuance of the denial letter ~~or the final order, whichever is later.~~ The application and financial information required by this section are confidential and exempt from s. 119.07(1).

(2) The department shall remove ~~revoke~~ the certification of a disadvantaged business enterprise upon receipt of notification of any change in ownership which results in the disadvantaged individual or individuals used to qualify the business as a disadvantaged business enterprise; no longer owning at least 51 percent of the business enterprise. Such notification shall be made to the department by certified mail within 30 ~~10~~ days after the change in ownership, ~~and such business shall be removed from the certified disadvantaged business list until a new application is submitted and approved by the department.~~ Failure to notify the department of the change in the ownership which qualifies the business as a disadvantaged business enterprise will also result in removal ~~revocation~~ of certification and subject the business to the provisions of s. 337.135. In addition, the department may, for good cause, deny or remove ~~suspend~~ the certification of a disadvantaged business enterprise. As used in this subsection, the term "good cause" includes, but is not limited to, the disadvantaged business enterprise:

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

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

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

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

- (e) Failing to fulfill its contractual obligations with contractors;
- (f) Failing to respond with a statement of interest to requests for bid quotations from contractors for three consecutive lettings;
- ~~(g) Subcontracting to others more than 49 percent of the amount of any single subcontract that was used by the prime contractor to meet a contract goal;~~
- ~~(g)(h)~~ Failing to provide notarized certification of payments received on specific projects to the prime contractor when required to do so by contract specifications;
- ~~(h)(i)~~ Failing to schedule an onsite review upon request of the department; or
- ~~(i)(j)~~ Becoming insolvent or the subject of a bankruptcy proceeding.

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

Section 53. Paragraph (c) of subsection (4) and paragraph (e) of subsection (7) of section 339.135, Florida Statutes, are amended to read:

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

(4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.

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

2. The district work program shall be developed cooperatively from the outset with the various metropolitan planning organizations of the state and include, to the maximum extent feasible, the project priorities of metropolitan planning organizations which have been submitted to the district by October 1 of each year pursuant to s. 339.175(8)(b); however, the department

and a metropolitan planning organization may, in writing, cooperatively agree to vary this submittal date. To assist the metropolitan planning organizations in developing their lists of project priorities, the district shall disclose to each metropolitan planning organization any anticipated changes in the allocation or programming of state and federal funds which may affect the inclusion of metropolitan planning organization project priorities in the district work program.

3. Prior to submittal of the district work program to the central office, the district shall provide the affected metropolitan planning organization with written justification for any project proposed to be rescheduled or deleted from the district work program which project is part of the metropolitan planning organization's transportation improvement program and is contained in the last 4 years of the previous adopted work program. By no later than 14 days after submittal of the district work program to the central office, the affected metropolitan planning organization may file an objection to such rescheduling or deletion. When an objection is filed with the secretary, the rescheduling or deletion may shall not be included in the district work program unless the inclusion of such rescheduling or deletion is specifically approved by the secretary. The Florida Transportation Commission shall include such objections in its evaluation of the tentative work program only when the secretary has approved the rescheduling or deletion.

(7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

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

1. Any amendment which deletes any project or project phase estimated to cost over \$150,000;

2. Any amendment which adds a project estimated to cost over \$500,000 \$150,000 in funds appropriated by the Legislature;

3. Any amendment which advances or defers to another fiscal year, a right-of-way phase, a construction phase, or a public transportation project phase estimated to cost over \$1.5 million \$500,000 in funds appropriated by the Legislature, except an amendment advancing a phase by 1 year to the current fiscal year or deferring a phase for a period of 90 days or less; or

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

Beginning July 1, 2013, the department shall index the budget amendment threshold amounts established in this paragraph to the Consumer Price

Index or similar inflation indicators. Threshold adjustments for inflation under this paragraph may be made no more frequently than once a year. Adjustments for inflation are subject to the notice and review procedures contained in s. 216.177.

Section 54. Section 339.155, Florida Statutes, is amended to read:

339.155 Transportation planning.—

(1) ~~THE FLORIDA TRANSPORTATION PLAN.~~—The department shall develop ~~and annually update~~ a statewide transportation plan, to be known as the Florida Transportation Plan. The plan shall be designed so as to be easily read and understood by the general public. The plan shall consider the needs of the entire state transportation system and examine the use of all modes of transportation to effectively and efficiently meet such needs. The purpose of the Florida Transportation Plan is to establish and define the state's long-range transportation goals and objectives to be accomplished over a period of at least 20 years within the context of the State Comprehensive Plan, and any other statutory mandates and authorizations and based upon the prevailing principles of:

- (a) Preserving the existing transportation infrastructure.
- (b) Enhancing Florida's economic competitiveness.
- (c) Improving travel choices to ensure mobility.
- (d) Expanding the state's role as a hub for trade and investment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) **ANNUAL PERFORMANCE REPORT.**—The department shall develop an annual performance report evaluating the operation of the department for the preceding fiscal year. The report shall also include a summary of the

financial operations of the department and shall annually evaluate how well the adopted work program meets the short-term objectives contained in the short-range component of the Florida Transportation Plan. This performance report shall be submitted to the Florida Transportation Commission and the legislative appropriations and transportation committees.

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

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

(b) Each regional planning council, as provided for in s. 186.504, or any successor agency thereto, shall develop, as an element of its strategic regional policy plan, transportation goals and policies. The transportation goals and policies must be prioritized to comply with the prevailing principles provided in subsection (1) ~~(2)~~ and s. 334.046(1). The transportation goals and policies shall be consistent, to the maximum extent feasible, with the goals and policies of the metropolitan planning organization and the Florida Transportation Plan. The transportation goals and policies of the regional planning council will be advisory only and shall be submitted to the department and any affected metropolitan planning organization for their consideration and comments. Metropolitan planning organization plans and other local transportation plans shall be developed consistent, to the maximum extent feasible, with the regional transportation goals and policies. The regional planning council shall review urbanized area transportation plans and any other planning products stipulated in s. 339.175 and provide the department and respective metropolitan planning organizations with written recommendations, which the department and the metropolitan planning organizations shall take under advisement. Further, the regional planning councils shall directly assist local governments that ~~which~~ are not part of a metropolitan area transportation planning process in the development of the transportation element of their comprehensive plans as required by s. 163.3177.

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

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

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

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

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

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

(c) Opportunity for design hearings:

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

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

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

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

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

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

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

Section 55. Paragraph (a) of subsection (2), paragraph (a) of subsection (4), and paragraph (b) of subsection (8) of section 339.175, Florida Statutes, are amended to read:

339.175 Metropolitan planning organization.—

(2) DESIGNATION.—

(a)1. An M.P.O. shall be designated for each urbanized area of the state; however, this does not require that an individual M.P.O. be designated for each such area. Such designation shall be accomplished by agreement between the Governor and units of general-purpose local government representing at least 75 percent of the population of the urbanized area; however, the unit of general-purpose local government that represents the central city or cities within the M.P.O. jurisdiction, as defined by the United States Bureau of the Census, must be a party to such agreement.

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

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

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

(4) APPORTIONMENT.—

(a) The Governor shall, with the agreement of the affected units of general-purpose local government as required by federal rules and regulations, apportion the membership on the applicable M.P.O. among the various governmental entities within the area. At the request of a majority of the affected units of general-purpose local government comprising an M.P.O., the Governor and a majority of units of general-purpose local government serving on an M.P.O. shall cooperatively agree upon and prescribe who may serve as an alternate member and a method for appointing alternate members who may vote at any M.P.O. meeting that an alternate member attends in place of a regular member. The method shall be set forth as a part of the interlocal agreement describing the M.P.O.'s membership or in the M.P.O.'s operating procedures and bylaws. The governmental entity so designated shall appoint the appropriate number of members to the M.P.O. from eligible officials. Representatives of the department shall serve as nonvoting advisers to members of the M.P.O. governing board. Additional nonvoting advisers may be appointed by the M.P.O. as deemed necessary; however, to the maximum extent feasible, each M.P.O. shall seek to appoint nonvoting representatives of various multimodal forms of transportation not otherwise represented by voting members of the M.P.O. An M.P.O. shall appoint nonvoting advisers representing major military installations located within the jurisdictional boundaries of the M.P.O. upon the request of the aforesaid major military installations and subject to the agreement of the M.P.O. All nonvoting advisers may attend and participate fully in governing board meetings but ~~may shall not have a vote or and shall not~~ be members of the governing board. The Governor shall review the composition of the M.P.O. membership in conjunction with the decennial census as prepared by the United States Department of Commerce, Bureau of the Census, and reapportion it as necessary to comply with subsection (3).

(8) TRANSPORTATION IMPROVEMENT PROGRAM.—Each M.P.O. shall, in cooperation with the state and affected public transportation operators, develop a transportation improvement program for the area within the jurisdiction of the M.P.O. In the development of the transportation improvement program, each M.P.O. must provide the public, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the proposed transportation improvement program.

(b) Each M.P.O. annually shall prepare a list of project priorities and shall submit the list to the appropriate district of the department by October

1 of each year; however, the department and a metropolitan planning organization may, in writing, agree to vary this submittal date. Where more than one M.P.O. exists in an urbanized area, the M.P.O.'s shall coordinate in the development of regionally significant project priorities. The list of project priorities must be formally reviewed by the technical and citizens' advisory committees, and approved by the M.P.O., before it is transmitted to the district. The approved list of project priorities must be used by the district in developing the district work program and must be used by the M.P.O. in developing its transportation improvement program. The annual list of project priorities must be based upon project selection criteria that, at a minimum, consider the following:

1. The approved M.P.O. long-range transportation plan;
2. The Strategic Intermodal System Plan developed under s. 339.64.
3. The priorities developed pursuant to s. 339.2819(4).
4. The results of the transportation management systems; and
5. The M.P.O.'s public-involvement procedures.

Section 56. Subsections (1), (2), (3), and (4) of section 339.2819, Florida Statutes, are amended to read:

339.2819 Transportation Regional Incentive Program.—

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

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

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

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

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

2. Be identified in the capital improvements element of a comprehensive plan that has been determined to be in compliance with part II of chapter

163, after July 1, 2005. Further, the project shall be in compliance with local government comprehensive plan policies relative to corridor management.

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

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

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

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

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

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

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

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

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

Section 57. Subsections (1) and (6) of section 339.62, Florida Statutes, are amended to read:

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

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

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

Section 58. Subsection (2) of section 339.63, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

339.63 System facilities designated; additions and deletions.—

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

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

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

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

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

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

(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" as defined in s. 311.101(2), and has been designated in a local comprehensive plan or local government development order as an intermodal logistics center or an equivalent planning term.

(b) A facility designated part of the Strategic Intermodal System pursuant to paragraph (a) that is within the jurisdiction of a local government that 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 59. Section 339.64, Florida Statutes, is amended to read:

339.64 Strategic Intermodal System Plan.—

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

(2) In association with the continued development of the Strategic Intermodal System Plan, the Florida Transportation Commission, as part of its work program review process, shall conduct an annual assessment of the progress that the department and its transportation partners have made in realizing the goals of economic development, improved mobility, and increased intermodal connectivity of the Strategic Intermodal System. The Florida Transportation Commission shall coordinate with the department, ~~the Statewide Intermodal Transportation Advisory Council~~, and other appropriate entities when developing this assessment. The Florida Transportation Commission shall deliver a report to the Governor and Legislature no later than 14 days after the regular session begins, with recommendations as necessary to fully implement the Strategic Intermodal System.

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

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

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

(a) A needs assessment.

(b) A project prioritization process.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~3.—Three intermodal industry representatives selected by the Speaker of the House of Representatives as follows:~~

~~a.—One representative from short-line railroads.~~

~~b.—One representative from seaports listed in s. 311.09(1) from the Gulf Coast.~~

~~c.—One representative from intermodal trucking companies. In no event may this representative be employed by the same company that employs the intermodal trucking company representative selected by the Governor.~~

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

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

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

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

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

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

Section 60. Section 339.65, Florida Statutes, is created to read:

339.65 Strategic Intermodal System highway corridors.—

(1) The department shall plan and develop Strategic Intermodal System highway corridors, including limited and controlled access facilities, allowing

for high-speed and high-volume traffic movements within the state. The primary function of the corridors is to provide such traffic movements. Access to abutting land is subordinate to this function, and such access must be prohibited or highly regulated.

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

(a) Interstate highways.

(b) The Florida Turnpike System.

(c) Interregional and intercity limited access facilities.

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

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

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

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

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

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

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

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

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

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

shall also identify when segments of the corridor will meet the standards and criteria developed pursuant to subsection (5).

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

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

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

Section 61. Section 341.840, Florida Statutes, is amended to read:

341.840 Tax exemption.—

(1) The exercise of the powers granted under ss. 341.8201-341.842 ~~by this act~~ will be in all respects for the benefit of the people of this state, for the increase of their commerce, welfare, and prosperity, and for the improvement of their health and living conditions. The design, construction, operation, maintenance, and financing of a high-speed rail system by the enterprise authority, its agent, or the owner or lessee thereof, as herein authorized, constitutes the performance of an essential public function.

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

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

(3)(a) Purchases or leases of tangible personal property or real property by the enterprise authority, excluding agents of the enterprise authority, are exempt from taxes imposed by chapter 212 as provided in s. 212.08(6). Purchases or leases of tangible personal property that is incorporated into the high-speed rail system as a component part thereof, as determined by the enterprise authority, by agents of the enterprise authority or the owner of the high-speed rail system are exempt from sales or use taxes imposed by chapter 212. Leases, rentals, or licenses to use real property granted to

agents of the enterprise authority or the owner of the high-speed rail system are exempt from taxes imposed by s. 212.031 if the real property becomes part of such system. The exemptions granted in this subsection do not apply to sales, leases, or licenses by the enterprise authority, agents of the authority, or the owner of the high-speed rail system.

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

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

(5) When property of the enterprise authority is leased to another person or entity, the property shall be exempt from ad valorem taxation only if the use by the lessee qualifies the property for exemption under s. 196.199.

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

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

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

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

3. The enterprise authority shall review each submitted application and determine whether it is complete. The enterprise authority shall notify the applicant of any deficiencies in the application within 30 days. Upon receipt of a completed application, the enterprise authority shall evaluate the application for exemption under this subsection and issue a certification that the contractor is qualified to act as an agent of the enterprise authority for purposes of this section or a denial of such certification within 30 days. The enterprise authority shall provide the Department of Revenue with a copy of each certification issued upon approval of an application. Upon receipt of a certification from the enterprise authority, the Department of Revenue shall issue an exemption permit to the contractor.

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

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

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

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

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

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

Section 62. Subsection (3) of section 343.52, Florida Statutes, is amended to read:

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

(3) “Area served” means Miami-Dade, Broward, and Palm Beach Counties. However, this area may be expanded by mutual consent of the authority and the board of county commissioners of Monroe County ~~representing the proposed expansion area. The authority may not expand into any additional counties without the department’s prior written approval.~~

Section 63. Section 343.53, Florida Statutes, is amended to read:

343.53 South Florida Regional Transportation Authority.—

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

(2) The governing board of the authority shall consist of 10 ~~nine~~ voting members, as follows:

(a) The county commissions of Miami-Dade, Broward, and Palm Beach Counties shall each elect a commissioner as that commission’s representative on the board. The commissioner must be a member of the county commission when elected and for the full extent of his or her term.

(b) The county commissions of Miami-Dade, Broward, and Palm Beach Counties shall each appoint a citizen member to the board who is not a member of the county commission but who is a resident of the county from which he or she is appointed and a qualified elector of that county. Insofar as

practicable, the citizen member shall represent the business and civic interests of the community.

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

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

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

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

~~2.3.~~ The Governor shall appoint a citizen member to the board who is not a member of the county commission but who is a resident and a qualified elector of that county.

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

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

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

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

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

Section 64. Paragraph (q) is added to subsection (3) of section 343.54, Florida Statutes, and subsection (5) of that section is amended, to read:

343.54 Powers and duties.—

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

(q) To privatize any of the administrative functions of the authority existing as of July 1, 2012, by contracting with a private entity or entities to perform any or all of those functions, which shall require a two-thirds vote of the entire membership of the board.

(5) The authority, by a resolution of its governing board, may expand its service area into Monroe County and enter into a partnership with any county that is contiguous to the service area of the authority. The board shall determine the conditions and terms of the partnership, except as provided herein. However, the authority may not expand its service area without the consent of the board of county commissioners representing the proposed expansion area, and a county may not be added to the service area except in the year that federal reauthorization legislation for transportation funds is enacted. The authority shall not expand into any county other than Monroe County without the department's prior written approval.

Section 65. Section 343.56, Florida Statutes, is amended to read:

343.56 Bonds not debts or pledges of credit of state.—Revenue bonds issued under the provisions of this part are not debts of the state or pledges of the faith and credit of the state. Such bonds are payable exclusively from revenues pledged for their payment. All such bonds shall contain a statement on their face that the state is not obligated to pay the same or the interest thereon, except from the revenues pledged for their payment, and that the faith and credit of the state is not pledged to the payment of the principal or interest of such bonds. The issuance of revenue bonds under the provisions of this part does not directly, indirectly, or contingently obligate the state to levy or to pledge any form of taxation whatsoever, or to make any appropriation for their payment. No state funds shall be used or pledged to pay the principal or interest of any bonds issued to finance or refinance any portion of the South Florida Regional Transportation Authority transit system, and all such bonds shall contain a statement on their face to this effect. ~~However, federal funds being passed through the department to the South Florida Regional Transportation Authority and those state matching funds required by the United States Department of Transportation as a condition of federal funding may be used to pay principal and interest of any bonds issued.~~

Section 66. Section 343.57, Florida Statutes, is amended to read:

343.57 Pledge to bondholders not to restrict certain rights of authority. The state pledges to and agrees with the holders of the bonds issued pursuant to this part that the state will not limit or restrict the rights vested in the authority to construct, reconstruct, maintain, and operate any project as defined in this part, to establish and collect such fees or other charges as may be convenient or necessary to produce sufficient revenues to meet the expenses of maintenance and operation of the system, and to fulfill the terms of any agreements made with the holders of bonds authorized by this part. The state further pledges that it will not in any way impair the rights or remedies of the holders of such bonds until the bonds, together with interest thereon, are fully paid and discharged. Nothing in this section or in any agreement between the authority and the Department of Transportation shall be construed to require the Legislature to make or continue any appropriation of state funds to the authority, including, but not limited to, the amounts specified in s. 343.58(4), nor shall any holder of bonds have any right to require the Legislature to make or continue any appropriation of state funds.

Section 67. Subsection (4) of section 343.58, Florida Statutes, is amended, and subsection (6) is added to that section, to read:

343.58 County funding for the South Florida Regional Transportation Authority.—

(4) Notwithstanding any other provision of law to the contrary and effective July 1, 2010, until as provided in paragraph (d), the department shall transfer annually from the State Transportation Trust Fund to the South Florida Regional Transportation Authority the amounts specified in subparagraph (a)1. or subparagraph (a)2.

(a)1. If the authority becomes responsible for maintaining and dispatching the South Florida Rail Corridor:

a. \$15 million from the State Transportation Trust Fund to the South Florida Regional Transportation Authority for operations, maintenance, and dispatch; and

b. An amount no less than the work program commitments equal to \$27.1 million for fiscal year 2010-2011, as of July 1, 2009, for operating assistance to the authority and corridor track maintenance and contract maintenance for the South Florida Rail Corridor.

2. If the authority does not become responsible for maintaining and dispatching the South Florida Rail Corridor:

a. \$13.3 million from the State Transportation Trust Fund to the South Florida Regional Transportation Authority for operations; and

b. An amount no less than the work program commitments equal to \$17.3 million for fiscal year 2010-2011, as of July 1, 2009, for operating assistance to the authority.

(b) Funding required by this subsection may not be provided from the funds dedicated to the Florida Rail Enterprise under s. 201.15(1)(c)1.d.

(c)1. Funds provided to the authority by the department under this subsection may not be committed by the authority without the approval of the department, which may not be unreasonably withheld. At least 90 days before advertising any procurement or renewing any existing contract that will rely on state funds for payment, the authority shall notify the department of the proposed procurement or renewal and the proposed terms thereof. If the department, within 60 days after receipt of notice, objects in writing to the proposed procurement or renewal, specifying its reasons for objection, the authority may not proceed with the proposed procurement or renewal. Failure of the department to object in writing within 60 days after notice shall be deemed consent. This requirement does not impair or cause the authority to cancel contracts that exist as of June 30, 2012.

2. To enable the department to evaluate the authority's proposed uses of state funds, the authority shall annually provide the department with its proposed budget for the following authority fiscal year and shall provide the department with any additional documentation or information required by the department for its evaluation of the proposed uses of the state funds.

(d) Funding required by this subsection shall cease upon commencement of an alternate dedicated local funding source sufficient for the authority to meet its responsibilities for operating, maintaining, and dispatching the South Florida Rail Corridor. The authority and the department shall cooperate in the effort to identify and implement such an alternate dedicated local funding source before July 1, 2019. Upon commencement of the alternate dedicated local funding source, the department shall convey to the authority a perpetual commuter rail easement in the South Florida Rail Corridor and all of the department's right, title, and interest in rolling stock, equipment, tracks, and other personal property owned and used by the department for the operation and maintenance of the commuter rail operations in the South Florida Rail Corridor.

(6) Before the authority undertakes any new capital projects or transit system improvements not approved by the authority board, and not identified in the authority's 5-year capital program, on or before July 1, 2012, the authority shall ensure that the funding available to the authority under this section, together with any revenues available to the authority, are currently, and are anticipated to continue to be, sufficient for the authority to meet its obligations under any agreement through which federal funds have been or are anticipated to be received by the authority.

Section 68. Section 347.215, Florida Statutes, is created to read:

347.215 Operation of ferries by joint agreement between public and private entities.—The county commission of any county that has granted a license to operate a ferry in the county may authorize the operation of such

ferry by a single party or multiple parties under a joint agreement between the appropriate public entities and one or more private corporations conducting business in the state.

Section 69. Paragraph (c) of subsection (4) of section 348.0003, Florida Statutes, is amended to read:

348.0003 Expressway authority; formation; membership.—

(4)

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

Section 70. Section 348.7645, Florida Statutes, is created to read:

348.7645 Exit sign to university.—Notwithstanding any provision of law to the contrary, the authority, upon request by a university described in this section, shall erect signage at the most convenient, existing exit directing traffic to a university with at least 6,000 full-time students which is located within 5 miles of a roadway operated by the authority. Any such university shall pay to the authority the actual costs of any signage erected.

Section 71. Subsection (3) of section 349.03, Florida Statutes, is amended to read:

349.03 Jacksonville Transportation Authority.—

(3)(a) The terms of appointed members shall be for 4 years deemed to have commenced on June 1 of the year in which they are appointed. Each member shall hold office until a successor has been appointed and has qualified. A vacancy during a term shall be filled by the respective appointing authority only for the balance of the unexpired term. Any member appointed to the authority for two consecutive full terms shall not be eligible for appointment to the next succeeding term. One of the members so appointed shall be designated annually by the members as chair of the authority, one member shall be designated annually as the vice chair of the authority, one member shall be designated annually as the secretary of the authority, and one member shall be designated annually as the treasurer of the authority. The members of the authority shall not be entitled to compensation, but shall be reimbursed for travel expenses or other expenses actually incurred in their duties as provided by law. Four voting members of the authority shall constitute a quorum, and no resolution adopted by the authority shall become effective unless with the affirmative vote of at least four members. Members of the authority shall file as their mandatory financial disclosure a

statement of financial interest with the Commission on Ethics as provided in s. 112.3145.

(b) The authority shall employ an executive director, and the executive director may hire such staff, permanent or temporary, as he or she may determine and may organize the staff of the authority into such departments and units as he or she may determine. The executive director may appoint department directors, deputy directors, division chiefs, and staff assistants to the executive director, as he or she may determine. In so appointing the executive director, the authority may fix the compensation of such appointee, who shall serve at the pleasure of the authority. All employees of the authority shall be exempt from the provisions of part II of chapter 110. The authority may employ such financial advisers and consultants, technical experts, engineers, and agents and employees, permanent or temporary, as it may require and may fix the compensation and qualifications of such persons, firms, or corporations. The authority may delegate to one or more of its agents or employees such of its powers as it shall deem necessary to carry out the purposes of this chapter, subject always to the supervision and control of the governing body of the authority.

Section 72. Subsection (8) is added to section 349.04, Florida Statutes, to read:

349.04 Purposes and powers.—

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

Section 73. Subsection (6) is added to section 373.118, Florida Statutes, to read:

373.118 General permits; delegation.—

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

Section 74. Subsection (6) is added to section 373.413, Florida Statutes, to read:

373.413 Permits for construction or alteration.—

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

systems associated with the construction or alteration of systems serving state transportation projects and facilities. Because of the unique limitations of linear facilities, the governing board or department shall balance the expenditure of public funds for stormwater treatment for state transportation projects and facilities with the benefits to the public in providing the most cost-efficient and effective method of achieving the treatment objectives. In consideration thereof, the governing board or department shall allow alternatives to onsite treatment, including, but not limited to, regional stormwater treatment systems. The Department of Transportation is responsible for treating stormwater generated from state transportation projects but is not responsible for the abatement of pollutants and flows entering its stormwater management systems from offsite sources; however, this subsection does not prohibit the Department of Transportation from receiving and managing such pollutants and flows when cost effective and prudent. Further, in association with right-of-way acquisition for state transportation projects, the Department of Transportation is responsible for providing stormwater treatment and attenuation for the acquired right-of-way but is not responsible for modifying permits for adjacent lands affected by right-of-way acquisition when it is not the permittee. The governing board or department may establish, by rule, specific criteria to implement the management and treatment alternatives and activities under this subsection.

Section 75. Section 479.28, Florida Statutes, is repealed.

Section 76. The Department of Transportation may seek Federal Highway Administration approval of a tourist-oriented commerce sign pilot program for small businesses, as defined in s. 288.703, Florida Statutes, in rural areas of critical economic concern, as defined by s. 288.0656(2)(d) and (e), Florida Statutes. Upon Federal Highway Administration approval, the department shall submit the pilot program for legislative approval in the next regular legislative session.

Section 77. There is established a pilot program for the Palm Beach County school district to recognize its business partners. The district may recognize its business partners by publicly displaying such business partners' names on school district property in the unincorporated areas of the county. Project graduation and athletic sponsorships are examples of appropriate recognition. The district shall make every effort to display its business partners' names in a manner that is consistent with the county standards for uniformity in size, color, and placement of signs. If the provisions of this section are inconsistent with county ordinances or regulations relating to signs in the unincorporated areas of the county or inconsistent with chapter 125 or chapter 166, Florida Statutes, the provisions of this section prevail. The pilot program expires June 30, 2014.

Section 78. Effective upon this act becoming a law, all administrative rules adopted by the former Pilotage Rate Review Board, which were in effect upon the effective date of ss. 5 and 6, chapter 2010-225, Laws of Florida, are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes,

to the Pilotage Rate Review Committee of the Board of Pilot Commissioners and shall apply retroactively to the effective date of ss. 5 and 6, chapter 2010-225, Laws of Florida.

Section 79. The Florida Transportation Commission shall conduct a study of the potential for cost savings that might be realized through increased efficiencies through the sharing of resources for the accomplishment of design, construction, and maintenance activities by or on behalf of expressway authorities in the state. The commission may retain such experts as are reasonably necessary to complete the study, and the department shall pay the expenses of such experts. The commission shall complete the study and provide a written report of its findings and conclusions to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of each of the appropriations committees of the Legislature by December 31, 2012. In conducting the study, the commission shall seek input from the existing expressway authorities.

Section 80. 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 any associated variance or any 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 81. It is the intent of the Legislature to encourage and facilitate a review by the Pinellas Suncoast Transit Authority (PSTA) and the Hillsborough Area Regional Transit Authority (HART) in order to achieve improvements in regional transit connectivity and implementation of operational efficiencies and service enhancements that are consistent with the regional approach to transit identified in the Tampa Bay Area Regional Transportation Authority's (TBARTA's) Regional Transportation Master Plan. The Legislature finds that such improvements and efficiencies can best be achieved through a joint review, evaluation, and recommendations by the Pinellas Suncoast Transit Authority and the Hillsborough Area Regional Transit Authority.

(1) The governing bodies or a designated subcommittee of both the Pinellas Suncoast Transit Authority and the Hillsborough Area Regional

Transit Authority shall hold a joint meeting within 30 days after July 1, 2012, and as often as deemed necessary thereafter, in order to consider and identify opportunities for greater efficiency and service improvements, including specific methods for increasing service connectivity between the jurisdictions of each agency. The elements to be reviewed must also include:

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

(b) Funding options and implementation;

(c) Facilities ownership and management;

(d) Current financial obligations and resources; and

(e) Actions to be taken that are consistent with the Tampa Bay Area Regional Transportation Authority's master plan.

(2) The Pinellas Suncoast Transit Authority and the Hillsborough Area Regional Transit Authority shall jointly submit a report to the Speaker of the House of Representatives and the President of the Senate on the elements described in this section by February 1, 2013. The report must include proposed legislation to implement each recommendation and specific recommendations concerning the reorganization of each agency, the organizational merger of both agencies, or the consolidation of functions within and between each agency.

(3) The Tampa Bay Area Regional Transportation Authority shall assist and facilitate the Pinellas Suncoast Transit Authority and the Hillsborough Area Regional Transit Authority in carrying out the purposes of this section. The Tampa Bay Area Regional Transportation Authority shall provide technical assistance and information regarding its master plan, make recommendations for achieving consistency and improved regional connectivity, and provide support to the Pinellas Suncoast Transit Authority and the Hillsborough Area Regional Transit Authority in the preparation of their joint report and recommendations to the Legislature. For this purpose, the Pinellas Suncoast Transit Authority and the Hillsborough Area Regional Transit Authority shall reimburse the Tampa Bay Area Regional Transportation Authority for necessary and reasonable expense in a total amount not to exceed \$100,000.

Section 82. Subsection (7) of section 215.616, Florida Statutes, is amended to read:

215.616 State bonds for federal aid highway construction.—

~~(7) Up to \$325 million in bonds may be issued for the Mobility 2000 Initiative with emphasis on the Florida Intrastate Highway System to advance projects in the most cost-effective manner and to support emergency evacuation, improved access to urban areas, or the enhancement of trade and~~

~~economic growth corridors of statewide and regional significance which promote Florida's economic growth.~~

Section 83. Subsection (3) of section 288.063, Florida Statutes, is amended to read:

288.063 Contracts for transportation projects.—

(3) With respect to any contract executed pursuant to this section, the term “transportation project” means a transportation facility as defined in s. 334.03(30) ~~s. 334.03(31)~~ which is necessary in the judgment of the department to facilitate the economic development and growth of the state. Such transportation projects shall be approved only as a consideration to attract new employment opportunities to the state or expand or retain employment in existing companies operating within the state, or to allow for the construction or expansion of a state or federal correctional facility in a county having with a population of 75,000 or less that creates new employment opportunities or expands or retains employment in the county. The department shall institute procedures to ensure that small and minority businesses have equal access to funding provided under this section. Funding for approved transportation projects may include any expenses, other than administrative costs and equipment purchases specified in the contract, necessary for new, or improvement to existing, transportation facilities. Funds made available pursuant to this section may not be expended in connection with the relocation of a business from one community to another community in this state unless the department determines that without such relocation the business will move outside this state or determines that the business has a compelling economic rationale for the relocation which creates additional jobs. Subject to appropriation for projects under this section, any appropriation greater than \$10 million shall be allocated to each of the districts of the Department of Transportation to ensure equitable geographical distribution. Such allocated funds that remain uncommitted by the third quarter of the fiscal year shall be reallocated among the districts based on pending project requests.

Section 84. 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) ~~s. 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 85. Section 316.2122, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

Section 86. Section 318.12, Florida Statutes, is amended to read:

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

Section 87. 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 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 shall not constitute a general obligation of the State of Florida. The state does hereby covenant with holders of such revenue bonds or other instruments of indebtedness issued hereunder that it will not repeal or impair or amend in any manner which will materially and adversely affect the rights of such holders so long as bonds authorized by this section are outstanding. Any revenues which are not pledged to the repayment of bonds as authorized by this section may be 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 distribution of funds to ports for projects which have been approved pursuant to s. 311.09(5)-(8) ~~s. 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 ~~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, shall be restricted 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 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 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 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) 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, 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 shall require a 25 percent match of the funds received pursuant to this subsection. Matching funds 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 shall not constitute a general obligation of the state. This state does hereby covenant 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 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 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) ~~s. 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 Florida Seaport Transportation and Economic Development ~~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 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 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 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 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 88. Subsection (3) of section 335.02, Florida Statutes, is amended to read:

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

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

- (a) Overall economic importance of the corridor as a trade or tourism corridor.
- (b) Safety of corridor users, including the importance of the corridor for evacuation purposes.
- (c) Cost-effectiveness of alternative methods of increasing the mobility of corridor users.
- (d) Current and projected traffic volumes on the corridor.
- (e) Multimodal alternatives.
- (f) Use of intelligent transportation technology in increasing the efficiency of the corridor.
- (g) Compliance with state and federal policies related to clean air, environmental impacts, growth management, livable communities, and energy conservation.
- (h) Addition of special use lanes, such as exclusive truck lanes, high-occupancy-vehicle toll lanes, and exclusive interregional traffic lanes.
- (i) Availability and cost of rights-of-way, including associated costs, and the most effective use of existing rights-of-way.
- (j) Regional economic and transportation objectives, where articulated.
- (k) The future land use plan element of local government comprehensive plans, as appropriate, including designated urban infill and redevelopment areas.
- (l) The traffic circulation element, if applicable, of local government comprehensive plans, including designated transportation corridors and public transportation corridors.
- (m) The approved metropolitan planning organization's long-range transportation plan, as appropriate.

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

Section 89. Subsection (2) of section 338.222, Florida Statutes, is amended to read:

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

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

Section 90. Subsection (6) of section 339.285, Florida Statutes, is amended to read:

339.285 Enhanced Bridge Program for Sustainable Transportation.—

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

Section 91. Subsection (2) of section 341.053, Florida Statutes, is amended to read:

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

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

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

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

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

Section 92. Subsection (2) of section 341.8225, Florida Statutes, is amended to read:

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

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

Section 93. Subsection (2) of section 403.7211, Florida Statutes, is amended to read:

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

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

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

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

2. Potential exposure during egress and potential increases in the duration of exposure.;

3. Whether any road in a proposed evacuation route passes in close proximity to the facility.;

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

(b) Any location within 1,500 yards of any hospital, prison, school, nursing home facility, day care facility, stadium, place of assembled worship, or any other similar site where individuals are routinely confined or

assembled in such a manner that reasonable access to immediate evacuation is likely to be unavailable;

(c) Any location within 1,000 yards of any residence;

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

For the purposes of this subsection, all distances shall be measured from the outer limit of the active hazardous waste management area. “Substantial modification” includes: any physical change in, change in the operations of, or addition to a facility which could increase the potential offsite impact, or risk of impact, from a release at that facility; and any change in permit conditions which is reasonably expected to lead to greater potential impacts or risks of impacts, from a release at that facility. “Substantial modification” does not include a change in operations, structures, or permit conditions which does not substantially increase either the potential impact from, or the risk of, a release. Physical or operational changes to a facility related solely to the management of nonhazardous waste at the facility ~~is shall~~ not be considered a substantial modification. The department shall, by rule, adopt criteria to determine whether a facility has been substantially modified. “Initial operation” means the initial commencement of operations at the facility.

Section 94. Subsection (27) of section 479.01, Florida Statutes, is amended to read:

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

(27) “Urban area” has the same meaning as defined in ~~s. 334.03(31)~~ s. 334.03(32).

Section 95. Subsection (1) of section 479.07, Florida Statutes, is amended to read:

479.07 Sign permits.—

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

Section 96. Subsection (5) of section 479.261, Florida Statutes, is amended to read:

479.261 Logo sign program.—

(5) At a minimum, permit fees for businesses that participate in the program must be established in an amount sufficient to offset the total cost to the department for the program, including contract costs. The department shall provide the services in the most efficient and cost-effective manner through department staff or by contracting for some or all of the services. The department shall adopt rules that set reasonable rates based upon factors such as population, traffic volume, market demand, and costs for annual permit fees. However, annual permit fees for sign locations inside an urban area, as defined in s. 334.03(31) ~~s. 334.03(32)~~, may not exceed \$3,500, and annual permit fees for sign locations outside an urban area, as defined in s. 334.03(31) ~~s. 334.03(32)~~, may not exceed \$2,000. After recovering program costs, the proceeds from the annual permit fees shall be deposited into the State Transportation Trust Fund and used for transportation purposes.

Section 97. ~~Pembroke Park Boulevard designated; Department of Transportation to erect suitable markers.~~

(1) That portion of State Road 858/Hallandale Beach Boulevard between Interstate 95/State Road 9 and S.W. 56th Avenue in Broward County is designated as "Pembroke Park Boulevard."

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

Section 98. Paragraph (d) of subsection (1) of section 316.0083, Florida Statutes, is amended to read:

316.0083 Mark Wandall Traffic Safety Program; administration; report.

(1)

(d)1. The owner of the motor vehicle involved in the violation is responsible and liable for paying the uniform traffic citation issued for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop at a traffic signal, unless the owner can establish that:

a. The motor vehicle passed through the intersection in order to yield right-of-way to an emergency vehicle or as part of a funeral procession;

b. The motor vehicle passed through the intersection at the direction of a law enforcement officer;

c. The motor vehicle was, at the time of the violation, in the care, custody, or control of another person; ~~or~~

d. A uniform traffic citation was issued by a law enforcement officer to the driver of the motor vehicle for the alleged violation of s. 316.074(1) or s. 316.075(1)(c)1.; or

e. The motor vehicle's owner was deceased on or before the date that the uniformed traffic citation was issued as established by an affidavit submitted by the representative of the motor vehicle owner's estate or other designated person or family member.

2. In order to establish such facts, the owner of the motor vehicle shall, within 30 days after the date of issuance of the traffic citation, furnish to the appropriate governmental entity an affidavit setting forth detailed information supporting an exemption as provided in this paragraph.

a. An affidavit supporting an exemption under sub-subparagraph 1.c. must include the name, address, date of birth, and, if known, the driver's license number of the person who leased, rented, or otherwise had care, custody, or control of the motor vehicle at the time of the alleged violation. If the vehicle was stolen at the time of the alleged offense, the affidavit must include the police report indicating that the vehicle was stolen.

b. If a traffic citation for a violation of s. 316.074(1) or s. 316.075(1)(c)1. was issued at the location of the violation by a law enforcement officer, the affidavit must include the serial number of the uniform traffic citation.

c. If the motor vehicle's owner to whom a traffic citation has been issued is deceased, the affidavit must include a certified copy of the owner's death certificate showing that the date of death occurred on or before the issuance of the uniform traffic citation and one of the following:

(I) A bill of sale or other document showing that the deceased owner's motor vehicle was sold after his or her death but on or before the date of the alleged violation.

(II) Documentary proof that the registered license plate belonging to the deceased owner's vehicle was returned to the department or any branch office or authorized agent of the department on or before the date of the alleged violation.

(III) A copy of a police report showing the deceased owner's registered license plate or motor vehicle was stolen after the owner's death but on or before the date of the alleged violation.

Upon receipt of the affidavit and documentation required under this sub-subparagraph, the governmental entity must dismiss the citation and provide proof of such dismissal to the person that submitted the affidavit.

3. Upon receipt of an affidavit, the person designated as having care, custody, and control of the motor vehicle at the time of the violation may be issued a traffic citation for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop at a traffic signal. The affidavit is admissible in a proceeding pursuant to this section for the purpose of providing proof that the person identified in the affidavit was in actual care, custody, or control of the motor vehicle. The owner of a leased vehicle for which a traffic citation is issued for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver

failed to stop at a traffic signal is not responsible for paying the traffic citation and is not required to submit an affidavit as specified in this subsection if the motor vehicle involved in the violation is registered in the name of the lessee of such motor vehicle.

4. The submission of a false affidavit is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 99. Section 320.089, Florida Statutes, is amended to read:

320.089 Members of National Guard and active United States Armed Forces reservists; former prisoners of war; survivors of Pearl Harbor; Purple Heart medal recipients; Operation Iraqi Freedom and Operation Enduring Freedom Veterans; Combat Infantry Badge or Combat Action Badge recipients; special license plates; fee.—

(1)(a) Each owner or lessee of an automobile or truck for private use or recreational vehicle as specified in s. 320.08(9)(c) or (d), which is not used for hire or commercial use, who is a resident of the state and an active or retired member of the Florida National Guard, a survivor of the attack on Pearl Harbor, a recipient of the Purple Heart medal, ~~or an active or retired member of any branch of the United States Armed Forces Reserve, or a recipient of the Combat Infantry Badge or Combat Action Badge~~ shall, upon application to the department, accompanied by proof of active membership or retired status in the Florida National Guard, proof of membership in the Pearl Harbor Survivors Association or proof of active military duty in Pearl Harbor on December 7, 1941, proof of being a Purple Heart medal recipient, ~~or proof of active or retired membership in any branch of the Armed Forces Reserve, or proof of membership in the Combat Infantrymen's Association, Inc., or other proof of being a recipient of the Combat Infantry Badge or Combat Action Badge~~, and upon payment of the license tax for the vehicle as provided in s. 320.08, be issued a license plate as provided by s. 320.06, upon which, in lieu of the serial numbers prescribed by s. 320.06, shall be stamped the words “National Guard,” “Pearl Harbor Survivor,” “Combat-wounded veteran,” ~~or~~ “U.S. Reserve,” “Combat Infantry Badge,” or “Combat Action Badge” as appropriate, followed by the serial number of the license plate. Additionally, the Purple Heart plate may have the words “Purple Heart” stamped on the plate and the likeness of the Purple Heart medal appearing on the plate.

(b) Notwithstanding any other provision of law to the contrary, beginning with fiscal year 2002-2003 and annually thereafter, the first \$100,000 in general revenue generated from the sale of license plates issued under this section shall be deposited into the Grants and Donations Trust Fund, as described in s. 296.38(2), to be used for the purposes established by law for that trust fund. Any additional general revenue generated from the sale of such plates shall be deposited into the State Homes for Veterans Trust Fund and used solely to construct, operate, and maintain domiciliary and nursing homes for veterans, subject to the requirements of chapter 216.

(c) Notwithstanding any provisions of law to the contrary, an applicant for a Pearl Harbor Survivor license plate or a Purple Heart license plate who also qualifies for a disabled veteran's license plate under s. 320.084 shall be issued the appropriate special license plate without payment of the license tax imposed by s. 320.08.

(2) Each owner or lessee of an automobile or truck for private use, truck weighing not more than 7,999 pounds, or recreational vehicle as specified in s. 320.08(9)(c) or (d), which is not used for hire or commercial use, who is a resident of the state and who is a former prisoner of war, or their unremarried surviving spouse, shall, upon application therefor to the department, be issued a license plate as provided in s. 320.06, on which license plate are stamped the words "Ex-POW" followed by the serial number. Each application shall be accompanied by proof that the applicant meets the qualifications specified in paragraph (a) or paragraph (b).

(a) A citizen of the United States who served as a member of the Armed Forces of the United States or the armed forces of a nation allied with the United States who was held as a prisoner of war at such time as the Armed Forces of the United States were engaged in combat, or their unremarried surviving spouse, may be issued the special license plate provided for in this subsection without payment of the license tax imposed by s. 320.08.

(b) A person who was serving as a civilian with the consent of the United States Government, or a person who was a member of the Armed Forces of the United States who was not a United States citizen and was held as a prisoner of war when the Armed Forces of the United States were engaged in combat, or their unremarried surviving spouse, may be issued the special license plate provided for in this subsection upon payment of the license tax imposed by s. 320.08.

(3) Each owner or lessee of an automobile or truck for private use, truck weighing not more than 7,999 pounds, or recreational vehicle as specified in s. 320.08(9)(c) or (d), which is not used for hire or commercial use, who is a resident of this state and who is the unremarried surviving spouse of a recipient of the Purple Heart medal shall, upon application therefor to the department, with the payment of the required fees, be issued a license plate as provided in s. 320.06, on which license plate are stamped the words "Purple Heart" and the likeness of the Purple Heart medal followed by the serial number. Each application shall be accompanied by proof that the applicant is the unremarried surviving spouse of a recipient of the Purple Heart medal.

(4) The owner or lessee of an automobile or truck for private use, a truck weighing not more than 7,999 pounds, or a recreational vehicle as specified in s. 320.08(9)(c) or (d) which automobile, truck, or recreational vehicle is not used for hire or commercial use who is a resident of the state and a current or former member of the United States military who was deployed and served in Iraq during Operation Iraqi Freedom or in Afghanistan during Operation Enduring Freedom shall, upon application to the department, accompanied

by proof of active membership or former active duty status during one of these operations, and upon payment of the license tax for the vehicle as provided in s. 320.08, be issued a license plate as provided by s. 320.06 upon which, in lieu of the registration license number prescribed by s. 320.06, shall be stamped the words “Operation Iraqi Freedom” or “Operation Enduring Freedom,” as appropriate, followed by the registration license number of the plate.

Section 100. 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 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 the 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 101. 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 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 all required environmental permits and approvals by the Federal Government.

Section 102. Subsections (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 ratified by the authority board on February 22, 2012.

Section 103. 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 ratified by the authority board on February 22, 2012.

Section 104. 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 105. Vehicles equipped with autonomous technology; intent.—

(1) As used in this section, the term “autonomous technology” means technology installed on a motor vehicle that has the capability to drive the vehicle on which the technology is installed without the active control or monitoring by a human operator. The term excludes a motor vehicle enabled with active safety systems or driver assistance systems, including, without limitation, a system to provide electronic blind spot assistance, crash avoidance, emergency braking, parking assistance, adaptive cruise control, lane keep assistance, lane departure warning, or traffic jam and queuing assistant, unless any such system alone or in combination with other systems enables the vehicle on which the technology is installed to drive without the active control or monitoring by a human operator.

(2) It is the intent of the Legislature to encourage the safe development, testing, and operation of motor vehicles with autonomous technology on the public roads of the state. The Legislature finds that the state does not prohibit or specifically regulate the testing or operation of autonomous technology in motor vehicles on public roads.

Section 106. Subsection (89) is added to section 316.003, Florida Statutes, to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(89) AUTONOMOUS VEHICLE.—Any vehicle equipped with autonomous technology. The term “autonomous technology” means technology installed on a motor vehicle that has the capability to drive the vehicle on which the technology is installed without the active control or monitoring by a human operator. The term excludes a motor vehicle enabled with active safety systems or driver assistance systems, including, without limitation, a system to provide electronic blind spot assistance, crash avoidance, emergency braking, parking assistance, adaptive cruise control, lane keep assistance, lane departure warning, or traffic jam and queuing assistant, unless any such system alone or in combination with other systems enables the vehicle on which the technology is installed to drive without the active control or monitoring by a human operator.

Section 107. Section 316.85, Florida Statutes, is created to read:

316.85 Autonomous vehicles; operation.—

(1) A person who possesses a valid driver license may operate an autonomous vehicle in autonomous mode.

(2) For purposes of this chapter, unless the context otherwise requires, a person shall be deemed to be the operator of an autonomous vehicle operating in autonomous mode when the person causes the vehicle’s autonomous technology to engage, regardless of whether the person is physically present in the vehicle while the vehicle is operating in autonomous mode.

Section 108. Section 319.145, Florida Statutes, is created to read:

319.145 Autonomous vehicles.—

(1) An autonomous vehicle registered in this state must continue to meet federal standards and regulations for a motor vehicle. The vehicle shall:

(a) Have a means to engage and disengage the autonomous technology which is easily accessible to the operator.

(b) Have a means, inside the vehicle, to visually indicate when the vehicle is operating in autonomous mode.

(c) Have a means to alert the operator of the vehicle if a technology failure affecting the ability of the vehicle to safely operate autonomously is detected while the vehicle is operating autonomously in order to indicate to the operator to take control of the vehicle.

(d) Be capable of being operated in compliance with the applicable traffic and motor vehicle laws of this state.

(2) Federal regulations promulgated by the National Highway Traffic Safety Administration shall supersede this section when found to be in conflict with this section.

Section 109. (1) Vehicles equipped with autonomous technology may be operated on roads in this state by employees, contractors, or other persons designated by manufacturers of autonomous technology for the purpose of testing the technology. For testing purposes, a human operator shall be present in the autonomous vehicle such that he or she has the ability to monitor the vehicle's performance and intervene, if necessary, unless the vehicle is being tested or demonstrated on a closed course. Prior to the start of testing in this state, the entity performing the testing must submit to the Department of Highway Safety and Motor Vehicles an instrument of insurance, surety bond, or proof of self-insurance acceptable to the department in the amount of \$5 million.

(2) The original manufacturer of a vehicle converted by a third party into an autonomous vehicle shall not be liable in, and shall have a defense to and be dismissed from, any legal action brought against the original manufacturer by any person injured due to an alleged vehicle defect caused by the conversion of the vehicle, or by equipment installed by the converter, unless the alleged defect was present in the vehicle as originally manufactured.

(3) By February 12, 2014, the Department of Highway Safety and Motor Vehicles shall submit a report to the President of the Senate and the Speaker of the House of Representatives recommending additional legislative or regulatory action that may be required for the safe testing and operation of motor vehicles equipped with autonomous technology.

Section 110. St. Pete Crosstown designated; Department of Transportation to erect suitable markers.—

(1) That portion of 118th Avenue North/County Road 296 between U.S.19/S.R. 55 and 28th Street North/County Road 683 in Pinellas County is designated as the "St. Pete Crosstown."

(2) The Department of Transportation is directed to erect suitable markers designating the St. Pete Crosstown as described in subsection (1).

Section 111. 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 27, 2012.

Filed in Office Secretary of State April 27, 2012.