

1 A bill to be entitled
2 An act relating to transportation; amending s. 20.23,
3 F.S., relating to the Department of Transportation;
4 removing obsolete language relating to authority of
5 district secretaries to appoint district directors;
6 authorizing the department to maintain specified
7 training programs for employees and prospective
8 employees; authorizing incremental increases to base
9 salary for successful completion of training phases;
10 amending s. 206.41, F.S., relating to payment of a tax
11 on fuel under specified provisions; revising
12 application of a restriction on the use of
13 agricultural equipment to qualify for a refund of the
14 tax; providing that the restriction does not apply to
15 citrus harvesting equipment or citrus fruit loaders;
16 amending s. 282.0041, F.S., relating to enterprise
17 information technology services management under the
18 Agency for Enterprise Information Technology; revising
19 the definition of the term "agency" to exclude the
20 Office of Toll Operations of the turnpike enterprise;
21 amending s. 282.0055, F.S.; exempting the Office of
22 Toll Operations from specified provisions for
23 enterprise information technology services; amending
24 s. 282.201, F.S.; removing the toll offices from
25 provisions for a primary data center under such
26 agency; revising the title of ch. 311, F.S.; amending
27 s. 311.07, F.S.; revising provisions for the financing
28 of port transportation or port facilities projects;

29 | increasing funding for the Florida Seaport
30 | Transportation and Economic Development Program;
31 | directing the Florida Seaport Transportation and
32 | Economic Development Council to develop guidelines for
33 | project funding; directing council staff, the
34 | Department of Transportation, and the Department of
35 | Economic Opportunity to work in cooperation to review
36 | projects and allocate funds as specified; revising
37 | certain authorized uses of program funds; revising the
38 | list of projects eligible for funding under the
39 | program; removing a cap on distribution of program
40 | funds; removing a requirement for a specified audit;
41 | authorizing the Department of Transportation to
42 | subject projects funded under the program to a
43 | specified audit; amending s. 311.09, F.S.; revising
44 | provisions for rules of the council for evaluating
45 | certain projects; removing provisions for review by
46 | the Department of Community Affairs of the list of
47 | projects approved by the council; revising provisions
48 | for review and evaluation of such projects by the
49 | Department of Transportation and the Department of
50 | Economic Opportunity; increasing the amount of funding
51 | the Department of Transportation is required to
52 | include in its annual legislative budget request for
53 | the Florida Seaport Transportation and Economic
54 | Development Program; revising provisions relating to
55 | funding to be included in the budget; creating s.
56 | 311.10, F.S.; establishing the Strategic Port

57 Investment Initiative within the Department of
58 Transportation; providing for a minimum annual amount
59 from the State Transportation Trust Fund to fund the
60 initiative; directing the department to work with
61 deepwater ports to develop and maintain a priority
62 list of strategic investment projects; providing
63 project selection criteria; requiring the department
64 to schedule a publicly noticed workshop with the
65 Department of Economic Opportunity and the deepwater
66 ports to review the proposed projects; directing the
67 department to finalize a prioritized list of potential
68 projects after considering comments received in the
69 workshop; directing the department to include the
70 proposed seaport projects in the tentative work
71 program; creating s. 311.101, F.S.; creating the
72 Intermodal Logistics Center Infrastructure Support
73 Program within the Department of Transportation;
74 providing purpose of the program; defining the term
75 "intermodal logistics center"; providing criteria for
76 consideration by the department when evaluating
77 projects for program assistance; directing the
78 department to coordinate and consult with the
79 Department of Economic Opportunity in the selection of
80 projects to be funded; authorizing the department to
81 administer contracts on behalf of the entity selected
82 to receive funding; providing for the department's
83 share of project costs; providing for a certain amount
84 of funds in the State Transportation Trust Fund to be

85 | made available for eligible projects; directing the
86 | department to include the proposed projects in the
87 | tentative work program; authorizing the department to
88 | adopt rules; amending s. 311.14, F.S., relating to
89 | seaport planning; directing the department to develop,
90 | in coordination with certain partners, a Statewide
91 | Seaport and Waterways System Plan consistent with the
92 | goals of the Florida Transportation Plan; providing
93 | requirements for the plan; removing provisions for the
94 | Florida Seaport Transportation and Economic
95 | Development Council to develop freight-mobility and
96 | trade-corridor plans; removing provisions that require
97 | the Office of the State Public Transportation
98 | Administrator to integrate the Florida Transportation
99 | Plan with certain other plans and programs; removing
100 | provisions relating to the construction of seaport
101 | freight-mobility projects; amending s. 316.003, F.S.;
102 | revising the definition of the term "motor vehicle"
103 | for purposes of the payment and collection of tolls on
104 | toll facilities under specified provisions; amending
105 | s. 316.091, F.S.; requiring the department to
106 | establish a pilot program to open certain limited
107 | access highways and bridges to bicycles and other
108 | human-powered vehicles; providing requirements for the
109 | pilot program; providing a timeframe for
110 | implementation of the program; authorizing the
111 | department to continue or expand the program;
112 | requiring the department to report findings and

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113 recommendations to the Governor and Legislature by a
114 certain date; amending s. 316.1001, F.S.; revising
115 requirements for mailing of citations for failure to
116 pay a toll; authorizing mailing by certified mail in
117 addition to first class mail; providing that mailing
118 of the citation to the address of the registered motor
119 vehicle owner constitutes notification; removing a
120 requirement for a return receipt; amending s. 316.515,
121 F.S.; revising provisions for the maximum allowed
122 length of straight truck-trailer combinations;
123 revising provisions for operation of implements of
124 husbandry and farm equipment on state roads;
125 authorizing the operation of citrus harvesting
126 equipment and citrus fruit loaders for certain
127 purposes; conforming a cross-reference; amending s.
128 320.01, F.S.; revising the definition of the term
129 "low-speed vehicle" to include vehicles that are not
130 electric powered; amending s. 334.03, F.S.; removing
131 the definition of the term "Florida Intrastate Highway
132 System" and revising the definitions of the terms
133 "functional classification" and "State Highway System"
134 for purposes of the Florida Transportation Code;
135 amending s. 334.044, F.S.; revising the powers and
136 duties of the department relating to jurisdictional
137 responsibility, designating facilities, and highway
138 landscaping; adding the duty to develop freight
139 mobility and trade plans; amending s. 334.047, F.S.;
140 removing a provision that prohibits the department

141 from establishing a maximum number of miles of urban
142 principal arterial roads; amending s. 335.074, F.S.,
143 relating to bridge safety inspection reports;
144 requiring the governmental entity having maintenance
145 responsibility for a bridge to reduce the maximum
146 weight, size, or speed limit for the bridge or to
147 close the bridge upon receipt of a report recommending
148 the reduction or closure; requiring the entity to post
149 the reduced limits and notify the department;
150 requiring the department to post the reduced limits or
151 to close the bridge under certain circumstances;
152 requiring costs associated with the department posting
153 the revised limits or closure of the bridge to be
154 assessed against and collected from the governmental
155 entity; amending s. 335.17, F.S.; revising provisions
156 relating to highway construction noise abatement;
157 amending s. 336.021, F.S.; revising the date when
158 imposition of the ninth-cent fuel tax will be levied;
159 amending s. 336.025, F.S.; revising the date when
160 impositions and rate changes of the local option fuel
161 tax shall be levied; revising the definition of the
162 term "transportation expenditures" for purposes of
163 specified provisions that restrict the use of local
164 option fuel tax funds by counties and municipalities;
165 amending s. 337.11, F.S.; requiring the department to
166 advertise certain construction contracts for bids on
167 the department's Internet website; removing provisions
168 for such advertisement to be published in a newspaper;

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169 amending s. 337.111, F.S.; providing additional forms
170 of security for the cost of removal of monuments or
171 memorials or modifications to an installation site at
172 highway rest areas; removing a provision requiring
173 renewal of a bond; amending s. 337.125, F.S.; revising
174 provisions relating to a prime contractor's submission
175 of a disadvantaged business enterprise utilization
176 form; repealing s. 337.137, F.S., relating to
177 subcontracting by socially and economically
178 disadvantaged business enterprises; amending s.
179 337.139, F.S.; providing an updated reference to
180 federal law as it relates to socially and economically
181 disadvantaged business enterprises; amending s.
182 337.14, F.S.; revising provisions for applications for
183 qualification to bid on department contracts; amending
184 ss. 337.403 and 337.404, F.S.; revising provisions for
185 alleviation of interference with a public road or
186 publicly owned rail corridor caused by a utility
187 facility; amending s. 337.408, F.S.; revising
188 provisions for certain facilities installed within the
189 right-of-way limits of roads; requiring counties and
190 municipalities to indemnify the department from
191 certain claims relating to the installation, removal,
192 or relocation of a noncompliant bench or shelter;
193 authorizing the department to direct a county or
194 municipality to remove or relocate a bus stop, bench,
195 transit shelter, waste disposal receptacle, public pay
196 telephone, or modular news rack that is not in

197 compliance with applicable laws or rules; directing
 198 the department to remove or relocate such installation
 199 and charge the cost to the county or municipality;
 200 authorizing the department to deduct the cost from
 201 funding available to the municipality or county from
 202 the department; removing a provision for the
 203 replacement of an unusable transit bus bench that was
 204 in service before a certain date; revising the title
 205 of ch. 338, F.S.; repealing s. 338.001, F.S., relating
 206 to provisions for the Florida Intrastate Highway
 207 System Plan; amending s. 338.01, F.S.; clarifying
 208 provisions governing the designation and function of
 209 limited access facilities; creating s. 338.151, F.S.;
 210 authorizing the department to establish tolls on
 211 certain transportation facilities to pay for the cost
 212 of such project; prohibiting the department from
 213 establishing tolls on certain lanes of limited access
 214 facilities; providing for application; amending s.
 215 338.155, F.S.; authorizing the department adopt rules
 216 to allow public transit vehicles and certain military-
 217 service-related funeral processions to use certain
 218 toll facilities without payment of tolls; amending s.
 219 338.166, F.S.; revising a provision for issuance of
 220 bonds secured by toll revenues collected on high-
 221 occupancy toll lanes or express lanes; revising
 222 authorized uses of such toll revenues; providing
 223 restrictions on such use; amending s. 338.221, F.S.;
 224 revising the definition of the term "economically

225 | feasible" for purposes of proposed turnpike projects;
 226 | amending s. 338.223, F.S.; revising provisions for
 227 | department requests for legislative approval of
 228 | proposed turnpike projects; conforming a cross-
 229 | reference; amending s. 338.227, F.S.; conforming
 230 | provisions to changes made by the act; directing the
 231 | department and the Department of Management Services
 232 | to create and implement a program designed to enhance
 233 | participation of minority businesses in certain
 234 | contracts related to the Strategic Intermodal System
 235 | Plan; amending ss. 338.2275 and 338.228, F.S.,
 236 | relating to turnpike projects; revising cross-
 237 | references; amending s. 338.231, F.S.; authorizing the
 238 | department to apply a monthly account maintenance
 239 | charge to inactive prepaid toll accounts; directing
 240 | the department to close the account under certain
 241 | circumstances; amending s. 338.234, F.S.; revising
 242 | provisions that exempt certain lessees from payment of
 243 | commercial rental tax; replacing a reference to the
 244 | Florida Intrastate Highway System with a reference to
 245 | the Strategic Intermodal System; amending s. 339.0805,
 246 | F.S.; revising requirements for expenditure of certain
 247 | funds with small business concerns owned and
 248 | controlled by socially and economically disadvantaged
 249 | individuals; revising a definition of the term "small
 250 | business concern"; removing provisions for a periodic
 251 | disparity study; deleting obsolete language; revising
 252 | provisions for certification as a socially and

253 economically disadvantaged business enterprise;
254 revising requirements that a disadvantaged business
255 enterprise notify the department of certain changes in
256 ownership; revising criteria for such a business
257 enterprise to participate in a construction management
258 development program; revising references to federal
259 law; amending s. 339.135, F.S.; revising provisions
260 for developing the department's tentative work
261 program; revising provisions for a list of project
262 priorities submitted by a metropolitan planning
263 organization; revising criteria for proposed amendment
264 to the department's adopted work program which
265 deletes, advances, or defers a project or project
266 phase; revising threshold amounts; directing the
267 department to index the budget amendment threshold
268 amounts to the rate of inflation; prohibiting such
269 adjustments more frequently than once a year;
270 subjecting such adjustments to specified notice and
271 review procedures; amending s. 339.155, F.S.; revising
272 provisions for the Florida Transportation Plan;
273 requiring the planning process to conform to specified
274 federal provisions; removing provisions for a long-
275 range component, short-range component, and a report;
276 amending s. 339.175, F.S.; providing that
277 representatives of the department shall serve as
278 nonvoting advisers to a metropolitan planning
279 organization; authorizing the appointment of
280 additional nonvoting advisers; requiring metropolitan

281 | planning organizations in urbanized areas containing
282 | more than one metropolitan planning organization to
283 | adopt a single list of project priorities for the
284 | urbanized area; amending s. 339.2819, F.S.; revising
285 | the state matching funds requirement for the
286 | Transportation Regional Incentive Program; conforming
287 | cross-references; amending s. 339.62, F.S.; removing
288 | the Florida Intrastate Highway System from and adding
289 | highway corridors to the list of components of the
290 | Strategic Intermodal System; providing for other
291 | corridors to be included in the system; amending s.
292 | 339.63, F.S.; adding military access facilities to the
293 | types of facilities included in the Strategic
294 | Intermodal System and the Emerging Strategic
295 | Intermodal System which form components of an
296 | interconnected transportation system; amending s.
297 | 339.64, F.S.; deleting provisions creating the
298 | Statewide Intermodal Transportation Advisory Council;
299 | creating s. 339.65, F.S.; requiring the department to
300 | plan and develop for Strategic Intermodal System
301 | highway corridors to aid traffic movement around the
302 | state; providing for components of the corridors;
303 | requiring the department to follow specified policy
304 | guidelines when developing the corridors; directing
305 | the department to establish standards and criteria for
306 | functional design; providing for appropriations;
307 | requiring such highway corridor projects to be a part
308 | of the department's adopted work program; amending

309 | 341.840, F.S.; relating to the Florida Rail Enterprise
310 | Act; revising obsolete references to the Florida High-
311 | Speed Rail Authority; providing that certain
312 | transactions made by or on behalf of the department
313 | are exempt from specified taxes; providing for certain
314 | contractors to act as agents on behalf of the
315 | department for purposes of the tax exemption;
316 | authorizing the department to adopt rules; amending s.
317 | 343.52, F.S.; revising the definition of the term
318 | "area served" for purposes of the South Florida
319 | Regional Transportation Authority; removing authority
320 | to expand the area; amending s. 343.53, F.S.; revising
321 | the membership of the governing board of the South
322 | Florida Regional Transportation Authority; amending s.
323 | 348.0003, F.S.; revising financial disclosure
324 | requirements for certain transportation authorities;
325 | amending s. 349.03, F.S.; providing for financial
326 | disclosure requirements for the Jacksonville
327 | Transportation Authority; amending s. 349.04, F.S.;
328 | providing that the Jacksonville Transportation
329 | Authority may conduct meetings and workshops using
330 | communications media technology; providing that
331 | certain actions may not be taken unless a quorum is
332 | present in person; providing that members must be
333 | physically present to vote on any item; amending s.
334 | 373.413, F.S.; providing legislative intent regarding
335 | flexibility in the permitting of stormwater management
336 | systems; requiring the cost of stormwater treatment

337 | for a transportation project to be balanced with
 338 | benefits to the public; requiring that alternatives to
 339 | onsite treatment be allowed; specifying
 340 | responsibilities of the department relating to
 341 | abatement of pollutants and permits for adjacent lands
 342 | impacted by right-of-way acquisition; authorizing
 343 | water management districts and the Department of
 344 | Environmental Protection to adopt rules; amending s.
 345 | 373.4137, F.S., relating to the mitigation of
 346 | environmental impact of transportation projects
 347 | proposed by the department or a transportation
 348 | authority; revising legislative intent; revising
 349 | provisions for development of environmental impact
 350 | inventories; providing for the release of escrowed
 351 | mitigation funds under certain circumstances;
 352 | specifying continuing responsibility for mitigation
 353 | projects; revising provisions for exclusion of
 354 | projects from a mitigation plan; authorizing the
 355 | department to seek Federal Highway Administration
 356 | approval of a tourist-oriented commerce sign pilot
 357 | program; directing the department to submit the
 358 | approved pilot program for legislative approval;
 359 | amending ss. 215.616, 288.063, 311.22, 316.2122,
 360 | 318.12, 320.20, 335.02, 338.222, 339.285, 341.053,
 361 | 341.8225, 403.7211, 479.01, 479.07, and 479.261, F.S.,
 362 | relating to bonds for federal aid highway
 363 | construction, contracts for transportation projects,
 364 | dredging projects, operation of low-speed vehicles or

365 mini-trucks, traffic infractions, license tax
 366 distribution, standards for lanes, turnpike projects,
 367 the Enhanced Bridge Program for Sustainable
 368 Transportation, the Intermodal Development Program,
 369 high-speed rail projects, hazardous waste facilities,
 370 outdoor advertising, and the logo sign program,
 371 respectively; deleting obsolete language; revising
 372 references to conform to the incorporation of the
 373 Florida Intrastate Highway System into the Strategic
 374 Intermodal System and to changes made by the act;
 375 providing an effective date.

376
 377 Be It Enacted by the Legislature of the State of Florida:
 378

379 Section 1. Paragraph (b) of subsection (5) of section
 380 20.23, Florida Statutes, is amended, subsections (6) and (7) are
 381 renumbered as subsections (8) and (9), respectively, and a new
 382 subsection (6) is added to that section, to read:

383 20.23 Department of Transportation.—There is created a
 384 Department of Transportation which shall be a decentralized
 385 agency.

386 (5)
 387 (b) Each district secretary may appoint up to three
 388 district directors ~~or, until July 1, 2005, each district~~
 389 ~~secretary may appoint up to four district directors.~~ These
 390 positions are exempt from part II of chapter 110.

391 (6) The department may maintain training programs for
 392 department employees and prospective employees to:

393 (a) Provide broad practical expertise in the field of
 394 transportation engineering, leading to licensure as a
 395 professional engineer, for those who are graduates from an
 396 approved engineering curriculum of 4 years or more in a school,
 397 college, or university approved by the Florida Board of
 398 Professional Engineers.

399 (b) Provide broad practical experience and enhanced
 400 knowledge in the areas of right-of-way acquisition, right-of-way
 401 property management, real estate appraisal, and business
 402 valuation.

403
 404 These training programs may provide for incremental increases to
 405 base salary for all employees enrolled in the programs upon
 406 successful completion of training phases.

407 Section 2. Paragraph (c) of subsection (4) of section
 408 206.41, Florida Statutes, is amended to read:

409 206.41 State taxes imposed on motor fuel.—

410 (4)

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

416 2. For the purposes of this paragraph, "agricultural and
 417 aquacultural purposes" means motor fuel used in any tractor,
 418 vehicle, or other farm equipment which is used exclusively on a
 419 farm or for processing farm products on the farm, and no part of
 420 which fuel is used in any vehicle or equipment driven or

421 operated upon the public highways of this state. This
 422 restriction does not apply to the movement of a farm vehicle, ~~or~~
 423 farm equipment, citrus harvesting equipment, or citrus fruit
 424 loaders between farms. The transporting of bees by water and the
 425 operating of equipment used in the apiary of a beekeeper shall
 426 be also deemed an agricultural purpose.

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

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

441 Section 3. Subsection (1) of section 282.0041, Florida
 442 Statutes, is amended to read:

443 282.0041 Definitions.—As used in this chapter, the term:

444 (1) "Agency" has the same meaning as in s. 216.011(1)(qq),
 445 except that for purposes of this chapter, "agency" does not
 446 include university boards of trustees or state universities or
 447 the Office of Toll Operations of the turnpike enterprise.

448 Section 4. Section 282.0055, Florida Statutes, is amended
 449 to read:

450 282.0055 Assignment of information technology.—In order to
 451 ensure the most effective and efficient use of the state's
 452 information technology and information technology resources and
 453 notwithstanding other provisions of law to the contrary,
 454 policies for the design, planning, project management, and
 455 implementation of enterprise information technology services
 456 shall be the responsibility of the Agency for Enterprise
 457 Information Technology for executive branch agencies created or
 458 authorized in statute to perform legislatively delegated
 459 functions. The supervision, design, delivery, and management of
 460 agency information technology shall remain within the
 461 responsibility and control of the individual state agency.
 462 Notwithstanding any provision of law to the contrary,
 463 information technology used in the Office of Toll Operations of
 464 the turnpike enterprise is exempt from this part.

465 Section 5. Paragraph (h) of subsection (4) of section
 466 282.201, Florida Statutes, is amended to read:

467 282.201 State data center system; agency duties and
 468 limitations.—A state data center system that includes all
 469 primary data centers, other nonprimary data centers, and
 470 computing facilities, and that provides an enterprise
 471 information technology service as defined in s. 282.0041, is
 472 established.

473 (4) SCHEDULE FOR CONSOLIDATIONS OF AGENCY DATA CENTERS.—

474 (h) During the 2014-2015 fiscal year, the following
 475 agencies shall work with the Agency for Enterprise Information

476 Technology to begin preliminary planning for consolidation into
 477 a primary data center:

- 478 1. The Department of Health's Jacksonville Lab Data
 479 Center.
- 480 2. The Department of Transportation's district offices,
 481 ~~toll offices,~~ and the District Materials Office.
- 482 3. The Department of Military Affairs' Camp Blanding Joint
 483 Training Center in Starke.
- 484 4. The Department of Community Affairs' Camp Blanding
 485 Emergency Operations Center in Starke.
- 486 5. The Department of Education's Division of Blind
 487 Services disaster recovery site in Daytona Beach.
- 488 6. The Department of Education's disaster recovery site at
 489 Santa Fe College.
- 490 7. The Department of the Lottery's Disaster Recovery
 491 Backup Data Center in Orlando.
- 492 8. The Fish and Wildlife Conservation Commission's Fish
 493 and Wildlife Research Institute in St. Petersburg.
- 494 9. The Department of Children and Family Services'
 495 Suncoast Data Center in Tampa.
- 496 10. The Department of Children and Family Services'
 497 Florida State Hospital in Chattahoochee.

498 Section 6. Chapter 311, Florida Statutes, is retitled
 499 "SEAPORT PROGRAMS AND FACILITIES."

500 Section 7. Section 311.07, Florida Statutes, is amended to
 501 read:

502 311.07 Florida seaport transportation and economic
 503 development funding.—

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

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

522 (3) (a) Florida Seaport Transportation and Economic
 523 Development Program funds shall be used to fund approved
 524 projects on a 50-50 matching basis with any of the deepwater
 525 ports, as listed in s. 311.09 ~~s. 403.021(9)(b)~~, which is
 526 governed by a public body or any other deepwater port which is
 527 governed by a public body and which complies with the water
 528 quality provisions of s. 403.061, the comprehensive master plan
 529 requirements of s. 163.3178(2)(k), and the local financial
 530 management and reporting provisions of part III of chapter 218.
 531 However, program funds used to fund projects that involve the

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532 rehabilitation of wharves, docks, berths, bulkheads, or similar
533 structures shall require a 25-percent match of funds. Program
534 funds also may be used by the Seaport Transportation and
535 Economic Development Council for data and analysis that ~~to~~
536 ~~develop trade data information products which~~ will assist
537 Florida's seaports and international trade.

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

541 1. Transportation facilities within the jurisdiction of
542 the port.

543 2. The dredging or deepening of channels, turning basins,
544 or harbors.

545 3. The construction or rehabilitation of wharves, docks,
546 structures, jetties, piers, storage facilities, cruise
547 terminals, automated people mover systems, or any facilities
548 necessary or useful in connection with any of the foregoing.

549 4. The acquisition of vessel tracking systems, container
550 cranes, or other mechanized equipment used in the movement of
551 cargo or passengers in international commerce.

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

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

555 7. Environmental protection projects which are necessary
556 because of requirements imposed by a state agency as a condition
557 of a permit or other form of state approval; which are necessary
558 for environmental mitigation required as a condition of a state,
559 federal, or local environmental permit; which are necessary for

560 the acquisition of spoil disposal sites and improvements to
 561 existing and future spoil sites; or which result from the
 562 funding of eligible projects listed in this paragraph.

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

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

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

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

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

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

586 (4)(5) Any port which receives funding under the program
 587 shall institute procedures to ensure that jobs created as a

588 result of the state funding shall be subject to equal
 589 opportunity hiring practices in the manner provided in s.
 590 110.112.

591 (5)~~(6)~~ The Department of Transportation may ~~shall~~ subject
 592 any project that receives funds pursuant to this section and s.
 593 320.20 to a final audit. The department may adopt rules and
 594 perform such other acts as are necessary or convenient to ensure
 595 that the final audits are conducted and that any deficiency or
 596 questioned costs noted by the audit are resolved.

597 Section 8. Subsections (4) through (13) of section 311.09,
 598 Florida Statutes, are amended to read:

599 311.09 Florida Seaport Transportation and Economic
 600 Development Council.—

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

611 (5) The council shall review and approve or disapprove
 612 each project eligible to be funded pursuant to the Florida
 613 Seaport Transportation and Economic Development Program. The
 614 council shall annually submit to the Secretary of Transportation
 615 and the executive director of the Department of Economic

616 Opportunity, or his or her designee, a list of projects which
 617 have been approved by the council. The list shall specify the
 618 recommended funding level for each project; and, if staged
 619 implementation of the project is appropriate, the funding
 620 requirements for each stage shall be specified.

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

629 (6)~~(7)~~ The Department of Transportation shall review the
 630 list of project applications ~~projects~~ approved by the council
 631 for consistency with the Florida Transportation Plan, the
 632 Statewide Seaport and Waterways System Plan, and the
 633 department's adopted work program. In evaluating the consistency
 634 of a project, the department shall assess the transportation
 635 impacts and economic benefits for each project ~~determine whether~~
 636 ~~the transportation impact of the proposed project is adequately~~
 637 ~~handled by existing state-owned transportation facilities or by~~
 638 ~~the construction of additional state-owned transportation~~
 639 ~~facilities as identified in the Florida Transportation Plan and~~
 640 ~~the department's adopted work program. In reviewing for~~
 641 ~~consistency a transportation facility project as defined in s.~~
 642 ~~334.03(31) which is not otherwise part of the department's work~~
 643 ~~program, the department shall evaluate whether the project is~~

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644 ~~needed to provide for projected movement of cargo or passengers~~
645 ~~from the port to a state transportation facility or local road.~~
646 ~~If the project is needed to provide for projected movement of~~
647 ~~cargo or passengers, the project shall be approved for~~
648 ~~consistency as a consideration to facilitate the economic~~
649 ~~development and growth of the state in a timely manner. The~~
650 Department of Transportation shall identify those projects which
651 are inconsistent with the Florida Transportation Plan, the
652 Statewide Seaport and Waterways System Plan, or ~~and~~ the adopted
653 work program and shall notify the council of projects found to
654 be inconsistent.

655 ~~(7)(8)~~ The Department of Economic Opportunity shall review
656 the list of project applications ~~projects~~ approved by the
657 council to evaluate the economic benefit of the project and to
658 determine whether the project is consistent with the Florida
659 Seaport Mission Plan and with state economic development goals
660 and policies. The Department of Economic Opportunity shall
661 review the proposed project's consistency with state, regional,
662 and local plans, as appropriate, and the economic benefits of
663 each project based upon the rules adopted pursuant to subsection
664 (4). The Department of Economic Opportunity shall identify those
665 projects which it has determined do not offer an economic
666 benefit to the state, are not consistent with an appropriate
667 plan, or are not consistent with the Florida Seaport Mission
668 Plan or state economic development goals and policies and shall
669 notify the council of its findings.

670 ~~(8)(9)~~ The council shall review the findings of the
671 Department of Economic Opportunity and the Department of

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672 Transportation. Projects found to be inconsistent pursuant to
673 subsections (6) and, (7), ~~and (8)~~ and projects which have been
674 determined not to offer an economic benefit to the state
675 pursuant to subsection (7) ~~(8)~~ may ~~shall~~ not be included in the
676 list of projects to be funded.

677 ~~(9)-(10)~~ The Department of Transportation shall include no
678 less than \$15 million per year in its annual legislative budget
679 request for the ~~a~~ Florida Seaport Transportation and Economic
680 Development ~~grant~~ Program funded under s. 311.07 ~~for expenditure~~
681 ~~of funds of not less than \$8 million per year~~. Such budget shall
682 include funding for projects approved by the council which have
683 been determined by each agency to be consistent ~~and which have~~
684 ~~been determined by the Department of Economic Opportunity to be~~
685 ~~economically beneficial~~. The department shall include the
686 specific approved Florida Seaport Transportation and Economic
687 Development Program ~~seaport~~ projects to be funded under s.
688 311.07 ~~this section~~ during the ensuing fiscal year in the
689 tentative work program developed pursuant to s. 339.135(4). The
690 total amount of funding to be allocated to Florida Seaport
691 Transportation and Economic Development Program ~~seaport~~ projects
692 under s. 311.07 during the successive 4 fiscal years shall also
693 be included in the tentative work program developed pursuant to
694 s. 339.135(4). The council may submit to the department a list
695 of approved projects that could be made production-ready within
696 the next 2 years. The list shall be submitted by the department
697 as part of the needs and project list prepared pursuant to s.
698 339.135(2)(b). However, the department shall, upon written
699 request of the Florida Seaport Transportation and Economic

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700 Development Council, submit work program amendments pursuant to
701 s. 339.135(7) to the Governor within 10 days after the later of
702 the date the request is received by the department or the
703 effective date of the amendment, termination, or closure of the
704 applicable funding agreement between the department and the
705 affected seaport, as required to release the funds from the
706 existing commitment. Notwithstanding s. 339.135(7)(c), any work
707 program amendment to transfer prior year funds from one approved
708 seaport project to another seaport project is subject to the
709 procedures in s. 339.135(7)(d). Notwithstanding any provision of
710 law to the contrary, the department may transfer unexpended
711 budget between the seaport projects as identified in the
712 approved work program amendments.

713 (10)~~(11)~~ The council shall meet at the call of its
714 chairperson, at the request of a majority of its membership, or
715 at such times as may be prescribed in its bylaws. However, the
716 council must meet at least semiannually. A majority of voting
717 members of the council constitutes a quorum for the purpose of
718 transacting the business of the council. All members of the
719 council are voting members. A vote of the majority of the voting
720 members present is sufficient for any action of the council,
721 except that a member representing the Department of
722 Transportation or the Department of Economic Opportunity may
723 vote to overrule any action of the council approving a project
724 pursuant to subsection (5). The bylaws of the council may
725 require a greater vote for a particular action.

726 (11)~~(12)~~ Members of the council shall serve without
727 compensation but are entitled to receive reimbursement for per

728 diem and travel expenses as provided in s. 112.061. The council
 729 may elect to provide an administrative staff to provide services
 730 to the council on matters relating to the Florida Seaport
 731 Transportation and Economic Development Program and the council.
 732 The cost for such administrative services shall be paid by all
 733 ports that receive funding from the Florida Seaport
 734 Transportation and Economic Development Program, based upon a
 735 pro rata formula measured by each recipient's share of the funds
 736 as compared to the total funds disbursed to all recipients
 737 during the year. The share of costs for administrative services
 738 shall be paid in its total amount by the recipient port upon
 739 execution by the port and the Department of Transportation of a
 740 joint participation agreement for each council-approved project,
 741 and such payment is in addition to the matching funds required
 742 to be paid by the recipient port. Except as otherwise exempted
 743 by law, all moneys derived from the Florida Seaport
 744 Transportation and Economic Development Program shall be
 745 expended in accordance with the provisions of s. 287.057.
 746 Seaports subject to competitive negotiation requirements of a
 747 local governing body shall abide by the provisions of s.
 748 287.055.

749 (12)~~(13)~~ Until July 1, 2014, Citrus County may apply for a
 750 grant through the Florida Seaport Transportation and Economic
 751 Development Council to perform a feasibility study regarding the
 752 establishment of a port in Citrus County. The council shall
 753 evaluate such application pursuant to subsections (5)-(8) ~~(5)-~~
 754 ~~(9)~~ and, if approved, the Department of Transportation shall
 755 include the feasibility study in its budget request pursuant to

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756 subsection (9) ~~(10)~~. If the study determines that a port in
757 Citrus County is not feasible, the membership of Port Citrus on
758 the council shall terminate.

759 Section 9. Section 311.10, Florida Statutes, is created to
760 read:

761 311.10 Strategic Port Investment Initiative.—

762 (1) There is created the Strategic Port Investment
763 Initiative within the Department of Transportation. Beginning in
764 fiscal year 2012-2013, a minimum of \$35 million annually shall
765 be made available from the State Transportation Trust Fund to
766 fund the Strategic Port Investment Initiative. The Department of
767 Transportation shall work with the deepwater ports listed in s.
768 311.09 to develop and maintain a priority list of strategic
769 investment projects. Project selection shall be based on
770 projects that meet the state's economic development goal of
771 becoming a hub for trade, logistics, and export-oriented
772 activities by:

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

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

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

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

782 (2) Prior to making final project allocations, the
783 Department of Transportation shall schedule a publicly noticed

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784 workshop with the Department of Economic Opportunity and the
785 deepwater ports listed in s. 311.09 to review the proposed
786 projects. After considering the comments received, the
787 Department of Transportation shall finalize a prioritized list
788 of potential projects.

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

793 Section 10. Section 311.101, Florida Statutes, is created
794 to read:

795 311.101 Intermodal Logistics Center Infrastructure Support
796 Program.—

797 (1) There is created within the Department of
798 Transportation the Intermodal Logistics Center Infrastructure
799 Support Program. The purpose of the program is to provide funds
800 for roads, rail facilities, or other means for the conveyance or
801 shipment of goods through a seaport, thereby enabling the state
802 to respond to private sector market demands and meet the state's
803 economic development goal of becoming a hub for trade,
804 logistics, and export-oriented activities. The department may
805 provide funds to assist with local government projects or
806 projects performed by private entities that meet the public
807 purpose of enhancing transportation facilities for the
808 conveyance or shipment of goods through a seaport.

809 (2) For the purposes of this section, the term "intermodal
810 logistics center" means a facility or group of facilities
811 serving as a point of intermodal transfer of freight in a

812 specific area physically separated from a seaport where
813 activities relating to transport, logistics, goods distribution,
814 consolidation, or value-added activities are carried out and
815 whose activities and services are designed to support or be
816 supported by one or more seaports, as provided in s. 311.09.

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

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

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

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

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

829 (e) A commitment of a funding match.

830 (f) The amount of capital investment made by the owner of
831 the existing or proposed facility.

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

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

838 (4) The department shall coordinate and consult with the
839 Department of Economic Opportunity in the selection of projects

840 to be funded by this program.

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

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

846 (7) Beginning in fiscal year 2012-2013, up to \$5 million
 847 per year shall be made available from the State Transportation
 848 Trust Fund for the program. The Department of Transportation
 849 shall include projects proposed to be funded under this section
 850 in the tentative work program developed pursuant so s.
 851 339.135(4).

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

854 Section 11. Section 311.14, Florida Statutes, is amended
 855 to read:

856 311.14 Seaport planning.—

857 (1) The Department of Transportation shall develop, in
 858 coordination with the ports listed in s. 311.09(1) and other
 859 partners, a Statewide Seaport and Waterways System Plan. This
 860 plan shall be consistent with the goals of the Florida
 861 Transportation Plan developed pursuant to s. 339.155 and shall
 862 consider needs identified in individual port master plans and
 863 those from the seaport strategic plans required under this
 864 section. The plan will identify 5-year, 10-year, and 20-year
 865 needs for the seaport system and will include seaport, waterway,
 866 road, and rail projects that are needed to ensure the success of
 867 the transportation system as a whole in supporting state

868 economic development goals ~~The Florida Seaport Transportation~~
 869 ~~and Economic Development Council, in cooperation with the Office~~
 870 ~~of the State Public Transportation Administrator within the~~
 871 ~~Department of Transportation, shall develop freight mobility and~~
 872 ~~trade-corridor plans to assist in making freight-mobility~~
 873 ~~investments that contribute to the economic growth of the state.~~
 874 ~~Such plans should enhance the integration and connectivity of~~
 875 ~~the transportation system across and between transportation~~
 876 ~~modes throughout Florida for people and freight.~~

877 ~~(2) The Office of the State Public Transportation~~
 878 ~~Administrator shall act to integrate freight-mobility and trade-~~
 879 ~~corridor plans into the Florida Transportation Plan developed~~
 880 ~~pursuant to s. 339.155 and into the plans and programs of~~
 881 ~~metropolitan planning organizations as provided in s. 339.175.~~
 882 ~~The office may also provide assistance in expediting the~~
 883 ~~transportation permitting process relating to the construction~~
 884 ~~of seaport freight-mobility projects located outside the~~
 885 ~~physical borders of seaports. The Department of Transportation~~
 886 ~~may contract, as provided in s. 334.044, with any port listed in~~
 887 ~~s. 311.09(1) or any such other statutorily authorized seaport~~
 888 ~~entity to act as an agent in the construction of seaport~~
 889 ~~freight-mobility projects.~~

890 (2)(3) Each port shall develop a strategic plan with a 10-
 891 year horizon. Each plan must include the following:

892 (a) An economic development component that identifies
 893 targeted business opportunities for increasing business and
 894 attracting new business for which a particular facility has a
 895 strategic advantage over its competitors, identifies financial

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896 resources and other inducements to encourage growth of existing
897 business and acquisition of new business, and provides a
898 projected schedule for attainment of the plan's goals.

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

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

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

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

920
921 To the extent feasible, the port strategic plan must be
922 consistent with the local government comprehensive plans of the
923 units of local government in which the port is located. Upon

924 approval of a plan by the port's board, the plan shall be
 925 submitted to the Florida Seaport Transportation and Economic
 926 Development Council.

927 (3)~~(4)~~ The Florida Seaport Transportation and Economic
 928 Development Council shall review the strategic plans submitted
 929 by each port and prioritize strategic needs for inclusion in the
 930 Florida Seaport Mission Plan prepared pursuant to s. 311.09(3).

931 Section 12. Subsection (21) of section 316.003, Florida
 932 Statutes, is amended to read:

933 316.003 Definitions.—The following words and phrases, when
 934 used in this chapter, shall have the meanings respectively
 935 ascribed to them in this section, except where the context
 936 otherwise requires:

937 (21) MOTOR VEHICLE.—Except when used in s. 316.1001, any
 938 self-propelled vehicle not operated upon rails or guideway, but
 939 not including any bicycle, motorized scooter, electric personal
 940 assistive mobility device, or moped. For purposes of s.
 941 316.1001, "motor vehicle" has the same meaning as in s.
 942 320.01(1)(a).

943 Section 13. Subsection (4) of section 316.091, Florida
 944 Statutes, is amended, subsection (5) is renumbered as subsection
 945 (6), and a new subsection (5) is added to that section, to read:

946 316.091 Limited access facilities; interstate highways;
 947 use restricted.—

948 (4) No person shall operate a bicycle or other human-
 949 powered vehicle on the roadway or along the shoulder of a
 950 limited access highway, including bridges, unless official signs
 951 and a designated, marked bicycle lane are present at the

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952 entrance of the section of highway indicating that such use is
953 permitted pursuant to a pilot program of the Department of
954 Transportation ~~an interstate highway.~~

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

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

966 (b) The Department of Transportation, with the concurrence
967 of the Federal Highway Administration on the interstate
968 facilities, shall establish the three highway approaches and
969 bridge segments for the pilot project by October 1, 2012. In
970 selecting the highway approaches and bridge segments, the
971 Department of Transportation shall consider, without limitation,
972 a minimum size of population in the urban area within 5 miles of
973 the highway approach and bridge segment, the lack of bicycle
974 access by other means, cost, safety, and operational impacts.

975 (c) The Department of Transportation shall begin the pilot
976 program by erecting signs and designating marked bicycle lanes
977 indicating highway approaches and bridge segments of limited
978 access highways, as qualified by the conditions described in

979 this subsection, as open to use by operators of bicycles and
 980 other human-powered vehicles no later than January 1, 2013.

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

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

992 Section 14. Paragraph (b) of subsection (2) of section
 993 316.1001, Florida Statutes, is amended to read:

994 316.1001 Payment of toll on toll facilities required;
 995 penalties.—

996 (2)

997 (b) A citation issued under this subsection may be issued
 998 by mailing the citation by first-class mail or by certified
 999 mail, return receipt requested, to the address of the registered
 1000 owner of the motor vehicle involved in the violation. Mailing
 1001 Receipt of the citation to such address constitutes
 1002 notification. In the case of joint ownership of a motor vehicle,
 1003 the traffic citation must be mailed to the first name appearing
 1004 on the registration, unless the first name appearing on the
 1005 registration is a business organization, in which case the
 1006 second name appearing on the registration may be used. A

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1007 citation issued under this paragraph must be mailed to the
1008 registered owner of the motor vehicle involved in the violation
1009 within 14 days after the date of issuance of the citation. In
1010 addition to the citation, notification must be sent to the
1011 registered owner of the motor vehicle involved in the violation
1012 specifying remedies available under ss. 318.14(12) and
1013 318.18(7).

1014 Section 15. Paragraph (a) of subsection (3) and paragraphs
1015 (a) and (c) of subsection (5) of section 316.515, Florida
1016 Statutes, are amended to read:

1017 316.515 Maximum width, height, length.—

1018 (3) LENGTH LIMITATION.—Except as otherwise provided in
1019 this section, length limitations apply solely to a semitrailer
1020 or trailer, and not to a truck tractor or to the overall length
1021 of a combination of vehicles. No combination of commercial motor
1022 vehicles coupled together and operating on the public roads may
1023 consist of more than one truck tractor and two trailing units.
1024 Unless otherwise specifically provided for in this section, a
1025 combination of vehicles not qualifying as commercial motor
1026 vehicles may consist of no more than two units coupled together;
1027 such nonqualifying combination of vehicles may not exceed a
1028 total length of 65 feet, inclusive of the load carried thereon,
1029 but exclusive of safety and energy conservation devices approved
1030 by the department for use on vehicles using public roads.

1031 Notwithstanding any other provision of this section, a truck
1032 tractor-semitrailer combination engaged in the transportation of
1033 automobiles or boats may transport motor vehicles or boats on
1034 part of the power unit; and, except as may otherwise be mandated

1035 | under federal law, an automobile or boat transporter semitrailer
 1036 | may not exceed 50 feet in length, exclusive of the load;
 1037 | however, the load may extend up to an additional 6 feet beyond
 1038 | the rear of the trailer. The 50-foot length limitation does not
 1039 | apply to non-stinger-steered automobile or boat transporters
 1040 | that are 65 feet or less in overall length, exclusive of the
 1041 | load carried thereon, or to stinger-steered automobile or boat
 1042 | transporters that are 75 feet or less in overall length,
 1043 | exclusive of the load carried thereon. For purposes of this
 1044 | subsection, a "stinger-steered automobile or boat transporter"
 1045 | is an automobile or boat transporter configured as a semitrailer
 1046 | combination wherein the fifth wheel is located on a drop frame
 1047 | located behind and below the rearmost axle of the power unit.
 1048 | Notwithstanding paragraphs (a) and (b), any straight truck or
 1049 | truck tractor-semitrailer combination engaged in the
 1050 | transportation of horticultural trees may allow the load to
 1051 | extend up to an additional 10 feet beyond the rear of the
 1052 | vehicle, provided said trees are resting against a retaining bar
 1053 | mounted above the truck bed so that the root balls of the trees
 1054 | rest on the floor and to the front of the truck bed and the tops
 1055 | of the trees extend up over and to the rear of the truck bed,
 1056 | and provided the overhanging portion of the load is covered with
 1057 | protective fabric.

1058 | (a) Straight trucks.—~~A~~ ~~no~~ straight truck may not exceed a
 1059 | length of 40 feet in extreme overall dimension, exclusive of
 1060 | safety and energy conservation devices approved by the
 1061 | department for use on vehicles using public roads. A straight
 1062 | truck may tow no more than one trailer, and the overall length

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1063 of the truck-trailer combination may not exceed 68 feet ~~such~~
 1064 ~~trailer may not exceed a length of 28 feet. However, such~~
 1065 ~~trailer limitation does not apply if the overall length of the~~
 1066 ~~truck-trailer combination is 65 feet or less, including the load~~
 1067 ~~thereon. Notwithstanding any other provisions of this section, a~~
 1068 ~~truck-trailer combination engaged in the transportation of~~
 1069 ~~boats, or boat trailers whose design dictates a front-to-rear~~
 1070 ~~stacking method~~ may shall not exceed the length limitations of
 1071 this paragraph exclusive of the load; however, the load may
 1072 extend up to an additional 6 feet beyond the rear of the
 1073 trailer.

1074 (5) IMPLEMENTS OF HUSBANDRY AND FARM EQUIPMENT;
 1075 AGRICULTURAL TRAILERS; FORESTRY EQUIPMENT; SAFETY REQUIREMENTS.—

1076 (a) Notwithstanding any other provisions of law, straight
 1077 trucks, agricultural tractors, citrus harvesting equipment,
 1078 citrus fruit loaders, and cotton module movers, not exceeding 50
 1079 feet in length, or any combination of up to and including three
 1080 implements of husbandry, including the towing power unit, and
 1081 any single agricultural trailer with a load thereon or any
 1082 agricultural implements attached to a towing power unit, or a
 1083 self-propelled agricultural implement or an agricultural
 1084 tractor, is authorized for the purpose of transporting peanuts,
 1085 grains, soybeans, citrus, cotton, hay, straw, or other
 1086 perishable farm products from their point of production to the
 1087 first point of change of custody or of long-term storage, and
 1088 for the purpose of returning to such point of production, or for
 1089 the purpose of moving such tractors, movers, and implements from
 1090 one point of agricultural production to another, by a person

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1091 engaged in the production of any such product or custom hauler,
 1092 if such vehicle or combination of vehicles otherwise complies
 1093 with this section. The Department of Transportation may issue
 1094 overlength permits for cotton module movers greater than 50 feet
 1095 but not more than 55 feet in overall length. Such vehicles shall
 1096 be operated in accordance with all safety requirements
 1097 prescribed by law and rules of the Department of Transportation.

1098 (c) The width and height limitations of this section do
 1099 not apply to farming or agricultural equipment, whether self-
 1100 propelled, pulled, or hauled, when temporarily operated during
 1101 daylight hours upon a public road that is not a limited access
 1102 facility as defined in s. 334.03(12) ~~s. 334.03(13)~~, and the
 1103 width and height limitations may be exceeded by such equipment
 1104 without a permit. To be eligible for this exemption, the
 1105 equipment shall be operated within a radius of 50 miles of the
 1106 real property owned, rented, or leased by the equipment owner.
 1107 However, equipment being delivered by a dealer to a purchaser is
 1108 not subject to the 50-mile limitation. Farming or agricultural
 1109 equipment greater than 174 inches in width must have one warning
 1110 lamp mounted on each side of the equipment to denote the width
 1111 and must have a slow-moving vehicle sign. Warning lamps required
 1112 by this paragraph must be visible from the front and rear of the
 1113 vehicle and must be visible from a distance of at least 1,000
 1114 feet.

1115 Section 16. Subsection (42) of section 320.01, Florida
 1116 Statutes, is amended to read:

1117 320.01 Definitions, general.—As used in the Florida
 1118 Statutes, except as otherwise provided, the term:

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1119 (42) "Low-speed vehicle" means any four-wheeled ~~electric~~
 1120 vehicle whose top speed is greater than 20 miles per hour but
 1121 not greater than 25 miles per hour, including without limitation
 1122 neighborhood electric vehicles. Low-speed vehicles must comply
 1123 with the safety standards in 49 C.F.R. s. 571.500 and s.
 1124 316.2122.

1125 Section 17. Subsections (11) through (37) of section
 1126 334.03, Florida Statutes, are renumbered as subsections (10)
 1127 through (36), respectively, and present subsections (10), (11),
 1128 and (25) of that section are amended to read:

1129 334.03 Definitions.—When used in the Florida
 1130 Transportation Code, the term:

1131 ~~(10) "Florida Intrastate Highway System" means a system of~~
 1132 ~~limited access and controlled access facilities on the State~~
 1133 ~~Highway System which have the capacity to provide high speed and~~
 1134 ~~high volume traffic movements in an efficient and safe manner.~~

1135 (10)~~(11)~~ "Functional classification" means the assignment
 1136 of roads into systems according to the character of service they
 1137 provide in relation to the total road network using procedures
 1138 developed by the Federal Highway Administration. ~~Basic~~
 1139 ~~functional categories include arterial roads, collector roads,~~
 1140 ~~and local roads which may be subdivided into principal, major,~~
 1141 ~~or minor levels. Those levels may be additionally divided into~~
 1142 ~~rural and urban categories.~~

1143 (24)~~(25)~~ "State Highway System" means ~~the following, which~~
 1144 ~~shall be facilities to which access is regulated:~~

1145 ~~(a)~~ the interstate system and all other roads within the
 1146 state which were under the jurisdiction of the state on June 10,

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1147 1995, and roads constructed by an agency of the state for the
1148 State Highway System, plus roads transferred to the state's
1149 jurisdiction after that date by mutual consent with another
1150 governmental entity, but not including roads so transferred from
1151 the state's jurisdiction. These facilities shall be facilities
1152 to which access is regulated.†

1153 ~~(b) All rural arterial routes and their extensions into~~
1154 ~~and through urban areas;~~

1155 ~~(c) All urban principal arterial routes; and~~

1156 ~~(d) The urban minor arterial mileage on the existing State~~
1157 ~~Highway System as of July 1, 1987, plus additional mileage to~~
1158 ~~comply with the 2-percent requirement as described below.~~

1159

1160 ~~However, not less than 2 percent of the public road mileage of~~
1161 ~~each urbanized area on record as of June 30, 1986, shall be~~
1162 ~~included as minor arterials in the State Highway System.~~

1163 ~~Urbanized areas not meeting the foregoing minimum requirement~~
1164 ~~shall have transferred to the State Highway System additional~~
1165 ~~minor arterials of the highest significance in which case the~~
1166 ~~total minor arterials in the State Highway System from any~~
1167 ~~urbanized area shall not exceed 2.5 percent of that area's total~~
1168 ~~public urban road mileage.~~

1169 Section 18. Subsections (11), (13), and (26) of section
1170 334.044, Florida Statutes, are amended, and subsection (33) is
1171 added to that section, to read:

1172 334.044 Department; powers and duties.—The department
1173 shall have the following general powers and duties:

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1174 (11) To establish a numbering system for public roads, and
 1175 to functionally classify such roads, ~~and to assign~~
 1176 ~~jurisdictional responsibility.~~

1177 (13) To ~~designate existing and to~~ plan proposed
 1178 transportation facilities as part of the State Highway System,
 1179 and to construct, maintain, and operate such facilities.

1180 (26) To provide for the enhancement of environmental
 1181 benefits, including air and water quality; to prevent roadside
 1182 erosion; to conserve the natural roadside growth and scenery;
 1183 and to provide for the implementation and maintenance of
 1184 roadside conservation, enhancement, and stabilization programs.
 1185 No more ~~less~~ than 1.5 percent of the amount contracted for
 1186 construction projects shall be allocated by the department for
 1187 the purchase of plant materials. Department districts may not
 1188 expend funds for landscaping in connection with any project that
 1189 is limited to resurfacing existing lanes unless the expenditure
 1190 has been approved by the department's secretary or the
 1191 secretary's designee. ~~with,~~ To the greatest extent practical, a
 1192 minimum of 50 percent of these funds shall be allocated for
 1193 large plant materials and the remaining funds for other plant
 1194 materials. All such plant materials shall be purchased from
 1195 Florida commercial nursery stock in this state on a uniform
 1196 competitive bid basis. The department will develop grades and
 1197 standards for landscaping materials purchased through this
 1198 process. To accomplish these activities, the department may
 1199 contract with nonprofit organizations having the primary purpose
 1200 of developing youth employment opportunities.

1201 (33) To develop, in coordination with its partners,
 1202 freight mobility and trade plans to assist in making freight
 1203 mobility investments that contribute to the economic growth of
 1204 the state. Such plans should enhance the integration and
 1205 connectivity of the transportation system across and between
 1206 transportation modes throughout the state for people and
 1207 freight. Freight issues and needs shall be given emphasis in all
 1208 appropriate transportation plans, including the Florida
 1209 Transportation Plan and the Strategic Intermodal System Plan.

1210 Section 19. Section 334.047, Florida Statutes, is amended
 1211 to read:

1212 334.047 Prohibition.—Notwithstanding any other provision
 1213 of law to the contrary, the Department of Transportation may not
 1214 establish a cap on the number of miles in the State Highway
 1215 System ~~or a maximum number of miles of urban principal arterial~~
 1216 ~~roads, as defined in s. 334.03, within a district or county.~~

1217 Section 20. Subsection (5) is added to section 335.074,
 1218 Florida Statutes, to read:

1219 335.074 Safety inspection of bridges.—

1220 (5) Upon receipt of an inspection report that recommends
 1221 reducing the weight, size, or speed limit on a bridge, the
 1222 governmental entity having maintenance responsibility for the
 1223 bridge must reduce the maximum limits for the bridge in
 1224 accordance with the inspection report and post the limits in
 1225 accordance with s. 316.555. The governmental entity must, within
 1226 30 days after receipt of an inspection report recommending lower
 1227 limits, notify the department that the limitations have been
 1228 implemented and the bridge has been posted accordingly. If the

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1229 required actions are not taken within 30 days after receipt of
 1230 an inspection report, the department shall post the bridge in
 1231 accordance with the recommendations in the inspection report.
 1232 All costs incurred by the department in connection with
 1233 providing notice of the bridge's limitations or restrictions
 1234 shall be assessed against and collected from the governmental
 1235 entity having maintenance responsibility for the bridge. If an
 1236 inspection report recommends closure of a bridge, the bridge
 1237 shall be immediately closed. If the governmental entity does not
 1238 close the bridge immediately upon receipt of an inspection
 1239 report recommending closure, the department shall close the
 1240 bridge. All costs incurred by the department in connection with
 1241 the bridge closure shall be assessed against and collected from
 1242 the governmental entity having maintenance responsibility for
 1243 the bridge.

1244 Section 21. Subsections (1) and (2) of section 335.17,
 1245 Florida Statutes, are amended to read:

1246 335.17 State highway construction; means of noise
 1247 abatement.—

1248 (1) The department shall make use of noise-control methods
 1249 as part of highway construction projects involving new location
 1250 or capacity expansion in the construction of all new state
 1251 ~~highways,~~ with particular emphasis on those highways located in
 1252 or near urban-residential developments which abut such highway
 1253 rights-of-way.

1254 (2) All highway projects by the department, regardless of
 1255 funding source, shall be developed in conformity with federal
 1256 standards for noise abatement as contained in 23 C.F.R. 772 as

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1257 such regulations existed on July 13, 2011 ~~March 1, 1989~~. The
 1258 department shall, at a minimum, comply with federal requirements
 1259 in the following areas:

- 1260 (a) Analysis of traffic noise impacts and abatement
- 1261 measures;
- 1262 (b) Noise abatement;
- 1263 (c) Information for local officials;
- 1264 (d) Traffic noise prediction; and
- 1265 (e) Construction noise.

1266 Section 22. Subsection (5) of section 336.021, Florida
 1267 Statutes, is amended to read:

1268 336.021 County transportation system; levy of ninth-cent
 1269 fuel tax on motor fuel and diesel fuel.—

1270 (5) All impositions of the tax shall be levied before
 1271 October ~~July~~ 1 of each year to be effective January 1 of the
 1272 following year. However, levies of the tax which were in effect
 1273 on July 1, 2002, and which expire on August 31 of any year may
 1274 be reimposed at the current authorized rate to be effective
 1275 September 1 of the year of expiration. All impositions shall be
 1276 required to end on December 31 of a year. A decision to rescind
 1277 the tax shall not take effect on any date other than December 31
 1278 and shall require a minimum of 60 days' notice to the department
 1279 of such decision.

1280 Section 23. Paragraphs (a) and (b) of subsection (1) and
 1281 subsection (7) of section 336.025, Florida Statutes, are amended
 1282 to read:

1283 336.025 County transportation system; levy of local option
 1284 fuel tax on motor fuel and diesel fuel.—

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1285 (1) (a) In addition to other taxes allowed by law, there
 1286 may be levied as provided in ss. 206.41(1) (e) and 206.87(1) (c) a
 1287 1-cent, 2-cent, 3-cent, 4-cent, 5-cent, or 6-cent local option
 1288 fuel tax upon every gallon of motor fuel and diesel fuel sold in
 1289 a county and taxed under the provisions of part I or part II of
 1290 chapter 206.

1291 1. All impositions and rate changes of the tax shall be
 1292 levied before October ~~July~~ 1 to be effective January 1 of the
 1293 following year for a period not to exceed 30 years, and the
 1294 applicable method of distribution shall be established pursuant
 1295 to subsection (3) or subsection (4). However, levies of the tax
 1296 which were in effect on July 1, 2002, and which expire on August
 1297 31 of any year may be reimposed at the current authorized rate
 1298 effective September 1 of the year of expiration. Upon
 1299 expiration, the tax may be relieved provided that a
 1300 redetermination of the method of distribution is made as
 1301 provided in this section.

1302 2. County and municipal governments shall utilize moneys
 1303 received pursuant to this paragraph only for transportation
 1304 expenditures.

1305 3. Any tax levied pursuant to this paragraph may be
 1306 extended on a majority vote of the governing body of the county.
 1307 A redetermination of the method of distribution shall be
 1308 established pursuant to subsection (3) or subsection (4), if,
 1309 after July 1, 1986, the tax is extended or the tax rate changed,
 1310 for the period of extension or for the additional tax.

1311 (b) In addition to other taxes allowed by law, there may
 1312 be levied as provided in s. 206.41(1) (e) a 1-cent, 2-cent, 3-

1313 cent, 4-cent, or 5-cent local option fuel tax upon every gallon
 1314 of motor fuel sold in a county and taxed under the provisions of
 1315 part I of chapter 206. The tax shall be levied by an ordinance
 1316 adopted by a majority plus one vote of the membership of the
 1317 governing body of the county or by referendum.

1318 1. All impositions and rate changes of the tax shall be
 1319 levied before October ~~July~~ 1, to be effective January 1 of the
 1320 following year. However, levies of the tax which were in effect
 1321 on July 1, 2002, and which expire on August 31 of any year may
 1322 be reimposed at the current authorized rate effective September
 1323 1 of the year of expiration.

1324 2. The county may, prior to levy of the tax, establish by
 1325 interlocal agreement with one or more municipalities located
 1326 therein, representing a majority of the population of the
 1327 incorporated area within the county, a distribution formula for
 1328 dividing the entire proceeds of the tax among county government
 1329 and all eligible municipalities within the county. If no
 1330 interlocal agreement is adopted before the effective date of the
 1331 tax, tax revenues shall be distributed pursuant to the
 1332 provisions of subsection (4). If no interlocal agreement exists,
 1333 a new interlocal agreement may be established prior to June 1 of
 1334 any year pursuant to this subparagraph. However, any interlocal
 1335 agreement agreed to under this subparagraph after the initial
 1336 levy of the tax or change in the tax rate authorized in this
 1337 section shall under no circumstances materially or adversely
 1338 affect the rights of holders of outstanding bonds which are
 1339 backed by taxes authorized by this paragraph, and the amounts
 1340 distributed to the county government and each municipality shall

1341 not be reduced below the amount necessary for the payment of
 1342 principal and interest and reserves for principal and interest
 1343 as required under the covenants of any bond resolution
 1344 outstanding on the date of establishment of the new interlocal
 1345 agreement.

1346 3. County and municipal governments shall use moneys
 1347 received pursuant to this paragraph for transportation
 1348 expenditures needed to meet the requirements of the capital
 1349 improvements element of an adopted comprehensive plan or for
 1350 expenditures needed to meet immediate local transportation
 1351 problems and for other transportation-related expenditures that
 1352 are critical for building comprehensive roadway networks by
 1353 local governments. For purposes of this paragraph, expenditures
 1354 for the construction of new roads, the reconstruction or
 1355 resurfacing of existing paved roads, or the paving of existing
 1356 graded roads shall be deemed to increase capacity and such
 1357 projects shall be included in the capital improvements element
 1358 of an adopted comprehensive plan. Expenditures for purposes of
 1359 this paragraph shall not include routine maintenance of roads.

1360 (7) For the purposes of this section, "transportation
 1361 expenditures" means expenditures by the local government from
 1362 local or state shared revenue sources, excluding expenditures of
 1363 bond proceeds, for the following programs:

1364 (a) Public transportation operations and maintenance.

1365 (b) Roadway and right-of-way maintenance and equipment and
 1366 structures used primarily for the storage and maintenance of
 1367 such equipment.

1368 (c) Roadway and right-of-way drainage.

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1369 (d) Street lighting installation, operation, maintenance,
 1370 and repair.

1371 (e) Traffic signs, traffic engineering, signalization, and
 1372 pavement markings, installation, operation, maintenance, and
 1373 repair.

1374 (f) Bridge maintenance and operation.

1375 (g) Debt service and current expenditures for
 1376 transportation capital projects in the foregoing program areas,
 1377 including construction or reconstruction of roads and sidewalks.

1378 Section 24. Paragraph (a) of subsection (3) of section
 1379 337.11, Florida Statutes, is amended to read:

1380 337.11 Contracting authority of department; bids;
 1381 emergency repairs, supplemental agreements, and change orders;
 1382 combined design and construction contracts; progress payments;
 1383 records; requirements of vehicle registration.—

1384 (3) (a) On all construction contracts of \$250,000 or less,
 1385 and any construction contract of less than \$500,000 for which
 1386 the department has waived prequalification under s. 337.14, the
 1387 department shall advertise for bids on the department's Internet
 1388 website for ~~in a newspaper having general circulation in the~~
 1389 ~~county where the proposed work is located. Publication shall be~~
 1390 ~~at least once a week for no less than 2 consecutive weeks, and~~
 1391 ~~the first publication shall be no less than 14 consecutive~~ days
 1392 prior to the date on which bids are to be received.

1393 Section 25. Subsection (4) of section 337.111, Florida
 1394 Statutes, is amended to read:

1395 337.111 Contracting for monuments and memorials to
 1396 military veterans at rest areas.—The Department of

1397 Transportation is authorized to enter into contract with any
 1398 not-for-profit group or organization that has been operating for
 1399 not less than 2 years for the installation of monuments and
 1400 memorials honoring Florida's military veterans at highway rest
 1401 areas around the state pursuant to the provisions of this
 1402 section.

1403 (4) The group or organization making the proposal shall
 1404 provide a 10-year bond, an annual renewable bond, an irrevocable
 1405 letter of credit, or other form of security as approved by the
 1406 department's comptroller, for the purpose of securing the cost
 1407 of removal of the monument and any modifications made to the
 1408 site as part of the placement of the monument should the
 1409 Department of Transportation determine it necessary to remove or
 1410 relocate the monument. Such removal or relocation shall be
 1411 approved by the committee described in subsection (1). ~~Prior to~~
 1412 ~~expiration, the bond shall be renewed for another 10-year period~~
 1413 ~~if the memorial is to remain in place.~~

1414 Section 26. Subsection (1) of section 337.125, Florida
 1415 Statutes, is amended to read:

1416 337.125 Socially and economically disadvantaged business
 1417 enterprises; notice requirements.—

1418 (1) When contract goals are established, in order to
 1419 document that a subcontract is with a certified socially and
 1420 economically disadvantaged business enterprise, the prime
 1421 contractor must either submit a disadvantaged business
 1422 enterprise utilization form which has been signed by the
 1423 socially and economically disadvantaged business enterprise and
 1424 the prime contractor, or submit the written or oral quotation of

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1425 the socially and economically disadvantaged business enterprise,
 1426 and information contained in the quotation must be confirmed as
 1427 determined by the department by rule.

1428 Section 27. Section 337.137, Florida Statutes, is
 1429 repealed.

1430 Section 28. Section 337.139, Florida Statutes, is amended
 1431 to read:

1432 337.139 Efforts to encourage awarding contracts to
 1433 disadvantaged business enterprises.—In implementing chapter 90-
 1434 136, Laws of Florida, the Department of Transportation shall
 1435 institute procedures to encourage the awarding of contracts for
 1436 professional services and construction to disadvantaged business
 1437 enterprises. For the purposes of this section, the term
 1438 "disadvantaged business enterprise" means a small business
 1439 concern certified by the Department of Transportation to be
 1440 owned and controlled by socially and economically disadvantaged
 1441 individuals as defined by the Safe, Accountable, Flexible,
 1442 Efficient Transportation Equity Act: A Legacy for Users
 1443 (SAFETEA-LU) Surface Transportation and Uniform Relocation Act
 1444 of 1987. The Department of Transportation shall develop and
 1445 implement activities to encourage the participation of
 1446 disadvantaged business enterprises in the contracting process.
 1447 Such efforts may include:

1448 (1) Presolicitation or prebid meetings for the purpose of
 1449 informing disadvantaged business enterprises of contracting
 1450 opportunities.

1451 (2) Written notice to disadvantaged business enterprises
 1452 of contract opportunities for commodities or contractual and
 1453 construction services which the disadvantaged business provides.

1454 (3) Provision of adequate information to disadvantaged
 1455 business enterprises about the plans, specifications, and
 1456 requirements of contracts or the availability of jobs.

1457 (4) Breaking large contracts into several single-purpose
 1458 contracts of a size which may be obtained by certified
 1459 disadvantaged business enterprises.

1460 Section 29. Subsection (1) of section 337.14, Florida
 1461 Statutes, is amended to read:

1462 337.14 Application for qualification; certificate of
 1463 qualification; restrictions; request for hearing.—

1464 (1) Any person desiring to bid for the performance of any
 1465 construction contract in excess of \$250,000 which the department
 1466 proposes to let must first be certified by the department as
 1467 qualified pursuant to this section and rules of the department.
 1468 The rules of the department shall address the qualification of
 1469 persons to bid on construction contracts in excess of \$250,000
 1470 and shall include requirements with respect to the equipment,
 1471 past record, experience, financial resources, and organizational
 1472 personnel of the applicant necessary to perform the specific
 1473 class of work for which the person seeks certification. The
 1474 department may ~~is authorized to~~ limit the dollar amount of any
 1475 contract upon which a person is qualified to bid or the
 1476 aggregate total dollar volume of contracts such person is
 1477 allowed to have under contract at any one time. Each applicant
 1478 seeking qualification to bid on construction contracts in excess

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1479 of \$250,000 shall furnish the department a statement under oath,
 1480 on such forms as the department may prescribe, setting forth
 1481 detailed information as required on the application. Each
 1482 application for certification shall be accompanied by the latest
 1483 annual financial statement of the applicant completed within the
 1484 last 12 months. If the application or the annual financial
 1485 statement shows the financial condition of the applicant more
 1486 than 4 months prior to the date on which the application is
 1487 received by the department, then an interim financial statement
 1488 must be submitted and be accompanied by an updated application.
 1489 The interim financial statement must cover the period from the
 1490 end date of the annual statement and must show the financial
 1491 condition of the applicant no more than 4 months prior to the
 1492 date the interim financial statement is received by the
 1493 department. However, upon request by the applicant, an
 1494 application and accompanying annual or interim financial
 1495 statement received by the department within 15 days after either
 1496 4-month period under this subsection shall be considered timely.
 1497 Each required annual or interim financial statement must be
 1498 audited and accompanied by the opinion of a certified public
 1499 accountant ~~or a public accountant approved by the department.~~ An
 1500 applicant desiring to bid exclusively for the performance of
 1501 construction contracts with proposal budget estimates of less
 1502 than \$1 million may submit reviewed annual or reviewed interim
 1503 financial statements accompanied by the opinion of a certified
 1504 public accountant. The information required by this subsection
 1505 is confidential and exempt from the provisions of s. 119.07(1).
 1506 The department shall act upon the application for qualification

1507 within 30 days after the department determines that the
 1508 application is complete. The department may waive the
 1509 requirements of this subsection for projects having a contract
 1510 price of \$500,000 or less if the department determines that the
 1511 project is of a noncritical nature and the waiver will not
 1512 endanger public health, safety, or property.

1513 Section 30. Section 337.403, Florida Statutes, is amended
 1514 to read:

1515 337.403 Interference caused by relocation of utility;
 1516 expenses.—

1517 (1) When a ~~Any~~ utility ~~heretofore or hereafter~~ placed
 1518 upon, under, over, or along any public road or publicly owned
 1519 rail corridor that is found by the authority to be unreasonably
 1520 interfering in any way with the convenient, safe, or continuous
 1521 use, or the maintenance, improvement, extension, or expansion,
 1522 of such public road or publicly owned rail corridor, the utility
 1523 owner shall, upon 30 days' written notice to the utility or its
 1524 agent by the authority, initiate the work necessary to alleviate
 1525 the interference ~~be removed or relocated by such utility~~ at its
 1526 own expense except as provided in paragraphs (a)-(f). The work
 1527 shall be completed within such time as stated in the notice or
 1528 such time as agreed to by the authority and the utility owner.

1529 (a) If the relocation of utility facilities, as referred
 1530 to in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.
 1531 627 of the 84th Congress, is necessitated by the construction of
 1532 a project on the federal-aid interstate system, including
 1533 extensions thereof within urban areas, and the cost of the
 1534 project is eligible and approved for reimbursement by the

1535 Federal Government to the extent of 90 percent or more under the
 1536 Federal Aid Highway Act, or any amendment thereof, then in that
 1537 event the utility owning or operating such facilities shall
 1538 perform any necessary work ~~relocate the facilities~~ upon notice
 1539 from ~~order of~~ the department, and the state shall pay the entire
 1540 expense properly attributable to such work ~~relocation~~ after
 1541 deducting therefrom any increase in the value of any ~~the~~ new
 1542 facility and any salvage value derived from any ~~the~~ old
 1543 facility.

1544 (b) When a joint agreement between the department and the
 1545 utility is executed for utility ~~improvement, relocation, or~~
 1546 ~~removal~~ work to be accomplished as part of a contract for
 1547 construction of a transportation facility, the department may
 1548 participate in those utility work ~~improvement, relocation, or~~
 1549 ~~removal~~ costs that exceed the department's official estimate of
 1550 the cost of the work by more than 10 percent. The amount of such
 1551 participation shall be limited to the difference between the
 1552 official estimate of all the work in the joint agreement plus 10
 1553 percent and the amount awarded for this work in the construction
 1554 contract for such work. The department may not participate in
 1555 any utility work ~~improvement, relocation, or removal~~ costs that
 1556 occur as a result of changes or additions during the course of
 1557 the contract.

1558 (c) When an agreement between the department and utility
 1559 is executed for utility ~~improvement, relocation, or removal~~ work
 1560 to be accomplished in advance of a contract for construction of
 1561 a transportation facility, the department may participate in the
 1562 cost of clearing and grubbing necessary to perform such work.

1563 (d) If the utility facility involved ~~being removed or~~
 1564 ~~relocated~~ was initially installed to exclusively serve the
 1565 department, its tenants, or both, the department shall bear the
 1566 costs of the utility work ~~removing or relocating that utility~~
 1567 ~~facility~~. However, the department is not responsible for bearing
 1568 the cost of utility work related to ~~removing or relocating~~ any
 1569 subsequent additions to that facility for the purpose of serving
 1570 others.

1571 (e) If, under an agreement between a utility and the
 1572 authority entered into after July 1, 2009, the utility conveys,
 1573 subordinates, or relinquishes a compensable property right to
 1574 the authority for the purpose of accommodating the acquisition
 1575 or use of the right-of-way by the authority, without the
 1576 agreement expressly addressing future responsibility for the
 1577 cost of necessary utility work ~~removing or relocating the~~
 1578 ~~utility~~, the authority shall bear the cost of removal or
 1579 relocation. This paragraph does not impair or restrict, and may
 1580 not be used to interpret, the terms of any such agreement
 1581 entered into before July 1, 2009.

1582 (f) If the utility is an electric facility being relocated
 1583 underground in order to enhance vehicular, bicycle, and
 1584 pedestrian safety and in which ownership of the electric
 1585 facility to be placed underground has been transferred from a
 1586 private to a public utility within the past 5 years, the
 1587 department shall incur all costs of the necessary utility work
 1588 ~~relocation~~.

1589 (2) If such utility work ~~removal or relocation~~ is
 1590 incidental to work to be done on such road or publicly owned

1591 rail corridor, the notice shall be given at the same time the
 1592 contract for the work is advertised for bids, or no less than 30
 1593 days prior to the commencement of such work by the authority,
 1594 whichever is greater.

1595 (3) Whenever the notice from ~~an order of~~ the authority
 1596 requires such utility work ~~removal or change in the location of~~
 1597 ~~any utility from the right of way of a public road or publicly~~
 1598 ~~owned rail corridor,~~ and the owner thereof fails to perform the
 1599 work ~~remove or change the same~~ at his or her own expense ~~to~~
 1600 ~~conform to the order~~ within the time stated in the notice or
 1601 such other time as agreed to by the authority and the utility
 1602 owner, the authority shall proceed to cause the utility work to
 1603 be performed ~~to be removed.~~ The expense thereby incurred shall
 1604 be paid out of any money available therefor, and such expense
 1605 shall, except as provided in subsection (1), be charged against
 1606 the owner and levied and collected and paid into the fund from
 1607 which the expense of such relocation was paid.

1608 Section 31. Subsection (1) of section 337.404, Florida
 1609 Statutes, is amended to read:

1610 337.404 Removal or relocation of utility facilities;
 1611 notice and order; court review.-

1612 (1) Whenever it becomes ~~shall become~~ necessary for the
 1613 authority to perform utility work ~~remove or relocate any utility~~
 1614 as provided in s. 337.403 ~~the preceding section,~~ the owner of
 1615 the utility~~,~~ or the owner's chief agent~~,~~ shall be given notice
 1616 that the authority will perform ~~of such work~~ removal or
 1617 relocation and, after the work is complete, given an order
 1618 requiring the payment of the cost thereof~~,~~ and a ~~shall be given~~

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1619 reasonable time, which may ~~shall~~ not be less than 20 or ~~not~~ more
 1620 than 30 days, in which to appear before the authority to contest
 1621 the reasonableness of the order. Should the owner or the owner's
 1622 representative not appear, the determination of the cost to the
 1623 owner shall be final. Authorities considered agencies for the
 1624 purposes of chapter 120 shall adjudicate removal or relocation
 1625 of utilities pursuant to chapter 120.

1626 Section 32. Subsections (1) and (4) of section 337.408,
 1627 Florida Statutes, are amended to read:

1628 337.408 Regulation of bus stops, benches, transit
 1629 shelters, street light poles, waste disposal receptacles, and
 1630 modular news racks within rights-of-way.—

1631 (1) Benches or transit shelters, including advertising
 1632 displayed on benches or transit shelters, may be installed
 1633 within the right-of-way limits of any municipal, county, or
 1634 state road, except a limited access highway, provided that such
 1635 benches or transit shelters are for the comfort or convenience
 1636 of the general public or are at designated stops on official bus
 1637 routes and provided that written authorization has been given to
 1638 a qualified private supplier of such service by the municipal
 1639 government within whose incorporated limits such benches or
 1640 transit shelters are installed or by the county government
 1641 within whose unincorporated limits such benches or transit
 1642 shelters are installed. A municipality or county may authorize
 1643 the installation, without public bid, of benches and transit
 1644 shelters together with advertising displayed thereon within the
 1645 right-of-way limits of such roads. All installations shall be in
 1646 compliance with all applicable laws and rules, including,

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1647 without limitation, the Americans with Disabilities Act.
1648 Municipalities and counties shall indemnify, defend, and hold
1649 harmless the department from any suits, actions, proceedings,
1650 claims, losses, costs, charges, expenses, damages, liabilities,
1651 attorney fees, and court costs relating to the installation,
1652 removal, or relocation of such installations. Any contract for
1653 the installation of benches or transit shelters or advertising
1654 on benches or transit shelters which was entered into before
1655 April 8, 1992, without public bidding is ratified and affirmed.
1656 Such benches or transit shelters may not interfere with right-
1657 of-way preservation and maintenance. Any bench or transit
1658 shelter located on a sidewalk within the right-of-way limits of
1659 any road on the State Highway System or the county road system
1660 shall be located so as to leave at least 36 inches of clearance
1661 for pedestrians and persons in wheelchairs. Such clearance shall
1662 be measured in a direction perpendicular to the centerline of
1663 the road.

1664 (4) The department has the authority to direct the
1665 immediate relocation or removal of any bus stop, bench, transit
1666 shelter, waste disposal receptacle, public pay telephone, or
1667 modular news rack that endangers life or property or that is
1668 otherwise not in compliance with applicable laws and rules,
1669 except that transit bus benches that were placed in service
1670 before April 1, 1992, are not required to comply with bench size
1671 and advertising display size requirements established by the
1672 department before March 1, 1992. If a municipality or county
1673 fails to comply with the department's direction, the department
1674 shall remove the noncompliant installation, charge the cost of

1675 the removal to the municipality or county, and may deduct or
 1676 offset such cost from any other funding available to the
 1677 municipality or county from the department. ~~Any transit bus~~
 1678 ~~bench that was in service before April 1, 1992, may be replaced~~
 1679 ~~with a bus bench of the same size or smaller, if the bench is~~
 1680 ~~damaged or destroyed or otherwise becomes unusable.~~ The
 1681 department may adopt rules relating to the regulation of bench
 1682 size and advertising display size requirements. If a
 1683 municipality or county within which a bench is to be located has
 1684 adopted an ordinance or other applicable regulation that
 1685 establishes bench size or advertising display sign requirements
 1686 different from requirements specified in department rule, the
 1687 local government requirement applies within the respective
 1688 municipality or county. Placement of any bench or advertising
 1689 display on the National Highway System under a local ordinance
 1690 or regulation adopted under this subsection is subject to
 1691 approval of the Federal Highway Administration.

1692 Section 33. Chapter 338, Florida Statutes, is retitled
 1693 "LIMITED ACCESS AND TOLL FACILITIES."

1694 Section 34. Section 338.001, Florida Statutes, is
 1695 repealed.

1696 Section 35. Present subsections (1) through (6) of section
 1697 338.01, Florida Statutes, are renumbered as subsections (2)
 1698 through (7), respectively, and a new subsection (1) is added to
 1699 that section to read:

1700 338.01 Authority to establish and regulate limited access
 1701 facilities.—

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1702 (1) The department may establish limited access facilities
 1703 as provided in s. 335.02. The primary function of such limited
 1704 access facilities shall be to allow high-speed and high-volume
 1705 traffic movements within the state. Access to abutting land is
 1706 subordinate to this function, and such access must be prohibited
 1707 or highly regulated.

1708 Section 36. Section 338.151, Florida Statutes, is created
 1709 to read:

1710 338.151 Authority of the department to establish tolls on
 1711 the State Highway System.—The department may establish tolls on
 1712 new limited access facilities on the State Highway System, lanes
 1713 added to existing limited access facilities on the State Highway
 1714 System, new major bridges on the State Highway System over
 1715 waterways, and replacements for existing major bridges on the
 1716 State Highway System over waterways to pay, fully or partially,
 1717 for the cost of such projects. Except for high-occupancy vehicle
 1718 lanes, express lanes, the turnpike system, and as otherwise
 1719 authorized by law, the department may not establish tolls on
 1720 lanes of limited access facilities that exist on July 1, 2012.
 1721 The authority provided in this section is in addition to the
 1722 authority provided under the Florida Turnpike Enterprise Law and
 1723 s. 338.166.

1724 Section 37. Subsection (1) of section 338.155, Florida
 1725 Statutes, is amended to read:

1726 338.155 Payment of toll on toll facilities required;
 1727 exemptions.—

1728 (1) A person may not ~~No persons are permitted to~~ use any
 1729 toll facility without payment of tolls, except employees of the

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1730 agency operating the toll project when using the toll facility
1731 on official state business, state military personnel while on
1732 official military business, handicapped persons as provided in
1733 this section, persons exempt from toll payment by the
1734 authorizing resolution for bonds issued to finance the facility,
1735 and persons exempt on a temporary basis where use of such toll
1736 facility is required as a detour route. Any law enforcement
1737 officer operating a marked official vehicle is exempt from toll
1738 payment when on official law enforcement business. Any person
1739 operating a fire vehicle when on official business or a rescue
1740 vehicle when on official business is exempt from toll payment.
1741 Any person participating in the funeral procession of a law
1742 enforcement officer or firefighter killed in the line of duty is
1743 exempt from toll payment. The secretary~~7~~ or the secretary's
1744 designee~~7~~ may suspend the payment of tolls on a toll facility
1745 when necessary to assist in emergency evacuation. The failure to
1746 pay a prescribed toll constitutes a noncriminal traffic
1747 infraction, punishable as a moving violation as provided in
1748 pursuant to s. 318.18. The department may ~~is authorized to~~ adopt
1749 rules relating to the payment, collection, and enforcement of
1750 tolls, as authorized in chapters 316, 318, 320, 322, and 338,
1751 including, but not limited to, rules for the implementation of
1752 video or other image billing and variable pricing. With respect
1753 to toll facilities managed by the department, the revenues of
1754 which are not pledged to repayment of bonds, the department may
1755 by rule allow the use of such facilities by public transit
1756 vehicles or by vehicles participating in a funeral procession
1757 for an active-duty military service member without the payment

1758 | of tolls.

1759 | Section 38. Subsections (1) and (3) of section 338.166,
1760 | Florida Statutes, are amended to read:

1761 | 338.166 High-occupancy toll lanes or express lanes.—

1762 | (1) Under s. 11, Art. VII of the State Constitution, the
1763 | department may request the Division of Bond Finance to issue
1764 | bonds secured by toll revenues collected on high-occupancy toll
1765 | lanes or express lanes ~~located on Interstate 95 in Miami-Dade~~
1766 | ~~and Broward Counties.~~

1767 | (3) Any remaining toll revenue from the high-occupancy
1768 | toll lanes or express lanes shall be used by the department for
1769 | the construction, maintenance, or improvement of any road on the
1770 | State Highway System within the county or counties in which the
1771 | toll revenues were collected or to support express bus service
1772 | on the facility where the toll revenues were collected.

1773 | Section 39. Paragraph (a) of subsection (8) of section
1774 | 338.221, Florida Statutes, is amended to read:

1775 | 338.221 ~~Definitions of terms used in ss. 338.22-338.241.—~~
1776 | As used in ss. 338.22-338.241, the following words and terms
1777 | have the following meanings, unless the context indicates
1778 | another or different meaning or intent:

1779 | (8) "Economically feasible" means:

1780 | (a) For a proposed turnpike project, that, as determined
1781 | by the department before the issuance of revenue bonds for the
1782 | project, the estimated net revenues of the proposed turnpike
1783 | project, excluding feeder roads and turnpike improvements, will
1784 | be sufficient to pay at least 50 percent of the annual debt
1785 | service on the bonds associated with the project by the end of

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1786 the 12th year of operation and to pay at least 100 percent of
 1787 the debt service on the bonds by the end of the 30th ~~22nd~~ year
 1788 of operation. In implementing this paragraph, up to 50 percent
 1789 of the adopted work program costs of the project may be funded
 1790 from turnpike revenues.

1791
 1792 This subsection does not prohibit the pledging of revenues from
 1793 the entire turnpike system to bonds issued to finance or
 1794 refinance a turnpike project or group of turnpike projects.

1795 Section 40. Paragraphs (a) and (b) of subsection (1) of
 1796 section 338.223, Florida Statutes, are amended to read:

1797 338.223 Proposed turnpike projects.—

1798 (1) (a) Any proposed project to be constructed or acquired
 1799 as part of the turnpike system and any turnpike improvement
 1800 shall be included in the tentative work program. A ~~No~~ proposed
 1801 project or group of proposed projects may not ~~shall~~ be added to
 1802 the turnpike system unless such project or projects are
 1803 determined to be economically feasible and a statement of
 1804 environmental feasibility has been completed for such project or
 1805 projects and such projects are determined to be consistent, to
 1806 the maximum extent feasible, with approved local government
 1807 comprehensive plans of the local governments in which such
 1808 projects are located. The department may authorize engineering
 1809 studies, traffic studies, environmental studies, and other
 1810 expert studies of the location, costs, economic feasibility, and
 1811 practicality of proposed turnpike projects throughout the state
 1812 and may proceed with the design phase of such projects. The
 1813 department may ~~shall~~ not request legislative approval of a

1814 proposed turnpike project until the design phase of that project
 1815 is at least 30 ~~60~~ percent complete. If a proposed project or
 1816 group of proposed projects is found to be economically feasible,
 1817 consistent, to the maximum extent feasible, with approved local
 1818 government comprehensive plans of the local governments in which
 1819 such projects are located, and a favorable statement of
 1820 environmental feasibility has been completed, the department,
 1821 with the approval of the Legislature, shall, after the receipt
 1822 of all necessary permits, construct, maintain, and operate such
 1823 turnpike projects.

1824 (b) Any proposed turnpike project or improvement shall be
 1825 developed in accordance with the Florida Transportation Plan and
 1826 the work program pursuant to s. 339.135. Turnpike projects that
 1827 add capacity, alter access, affect feeder roads, or affect the
 1828 operation of the local transportation system shall be included
 1829 in the transportation improvement plan of the affected
 1830 metropolitan planning organization. If such turnpike project
 1831 does not fall within the jurisdiction of a metropolitan planning
 1832 organization, the department shall notify the affected county
 1833 and provide for public hearings in accordance with s.
 1834 339.155(5)(c) ~~s. 339.155(6)(c)~~.

1835 Section 41. Subsection (4) of section 338.227, Florida
 1836 Statutes, is amended to read:

1837 338.227 Turnpike revenue bonds.—

1838 (4) The Department of Transportation and the Department of
 1839 Management Services shall create and implement an outreach
 1840 program designed to enhance the participation of minority
 1841 persons and minority business enterprises in all contracts

1842 entered into by their respective departments for services
 1843 related to the financing of department projects for the
 1844 Strategic Intermodal System Plan developed pursuant to s. 339.64
 1845 ~~Florida Intrastate Highway System Plan~~. These services shall
 1846 include, but are not ~~be~~ limited to, bond counsel and bond
 1847 underwriters.

1848 Section 42. Subsection (2) of section 338.2275, Florida
 1849 Statutes, is amended to read:

1850 338.2275 Approved turnpike projects.—

1851 (2) The department may ~~is authorized to~~ use turnpike
 1852 revenues, the State Transportation Trust Fund moneys allocated
 1853 for turnpike projects pursuant to s. 339.65 ~~s. 338.001~~, federal
 1854 funds, and bond proceeds, and shall use the most cost-efficient
 1855 combination of such funds, in developing a financial plan for
 1856 funding turnpike projects. The department must submit a report
 1857 of the estimated cost for each ongoing turnpike project and for
 1858 each planned project to the Legislature 14 days before the
 1859 convening of the regular legislative session. Verification of
 1860 economic feasibility and statements of environmental feasibility
 1861 for individual turnpike projects must be based on the entire
 1862 project as approved. Statements of environmental feasibility are
 1863 not required for those projects listed in s. 12, chapter 90-136,
 1864 Laws of Florida, for which the Project Development and
 1865 Environmental Reports were completed by July 1, 1990. All
 1866 required environmental permits must be obtained before the
 1867 department may advertise for bids for contracts for the
 1868 construction of any turnpike project.

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1869 Section 43. Section 338.228, Florida Statutes, is amended
 1870 to read:

1871 338.228 Bonds not debts or pledges of credit of state.—
 1872 Turnpike revenue bonds issued under the provisions of ss.
 1873 338.22-338.241 are not debts of the state or pledges of the
 1874 faith and credit of the state. Such bonds are payable
 1875 exclusively from revenues pledged for their payment. All such
 1876 bonds shall contain a statement on their face that the state is
 1877 not obligated to pay the same or the interest thereon, except
 1878 from the revenues pledged for their payment, and that the faith
 1879 and credit of the state is not pledged to the payment of the
 1880 principal or interest of such bonds. The issuance of turnpike
 1881 revenue bonds under the provisions of ss. 338.22-338.241 does
 1882 not directly, indirectly, or contingently obligate the state to
 1883 levy or to pledge any form of taxation whatsoever, or to make
 1884 any appropriation for their payment. Except as provided in ss.
 1885 ~~338.001~~, 338.223, ~~and~~ 338.2275, and 339.65, ~~no~~ state funds may
 1886 not shall be used on any turnpike project or to pay the
 1887 principal or interest of any bonds issued to finance or
 1888 refinance any portion of the turnpike system, and all such bonds
 1889 shall contain a statement on their face to this effect.

1890 Section 44. Paragraph (c) is added to subsection (3) of
 1891 section 338.231, Florida Statutes, to read:

1892 338.231 Turnpike tolls, fixing; pledge of tolls and other
 1893 revenues.—The department shall at all times fix, adjust, charge,
 1894 and collect such tolls and amounts for the use of the turnpike
 1895 system as are required in order to provide a fund sufficient
 1896 with other revenues of the turnpike system to pay the cost of

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1897 maintaining, improving, repairing, and operating such turnpike
 1898 system; to pay the principal of and interest on all bonds issued
 1899 to finance or refinance any portion of the turnpike system as
 1900 the same become due and payable; and to create reserves for all
 1901 such purposes.

1902 (3)

1903 (c) Notwithstanding any other law to the contrary, the
 1904 department shall also assess an administrative fee of 25 cents
 1905 per month as an account maintenance charge to be applied against
 1906 any prepaid toll account of any kind which has remained inactive
 1907 for a period of at least 24 months but not longer than 48
 1908 months. As long as a zero or negative balance has not been
 1909 reached, the 25-cent administrative fee shall be charged in each
 1910 month of inactivity beginning the 25th month of inactivity and
 1911 continuing through the 48th month. When the 25-cent
 1912 administrative fee results in an account reaching a zero or
 1913 negative balance, the department shall close the account. If a
 1914 positive balance still remains in an account after the 48th
 1915 month, the balance shall be presumed unclaimed and its
 1916 disposition shall be handled by the Department of Financial
 1917 Services in accordance with all applicable provisions of chapter
 1918 717 relating to the disposition of unclaimed property, and the
 1919 prepaid toll account shall be closed by the department.

1920 Section 45. Subsection (2) of section 338.234, Florida
 1921 Statutes, is amended to read:

1922 338.234 Granting concessions or selling along the turnpike
 1923 system; immunity from taxation.—

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1924 (2) The effectuation of the authorized purposes of the
 1925 Strategic Intermodal System, created under ss. 339.61-339.65,
 1926 ~~Florida Intrastate Highway System~~ and Florida Turnpike
 1927 Enterprise, created under this chapter, is for the benefit of
 1928 the people of the state, for the increase of their commerce and
 1929 prosperity, and for the improvement of their health and living
 1930 conditions; and, because the system and enterprise perform
 1931 essential government functions in effectuating such purposes,
 1932 neither the turnpike enterprise nor any nongovernment lessee or
 1933 licensee renting, leasing, or licensing real property from the
 1934 turnpike enterprise, pursuant to an agreement authorized by this
 1935 section, are required to pay any commercial rental tax imposed
 1936 under s. 212.031 on any capital improvements constructed,
 1937 improved, acquired, installed, or used for such purposes.

1938 Section 46. Subsections (1), (2), and (3) of section
 1939 339.0805, Florida Statutes, are amended to read:

1940 339.0805 Funds to be expended with certified disadvantaged
 1941 business enterprises; ~~specified percentage to be expended;~~
 1942 construction management development program; bond guarantee
 1943 program.—It is the policy of the state to meaningfully assist
 1944 socially and economically disadvantaged business enterprises
 1945 through a program that will provide for the development of
 1946 skills through construction and business management training, as
 1947 well as by providing contracting opportunities and financial
 1948 assistance in the form of bond guarantees, to primarily remedy
 1949 the effects of past economic disparity.

1950 (1) (a) ~~Except to the extent that the head of the~~
 1951 ~~department determines otherwise,~~ The department shall expend not

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1952 ~~less than 10 percent of federal-aid highway funds as defined in~~
 1953 ~~49 C.F.R. part 26 s. 23.63(a) and state matching funds with~~
 1954 ~~small business concerns owned and controlled by socially and~~
 1955 ~~economically disadvantaged individuals as defined by the Safe,~~
 1956 ~~Accountable, Flexible, Efficient Transportation Equity Act: A~~
 1957 ~~Legacy for Users (SAFETEA-LU) Surface Transportation and Uniform~~
 1958 ~~Relocation Assistance Act of 1987.~~

1959 (b) Upon a determination by the department of past and
 1960 continuing discrimination in nonfederally funded projects on the
 1961 basis of race, color, creed, national origin, or sex, the
 1962 department may implement a program tailored to address specific
 1963 findings of disparity. The program may include the establishment
 1964 of annual goals for expending a percentage of state-administered
 1965 highway funds with small business concerns. The department may
 1966 utilize set-asides for small business concerns to assist in
 1967 achieving goals established pursuant to this subsection. For the
 1968 purpose of this subsection, the term "small business concern"
 1969 means a business owned and controlled by socially and
 1970 economically disadvantaged individuals as defined by the Safe,
 1971 Accountable, Flexible, Efficient Transportation Equity Act: A
 1972 Legacy for Users (SAFETEA-LU) Surface Transportation and Uniform
 1973 Relocation Assistance Act of 1987. The head of the department
 1974 may elect to set goals only when significant disparity is
 1975 documented. The findings of a disparity study shall be
 1976 considered in determining the program goals for each group
 1977 qualified to participate. ~~Such a study shall be conducted or~~
 1978 ~~updated by the department or its designee at a minimum of every~~

1979 ~~5 years. The department shall adopt rules to implement this~~
 1980 ~~subsection on or before October 1, 1993.~~

1981 (c) The department shall certify a socially and
 1982 economically disadvantaged business enterprise, ~~which~~
 1983 ~~certification shall be valid for 12 months, or as prescribed by~~
 1984 49 C.F.R. part 26 ~~23~~. The department's initial application for
 1985 certification for a socially and economically disadvantaged
 1986 business enterprise shall require sufficient information to
 1987 determine eligibility as a small business concern owned and
 1988 controlled by a socially and economically disadvantaged
 1989 individual. For continuing eligibility ~~recertification~~ of a
 1990 disadvantaged business enterprise, the department may accept an
 1991 affidavit, which meets department criteria as to form and
 1992 content, certifying that the business remains qualified for
 1993 certification in accordance with program requirements. A firm
 1994 which does not fulfill all the department's criteria for
 1995 certification may ~~shall~~ not be considered a disadvantaged
 1996 business enterprise. An applicant who is denied certification
 1997 may not reapply within 12 ~~6~~ months after issuance of the denial
 1998 letter ~~or the final order, whichever is later~~. The application
 1999 and financial information required by this section are
 2000 confidential and exempt from s. 119.07(1).

2001 (2) The department shall remove ~~revoke~~ the certification
 2002 of a disadvantaged business enterprise upon receipt of
 2003 notification of any change in ownership which results in the
 2004 disadvantaged individual or individuals used to qualify the
 2005 business as a disadvantaged business enterprise, no longer
 2006 owning at least 51 percent of the business enterprise. Such

2007 notification shall be made to the department by certified mail
 2008 within 30 ~~10~~ days after the change in ownership, ~~and such~~
 2009 ~~business shall be removed from the certified disadvantaged~~
 2010 ~~business list until a new application is submitted and approved~~
 2011 ~~by the department.~~ Failure to notify the department of the
 2012 change in the ownership which qualifies the business as a
 2013 disadvantaged business enterprise will also result in removal
 2014 ~~revocation~~ of certification and subject the business to the
 2015 provisions of s. 337.135. In addition, the department may, for
 2016 good cause, deny or remove ~~suspend~~ the certification of a
 2017 disadvantaged business enterprise. As used in this subsection,
 2018 the term "good cause" includes, but is not limited to, the
 2019 disadvantaged business enterprise:

- 2020 (a) No longer meeting the certification standards set
- 2021 forth in department rules;
- 2022 (b) Making a false, deceptive, or fraudulent statement in
- 2023 its application for certification or in any other information
- 2024 submitted to the department;
- 2025 (c) Failing to maintain the records required by department
- 2026 rules;
- 2027 (d) Failing to perform a commercially useful function on
- 2028 projects for which the enterprise was used to satisfy contract
- 2029 goals;
- 2030 (e) Failing to fulfill its contractual obligations with
- 2031 contractors;
- 2032 (f) Failing to respond with a statement of interest to
- 2033 requests for bid quotations from contractors for three
- 2034 consecutive lettings;

2035 ~~(g) Subcontracting to others more than 49 percent of the~~
 2036 ~~amount of any single subcontract that was used by the prime~~
 2037 ~~contractor to meet a contract goal;~~

2038 (g) ~~(h)~~ Failing to provide notarized certification of
 2039 payments received on specific projects to the prime contractor
 2040 when required to do so by contract specifications;

2041 (h) ~~(i)~~ Failing to schedule an onsite review upon request
 2042 of the department; or

2043 (i) ~~(j)~~ Becoming insolvent or the subject of a bankruptcy
 2044 proceeding.

2045 (3) The head of the department may ~~is authorized to~~ expend
 2046 up to 6 percent of the funds specified in subsection (1) which
 2047 are designated to be expended on small business firms owned and
 2048 controlled by socially and economically disadvantaged
 2049 individuals to conduct, by contract or otherwise, a construction
 2050 management development program. Participation in the program
 2051 will be limited to those firms which are certified under the
 2052 provisions of subsection (1) by the department or the federal
 2053 Small Business Administration or to any firm which meets the
 2054 definition of a small business in 49 C.F.R. s. 26.65 ~~has annual~~
 2055 ~~gross receipts not exceeding \$2 million averaged over a 3-year~~
 2056 ~~period.~~ The program shall ~~will~~ consist of classroom instruction
 2057 and on-the-job instruction. To the extent feasible, the
 2058 registration fee shall be set to cover the cost of instruction
 2059 and overhead. ~~No~~ Salary may not ~~will~~ be paid to any participant.

2060 Section 47. Paragraph (c) of subsection (4) and paragraph
 2061 (e) of subsection (7) of section 339.135, Florida Statutes, are
 2062 amended to read:

2063 339.135 Work program; legislative budget request;
 2064 definitions; preparation, adoption, execution, and amendment.—

2065 (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.—

2066 (c)1. For purposes of this section, the board of county
 2067 commissioners shall serve as the metropolitan planning
 2068 organization in those counties which are not located in a
 2069 metropolitan planning organization and shall be involved in the
 2070 development of the district work program to the same extent as a
 2071 metropolitan planning organization.

2072 2. The district work program shall be developed
 2073 cooperatively from the outset with the various metropolitan
 2074 planning organizations of the state and include, to the maximum
 2075 extent feasible, the project priorities of metropolitan planning
 2076 organizations which have been submitted to the district by
 2077 October 1 of each year pursuant to s. 339.175(8)(b); however,
 2078 the department and a metropolitan planning organization may, in
 2079 writing, cooperatively agree to vary this submittal date. To
 2080 assist the metropolitan planning organizations in developing
 2081 their lists of project priorities, the district shall disclose
 2082 to each metropolitan planning organization any anticipated
 2083 changes in the allocation or programming of state and federal
 2084 funds which may affect the inclusion of metropolitan planning
 2085 organization project priorities in the district work program.

2086 3. Prior to submittal of the district work program to the
 2087 central office, the district shall provide the affected
 2088 metropolitan planning organization with written justification
 2089 for any project proposed to be rescheduled or deleted from the
 2090 district work program which project is part of the metropolitan

2091 | planning organization's transportation improvement program and
 2092 | is contained in the last 4 years of the previous adopted work
 2093 | program. By no later than 14 days after submittal of the
 2094 | district work program to the central office, the affected
 2095 | metropolitan planning organization may file an objection to such
 2096 | rescheduling or deletion. When an objection is filed with the
 2097 | secretary, the rescheduling or deletion may ~~shall~~ not be
 2098 | included in the district work program unless the inclusion of
 2099 | such rescheduling or deletion is specifically approved by the
 2100 | secretary. The Florida Transportation Commission shall include
 2101 | such objections in its evaluation of the tentative work program
 2102 | only when the secretary has approved the rescheduling or
 2103 | deletion.

2104 | (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

2105 | (e) The department may amend the adopted work program to
 2106 | transfer fixed capital outlay appropriations for projects within
 2107 | the same appropriations category or between appropriations
 2108 | categories, including the following amendments which shall be
 2109 | subject to the procedures in paragraph (f):

2110 | 1. Any amendment which deletes any project or project
 2111 | phase estimated to cost over \$150,000;

2112 | 2. Any amendment which adds a project estimated to cost
 2113 | over \$500,000 ~~\$150,000~~ in funds appropriated by the Legislature;

2114 | 3. Any amendment which advances or defers to another
 2115 | fiscal year, a right-of-way phase, a construction phase, or a
 2116 | public transportation project phase estimated to cost over \$1.5
 2117 | million ~~\$500,000~~ in funds appropriated by the Legislature,
 2118 | except an amendment advancing a phase by 1 year to the current

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2119 fiscal year or deferring a phase for a period of 90 days or
 2120 less; or

2121 4. Any amendment which advances or defers to another
 2122 fiscal year, any preliminary engineering phase or design phase
 2123 estimated to cost over \$500,000 ~~\$150,000~~ in funds appropriated
 2124 by the Legislature, except an amendment advancing a phase by 1
 2125 year to the current fiscal year or deferring a phase for a
 2126 period of 90 days or less.

2127
 2128 Beginning July 1, 2013, the department shall index the budget
 2129 amendment threshold amounts established in this paragraph to the
 2130 Consumer Price Index or similar inflation indicators. Threshold
 2131 adjustments for inflation under this paragraph may be made no
 2132 more frequently than once a year. Adjustments for inflation are
 2133 subject to the notice and review procedures contained in s.
 2134 216.177.

2135 Section 48. Section 339.155, Florida Statutes, is amended
 2136 to read:

2137 339.155 Transportation planning.—

2138 (1) THE FLORIDA TRANSPORTATION PLAN.—The department shall
 2139 develop ~~and annually update~~ a statewide transportation plan, to
 2140 be known as the Florida Transportation Plan. The plan shall be
 2141 designed so as to be easily read and understood by the general
 2142 public. The plan shall consider the needs of the entire state
 2143 transportation system and examine the use of all modes of
 2144 transportation to effectively and efficiently meet such needs.
 2145 The purpose of the Florida Transportation Plan is to establish
 2146 and define the state's long-range transportation goals and

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2147 objectives to be accomplished over a period of at least 20 years
 2148 within the context of the State Comprehensive Plan, and any
 2149 other statutory mandates and authorizations and based upon the
 2150 prevailing principles of:

- 2151 (a) Preserving the existing transportation infrastructure.
- 2152 (b) Enhancing Florida's economic competitiveness.
- 2153 (c) Improving travel choices to ensure mobility.
- 2154 (d) Expanding the state's role as a hub for trade and
 2155 investment.

2156 (2) SCOPE OF PLANNING PROCESS.—The department shall carry
 2157 out a transportation planning process in conformance with s.
 2158 334.046(1) and 23 U.S.C. s. 135. ~~which provides for~~
 2159 ~~consideration of projects and strategies that will:~~

- 2160 ~~(a) Support the economic vitality of the United States,~~
 2161 ~~Florida, and the metropolitan areas, especially by enabling~~
 2162 ~~global competitiveness, productivity, and efficiency;~~
- 2163 ~~(b) Increase the safety and security of the transportation~~
 2164 ~~system for motorized and nonmotorized users;~~
- 2165 ~~(c) Increase the accessibility and mobility options~~
 2166 ~~available to people and for freight;~~
- 2167 ~~(d) Protect and enhance the environment, promote energy~~
 2168 ~~conservation, and improve quality of life;~~
- 2169 ~~(e) Enhance the integration and connectivity of the~~
 2170 ~~transportation system, across and between modes throughout~~
 2171 ~~Florida, for people and freight;~~
- 2172 ~~(f) Promote efficient system management and operation; and~~
- 2173 ~~(g) Emphasize the preservation of the existing~~
 2174 ~~transportation system.~~

2175 (3) FORMAT, SCHEDULE, AND REVIEW.—The Florida
 2176 Transportation Plan shall be a unified, concise planning
 2177 document that clearly defines the state's long-range
 2178 transportation goals and objectives ~~and documents the~~
 2179 ~~department's short-range objectives developed to further such~~
 2180 ~~goals and objectives.~~ The plan shall:

2181 (a) Include a glossary that clearly and succinctly defines
 2182 any and all phrases, words, or terms of art included in the
 2183 plan, with which the general public may be unfamiliar, ~~and shall~~
 2184 ~~consist of, at a minimum, the following components:~~

2185 (b) ~~(a) Document A long-range component documenting the~~
 2186 ~~goals and long-term objectives necessary to implement the~~
 2187 ~~results of the department's findings from its examination of the~~
 2188 ~~criteria listed in subsection (2), and s. 334.046(1), and 23~~
 2189 ~~U.S.C. s. 135. The long-range component must~~

2190 (c) Be developed in cooperation with the metropolitan
 2191 planning organizations and reconciled, to the maximum extent
 2192 feasible, with the long-range plans developed by metropolitan
 2193 planning organizations pursuant to s. 339.175. ~~The plan must~~
 2194 ~~also~~

2195 (d) Be developed in consultation with affected local
 2196 officials in nonmetropolitan areas and with any affected Indian
 2197 tribal governments. ~~The plan must~~

2198 (e) Provide an examination of transportation issues likely
 2199 to arise during at least a 20-year period. ~~The long-range~~
 2200 ~~component shall~~

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2201 (f) Be updated at least once every 5 years, or more often
2202 as necessary, to reflect substantive changes to federal or state
2203 law.

2204 ~~(b) A short range component documenting the short term~~
2205 ~~objectives and strategies necessary to implement the goals and~~
2206 ~~long term objectives contained in the long range component. The~~
2207 ~~short range component must define the relationship between the~~
2208 ~~long range goals and the short range objectives, specify those~~
2209 ~~objectives against which the department's achievement of such~~
2210 ~~goals will be measured, and identify transportation strategies~~
2211 ~~necessary to efficiently achieve the goals and objectives in the~~
2212 ~~plan. It must provide a policy framework within which the~~
2213 ~~department's legislative budget request, the strategic~~
2214 ~~information resource management plan, and the work program are~~
2215 ~~developed. The short range component shall serve as the~~
2216 ~~department's annual agency strategic plan pursuant to s.~~
2217 ~~186.021. The short range component shall be developed consistent~~
2218 ~~with available and forecasted state and federal funds. The~~
2219 ~~short range component shall also be submitted to the Florida~~
2220 ~~Transportation Commission.~~

2221 ~~(4) ANNUAL PERFORMANCE REPORT. The department shall~~
2222 ~~develop an annual performance report evaluating the operation of~~
2223 ~~the department for the preceding fiscal year. The report shall~~
2224 ~~also include a summary of the financial operations of the~~
2225 ~~department and shall annually evaluate how well the adopted work~~
2226 ~~program meets the short term objectives contained in the short~~
2227 ~~range component of the Florida Transportation Plan. This~~
2228 ~~performance report shall be submitted to the Florida~~

2229 ~~Transportation Commission and the legislative appropriations and~~
 2230 ~~transportation committees.~~

2231 (4)~~(5)~~ ADDITIONAL TRANSPORTATION PLANS.—

2232 (a) Upon request by local governmental entities, the
 2233 department may in its discretion develop and design
 2234 transportation corridors, arterial and collector streets,
 2235 vehicular parking areas, and other support facilities which are
 2236 consistent with the plans of the department for major
 2237 transportation facilities. The department may render to local
 2238 governmental entities or their planning agencies such technical
 2239 assistance and services as are necessary so that local plans and
 2240 facilities are coordinated with the plans and facilities of the
 2241 department.

2242 (b) Each regional planning council, as provided for in s.
 2243 186.504, or any successor agency thereto, shall develop, as an
 2244 element of its strategic regional policy plan, transportation
 2245 goals and policies. The transportation goals and policies must
 2246 be prioritized to comply with the prevailing principles provided
 2247 in subsection (1)~~(2)~~ and s. 334.046(1). The transportation
 2248 goals and policies shall be consistent, to the maximum extent
 2249 feasible, with the goals and policies of the metropolitan
 2250 planning organization and the Florida Transportation Plan. The
 2251 transportation goals and policies of the regional planning
 2252 council will be advisory only and shall be submitted to the
 2253 department and any affected metropolitan planning organization
 2254 for their consideration and comments. Metropolitan planning
 2255 organization plans and other local transportation plans shall be
 2256 developed consistent, to the maximum extent feasible, with the

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2257 regional transportation goals and policies. The regional
2258 planning council shall review urbanized area transportation
2259 plans and any other planning products stipulated in s. 339.175
2260 and provide the department and respective metropolitan planning
2261 organizations with written recommendations, which the department
2262 and the metropolitan planning organizations shall take under
2263 advisement. Further, the regional planning councils shall
2264 directly assist local governments that ~~which~~ are not part of a
2265 metropolitan area transportation planning process in the
2266 development of the transportation element of their comprehensive
2267 plans as required by s. 163.3177.

2268 (c) Regional transportation plans may be developed in
2269 regional transportation areas in accordance with an interlocal
2270 agreement entered into pursuant to s. 163.01 by two or more
2271 contiguous metropolitan planning organizations; one or more
2272 metropolitan planning organizations and one or more contiguous
2273 counties, none of which is a member of a metropolitan planning
2274 organization; a multicounty regional transportation authority
2275 created by or pursuant to law; two or more contiguous counties
2276 that are not members of a metropolitan planning organization; or
2277 metropolitan planning organizations comprised of three or more
2278 counties.

2279 (d) The interlocal agreement must, at a minimum, identify
2280 the entity that will coordinate the development of the regional
2281 transportation plan; delineate the boundaries of the regional
2282 transportation area; provide the duration of the agreement and
2283 specify how the agreement may be terminated, modified, or
2284 rescinded; describe the process by which the regional

2285 transportation plan will be developed; and provide how members
 2286 of the entity will resolve disagreements regarding
 2287 interpretation of the interlocal agreement or disputes relating
 2288 to the development or content of the regional transportation
 2289 plan. Such interlocal agreement shall become effective upon its
 2290 recordation in the official public records of each county in the
 2291 regional transportation area.

2292 (e) The regional transportation plan developed pursuant to
 2293 this section must, at a minimum, identify regionally significant
 2294 transportation facilities located within a regional
 2295 transportation area and contain a prioritized list of regionally
 2296 significant projects. The projects shall be adopted into the
 2297 capital improvements schedule of the local government
 2298 comprehensive plan pursuant to s. 163.3177(3).

2299 (5)~~(6)~~ PROCEDURES FOR PUBLIC PARTICIPATION IN
 2300 TRANSPORTATION PLANNING.—

2301 (a) During the development of the ~~long range component of~~
 2302 ~~the~~ Florida Transportation Plan and prior to substantive
 2303 revisions, the department shall provide citizens, affected
 2304 public agencies, representatives of transportation agency
 2305 employees, other affected employee representatives, private
 2306 providers of transportation, and other known interested parties
 2307 with an opportunity to comment on the proposed plan or
 2308 revisions. These opportunities shall include, at a minimum,
 2309 publishing a notice in the Florida Administrative Weekly and
 2310 within a newspaper of general circulation within the area of
 2311 each department district office.

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2312 (b) During development of major transportation
2313 improvements, such as those increasing the capacity of a
2314 facility through the addition of new lanes or providing new
2315 access to a limited or controlled access facility or
2316 construction of a facility in a new location, the department
2317 shall hold one or more hearings prior to the selection of the
2318 facility to be provided; prior to the selection of the site or
2319 corridor of the proposed facility; and prior to the selection of
2320 and commitment to a specific design proposal for the proposed
2321 facility. Such public hearings shall be conducted so as to
2322 provide an opportunity for effective participation by interested
2323 persons in the process of transportation planning and site and
2324 route selection and in the specific location and design of
2325 transportation facilities. The various factors involved in the
2326 decision or decisions and any alternative proposals shall be
2327 clearly presented so that the persons attending the hearing may
2328 present their views relating to the decision or decisions that
2329 ~~which~~ will be made.

2330 (c) Opportunity for design hearings:

2331 1. The department, prior to holding a design hearing,
2332 shall duly notify all affected property owners of record, as
2333 recorded in the property appraiser's office, by mail at least 20
2334 days prior to the date set for the hearing. The affected
2335 property owners shall be:

2336 a. Those whose property lies in whole or in part within
2337 300 feet on either side of the centerline of the proposed
2338 facility.

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2339 | b. Those who ~~whom~~ the department determines will be
 2340 | substantially affected environmentally, economically, socially,
 2341 | or safetywise.

2342 | 2. For each subsequent hearing, the department shall
 2343 | publish notice prior to the hearing date in a newspaper of
 2344 | general circulation for the area affected. These notices must be
 2345 | published twice, with the first notice appearing at least 15
 2346 | days, but no later than 30 days, before the hearing.

2347 | 3. A copy of the notice of opportunity for the hearing
 2348 | must be furnished to the United States Department of
 2349 | Transportation and to the appropriate departments of the state
 2350 | government at the time of publication.

2351 | 4. The opportunity for another hearing shall be afforded
 2352 | in any case when proposed locations or designs are so changed
 2353 | from those presented in the notices specified above or at a
 2354 | hearing as to have a substantially different social, economic,
 2355 | or environmental effect.

2356 | 5. The opportunity for a hearing shall be afforded in each
 2357 | case in which the department is in doubt as to whether a hearing
 2358 | is required.

2359 | Section 49. Paragraph (a) of subsection (4) and paragraph
 2360 | (b) of subsection (8) of section 339.175, Florida Statutes, are
 2361 | amended to read:

2362 | 339.175 Metropolitan planning organization.—

2363 | (4) APPORTIONMENT.—

2364 | (a) The Governor shall, with the agreement of the affected
 2365 | units of general-purpose local government as required by federal
 2366 | rules and regulations, apportion the membership on the

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2367 applicable M.P.O. among the various governmental entities within
 2368 the area. At the request of a majority of the affected units of
 2369 general-purpose local government comprising an M.P.O., the
 2370 Governor and a majority of units of general-purpose local
 2371 government serving on an M.P.O. shall cooperatively agree upon
 2372 and prescribe who may serve as an alternate member and a method
 2373 for appointing alternate members who may vote at any M.P.O.
 2374 meeting that an alternate member attends in place of a regular
 2375 member. The method shall be set forth as a part of the
 2376 interlocal agreement describing the M.P.O.'s membership or in
 2377 the M.P.O.'s operating procedures and bylaws. The governmental
 2378 entity so designated shall appoint the appropriate number of
 2379 members to the M.P.O. from eligible officials. Representatives
 2380 of the department shall serve as nonvoting advisers to ~~members~~
 2381 ~~of~~ the M.P.O. governing board. Additional nonvoting advisers may
 2382 be appointed by the M.P.O. as deemed necessary; however, to the
 2383 maximum extent feasible, each M.P.O. shall seek to appoint
 2384 nonvoting representatives of various multimodal forms of
 2385 transportation not otherwise represented by voting members of
 2386 the M.P.O. An M.P.O. shall appoint nonvoting advisers
 2387 representing major military installations located within the
 2388 jurisdictional boundaries of the M.P.O. upon the request of the
 2389 aforesaid major military installations and subject to the
 2390 agreement of the M.P.O. All nonvoting advisers may attend and
 2391 participate fully in governing board meetings but may ~~shall~~ not
 2392 ~~have a vote or and shall not~~ be members of the governing board.
 2393 The Governor shall review the composition of the M.P.O.
 2394 membership in conjunction with the decennial census as prepared

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2395 by the United States Department of Commerce, Bureau of the
2396 Census, and reapportion it as necessary to comply with
2397 subsection (3).

2398 (8) TRANSPORTATION IMPROVEMENT PROGRAM.—Each M.P.O. shall,
2399 in cooperation with the state and affected public transportation
2400 operators, develop a transportation improvement program for the
2401 area within the jurisdiction of the M.P.O. In the development of
2402 the transportation improvement program, each M.P.O. must provide
2403 the public, affected public agencies, representatives of
2404 transportation agency employees, freight shippers, providers of
2405 freight transportation services, private providers of
2406 transportation, representatives of users of public transit, and
2407 other interested parties with a reasonable opportunity to
2408 comment on the proposed transportation improvement program.

2409 (b) Each M.P.O. annually shall prepare a list of project
2410 priorities and shall submit the list to the appropriate district
2411 of the department by October 1 of each year; however, the
2412 department and a metropolitan planning organization may, in
2413 writing, agree to vary this submittal date. Beginning with the
2414 priority list submitted no later than October 1, 2013, if more
2415 than one M.P.O. exists within an urbanized area or a
2416 transportation management area designated by the secretary of
2417 the United States Department of Transportation, a single list of
2418 project priorities shall be developed and approved by the
2419 M.P.O.'s in the urbanized area. The list of project priorities
2420 must be formally reviewed by the technical and citizens'
2421 advisory committees, and approved by the M.P.O. or M.P.O.'s,
2422 before it is transmitted to the district. The approved list of

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2423 project priorities must be used by the district in developing
 2424 the district work program and must be used by each ~~the~~ M.P.O.
 2425 that approved the list in developing its transportation
 2426 improvement program. The annual list of project priorities must
 2427 be based upon project selection criteria that, at a minimum,
 2428 consider the following:

- 2429 1. The approved M.P.O. long-range transportation plan;
- 2430 2. The Strategic Intermodal System Plan developed under s.
 2431 339.64.
- 2432 3. The priorities developed pursuant to s. 339.2819(4).
- 2433 4. The results of the transportation management systems;
- 2434 and
- 2435 5. The M.P.O.'s public-involvement procedures.

2436 Section 50. Subsections (1), (2), and (3) of section
 2437 339.2819, Florida Statutes, are amended to read:

2438 339.2819 Transportation Regional Incentive Program.—

2439 (1) There is created within the Department of
 2440 Transportation a Transportation Regional Incentive Program for
 2441 the purpose of providing funds to improve regionally significant
 2442 transportation facilities in regional transportation areas
 2443 created pursuant to s. 339.155(4) ~~s. 339.155(5)~~.

2444 (2) The percentage of matching funds provided from the
 2445 Transportation Regional Incentive Program shall be up to 50
 2446 percent of project costs.

2447 (3) The department shall allocate funding available for
 2448 the Transportation Regional Incentive Program to the districts
 2449 based on a factor derived from equal parts of population and
 2450 motor fuel collections for eligible counties in regional

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2451 transportation areas created pursuant to s. 339.155(4) ~~s.~~
 2452 ~~339.155(5)~~.

2453 Section 51. Subsections (1) and (6) of section 339.62,
 2454 Florida Statutes, are amended to read:

2455 339.62 System components.—The Strategic Intermodal System
 2456 shall consist of appropriate components of:

2457 (1) Highway corridors ~~The Florida Intrastate Highway~~
 2458 ~~System~~ established under s. 339.65 ~~s. 338.001~~.

2459 (6) Other existing or planned corridors that serve a
 2460 statewide or interregional purpose.

2461 Section 52. Subsection (2) of section 339.63, Florida
 2462 Statutes, is amended to read:

2463 339.63 System facilities designated; additions and
 2464 deletions.—

2465 (2) The Strategic Intermodal System and the Emerging
 2466 Strategic Intermodal System include five ~~four~~ different types of
 2467 facilities that each form one component of an interconnected
 2468 transportation system which types include:

2469 (a) Existing or planned hubs that are ports and terminals
 2470 including airports, seaports, spaceports, passenger terminals,
 2471 and rail terminals serving to move goods or people between
 2472 Florida regions or between Florida and other markets in the
 2473 United States and the rest of the world.

2474 (b) Existing or planned corridors that are highways, rail
 2475 lines, waterways, and other exclusive-use facilities connecting
 2476 major markets within Florida or between Florida and other states
 2477 or nations.

2478 (c) Existing or planned intermodal connectors that are
 2479 highways, rail lines, waterways or local public transit systems
 2480 serving as connectors between the components listed in
 2481 paragraphs (a) and (b).

2482 (d) Existing or planned military access facilities that
 2483 are highways or rail lines linking Strategic Intermodal System
 2484 corridors to the state's strategic military installations.

2485 (e) ~~(d)~~ Existing or planned facilities that significantly
 2486 improve the state's competitive position to compete for the
 2487 movement of additional goods into and through this state.

2488 Section 53. Section 339.64, Florida Statutes, is amended
 2489 to read:

2490 339.64 Strategic Intermodal System Plan.—

2491 (1) The department shall develop, in cooperation with
 2492 metropolitan planning organizations, regional planning councils,
 2493 local governments, ~~the Statewide Intermodal Transportation~~
 2494 ~~Advisory Council~~ and other transportation providers, a Strategic
 2495 Intermodal System Plan. The plan shall be consistent with the
 2496 Florida Transportation Plan developed pursuant to s. 339.155 and
 2497 shall be updated at least once every 5 years, subsequent to
 2498 updates of the Florida Transportation Plan.

2499 (2) In association with the continued development of the
 2500 Strategic Intermodal System Plan, the Florida Transportation
 2501 Commission, as part of its work program review process, shall
 2502 conduct an annual assessment of the progress that the department
 2503 and its transportation partners have made in realizing the goals
 2504 of economic development, improved mobility, and increased
 2505 intermodal connectivity of the Strategic Intermodal System. The

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2506 Florida Transportation Commission shall coordinate with the
 2507 department, ~~the Statewide Intermodal Transportation Advisory~~
 2508 ~~Council~~, and other appropriate entities when developing this
 2509 assessment. The Florida Transportation Commission shall deliver
 2510 a report to the Governor and Legislature no later than 14 days
 2511 after the regular session begins, with recommendations as
 2512 necessary to fully implement the Strategic Intermodal System.

2513 (3) (a) During the development of updates to the Strategic
 2514 Intermodal System Plan, the department shall provide
 2515 metropolitan planning organizations, regional planning councils,
 2516 local governments, transportation providers, affected public
 2517 agencies, and citizens with an opportunity to participate in and
 2518 comment on the development of the update.

2519 (b) The department also shall coordinate with federal,
 2520 regional, and local partners the planning for the Strategic
 2521 Highway Network and the Strategic Rail Corridor Network
 2522 transportation facilities that either are included in the
 2523 Strategic Intermodal System or that provide a direct connection
 2524 between military installations and the Strategic Intermodal
 2525 System. In addition, the department shall coordinate with
 2526 regional and local partners to determine whether the roads ~~road~~
 2527 and other transportation infrastructure that connect military
 2528 installations to the Strategic Intermodal System, the Strategic
 2529 Highway Network, or the Strategic Rail Corridor are ~~is~~
 2530 regionally significant and should be included in the Strategic
 2531 Intermodal System Plan.

2532 (4) The Strategic Intermodal System Plan shall include the
 2533 following:

2534 (a) A needs assessment.

2535 (b) A project prioritization process.

2536 (c) A map of facilities designated as Strategic Intermodal
 2537 System facilities; facilities that are emerging in importance
 2538 and that are likely to become part of the system in the future;
 2539 and planned facilities that will meet the established criteria.

2540 (d) A finance plan based on reasonable projections of
 2541 anticipated revenues, including both 10-year and at least 20-
 2542 year cost-feasible components.

2543 (e) An assessment of the impacts of proposed improvements
 2544 to Strategic Intermodal System corridors on military
 2545 installations that are either located directly on the Strategic
 2546 Intermodal System or located on the Strategic Highway Network or
 2547 Strategic Rail Corridor Network.

2548 ~~(5) STATEWIDE INTERMODAL TRANSPORTATION ADVISORY COUNCIL.~~

2549 ~~(a) The Statewide Intermodal Transportation Advisory~~
 2550 ~~Council is created to advise and make recommendations to the~~
 2551 ~~Legislature and the department on policies, planning, and~~
 2552 ~~funding of intermodal transportation projects. The council's~~
 2553 ~~responsibilities shall include:~~

2554 ~~1. Advising the department on the policies, planning, and~~
 2555 ~~implementation of strategies related to intermodal~~
 2556 ~~transportation.~~

2557 ~~2. Providing advice and recommendations to the Legislature~~
 2558 ~~on funding for projects to move goods and people in the most~~
 2559 ~~efficient and effective manner for the State of Florida.~~

2560 ~~(b) MEMBERSHIP. Members of the Statewide Intermodal~~
 2561 ~~Transportation Advisory Council shall consist of the following:~~

2562 ~~1. Six intermodal industry representatives selected by the~~
 2563 ~~Governor as follows:~~

2564 ~~a. One representative from an airport involved in the~~
 2565 ~~movement of freight and people from their airport facility to~~
 2566 ~~another transportation mode.~~

2567 ~~b. One individual representing a fixed route, local-~~
 2568 ~~government transit system.~~

2569 ~~e. One representative from an intercity bus company~~
 2570 ~~providing regularly scheduled bus travel as determined by~~
 2571 ~~federal regulations.~~

2572 ~~d. One representative from a spaceport.~~

2573 ~~e. One representative from intermodal trucking companies.~~

2574 ~~f. One representative having command responsibilities of a~~
 2575 ~~major military installation.~~

2576 ~~2. Three intermodal industry representatives selected by~~
 2577 ~~the President of the Senate as follows:~~

2578 ~~a. One representative from major line railroads.~~

2579 ~~b. One representative from seaports listed in s. 311.09(1)~~
 2580 ~~from the Atlantic Coast.~~

2581 ~~e. One representative from an airport involved in the~~
 2582 ~~movement of freight and people from their airport facility to~~
 2583 ~~another transportation mode.~~

2584 ~~3. Three intermodal industry representatives selected by~~
 2585 ~~the Speaker of the House of Representatives as follows:~~

2586 ~~a. One representative from short line railroads.~~

2587 ~~b. One representative from seaports listed in s. 311.09(1)~~
 2588 ~~from the Gulf Coast.~~

2589 ~~e. One representative from intermodal trucking companies.~~
 2590 ~~In no event may this representative be employed by the same~~
 2591 ~~company that employs the intermodal trucking company~~
 2592 ~~representative selected by the Governor.~~

2593 ~~(c) Initial appointments to the council must be made no~~
 2594 ~~later than 30 days after the effective date of this section.~~

2595 ~~1. The initial appointments made by the President of the~~
 2596 ~~Senate and the Speaker of the House of Representatives shall~~
 2597 ~~serve terms concurrent with those of the respective appointing~~
 2598 ~~officer. Beginning January 15, 2005, and for all subsequent~~
 2599 ~~appointments, council members appointed by the President of the~~
 2600 ~~Senate and the Speaker of the House of Representatives shall~~
 2601 ~~serve 2-year terms, concurrent with the term of the respective~~
 2602 ~~appointing officer.~~

2603 ~~2. The initial appointees, and all subsequent appointees,~~
 2604 ~~made by the Governor shall serve 2-year terms.~~

2605 ~~3. Vacancies on the council shall be filled in the same~~
 2606 ~~manner as the initial appointments.~~

2607 ~~(d) Each member of the council shall be allowed one vote.~~
 2608 ~~The council shall select a chair from among its membership.~~
 2609 ~~Meetings shall be held at the call of the chair, but not less~~
 2610 ~~frequently than quarterly. The members of the council shall be~~
 2611 ~~reimbursed for per diem and travel expenses as provided in s.~~
 2612 ~~112.061.~~

2613 ~~(e) The department shall provide administrative staff~~
 2614 ~~support and shall ensure that council meetings are~~
 2615 ~~electronically recorded. Such recordings and all documents~~

2616 ~~received, prepared for, or used by the council in conducting its~~
 2617 ~~business shall be preserved pursuant to chapters 119 and 257.~~

2618 Section 54. Section 339.65, Florida Statutes, is created
 2619 to read:

2620 339.65 Strategic Intermodal System highway corridors.-

2621 (1) The department shall plan and develop Strategic
 2622 Intermodal System highway corridors, including limited and
 2623 controlled access facilities, allowing for high-speed and high-
 2624 volume traffic movements within the state. The primary function
 2625 of the corridors is to provide such traffic movements. Access to
 2626 abutting land is subordinate to this function, and such access
 2627 must be prohibited or highly regulated.

2628 (2) Strategic Intermodal System highway corridors shall
 2629 include facilities from the following components of the State
 2630 Highway System that meet the criteria adopted by the department
 2631 pursuant to s. 339.63:

- 2632 (a) Interstate highways.
- 2633 (b) The Florida Turnpike System.
- 2634 (c) Interregional and intercity limited access facilities.
- 2635 (d) Existing interregional and intercity arterial highways
 2636 previously upgraded or upgraded in the future to limited access
 2637 or controlled access facility standards.
- 2638 (e) New limited access facilities necessary to complete a
 2639 balanced statewide system.

2640 (3) The department shall adhere to the following policy
 2641 guidelines in the development of Strategic Intermodal System
 2642 highway corridors. The department shall:

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2643 (a) Make capacity improvements to existing facilities
2644 where feasible to minimize costs and environmental impacts.

2645 (b) Identify appropriate arterial highways in major
2646 transportation corridors for inclusion in a program to bring
2647 these facilities up to limited access or controlled access
2648 facility standards.

2649 (c) Coordinate proposed projects with appropriate limited
2650 access projects undertaken by expressway authorities and local
2651 governmental entities.

2652 (d) Maximize the use of limited access facility standards
2653 when constructing new arterial highways.

2654 (e) Identify appropriate new limited access highways for
2655 inclusion as a part of the Florida Turnpike System.

2656 (f) To the maximum extent feasible, ensure that proposed
2657 projects are consistent with approved local government
2658 comprehensive plans of the local jurisdictions in which such
2659 facilities are to be located and with the transportation
2660 improvement program of any metropolitan planning organization
2661 where such facilities are to be located.

2662 (4) The department shall develop and maintain a plan of
2663 Strategic Intermodal System highway corridor projects that are
2664 anticipated to be let to contract for construction within a time
2665 period of at least 20 years. The plan shall also identify when
2666 segments of the corridor will meet the standards and criteria
2667 developed pursuant to subsection (5).

2668 (5) The department shall establish the standards and
2669 criteria for the functional characteristics and design of

2670 facilities proposed as part of Strategic Intermodal System
 2671 highway corridors.

2672 (6) For the purposes of developing the proposed Strategic
 2673 Intermodal System highway corridors, beginning in fiscal year
 2674 2012-2013 and for each fiscal year thereafter, the minimum
 2675 amount allocated shall be based on the fiscal year 2003-2004
 2676 allocation of \$450 million adjusted annually by the change in
 2677 the Consumer Price Index for the prior fiscal year compared to
 2678 the Consumer Price Index for fiscal year 2003-2004.

2679 (7) Any project to be constructed as part of a Strategic
 2680 Intermodal System highway corridor shall be included in the
 2681 department's adopted work program. Any Strategic Intermodal
 2682 System highway corridor projects that are added to or deleted
 2683 from the previous adopted work program, or any modification to
 2684 Strategic Intermodal System highway corridor projects contained
 2685 in the previous adopted work program, shall be specifically
 2686 identified and submitted as a separate part of the tentative
 2687 work program.

2688 Section 55. Section 341.840, Florida Statutes, is amended
 2689 to read:

2690 341.840 Tax exemption.—

2691 (1) The exercise of the powers granted under ss. 341.8201-
 2692 341.842 ~~by this act~~ will be in all respects for the benefit of
 2693 the people of this state, for the increase of their commerce,
 2694 welfare, and prosperity, and for the improvement of their health
 2695 and living conditions. The design, construction, operation,
 2696 maintenance, and financing of a high-speed rail system by the
 2697 department authority, its agent, or the owner or lessee thereof,

2698 as herein authorized, constitutes the performance of an
 2699 essential public function.

2700 (2) (a) For the purposes of this section, the term
 2701 "department authority" does not include agents of the department
 2702 authority other than contractors who qualify as such pursuant to
 2703 subsection (7).

2704 (b) For the purposes of this section, any item or property
 2705 that is within the definition of the term "associated
 2706 development" in s. 341.8203(1) may ~~shall~~ not be considered ~~to be~~
 2707 part of the high-speed rail system as defined in s.
 2708 341.8203(3) ~~(6)~~.

2709 (3) (a) Purchases or leases of tangible personal property
 2710 or real property by the department authority, excluding agents
 2711 of the department authority, are exempt from taxes imposed by
 2712 chapter 212 as provided in s. 212.08(6). Purchases or leases of
 2713 tangible personal property that is incorporated into the high-
 2714 speed rail system as a component part thereof, as determined by
 2715 the department authority, by agents of the department authority
 2716 or the owner of the high-speed rail system are exempt from sales
 2717 or use taxes imposed by chapter 212. Leases, rentals, or
 2718 licenses to use real property granted to agents of the
 2719 department authority or the owner of the high-speed rail system
 2720 are exempt from taxes imposed by s. 212.031 if the real property
 2721 becomes part of such system. The exemptions granted in this
 2722 subsection do not apply to sales, leases, or licenses by the
 2723 department authority, agents of the authority, or the owner of
 2724 the high-speed rail system.

2725 (b) The exemption granted in paragraph (a) to purchases or
 2726 leases of tangible personal property by agents of the department
 2727 ~~authority~~ or by the owner of the high-speed rail system applies
 2728 only to property that becomes a component part of such system.
 2729 It does not apply to items, including, but not limited to,
 2730 cranes, bulldozers, forklifts, other machinery and equipment,
 2731 tools and supplies, or other items of tangible personal property
 2732 used in the construction, operation, or maintenance of the high-
 2733 speed rail system when such items are not incorporated into the
 2734 high-speed rail system as a component part thereof.

2735 (4) Any bonds or other security, and all notes, mortgages,
 2736 security agreements, letters of credit, or other instruments
 2737 that arise out of or are given to secure the repayment of bonds
 2738 or other security, issued by the department ~~authority~~, or on
 2739 behalf of the department ~~authority~~, their transfer, and the
 2740 income therefrom, including any profit made on the sale thereof,
 2741 shall at all times be free from taxation of every kind by the
 2742 state, the counties, and the municipalities and other political
 2743 subdivisions in the state. This subsection, however, does not
 2744 exempt from taxation or assessment the leasehold interest of a
 2745 lessee in any project or any other property or interest owned by
 2746 the lessee. The exemption granted by this subsection is not
 2747 applicable to any tax imposed by chapter 220 on interest income
 2748 or profits on the sale of debt obligations owned by
 2749 corporations.

2750 (5) When property of the department ~~authority~~ is leased to
 2751 another person or entity, the property shall be exempt from ad

2752 valorem taxation only if the use by the lessee qualifies the
 2753 property for exemption under s. 196.199.

2754 (6) A leasehold interest held by the department ~~authority~~
 2755 is not subject to intangible tax. However, if a leasehold
 2756 interest held by the department ~~authority~~ is subleased to a
 2757 nongovernmental lessee, such subleasehold interest shall be
 2758 deemed to be an interest described in s. 199.023(1)(d), Florida
 2759 Statutes 2005, and is subject to the intangible tax.

2760 (7)(a) In order to be considered an agent of the
 2761 department ~~authority~~ for purposes of the exemption from sales
 2762 and use tax granted by subsection (3) for tangible personal
 2763 property incorporated into the high-speed rail system, a
 2764 contractor of the department ~~authority~~ that purchases or
 2765 fabricates such tangible personal property must be certified by
 2766 the department ~~authority~~ as provided in this subsection.

2767 (b)1. A contractor must apply for a renewal of the
 2768 exemption not later than December 1 of each calendar year.

2769 2. A contractor must apply to the department ~~authority~~ on
 2770 the application form adopted by the department ~~authority~~, which
 2771 shall develop the form in consultation with the Department of
 2772 Revenue.

2773 3. The department ~~authority~~ shall review each submitted
 2774 application and determine whether it is complete. The department
 2775 ~~authority~~ shall notify the applicant of any deficiencies in the
 2776 application within 30 days. Upon receipt of a completed
 2777 application, the department ~~authority~~ shall evaluate the
 2778 application for exemption under this subsection and issue a
 2779 certification that the contractor is qualified to act as an

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2780 agent of the department ~~authority~~ for purposes of this section
 2781 or a denial of such certification within 30 days. The department
 2782 ~~authority~~ shall provide the Department of Revenue with a copy of
 2783 each certification issued upon approval of an application. Upon
 2784 receipt of a certification from the department ~~authority~~, the
 2785 Department of Revenue shall issue an exemption permit to the
 2786 contractor.

2787 (c)1. The contractor may extend a copy of its exemption
 2788 permit to its vendors in lieu of paying sales tax on purchases
 2789 of tangible personal property qualifying for exemption under
 2790 this section. Possession of a copy of the exemption permit
 2791 relieves the seller of the responsibility of collecting tax on
 2792 the sale, and the Department of Revenue shall look solely to the
 2793 contractor for recovery of tax upon a determination that the
 2794 contractor was not entitled to the exemption.

2795 2. The contractor may extend a copy of its exemption
 2796 permit to real property subcontractors supplying and installing
 2797 tangible personal property that is exempt under subsection (3).
 2798 Any such subcontractor may ~~is authorized to~~ extend a copy of the
 2799 permit to the subcontractor's vendors in order to purchase
 2800 qualifying tangible personal property tax-exempt. If the
 2801 subcontractor uses the exemption permit to purchase tangible
 2802 personal property that is determined not to qualify for
 2803 exemption under subsection (3), the Department of Revenue may
 2804 assess and collect any tax, penalties, and interest that are due
 2805 from either the contractor holding the exemption permit or the
 2806 subcontractor that extended the exemption permit to the seller.

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2807 (d) Any contractor authorized to act as an agent of the
2808 department ~~authority~~ under this section shall maintain the
2809 necessary books and records to document the exempt status of
2810 purchases and fabrication costs made or incurred under the
2811 permit. In addition, an authorized contractor extending its
2812 exemption permit to its subcontractors shall maintain a copy of
2813 the subcontractor's books, records, and invoices indicating all
2814 purchases made by the subcontractor under the authorized
2815 contractor's permit. If, in an audit conducted by the Department
2816 of Revenue, it is determined that tangible personal property
2817 purchased or fabricated claiming exemption under this section
2818 does not meet the criteria for exemption, the amount of taxes
2819 not paid at the time of purchase or fabrication shall be
2820 immediately due and payable to the Department of Revenue,
2821 together with the appropriate interest and penalty, computed
2822 from the date of purchase, in the manner prescribed by chapter
2823 212.

2824 (e) If a contractor fails to apply for a high-speed rail
2825 system exemption permit, or if a contractor initially determined
2826 by the department ~~authority~~ to not qualify for exemption is
2827 subsequently determined to be eligible, the contractor shall
2828 receive the benefit of the exemption in this subsection through
2829 a refund of previously paid taxes for transactions that
2830 otherwise would have been exempt. A refund may not be made for
2831 such taxes without the issuance of a certification by the
2832 department ~~authority~~ that the contractor was authorized to make
2833 purchases tax-exempt and a determination by the Department of
2834 Revenue that the purchases qualified for the exemption.

2835 (f) The department ~~authority~~ may adopt rules governing the
 2836 application process for exemption of a contractor as an
 2837 authorized agent of the department ~~authority~~.

2838 (g) The Department of Revenue may adopt rules governing
 2839 the issuance and form of high-speed rail system exemption
 2840 permits, the audit of contractors and subcontractors using such
 2841 permits, the recapture of taxes on nonqualified purchases, and
 2842 the manner and form of refund applications.

2843 Section 56. Subsection (3) of section 343.52, Florida
 2844 Statutes, is amended to read:

2845 343.52 Definitions.—As used in this part, the term:

2846 (3) "Area served" means Miami-Dade, Broward, and Palm
 2847 Beach Counties. ~~However, this area may be expanded by mutual~~
 2848 ~~consent of the authority and the board of county commissioners~~
 2849 ~~representing the proposed expansion area.~~

2850 Section 57. Section 343.53, Florida Statutes, is amended
 2851 to read:

2852 343.53 South Florida Regional Transportation Authority.—

2853 (1) There is created and established a body politic and
 2854 corporate, an agency of the state, to be known as the "South
 2855 Florida Regional Transportation Authority," hereinafter referred
 2856 to as the "authority."

2857 (2) The governing board of the authority shall consist of
 2858 seven ~~nine~~ voting members, as follows:

2859 (a) The county commissions of Miami-Dade, Broward, and
 2860 Palm Beach Counties shall each elect a commissioner as that
 2861 commission's representative on the board. The commissioner must
 2862 be a member of the county commission when elected and for the

2863 full extent of his or her term.

2864 ~~(b) The county commissions of Miami-Dade, Broward, and~~
 2865 ~~Palm Beach Counties shall each appoint a citizen member to the~~
 2866 ~~board who is not a member of the county commission but who is a~~
 2867 ~~resident of the county from which he or she is appointed and a~~
 2868 ~~qualified elector of that county. Insofar as practicable, the~~
 2869 ~~citizen member shall represent the business and civic interests~~
 2870 ~~of the community.~~

2871 (b)(e) The secretary of the Department of Transportation
 2872 shall appoint one of the district secretaries, or his or her
 2873 designee, for the districts within which the area served by the
 2874 South Florida Regional Transportation Authority is located.

2875 ~~(d) If the authority's service area is expanded pursuant~~
 2876 ~~to s. 343.54(5), the county containing the new service area~~
 2877 ~~shall have three members appointed to the board as follows:~~

2878 1. ~~The county commission of the county shall elect a~~
 2879 ~~commissioner as that commission's representative on the board.~~
 2880 ~~The commissioner must be a member of the county commission when~~
 2881 ~~elected and for the full extent of his or her term.~~

2882 2. ~~The county commission of the county shall appoint a~~
 2883 ~~citizen member to the board who is not a member of the county~~
 2884 ~~commission but who is a resident and a qualified elector of that~~
 2885 ~~county. Insofar as is practicable, the citizen member shall~~
 2886 ~~represent the business and civic interests of the community.~~

2887 3. ~~The Governor shall appoint a citizen member to the~~
 2888 ~~board who is not a member of the county commission but who is a~~
 2889 ~~resident and a qualified elector of that county.~~

2890 (c)(e) The Governor shall appoint three ~~two~~ members to the

2891 board who are residents and qualified electors in the area
 2892 served by the authority but who are not residents of the same
 2893 county ~~and also not residents of the county in which the~~
 2894 ~~district secretary who was appointed pursuant to paragraph (c)~~
 2895 ~~is a resident.~~

2896 (3) ~~(a)~~ Members of the governing board of the authority
 2897 shall be appointed to serve 4-year staggered terms, except that
 2898 the terms of the appointees of the Governor shall be concurrent.

2899 ~~(b) The terms of the board members currently serving on~~
 2900 ~~the authority that is being succeeded by this act shall expire~~
 2901 ~~July 30, 2003, at which time the terms of the members appointed~~
 2902 ~~pursuant to subsection (2) shall commence. The Governor shall~~
 2903 ~~make his or her appointments to the board within 30 days after~~
 2904 ~~July 30, 2003.~~

2905 (4) A vacancy during a term shall be filled by the
 2906 respective appointing authority in the same manner as the
 2907 original appointment and only for the balance of the unexpired
 2908 term.

2909 (5) The members of the authority shall serve without
 2910 compensation, but are entitled to reimbursement for travel
 2911 expenses actually incurred in their duties as provided by law.

2912 Section 58. Paragraph (c) of subsection (4) of section
 2913 348.0003, Florida Statutes, is amended to read:

2914 348.0003 Expressway authority; formation; membership.—

2915 (4)

2916 (c) Members of each expressway authority, transportation
 2917 authority, bridge authority, or toll authority, created pursuant
 2918 to this chapter, chapter 343, ~~or chapter 349~~ or any other

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2919 general law, ~~legislative enactment~~ shall comply with the
 2920 applicable financial disclosure requirements of s. 8, Art. II of
 2921 the State Constitution. This paragraph does not subject any
 2922 statutorily created authority, other than an expressway
 2923 authority created under this part, to any other requirement of
 2924 this part except the requirement of this paragraph.

2925 Section 59. Subsection (3) of section 349.03, Florida
 2926 Statutes, is amended to read:

2927 349.03 Jacksonville Transportation Authority.—

2928 (3) (a) The terms of appointed members shall be for 4 years
 2929 deemed to have commenced on June 1 of the year in which they are
 2930 appointed. Each member shall hold office until a successor has
 2931 been appointed and has qualified. A vacancy during a term shall
 2932 be filled by the respective appointing authority only for the
 2933 balance of the unexpired term. Any member appointed to the
 2934 authority for two consecutive full terms shall not be eligible
 2935 for appointment to the next succeeding term. One of the members
 2936 so appointed shall be designated annually by the members as
 2937 chair of the authority, one member shall be designated annually
 2938 as the vice chair of the authority, one member shall be
 2939 designated annually as the secretary of the authority, and one
 2940 member shall be designated annually as the treasurer of the
 2941 authority. The members of the authority shall not be entitled to
 2942 compensation, but shall be reimbursed for travel expenses or
 2943 other expenses actually incurred in their duties as provided by
 2944 law. Four voting members of the authority shall constitute a
 2945 quorum, and no resolution adopted by the authority shall become
 2946 effective unless with the affirmative vote of at least four

2947 | members. Members of the authority shall file as their mandatory
 2948 | financial disclosure a statement of financial interest with the
 2949 | Commission on Ethics as provided in s. 112.3145.

2950 | **(b)** The authority shall employ an executive director, and
 2951 | the executive director may hire such staff, permanent or
 2952 | temporary, as he or she may determine and may organize the staff
 2953 | of the authority into such departments and units as he or she
 2954 | may determine. The executive director may appoint department
 2955 | directors, deputy directors, division chiefs, and staff
 2956 | assistants to the executive director, as he or she may
 2957 | determine. In so appointing the executive director, the
 2958 | authority may fix the compensation of such appointee, who shall
 2959 | serve at the pleasure of the authority. All employees of the
 2960 | authority shall be exempt from the provisions of part II of
 2961 | chapter 110. The authority may employ such financial advisers
 2962 | and consultants, technical experts, engineers, and agents and
 2963 | employees, permanent or temporary, as it may require and may fix
 2964 | the compensation and qualifications of such persons, firms, or
 2965 | corporations. The authority may delegate to one or more of its
 2966 | agents or employees such of its powers as it shall deem
 2967 | necessary to carry out the purposes of this chapter, subject
 2968 | always to the supervision and control of the governing body of
 2969 | the authority.

2970 | Section 60. Subsection (8) is added to section 349.04,
 2971 | Florida Statutes, to read:

2972 | 349.04 Purposes and powers.—

2973 | (8) The authority may conduct public meetings and
 2974 | workshops by means of communications media technology, as

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2975 provided in s. 120.54(5). However, a resolution, rule, or formal
 2976 action is not binding unless a quorum is physically present at
 2977 the noticed meeting location, and only members physically
 2978 present may vote on any item.

2979 Section 61. Subsection (6) is added to section 373.413,
 2980 Florida Statutes, to read:

2981 373.413 Permits for construction or alteration.—

2982 (6) It is the intent of the Legislature that the governing
 2983 board or department exercise flexibility in the permitting of
 2984 stormwater management systems associated with the construction
 2985 or alteration of systems serving state transportation projects
 2986 and facilities. Because of the unique limitations of linear
 2987 facilities, the governing board or department shall balance the
 2988 expenditure of public funds for stormwater treatment for state
 2989 transportation projects and facilities with the benefits to the
 2990 public in providing the most cost-efficient and effective method
 2991 of achieving the treatment objectives. In consideration thereof,
 2992 the governing board or department shall allow alternatives to
 2993 onsite treatment, including, but not limited to, regional
 2994 stormwater treatment systems. The Department of Transportation
 2995 is responsible for treating stormwater generated from state
 2996 transportation projects but is not responsible for the abatement
 2997 of pollutants and flows entering its stormwater management
 2998 systems from offsite sources; however, this subsection does not
 2999 prohibit the Department of Transportation from receiving and
 3000 managing such pollutants and flows when cost-effective and
 3001 prudent. Further, in association with right-of-way acquisition
 3002 for state transportation projects, the Department of

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3003 Transportation is responsible for providing stormwater treatment
 3004 and attenuation for the acquired right-of-way but is not
 3005 responsible for modifying permits for adjacent lands affected by
 3006 right-of-way acquisition when it is not the permittee. The
 3007 governing board or department may establish, by rule, specific
 3008 criteria to implement the management and treatment alternatives
 3009 and activities under this subsection.

3010 Section 62. Subsections (1) through (5) of section
 3011 373.4137, Florida Statutes, are amended to read:

3012 373.4137 Mitigation requirements for specified
 3013 transportation projects.—

3014 (1) The Legislature finds that environmental mitigation
 3015 for the impact of transportation projects proposed by the
 3016 Department of Transportation or a transportation authority
 3017 established pursuant to chapter 348 or chapter 349 can be more
 3018 effectively achieved by regional, long-range mitigation planning
 3019 rather than on a project-by-project basis. It is the intent of
 3020 the Legislature that mitigation to offset the adverse effects of
 3021 these transportation projects be funded by the Department of
 3022 Transportation and be carried out by the water management
 3023 districts, including the use of mitigation banks and any other
 3024 mitigation options that satisfy state and federal requirements
 3025 ~~established pursuant to this part.~~

3026 (2) Environmental impact inventories for transportation
 3027 projects proposed by the Department of Transportation or a
 3028 transportation authority established pursuant to chapter 348 or
 3029 chapter 349 shall be developed as follows:

3030 (a) By July 1 of each year, the Department of
 3031 Transportation or a transportation authority established
 3032 pursuant to chapter 348 or chapter 349 which chooses to
 3033 participate in this program shall submit to the water management
 3034 districts a list ~~copy~~ of its projects in the adopted work
 3035 program and an environmental impact inventory of habitats
 3036 addressed in the rules adopted pursuant to this part and s. 404
 3037 of the Clean Water Act, 33 U.S.C. s. 1344, which may be impacted
 3038 by its plan of construction for transportation projects in the
 3039 next 3 years of the tentative work program. The Department of
 3040 Transportation or a transportation authority established
 3041 pursuant to chapter 348 or chapter 349 may also include in its
 3042 environmental impact inventory the habitat impacts of any future
 3043 transportation project. The Department of Transportation and
 3044 each transportation authority established pursuant to chapter
 3045 348 or chapter 349 may fund any mitigation activities for future
 3046 projects using current year funds.

3047 (b) The environmental impact inventory shall include a
 3048 description of these habitat impacts, including their location,
 3049 acreage, and type; state water quality classification of
 3050 impacted wetlands and other surface waters; any other state or
 3051 regional designations for these habitats; and a list ~~survey~~ of
 3052 threatened species, endangered species, and species of special
 3053 concern affected by the proposed project.

3054 (3)(a) To fund development and implementation of the
 3055 mitigation plan for the projected impacts identified in the
 3056 environmental impact inventory described in subsection (2), the
 3057 Department of Transportation shall identify funds quarterly in

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3058 | an escrow account within the State Transportation Trust Fund for
3059 | the environmental mitigation phase of projects budgeted by the
3060 | Department of Transportation for the current fiscal year. The
3061 | escrow account shall be maintained by the Department of
3062 | Transportation for the benefit of the water management
3063 | districts. Any interest earnings from the escrow account shall
3064 | remain with the Department of Transportation.

3065 | (b) Each transportation authority established pursuant to
3066 | chapter 348 or chapter 349 that chooses to participate in this
3067 | program shall create an escrow account within its financial
3068 | structure and deposit funds in the account to pay for the
3069 | environmental mitigation phase of projects budgeted for the
3070 | current fiscal year. The escrow account shall be maintained by
3071 | the authority for the benefit of the water management districts.
3072 | Any interest earnings from the escrow account shall remain with
3073 | the authority.

3074 | (c) Except for current mitigation projects in the
3075 | monitoring and maintenance phase and except as allowed by
3076 | paragraph (d), the water management districts may request a
3077 | transfer of funds from an escrow account no sooner than 30 days
3078 | prior to the date the funds are needed to pay for activities
3079 | associated with development or implementation of the approved
3080 | mitigation plan described in subsection (4) for the current
3081 | fiscal year, including, but not limited to, design, engineering,
3082 | production, and staff support. Actual conceptual plan
3083 | preparation costs incurred before plan approval may be submitted
3084 | to the Department of Transportation or the appropriate
3085 | transportation authority each year with the plan. The conceptual

3086 plan preparation costs of each water management district shall
 3087 ~~will~~ be paid from mitigation funds associated with the
 3088 environmental impact inventory for the current year. The amount
 3089 transferred to the escrow accounts each year by the Department
 3090 of Transportation and participating transportation authorities
 3091 established pursuant to chapter 348 or chapter 349 shall
 3092 correspond to a cost per acre of \$75,000 multiplied by the
 3093 projected acres of impact identified in the environmental impact
 3094 inventory described in subsection (2). However, the \$75,000 cost
 3095 per acre does not constitute an admission against interest by
 3096 the state or its subdivisions nor is the cost admissible as
 3097 evidence of full compensation for any property acquired by
 3098 eminent domain or through inverse condemnation. Each July 1, the
 3099 cost per acre shall be adjusted by the percentage change in the
 3100 average of the Consumer Price Index issued by the United States
 3101 Department of Labor for the most recent 12-month period ending
 3102 September 30, compared to the base year average, which is the
 3103 average for the 12-month period ending September 30, 1996. Each
 3104 quarter, the projected acreage of impact shall be reconciled
 3105 with the acreage of impact of projects as permitted, including
 3106 permit modifications, pursuant to this part and s. 404 of the
 3107 Clean Water Act, 33 U.S.C. s. 1344. The subject year's transfer
 3108 of funds shall be adjusted accordingly to reflect the acreage of
 3109 impacts as permitted. The Department of Transportation and
 3110 participating transportation authorities established pursuant to
 3111 chapter 348 or chapter 349 may ~~are authorized to~~ transfer such
 3112 funds from the escrow accounts to the water management districts
 3113 to carry out the mitigation programs. Environmental mitigation

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3114 funds that are identified for or maintained in an escrow account
3115 for the benefit of a water management district may be released
3116 if the associated transportation project is excluded in whole or
3117 part from the mitigation plan. For a mitigation project that is
3118 in the maintenance and monitoring phase, the water management
3119 district may request and receive a one-time payment based on the
3120 project's expected future maintenance and monitoring costs. Upon
3121 disbursement of the final maintenance and monitoring payment,
3122 the obligation of the Department of Transportation or the
3123 participating transportation authority is satisfied, the water
3124 management district has continuing responsibility for the
3125 mitigation project, and the escrow account for the project
3126 established by the Department of Transportation or the
3127 participating transportation authority may be closed. Any
3128 interest earned on these disbursed funds shall remain with the
3129 water management district and must be used as authorized under
3130 this section.

3131 (d) Beginning in the 2005-2006 fiscal year, each water
3132 management district shall be paid a lump-sum amount of \$75,000
3133 per acre, adjusted as provided under paragraph (c), for
3134 federally funded transportation projects that are included on
3135 the environmental impact inventory and that have an approved
3136 mitigation plan. Beginning in the 2009-2010 fiscal year, each
3137 water management district shall be paid a lump-sum amount of
3138 \$75,000 per acre, adjusted as provided under paragraph (c), for
3139 federally funded and nonfederally funded transportation projects
3140 that have an approved mitigation plan. All mitigation costs,
3141 including, but not limited to, the costs of preparing conceptual

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3142 plans and the costs of design, construction, staff support,
3143 future maintenance, and monitoring the mitigated acres shall be
3144 funded through these lump-sum amounts.

3145 (4) Before ~~Prior to~~ March 1 of each year, each water
3146 management district, in consultation with the Department of
3147 Environmental Protection, the United States Army Corps of
3148 Engineers, the Department of Transportation, participating
3149 transportation authorities established pursuant to chapter 348
3150 or chapter 349, and other appropriate federal, state, and local
3151 governments, and other interested parties, including entities
3152 operating mitigation banks, shall develop a plan for the primary
3153 purpose of complying with the mitigation requirements adopted
3154 pursuant to this part and 33 U.S.C. s. 1344. In developing such
3155 plans, the districts shall utilize sound ecosystem management
3156 practices to address significant water resource needs and shall
3157 focus on activities of the Department of Environmental
3158 Protection and the water management districts, such as surface
3159 water improvement and management (SWIM) projects and lands
3160 identified for potential acquisition for preservation,
3161 restoration or enhancement, and the control of invasive and
3162 exotic plants in wetlands and other surface waters, to the
3163 extent that such activities comply with the mitigation
3164 requirements adopted under this part and 33 U.S.C. s. 1344. In
3165 determining the activities to be included in such plans, the
3166 districts shall also consider the purchase of credits from
3167 public or private mitigation banks permitted under s. 373.4136
3168 and associated federal authorization and shall include such
3169 purchase as a part of the mitigation plan when such purchase

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3170 would offset the impact of the transportation project, provide
3171 equal benefits to the water resources than other mitigation
3172 options being considered, and provide the most cost-effective
3173 mitigation option. The mitigation plan shall be submitted to the
3174 water management district governing board, or its designee, for
3175 review and approval. At least 14 days prior to approval, the
3176 water management district shall provide a copy of the draft
3177 mitigation plan to any person who has requested a copy.

3178 (a) For each transportation project with a funding request
3179 for the next fiscal year, the mitigation plan must include a
3180 brief explanation of why a mitigation bank was or was not chosen
3181 as a mitigation option, including an estimation of identifiable
3182 costs of the mitigation bank and nonbank options to the extent
3183 practicable.

3184 (b) Specific projects may be excluded from the mitigation
3185 plan, in whole or in part, and are ~~shall~~ not be subject to this
3186 section upon the election agreement of the Department of
3187 Transportation, ~~or~~ a transportation authority if applicable, or
3188 and the appropriate water management district ~~that the inclusion~~
3189 ~~of such projects would hamper the efficiency or timeliness of~~
3190 ~~the mitigation planning and permitting process. The water~~
3191 ~~management district may choose to exclude a project in whole or~~
3192 ~~in part if the district is unable to identify mitigation that~~
3193 ~~would offset impacts of the project.~~

3194 (5) The water management district shall ensure ~~be~~
3195 ~~responsible for ensuring~~ that mitigation requirements pursuant
3196 to 33 U.S.C. s. 1344 are met for the impacts identified in the
3197 environmental impact inventory described in subsection (2), by

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3198 implementation of the approved plan described in subsection (4)
 3199 to the extent funding is provided by the Department of
 3200 Transportation, or a transportation authority established
 3201 pursuant to chapter 348 or chapter 349, if applicable. During
 3202 the federal permitting process, the water management district
 3203 may deviate from the approved mitigation plan in order to comply
 3204 with federal permitting requirements.

3205 Section 63. The Department of Transportation may seek
 3206 Federal Highway Administration approval of a tourist-oriented
 3207 commerce sign pilot program for small businesses, as defined in
 3208 s. 288.703, Florida Statutes, in rural areas of critical
 3209 economic concern, as defined by s. 288.0656(2)(d) and (e),
 3210 Florida Statutes. Upon Federal Highway Administration approval,
 3211 the department shall submit the pilot program for legislative
 3212 approval in the next regular legislative session.

3213 Section 64. Subsection (7) of section 215.616, Florida
 3214 Statutes, is amended to read:

3215 215.616 State bonds for federal aid highway construction.-
 3216 ~~(7) Up to \$325 million in bonds may be issued for the~~
 3217 ~~Mobility 2000 Initiative with emphasis on the Florida Intrastate~~
 3218 ~~Highway System to advance projects in the most cost-effective~~
 3219 ~~manner and to support emergency evacuation, improved access to~~
 3220 ~~urban areas, or the enhancement of trade and economic growth~~
 3221 ~~corridors of statewide and regional significance which promote~~
 3222 ~~Florida's economic growth.~~

3223 Section 65. Subsection (3) of section 288.063, Florida
 3224 Statutes, is amended to read:

3225 288.063 Contracts for transportation projects.-

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3226 (3) With respect to any contract executed pursuant to this
3227 section, the term "transportation project" means a
3228 transportation facility as defined in s. 334.03(30) ~~s.~~
3229 ~~334.03(31)~~ which is necessary in the judgment of the department
3230 to facilitate the economic development and growth of the state.
3231 Such transportation projects shall be approved only as a
3232 consideration to attract new employment opportunities to the
3233 state or expand or retain employment in existing companies
3234 operating within the state, or to allow for the construction or
3235 expansion of a state or federal correctional facility in a
3236 county having ~~with~~ a population of 75,000 or less that creates
3237 new employment opportunities or expands or retains employment in
3238 the county. The department shall institute procedures to ensure
3239 that small and minority businesses have equal access to funding
3240 provided under this section. Funding for approved transportation
3241 projects may include any expenses, other than administrative
3242 costs and equipment purchases specified in the contract,
3243 necessary for new, or improvement to existing, transportation
3244 facilities. Funds made available pursuant to this section may
3245 not be expended in connection with the relocation of a business
3246 from one community to another community in this state unless the
3247 department determines that without such relocation the business
3248 will move outside this state or determines that the business has
3249 a compelling economic rationale for the relocation which creates
3250 additional jobs. Subject to appropriation for projects under
3251 this section, any appropriation greater than \$10 million shall
3252 be allocated to each of the districts of the Department of
3253 Transportation to ensure equitable geographical distribution.

3254 Such allocated funds that remain uncommitted by the third
 3255 quarter of the fiscal year shall be reallocated among the
 3256 districts based on pending project requests.

3257 Section 66. Subsection (2) of section 311.22, Florida
 3258 Statutes, is amended to read:

3259 311.22 Additional authorization for funding certain
 3260 dredging projects.—

3261 (2) The council shall adopt rules for evaluating the
 3262 projects that may be funded pursuant to this section. The rules
 3263 must provide criteria for evaluating the economic benefit of the
 3264 project. The rules must include the creation of an
 3265 administrative review process by the council which is similar to
 3266 the process described in s. 311.09(5)-(11) ~~s. 311.09(5)-(12)~~,
 3267 and provide for a review by the Department of Transportation and
 3268 the Department of Economic Opportunity of all projects submitted
 3269 for funding under this section.

3270 Section 67. Section 316.2122, Florida Statutes, is amended
 3271 to read:

3272 316.2122 Operation of a low-speed vehicle or mini truck on
 3273 certain roadways.—The operation of a low-speed vehicle as
 3274 defined in s. 320.01(42) or a mini truck as defined in s.
 3275 320.01(45) on any road ~~as defined in s. 334.03(15) or (33)~~ is
 3276 authorized with the following restrictions:

3277 (1) A low-speed vehicle or mini truck may be operated only
 3278 on streets where the posted speed limit is 35 miles per hour or
 3279 less. This does not prohibit a low-speed vehicle or mini truck
 3280 from crossing a road or street at an intersection where the road

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3281 or street has a posted speed limit of more than 35 miles per
 3282 hour.

3283 (2) A low-speed vehicle must be equipped with headlamps,
 3284 stop lamps, turn signal lamps, taillamps, reflex reflectors,
 3285 parking brakes, rearview mirrors, windshields, seat belts, and
 3286 vehicle identification numbers.

3287 (3) A low-speed vehicle or mini truck must be registered
 3288 and insured in accordance with s. 320.02 and titled pursuant to
 3289 chapter 319.

3290 (4) Any person operating a low-speed vehicle or mini truck
 3291 must have in his or her possession a valid driver's license.

3292 (5) A county or municipality may prohibit the operation of
 3293 low-speed vehicles or mini trucks on any road under its
 3294 jurisdiction if the governing body of the county or municipality
 3295 determines that such prohibition is necessary in the interest of
 3296 safety.

3297 (6) The Department of Transportation may prohibit the
 3298 operation of low-speed vehicles or mini trucks on any road under
 3299 its jurisdiction if it determines that such prohibition is
 3300 necessary in the interest of safety.

3301 Section 68. Section 318.12, Florida Statutes, is amended
 3302 to read:

3303 318.12 Purpose.—It is the legislative intent in the
 3304 adoption of this chapter to decriminalize certain violations of
 3305 chapter 316, the Florida Uniform Traffic Control Law; chapter
 3306 320, Motor Vehicle Licenses; chapter 322, Drivers' Licenses;
 3307 chapter 338, Limited Access Florida Intrastate Highway System
 3308 and Toll Facilities; and chapter 1006, Support of Learning,

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3309 | thereby facilitating the implementation of a more uniform and
 3310 | expeditious system for the disposition of traffic infractions.

3311 | Section 69. Subsections (3) and (4) of section 320.20,
 3312 | Florida Statutes, are amended to read:

3313 | 320.20 Disposition of license tax moneys.—The revenue
 3314 | derived from the registration of motor vehicles, including any
 3315 | delinquent fees and excluding those revenues collected and
 3316 | distributed under the provisions of s. 320.081, must be
 3317 | distributed monthly, as collected, as follows:

3318 | (3) Notwithstanding any other provision of law except
 3319 | subsections (1) and (2), on July 1, 1996, and annually
 3320 | thereafter, \$15 million shall be deposited in the State
 3321 | Transportation Trust Fund solely for the purposes of funding the
 3322 | Florida Seaport Transportation and Economic Development Program
 3323 | as provided for in chapter 311. Such revenues shall be
 3324 | distributed on a 50-50 matching basis to any port listed in s.
 3325 | 311.09(1) to be used for funding projects as described in s.
 3326 | 311.07(3) (b). Such revenues may be assigned, pledged, or set
 3327 | aside as a trust for the payment of principal or interest on
 3328 | bonds, tax anticipation certificates, or any other form of
 3329 | indebtedness issued by an individual port or appropriate local
 3330 | government having jurisdiction thereof, or collectively by
 3331 | interlocal agreement among any of the ports, or used to purchase
 3332 | credit support to permit such borrowings. However, such debt
 3333 | shall not constitute a general obligation of the State of
 3334 | Florida. The state does hereby covenant with holders of such
 3335 | revenue bonds or other instruments of indebtedness issued
 3336 | hereunder that it will not repeal or impair or amend in any

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3337 manner which will materially and adversely affect the rights of
 3338 such holders so long as bonds authorized by this section are
 3339 outstanding. Any revenues which are not pledged to the repayment
 3340 of bonds as authorized by this section may be utilized for
 3341 purposes authorized under the Florida Seaport Transportation and
 3342 Economic Development Program. This revenue source is in addition
 3343 to any amounts provided for and appropriated in accordance with
 3344 s. 311.07. The Florida Seaport Transportation and Economic
 3345 Development Council shall approve distribution of funds to ports
 3346 for projects which have been approved pursuant to s. 311.09(5)-
 3347 (8) ~~s. 311.09(5)-(9)~~. The council and the Department of
 3348 Transportation may ~~are authorized to~~ perform such acts as are
 3349 required to facilitate and implement ~~the provisions of~~ this
 3350 subsection. To better enable the ports to cooperate to their
 3351 mutual advantage, the governing body of each port may exercise
 3352 powers provided to municipalities or counties in s. 163.01(7)(d)
 3353 subject to the provisions of chapter 311 and special acts, if
 3354 any, pertaining to a port. The use of funds provided pursuant to
 3355 this subsection are limited to eligible projects listed in this
 3356 subsection. Income derived from a project completed with the use
 3357 of program funds, beyond operating costs and debt service, shall
 3358 be restricted to further port capital improvements consistent
 3359 with maritime purposes and for no other purpose. Use of such
 3360 income for nonmaritime purposes is prohibited. ~~The provisions of~~
 3361 ~~s. 311.07(4) do not apply to any funds received pursuant to this~~
 3362 ~~subsection.~~ The revenues available under this subsection shall
 3363 not be pledged to the payment of any bonds other than the
 3364 Florida Ports Financing Commission Series 1996 and Series 1999

3365 Bonds currently outstanding; provided, however, such revenues
 3366 may be pledged to secure payment of refunding bonds to refinance
 3367 the Florida Ports Financing Commission Series 1996 and Series
 3368 1999 Bonds. No refunding bonds secured by revenues available
 3369 under this subsection may be issued with a final maturity later
 3370 than the final maturity of the Florida Ports Financing
 3371 Commission Series 1996 and Series 1999 Bonds or which provide
 3372 for higher debt service in any year than is currently payable on
 3373 such bonds. Any revenue bonds or other indebtedness issued after
 3374 July 1, 2000, other than refunding bonds shall be issued by the
 3375 Division of Bond Finance at the request of the Department of
 3376 Transportation pursuant to the State Bond Act.

3377 (4) Notwithstanding any other provision of law except
 3378 subsections (1), (2), and (3), on July 1, 1999, and annually
 3379 thereafter, \$10 million shall be deposited in the State
 3380 Transportation Trust Fund solely for the purposes of funding the
 3381 Florida Seaport Transportation and Economic Development Program
 3382 as provided in chapter 311 and for funding seaport intermodal
 3383 access projects of statewide significance as provided in s.
 3384 341.053. Such revenues shall be distributed to any port listed
 3385 in s. 311.09(1), to be used for funding projects as follows:

3386 (a) For any seaport intermodal access projects that are
 3387 identified in the 1997-1998 Tentative Work Program of the
 3388 Department of Transportation, up to the amounts needed to offset
 3389 the funding requirements of this section.

3390 (b) For seaport intermodal access projects as described in
 3391 s. 341.053(5) that are identified in the 5-year Florida Seaport
 3392 Mission Plan as provided in s. 311.09(3). Funding for such

3393 projects shall be on a matching basis as mutually determined by
 3394 the Florida Seaport Transportation and Economic Development
 3395 Council and the Department of Transportation, provided a minimum
 3396 of 25 percent of total project funds shall come from any port
 3397 funds, local funds, private funds, or specifically earmarked
 3398 federal funds.

3399 (c) On a 50-50 matching basis for projects as described in
 3400 s. 311.07(3)(b).

3401 (d) For seaport intermodal access projects that involve
 3402 the dredging or deepening of channels, turning basins, or
 3403 harbors; or the rehabilitation of wharves, docks, or similar
 3404 structures. Funding for such projects shall require a 25 percent
 3405 match of the funds received pursuant to this subsection.
 3406 Matching funds shall come from any port funds, federal funds,
 3407 local funds, or private funds.

3408
 3409 Such revenues may be assigned, pledged, or set aside as a trust
 3410 for the payment of principal or interest on bonds, tax
 3411 anticipation certificates, or any other form of indebtedness
 3412 issued by an individual port or appropriate local government
 3413 having jurisdiction thereof, or collectively by interlocal
 3414 agreement among any of the ports, or used to purchase credit
 3415 support to permit such borrowings. However, such debt shall not
 3416 constitute a general obligation of the state. This state does
 3417 hereby covenant with holders of such revenue bonds or other
 3418 instruments of indebtedness issued hereunder that it will not
 3419 repeal or impair or amend this subsection in any manner which
 3420 will materially and adversely affect the rights of holders so

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3421 long as bonds authorized by this subsection are outstanding. Any
 3422 revenues that are not pledged to the repayment of bonds as
 3423 authorized by this section may be utilized for purposes
 3424 authorized under the Florida Seaport Transportation and Economic
 3425 Development Program. This revenue source is in addition to any
 3426 amounts provided for and appropriated in accordance with s.
 3427 311.07 and subsection (3). The Florida Seaport Transportation
 3428 and Economic Development Council shall approve distribution of
 3429 funds to ports for projects that have been approved pursuant to
 3430 s. 311.09(5)-(8) ~~s. 311.09(5)-(9)~~, or for seaport intermodal
 3431 access projects identified in the 5-year Florida Seaport Mission
 3432 Plan as provided in s. 311.09(3) and mutually agreed upon by the
 3433 Florida Seaport Transportation and Economic Development ~~FSTED~~
 3434 Council and the Department of Transportation. All contracts for
 3435 actual construction of projects authorized by this subsection
 3436 must include a provision encouraging employment of participants
 3437 in the welfare transition program. The goal for employment of
 3438 participants in the welfare transition program is 25 percent of
 3439 all new employees employed specifically for the project, unless
 3440 the Department of Transportation and the Florida Seaport
 3441 Transportation and Economic Development Council demonstrate that
 3442 such a requirement would severely hamper the successful
 3443 completion of the project. In such an instance, Workforce
 3444 Florida, Inc., shall establish an appropriate percentage of
 3445 employees that must be participants in the welfare transition
 3446 program. The council and the Department of Transportation may
 3447 ~~are authorized to~~ perform such acts as are required to
 3448 facilitate and implement the provisions of this subsection. To

3449 better enable the ports to cooperate to their mutual advantage,
 3450 the governing body of each port may exercise powers provided to
 3451 municipalities or counties in s. 163.01(7)(d) subject to the
 3452 provisions of chapter 311 and special acts, if any, pertaining
 3453 to a port. The use of funds provided pursuant to this subsection
 3454 is limited to eligible projects listed in this subsection. ~~The~~
 3455 ~~provisions of s. 311.07(4) do not apply to any funds received~~
 3456 ~~pursuant to this subsection.~~ The revenues available under this
 3457 subsection shall not be pledged to the payment of any bonds
 3458 other than the Florida Ports Financing Commission Series 1996
 3459 and Series 1999 Bonds currently outstanding; provided, however,
 3460 such revenues may be pledged to secure payment of refunding
 3461 bonds to refinance the Florida Ports Financing Commission Series
 3462 1996 and Series 1999 Bonds. No refunding bonds secured by
 3463 revenues available under this subsection may be issued with a
 3464 final maturity later than the final maturity of the Florida
 3465 Ports Financing Commission Series 1996 and Series 1999 Bonds or
 3466 which provide for higher debt service in any year than is
 3467 currently payable on such bonds. Any revenue bonds or other
 3468 indebtedness issued after July 1, 2000, other than refunding
 3469 bonds shall be issued by the Division of Bond Finance at the
 3470 request of the Department of Transportation pursuant to the
 3471 State Bond Act.

3472 Section 70. Subsection (3) of section 335.02, Florida
 3473 Statutes, is amended to read:

3474 335.02 Authority to designate transportation facilities
 3475 and rights-of-way and establish lanes; procedure for
 3476 redesignation and relocation; application of local regulations.-

3477 (3) The department may establish standards for lanes on
 3478 the State Highway System, including the Strategic Intermodal
 3479 System highway corridors ~~Florida Intrastate Highway System~~
 3480 established pursuant to s. 339.65 ~~s. 338.001~~. In determining the
 3481 number of lanes for any regional corridor or section of highway
 3482 on the State Highway System to be funded by the department with
 3483 state or federal funds, the department shall evaluate all
 3484 alternatives and seek to achieve the highest degree of efficient
 3485 mobility for corridor users. In conducting the analysis, the
 3486 department must give consideration to the following factors
 3487 consistent with sound engineering principles:

3488 (a) Overall economic importance of the corridor as a trade
 3489 or tourism corridor.

3490 (b) Safety of corridor users, including the importance of
 3491 the corridor for evacuation purposes.

3492 (c) Cost-effectiveness of alternative methods of
 3493 increasing the mobility of corridor users.

3494 (d) Current and projected traffic volumes on the corridor.

3495 (e) Multimodal alternatives.

3496 (f) Use of intelligent transportation technology in
 3497 increasing the efficiency of the corridor.

3498 (g) Compliance with state and federal policies related to
 3499 clean air, environmental impacts, growth management, livable
 3500 communities, and energy conservation.

3501 (h) Addition of special use lanes, such as exclusive truck
 3502 lanes, high-occupancy-vehicle toll lanes, and exclusive
 3503 interregional traffic lanes.

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3504 (i) Availability and cost of rights-of-way, including
 3505 associated costs, and the most effective use of existing rights-
 3506 of-way.

3507 (j) Regional economic and transportation objectives, where
 3508 articulated.

3509 (k) The future land use plan element of local government
 3510 comprehensive plans, as appropriate, including designated urban
 3511 infill and redevelopment areas.

3512 (l) The traffic circulation element, if applicable, of
 3513 local government comprehensive plans, including designated
 3514 transportation corridors and public transportation corridors.

3515 (m) The approved metropolitan planning organization's
 3516 long-range transportation plan, as appropriate.

3517
 3518 This subsection does not preclude a number of lanes in excess of
 3519 10 lanes, but an additional factor that must be considered
 3520 before the department may determine that the number of lanes
 3521 should be more than 10 is the capacity to accommodate in the
 3522 future alternative forms of transportation within existing or
 3523 potential rights-of-way.

3524 Section 71. Subsection (2) of section 338.222, Florida
 3525 Statutes, is amended to read:

3526 338.222 Department of Transportation sole governmental
 3527 entity to acquire, construct, or operate turnpike projects;
 3528 exception.—

3529 (2) The department may contract with any local
 3530 governmental entity as defined in s. 334.03(13) ~~s. 334.03(14)~~
 3531 for the design, right-of-way acquisition, or construction of any

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3532 | turnpike project which the Legislature has approved. Local
 3533 | governmental entities may negotiate with the department for the
 3534 | design, right-of-way acquisition, and construction of any
 3535 | section of the turnpike project within areas of their respective
 3536 | jurisdictions or within counties with which they have interlocal
 3537 | agreements.

3538 | Section 72. Subsection (6) of section 339.285, Florida
 3539 | Statutes, is amended to read:

3540 | 339.285 Enhanced Bridge Program for Sustainable
 3541 | Transportation.—

3542 | (6) Preference shall be given to bridge projects located
 3543 | on corridors that connect to the Strategic Intermodal System,
 3544 | created under s. 339.64, and that have been identified as
 3545 | regionally significant in accordance with s. 339.155(4)(c), (d),
 3546 | and (e) ~~s. 339.155(5)(c), (d), and (e).~~

3547 | Section 73. Subsection (2) of section 341.053, Florida
 3548 | Statutes, is amended to read:

3549 | 341.053 Intermodal Development Program; administration;
 3550 | eligible projects; limitations.—

3551 | (2) In recognition of the department's role in the
 3552 | economic development of this state, the department shall develop
 3553 | a proposed intermodal development plan to connect Florida's
 3554 | airports, deepwater seaports, rail systems serving both
 3555 | passenger and freight, and major intermodal connectors to the
 3556 | Strategic Intermodal System highway corridors ~~Florida Intrastate~~
 3557 | ~~Highway System facilities~~ as the primary system for the movement
 3558 | of people and freight in this state in order to make the

3559 intermodal development plan a fully integrated and
 3560 interconnected system. The intermodal development plan must:

3561 (a) Define and assess the state's freight intermodal
 3562 network, including airports, seaports, rail lines and terminals,
 3563 intercity bus lines and terminals, and connecting highways.

3564 (b) Prioritize statewide infrastructure investments,
 3565 including the acceleration of current projects, which are found
 3566 by the Freight Stakeholders Task Force to be priority projects
 3567 for the efficient movement of people and freight.

3568 (c) Be developed in a manner that will assure maximum use
 3569 of existing facilities and optimum integration and coordination
 3570 of the various modes of transportation, including both
 3571 government-owned and privately owned resources, in the most
 3572 cost-effective manner possible.

3573 Section 74. Subsection (2) of section 341.8225, Florida
 3574 Statutes, is amended to read:

3575 341.8225 Department of Transportation sole governmental
 3576 entity to acquire, construct, or operate high-speed rail
 3577 projects; exception.—

3578 (2) Local governmental entities, as defined in s.
 3579 334.03(13) ~~s. 334.03(14)~~, may negotiate with the department for
 3580 the design, right-of-way acquisition, and construction of any
 3581 component of the high-speed rail system within areas of their
 3582 respective jurisdictions or within counties with which they have
 3583 interlocal agreements.

3584 Section 75. Subsection (2) of section 403.7211, Florida
 3585 Statutes, is amended to read:

3586 403.7211 Hazardous waste facilities managing hazardous
 3587 wastes generated offsite; federal facilities managing hazardous
 3588 waste.-

3589 (2) The department may ~~shall~~ not issue any permit under s.
 3590 403.722 for the construction, initial operation, or substantial
 3591 modification of a facility for the disposal, storage, or
 3592 treatment of hazardous waste generated offsite which is proposed
 3593 to be located in any of the following locations:

3594 (a) Any area where life-threatening concentrations of
 3595 hazardous substances could accumulate at any residence or
 3596 residential subdivision as the result of a catastrophic event at
 3597 the proposed facility, unless each such residence or residential
 3598 subdivision is served by at least one arterial road or urban
 3599 minor arterial road, as determined under the procedures
 3600 referenced in s. 334.03(10) ~~defined in s. 334.03~~, which provides
 3601 safe and direct egress by land to an area where such life-
 3602 threatening concentrations of hazardous substances could not
 3603 accumulate in a catastrophic event. Egress by any road leading
 3604 from any residence or residential subdivision to any point
 3605 located within 1,000 yards of the proposed facility is unsafe
 3606 for the purposes of this paragraph. In determining whether
 3607 egress proposed by the applicant is safe and direct, the
 3608 department shall also consider, at a minimum, the following
 3609 factors:

3610 1. Natural barriers such as water bodies, and whether any
 3611 road in the proposed evacuation route is impaired by a natural
 3612 barrier such as a water body.~~†~~

3613 2. Potential exposure during egress and potential
 3614 increases in the duration of exposure.‡

3615 3. Whether any road in a proposed evacuation route passes
 3616 in close proximity to the facility.‡~~and~~

3617 4. Whether any portion of the evacuation route is
 3618 inherently directed toward the facility.

3619 (b) Any location within 1,500 yards of any hospital,
 3620 prison, school, nursing home facility, day care facility,
 3621 stadium, place of assembled worship, or any other similar site
 3622 where individuals are routinely confined or assembled in such a
 3623 manner that reasonable access to immediate evacuation is likely
 3624 to be unavailable.‡

3625 (c) Any location within 1,000 yards of any residence.‡~~or~~

3626 (d) Any location which is inconsistent with rules adopted
 3627 by the department under this part.

3628
 3629 For the purposes of this subsection, all distances shall be
 3630 measured from the outer limit of the active hazardous waste
 3631 management area. "Substantial modification" includes: any
 3632 physical change in, change in the operations of, or addition to
 3633 a facility which could increase the potential offsite impact, or
 3634 risk of impact, from a release at that facility; and any change
 3635 in permit conditions which is reasonably expected to lead to
 3636 greater potential impacts or risks of impacts, from a release at
 3637 that facility. "Substantial modification" does not include a
 3638 change in operations, structures, or permit conditions which
 3639 does not substantially increase either the potential impact
 3640 from, or the risk of, a release. Physical or operational changes

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3641 to a facility related solely to the management of nonhazardous
3642 waste at the facility is ~~shall~~ not ~~be~~ considered a substantial
3643 modification. The department shall, by rule, adopt criteria to
3644 determine whether a facility has been substantially modified.
3645 "Initial operation" means the initial commencement of operations
3646 at the facility.

3647 Section 76. Subsection (27) of section 479.01, Florida
3648 Statutes, is amended to read:

3649 479.01 Definitions.—As used in this chapter, the term:

3650 (27) "Urban area" has the same meaning as defined in s.
3651 334.03(31) ~~s. 334.03(32)~~.

3652 Section 77. Subsection (1) of section 479.07, Florida
3653 Statutes, is amended to read:

3654 479.07 Sign permits.—

3655 (1) Except as provided in ss. 479.105(1)(e) and 479.16, a
3656 person may not erect, operate, use, or maintain, or cause to be
3657 erected, operated, used, or maintained, any sign on the State
3658 Highway System outside an urban area, as defined in s.
3659 334.03(31) ~~s. 334.03(32)~~, or on any portion of the interstate or
3660 federal-aid primary highway system without first obtaining a
3661 permit for the sign from the department and paying the annual
3662 fee as provided in this section. As used in this section, the
3663 term "on any portion of the State Highway System, interstate, or
3664 federal-aid primary system" means a sign located within the
3665 controlled area which is visible from any portion of the main-
3666 traveled way of such system.

3667 Section 78. Subsection (5) of section 479.261, Florida
3668 Statutes, is amended to read:

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3669 479.261 Logo sign program.—

3670 (5) At a minimum, permit fees for businesses that

3671 participate in the program must be established in an amount

3672 sufficient to offset the total cost to the department for the

3673 program, including contract costs. The department shall provide

3674 the services in the most efficient and cost-effective manner

3675 through department staff or by contracting for some or all of

3676 the services. The department shall adopt rules that set

3677 reasonable rates based upon factors such as population, traffic

3678 volume, market demand, and costs for annual permit fees.

3679 However, annual permit fees for sign locations inside an urban

3680 area, as defined in s. 334.03(31) ~~s. 334.03(32)~~, may not exceed

3681 \$3,500, and annual permit fees for sign locations outside an

3682 urban area, as defined in s. 334.03(31) ~~s. 334.03(32)~~, may not

3683 exceed \$2,000. After recovering program costs, the proceeds from

3684 the annual permit fees shall be deposited into the State

3685 Transportation Trust Fund and used for transportation purposes.

3686 Section 79. This act shall take effect July 1, 2012.