



1                                   A bill to be entitled  
2       An act relating to the Department of Transportation;  
3       amending s. 11.45, F.S.; removing a provision for  
4       audits of certain transportation corporations by the  
5       Auditor General; amending s. 20.23, F.S.; revising  
6       provisions relating to functions of the Florida  
7       Transportation Commission to add certain monitoring of  
8       Regional Transportation Finance Authorities and the  
9       Mid-Bay Bridge Authority; removing Secretary of  
10      Transportation review of the expenses of the Florida  
11      Statewide Passenger Rail Commission; revising the  
12      administrative support requirement for the Florida  
13      Statewide Passenger Rail Commission; designating an  
14      executive director and assistant executive director of  
15      the statewide passenger rail commission; amending s.  
16      110.205, F.S., relating to career service exempt  
17      positions; revising the title of an existing  
18      department position; amending s. 125.35, F.S.;  
19      authorizing counties to lease real or personal  
20      property belonging to the county; amending s. 125.42,  
21      F.S.; providing that an entity granted a license to  
22      construct and maintain utility or television lines  
23      shall move or remove such lines at no cost to the  
24      county if the lines are found by the county to be  
25      unreasonably interfering with road widening, repair,  
26      or reconstruction; creating s. 316.01, F.S.; providing  
27      that a local governmental entity may not prevent  
28      vehicular ingress or egress on a transportation



29 facility into or out of a state university facility;  
30 amending s. 316.530, F.S., relating to towing  
31 requirements; removing a provision that prohibits  
32 assessment of a penalty for the combined weights of a  
33 disabled vehicle and a wrecker or tow truck; amending  
34 s. 316.545, F.S.; revising the maximum amount the  
35 gross vehicle weight may be reduced for calculation of  
36 a penalty for excess weight when an auxiliary power  
37 units is installed on a commercial motor vehicle;  
38 amending s. 331.360, F.S., relating to aerospace  
39 facilities; removing provisions for a spaceport master  
40 plan; directing Space Florida to develop a spaceport  
41 system plan for certain purposes; providing for  
42 content of the plan; directing Space Florida to submit  
43 the plan to metropolitan planning organizations for  
44 review of intermodal impact and to the department;  
45 authorizing the department to include relevant  
46 portions in the 5-year work program; revising  
47 responsibilities of the department relating to  
48 aerospace facilities; authorizing the department to  
49 administratively house its space transportation  
50 responsibilities within an existing division or  
51 office; authorizing the department to enter into an  
52 agreement with Space Florida for specified purposes;  
53 authorizing the department to allocate certain funds  
54 under specified conditions; requiring Space Florida to  
55 provide certain information to the department before  
56 an agreement is executed; amending s. 332.007, F.S.;



57 | authorizing the department to fund strategic airport  
58 | investment projects that meet specified criteria;  
59 | amending s. 334.044, F.S.; prohibiting the department  
60 | from entering into any lease-purchase agreement with  
61 | any expressway authority, regional transportation  
62 | authority, or other entity; providing the prohibition  
63 | does not invalidate existing specified lease-purchase  
64 | agreements or limit the department's authority  
65 | relating to certain public-private transportation  
66 | facilities; authorizing the department to enter into a  
67 | concession agreement for commercial sponsorship  
68 | displays on certain multiuse trails and facilities and  
69 | providing for use of the revenue received; providing  
70 | an exception from the requirement to purchase all  
71 | plant materials from Florida commercial nursery stock  
72 | when prohibited by applicable federal law or  
73 | regulation; amending s. 335.055, F.S.; authorizing the  
74 | department to enter into contracts with community  
75 | development districts to perform routine maintenance  
76 | work on the State Highway System; limiting liability;  
77 | amending s. 335.06, F.S.; authorizing the department  
78 | to improve and maintain any road that is part of a  
79 | county road system or city street system that provides  
80 | access to property within the state park system;  
81 | requiring the county or city to maintain such road if  
82 | the department does not; amending s. 337.11, F.S.;  
83 | removing the requirement that a contractor provide a  
84 | notarized affidavit as proof of motor vehicle



85 registration; amending s. 337.14, F.S.; revising  
86 requirements for a person desiring to bid for the  
87 performance of certain department construction  
88 contracts to be prequalified; amending s. 337.168,  
89 F.S., relating to confidentiality of bid information;  
90 providing that a document that reveals the identity of  
91 a person who has requested or received certain  
92 information before a certain time is a public record;  
93 amending s. 337.25, F.S.; revising provisions for  
94 disposition of property by the department; authorizing  
95 the department to contract for auction services for  
96 conveyance of property; revising requirements for an  
97 inventory of property; amending s. 337.251, F.S.;  
98 revising provisions for lease of property; requiring  
99 the department to publish a notice of receipt of a  
100 proposal for lease of particular department property  
101 and accept other proposals; revising notice  
102 procedures; requiring the department to establish by  
103 rule an application fee for lease proposals;  
104 authorizing the department to engage the services of  
105 private consultants to assist in evaluating proposals;  
106 requiring the department to make specified  
107 determinations before approving a proposed lease;  
108 amending s. 337.403, F.S., relating to interference by  
109 a utility of the use of a public road or publicly  
110 owned rail corridor; providing for an authority to  
111 bear certain costs to eliminate interference when the  
112 utility certifies that it cannot prove or disprove it



113 | has a compensable property right where the utility is  
114 | located; requiring the department to pay for utility  
115 | work related to commuter rail or intercity passenger  
116 | rail under certain circumstances; providing an  
117 | exception; authorizing the department to pay for  
118 | utility relocation in rural areas of critical economic  
119 | concern under certain circumstances; requiring the  
120 | Florida Transportation Commission to study the  
121 | potential for state revenue from parking meters and  
122 | other parking time-limit devices; authorizing to  
123 | commission to retain experts; requiring the department  
124 | to pay for the experts; requiring certain information  
125 | from municipalities and counties; requiring certain  
126 | information to be considered in the study; requiring a  
127 | written report; providing for the removal of parking  
128 | meters and parking time-limit devices under certain  
129 | circumstance; providing for municipalities and  
130 | counties to pay the cost of removal; providing for a  
131 | moratorium on new parking meters of other parking  
132 | time-limit devices on the state right-of-way;  
133 | providing an exception; amending s. 338.161, F.S.;  
134 | revising provisions for the department to enter into  
135 | agreements for certain purposes with public or private  
136 | transportation facility owners whose systems become  
137 | interoperable with the department's systems; amending  
138 | s. 338.165, F.S.; removing references to certain  
139 | facilities from the list of facilities the department  
140 | is authorized to request bond issuance secured by



141 facility revenues amending s. 338.26, F.S.; revising  
142 the uses of fees generated from tolls to include the  
143 design and construction of a fire station that may be  
144 used by certain local governments in accordance with a  
145 specified memorandum; removing a provision that  
146 authorizes a district to issue bonds or notes;  
147 amending s. 339.175, F.S.; revising provisions for  
148 designation of metropolitan planning organizations and  
149 provisions for voting membership; revising the  
150 criteria that qualify a local government for  
151 participation in a metropolitan planning organization;  
152 providing that certain counties shall be designated  
153 separate metropolitan planning organizations; revising  
154 the criteria to determine voting membership of a  
155 metropolitan planning organization; providing that  
156 each metropolitan planning organization shall review  
157 its membership and reapportion it as necessary;  
158 providing criteria; removing the requirement that the  
159 Governor review and apportion the voting membership  
160 among the various governmental entities within the  
161 metropolitan planning area; amending s. 339.2821,  
162 F.S.; authorizing Enterprise Florida, Inc., to be a  
163 consultant to the department for consideration of  
164 expenditures associated with and contracts for  
165 transportation projects; revising the requirements for  
166 economic development transportation project contracts  
167 between the department and a governmental entity;  
168 repealing ss. 339.401-339.421, F.S., relating to the



169 Florida Transportation Corporation Act, definitions,  
170 legislative findings and purpose, authorization of  
171 corporations, type and structure and income of  
172 corporation, contract between the department and the  
173 corporation, articles of incorporation, boards of  
174 directors and advisory directors, bylaws, meetings and  
175 records, amendment of articles of incorporation,  
176 powers of corporations, use of state property,  
177 exemption from taxation, authority to alter or  
178 dissolve corporation, dissolution upon completion of  
179 purposes, transfer of funds and property upon  
180 dissolution, department rules, construction of  
181 provisions, and issuance of debt; amending s. 339.55,  
182 F.S.; providing for the state-funded infrastructure  
183 bank to lend capital costs or provide credit  
184 enhancements for projects that provide intermodal  
185 connectivity with spaceports and to make emergency  
186 loans for damages to public-use spaceports; revising  
187 criteria the department may consider for evaluation of  
188 projects for assistance from the bank; amending s.  
189 341.031, F.S.; revising the definition of the term  
190 "intercity bus service," as used in the Florida Public  
191 Transit Act; amending s. 341.052, F.S.; prohibiting an  
192 eligible public transit provider from using public  
193 transit block grant funds to pursue or promote the  
194 levying of new or additional taxes through public  
195 referenda; requiring the amount of the provider's  
196 grant to be reduced by any amount so spent; defining



197 the term "public funds" for purposes of the  
198 prohibition; amending s. 341.053, F.S.; revising  
199 provisions for use of Intermodal Development Program  
200 funds; amending s. 341.8203, F.S.; defining  
201 "communication facilities" and "railroad company" as  
202 used in the Florida Rail Enterprise Act; amending s.  
203 341.822, F.S.; requiring the rail enterprise to  
204 establish a process to issue permits for railroad  
205 companies to construct communication facilities within  
206 a high speed rail system; providing rulemaking  
207 authority; providing for fees for issuing a permit;  
208 providing that copies of the permit application will  
209 be sent to municipalities and counties who will have  
210 an opportunity to comment on the application; creating  
211 s. 341.825, F.S.; providing for a permit authorizing  
212 the permittee to locate, construct, operate, and  
213 maintain communication facilities within a new or  
214 existing high speed rail system; providing for  
215 application procedures and fees; providing for the  
216 effects of a permit; providing an exemption from local  
217 land use and zoning regulations; authorizing the  
218 enterprise to permit variances and exemptions from  
219 rules of the enterprise or other agencies; providing  
220 that a permit is in lieu of licenses, permits,  
221 certificates, or similar documents; providing for a  
222 modification of a permit; amends s. 341.840, F.S.;  
223 conforming a cross-reference; amending ss. 343.82 and  
224 343.922, F.S.; removing reference to advances from the





225 Toll Facilities Revolving Trust Fund as a source of  
226 funding for certain projects by an authority; creating  
227 ch. 345, F.S., relating to the Florida Regional  
228 Transportation Finance Authority Act; creating s.  
229 345.0001, F.S.; providing a short title; creating s.  
230 345.0002, F.S.; providing definitions; creating s.  
231 345.0003, F.S.; providing for counties to form a  
232 regional transportation finance authority to  
233 construct, maintain, or operate transportation  
234 projects in a region of the state; providing for  
235 governance of an authority; providing for membership  
236 and organization of an authority; creating s.  
237 345.0004, F.S.; providing for the powers and duties of  
238 an authority; limiting an authority's power with  
239 respect to an existing system; prohibiting an  
240 authority from pledging the credit or taxing power of  
241 the state or any political subdivision or agency of  
242 the state; requiring that an authority comply with  
243 certain reporting and documentation requirements;  
244 creating s. 345.0005, F.S.; authorizing an authority  
245 to issue bonds; providing that the issued bonds must  
246 meet certain requirements; providing that the  
247 resolution that authorizes the issuance of bonds meet  
248 certain requirements; authorizing an authority to  
249 enter into security agreements for issued bonds with a  
250 bank or trust company; providing that the issued bonds  
251 are negotiable instruments and have certain qualities;  
252 providing that a resolution authorizing the issuance



253 | of bonds and pledging of revenues of the system must  
254 | meet certain requirements; prohibiting the use or  
255 | pledge of state funds to pay principal or interest of  
256 | an authority's bonds; creating s. 345.0006, F.S.;  
257 | providing rights and remedies granted to certain  
258 | bondholders; providing actions a trustee may take on  
259 | behalf of the bondholders; providing for the  
260 | appointment of a receiver; providing for the authority  
261 | of the receiver; providing limitations to a receiver's  
262 | authority; creating s. 345.0007, F.S.; providing that  
263 | the Department of Transportation is the agent of each  
264 | authority for specified purposes; providing for the  
265 | administration and management of projects by the  
266 | department; providing limits on the department as an  
267 | agent; providing for the fiscal responsibilities of  
268 | the authority; creating s. 345.0008, F.S.; authorizing  
269 | the department to provide resources for an authority  
270 | project or system if included in a specific plan and  
271 | approved by the Legislature; providing for feasibility  
272 | studies; requiring certain criteria to be met before  
273 | department approval; providing for payment of expenses  
274 | incurred by the department on behalf of an authority;  
275 | requiring the department to receive a share of the  
276 | revenue from the authority; providing for disbursement  
277 | of revenues; creating s. 345.0009, F.S.; authorizing  
278 | the authority to acquire private or public property  
279 | and property rights for a project or plan; authorizing  
280 | the authority to exercise the right of eminent domain;



281 providing for the rights and liabilities and remedial  
282 actions relating to property acquired for a  
283 transportation project or corridor; creating s.  
284 345.0010, F.S.; providing for contracts between  
285 certain entities and an authority; creating s.  
286 345.0011, F.S.; providing that the state will not  
287 limit or alter the vested rights of a bondholder with  
288 regard to any issued bonds or rights relating to the  
289 bonds under certain conditions; creating s. 345.0012,  
290 F.S.; exempting the authority from paying certain  
291 taxes or assessments for property acquired or used for  
292 certain public purposes or for revenues received  
293 relating to the issuance of bonds; providing  
294 exceptions; creating s. 345.0013, F.S.; providing that  
295 the bonds or obligations issued are legal investments  
296 of specified entities; creating s. 345.0014, F.S.;  
297 providing applicability; amending s. 348.754, F.S.;  
298 revising the term limitation for leases that the  
299 Orlando-Orange County Expressway Authority may enter;  
300 amending s. 373.406, F.S.; exempting specified ponds,  
301 ditches, and wetlands from surface water management  
302 and storage requirements; exempting certain water  
303 control districts from certain wetlands regulation;  
304 amending s. 373.4137, F.S.; providing legislative  
305 intent that mitigation be implemented in a manner that  
306 promotes efficiency, timeliness, and cost-  
307 effectiveness in project delivery; revising the  
308 criteria of the environmental impact inventory;



309 | revising the criteria for mitigation of projected  
310 | impacts identified in the environmental impact  
311 | inventory; requiring the Department of Transportation  
312 | to include funding for environmental mitigation for  
313 | its projects in its work program; revising the process  
314 | and criteria for the payment by the department or  
315 | participating transportation authorities of mitigation  
316 | implemented by water management districts or the  
317 | Department of Environmental Protection; revising the  
318 | requirements for the payment to a water management  
319 | district or the Department of Environmental Protection  
320 | of the costs of mitigation planning and implementation  
321 | of the mitigation required by a permit; revising the  
322 | payment criteria for preparing and implementing  
323 | mitigation plans adopted by water management districts  
324 | for transportation impacts based on the environmental  
325 | impact inventory; adding federal requirements for the  
326 | development of a mitigation plan; providing for  
327 | transportation projects in the environmental  
328 | mitigation plan for which mitigation has not been  
329 | specified; revising a water management district's  
330 | responsibilities relating to a mitigation plan;  
331 | creating s. 373.6053, F.S., authorizing water  
332 | management districts to reassess the designation of  
333 | positions for inclusion in the Senior Management  
334 | Service Class; authorizing the removal of positions  
335 | from the class; providing effective dates.

336



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

338

339 Section 1. Paragraph (m) of subsection (3) of section  
 340 11.45, Florida Statutes, is amended, and present paragraphs (n)  
 341 through (x) are redesignated as paragraphs (m) through (w),  
 342 respectively, to read:

343 11.45 Definitions; duties; authorities; reports; rules.—

344 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The  
 345 Auditor General may, pursuant to his or her own authority, or at  
 346 the direction of the Legislative Auditing Committee, conduct  
 347 audits or other engagements as determined appropriate by the  
 348 Auditor General of:

349 ~~(m) The transportation corporations under contract with~~  
 350 ~~the Department of Transportation that are acting on behalf of~~  
 351 ~~the state to secure and obtain rights-of-way for urgently needed~~  
 352 ~~transportation systems and to assist in the planning and design~~  
 353 ~~of such systems pursuant to ss. 339.401-339.421.~~

354 Section 2. Paragraph (b) of subsection (2) and paragraph  
 355 (d) of subsection (3) of section 20.23, Florida Statutes, are  
 356 amended to read:

357 20.23 Department of Transportation.—There is created a  
 358 Department of Transportation which shall be a decentralized  
 359 agency.

360 (2)

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

362 1. Recommend major transportation policies for the  
 363 Governor's approval, and assure that approved policies and any  
 364 revisions thereto are properly executed.



365 |           2. Periodically review the status of the state  
366 | transportation system including highway, transit, rail, seaport,  
367 | intermodal development, and aviation components of the system  
368 | and recommend improvements therein to the Governor and the  
369 | Legislature.

370 |           3. Perform an in-depth evaluation of the annual department  
371 | budget request, the Florida Transportation Plan, and the  
372 | tentative work program for compliance with all applicable laws  
373 | and established departmental policies. Except as specifically  
374 | provided in s. 339.135(4)(c)2., (d), and (f), the commission may  
375 | not consider individual construction projects, but shall  
376 | consider methods of accomplishing the goals of the department in  
377 | the most effective, efficient, and businesslike manner.

378 |           4. Monitor the financial status of the department on a  
379 | regular basis to assure that the department is managing revenue  
380 | and bond proceeds responsibly and in accordance with law and  
381 | established policy.

382 |           5. Monitor on at least a quarterly basis, the efficiency,  
383 | productivity, and management of the department, using  
384 | performance and production standards developed by the commission  
385 | pursuant to s. 334.045.

386 |           6. Perform an in-depth evaluation of the factors causing  
387 | disruption of project schedules in the adopted work program and  
388 | recommend to the Legislature and the Governor methods to  
389 | eliminate or reduce the disruptive effects of these factors.

390 |           7. Recommend to the Governor and the Legislature  
391 | improvements to the department's organization in order to  
392 | streamline and optimize the efficiency of the department. In



393 reviewing the department's organization, the commission shall  
394 determine if the current district organizational structure is  
395 responsive to Florida's changing economic and demographic  
396 development patterns. The initial report by the commission must  
397 be delivered to the Governor and Legislature by December 15,  
398 2000, and each year thereafter, as appropriate. The commission  
399 may retain such experts as are reasonably necessary to  
400 effectuate this subparagraph, and the department shall pay the  
401 expenses of such experts.

402 8. Monitor the efficiency, productivity, and management of  
403 the authorities created under chapters 345, 348 and 349,  
404 including any authority formed using the provisions of part I of  
405 chapter 348; the Mid-Bay Bridge Authority created pursuant to  
406 chapter 2000-411, Laws of Florida; and any authority formed  
407 under chapter 343 which is not monitored under subsection (3).  
408 The commission shall also conduct periodic reviews of each  
409 authority's operations and budget, acquisition of property,  
410 management of revenue and bond proceeds, and compliance with  
411 applicable laws and generally accepted accounting principles.

412 (3) There is created the Florida Statewide Passenger Rail  
413 Commission.

414 (d) The commission is assigned to the Office of the  
415 Secretary of the Department of Transportation for administrative  
416 and fiscal accountability purposes, but it shall otherwise  
417 function independently of the control and direction of the  
418 department ~~except that reasonable expenses of the commission~~  
419 ~~shall be subject to approval by the Secretary of Transportation.~~  
420 ~~The department shall provide administrative support and service~~



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421 ~~to the commission.~~ The executive director and assistant  
422 executive director of the Florida Transportation Commission  
423 shall serve as the executive director and assistant executive  
424 director of the Florida Statewide Passenger Rail Commission. The  
425 staff of the Florida Transportation Commission shall provide  
426 administrative support and service to the Florida Statewide  
427 Passenger Rail Commission.

428 Section 3. Paragraph (j) of subsection (2) of section  
429 110.205, Florida Statutes, is amended to read:

430 110.205 Career service; exemptions.—

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

433 (j) The appointed secretaries and the State Surgeon  
434 General, assistant secretaries, deputy secretaries, and deputy  
435 assistant secretaries of all departments; the executive  
436 directors, assistant executive directors, deputy executive  
437 directors, and deputy assistant executive directors of all  
438 departments; the directors of all divisions and those positions  
439 determined by the department to have managerial responsibilities  
440 comparable to such positions, which positions include, but are  
441 not limited to, program directors, assistant program directors,  
442 district administrators, deputy district administrators, the  
443 Director of Central Operations Services of the Department of  
444 Children and Family Services, the State Transportation  
445 Development Administrator, State Freight and Logistics ~~Public~~  
446 ~~Transportation and Modal~~ Administrator, district secretaries,  
447 district directors of transportation development, transportation  
448 operations, transportation support, and the managers of the





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449 offices specified in s. 20.23(4)(b), of the Department of  
450 Transportation. Unless otherwise fixed by law, the department  
451 shall set the salary and benefits of these positions in  
452 accordance with the rules of the Senior Management Service; and  
453 the county health department directors and county health  
454 department administrators of the Department of Health.

455 Section 4. Paragraph (b) of subsection (1) of section  
456 125.35, Florida Statutes, is amended to read:

457 125.35 County authorized to sell real and personal  
458 property and to lease real property.—

459 (1)

460 (b) Notwithstanding the provisions of paragraph (a), the  
461 board of county commissioners is expressly authorized to:

462 1. Negotiate the lease of an airport or seaport facility;

463 2. Modify or extend an existing lease of real property for  
464 an additional term not to exceed 25 years, where the improved  
465 value of the lease has an appraised value in excess of \$20  
466 million; ~~or~~

467 3. Lease a professional sports franchise facility financed  
468 by revenues received pursuant to s. 125.0104 or s. 212.20; or

469 4. Lease real or personal property belonging to the county  
470 pursuant to s. 125.045;

471  
472 under such terms and conditions as negotiated by the board.

473 Section 5. Subsection (5) of section 125.42, Florida  
474 Statutes, is amended to read:

475 125.42 Water, sewage, gas, power, telephone, other  
476 utility, and television lines along county roads and highways.—



477 (5) In the event of widening, repair, or reconstruction of  
478 any such road, the licensee shall move or remove such water,  
479 sewage, gas, power, telephone, and other utility lines and  
480 television lines at no cost to the county if they are found by  
481 the county to be unreasonably interfering, except as provided in  
482 s. 337.403(1)(d)-(i) ~~337.403(1)(e)~~.

483 Section 6. Section 316.01, Florida Statutes, is created to  
484 read:

485 316.01 Vehicular access to state universities.—A local  
486 governmental entity as defined in s. 334.03(13) may not prevent  
487 vehicular ingress or egress on a transportation facility into or  
488 out of a state university facility that is regulated by the  
489 Board of Governors of the State University System as provided in  
490 s. 20.155.

491 Section 7. Subsections (3) and (4) of section 316.530,  
492 Florida Statutes, are amended to read:

493 316.530 Towing requirements.—

494 ~~(3) Whenever a motor vehicle becomes disabled upon the~~  
495 ~~highways of this state and a wrecker or tow truck is required to~~  
496 ~~remove it to a repair shop or other appropriate location, if the~~  
497 ~~combined weights of those two vehicles and the loads thereon~~  
498 ~~exceed the maximum allowable weights as established by s.~~  
499 ~~316.535, no penalty shall be assessed either vehicle or driver.~~  
500 ~~However, this exception shall not apply to the load limits for~~  
501 ~~bridges and culverts established by the department as provided~~  
502 ~~in s. 316.555.~~

503 (3)-(4) A violation of this section is a noncriminal  
504 traffic infraction, punishable as a moving violation as provided



505 in chapter 318.

506 Section 8. Paragraph (c) of subsection (3) of section  
507 316.545, Florida Statutes, is amended to read:

508 316.545 Weight and load unlawful; special fuel and motor  
509 fuel tax enforcement; inspection; penalty; review.—

510 (3) Any person who violates the overloading provisions of  
511 this chapter shall be conclusively presumed to have damaged the  
512 highways of this state by reason of such overloading, which  
513 damage is ~~hereby~~ fixed as follows:

514 (c) For a vehicle equipped with fully functional idle-  
515 reduction technology, any penalty shall be calculated by  
516 reducing the actual gross vehicle weight or the internal bridge  
517 weight by the certified weight of the idle-reduction technology  
518 or by 550 ~~400~~ pounds, whichever is less. The vehicle operator  
519 must present written certification of the weight of the idle-  
520 reduction technology and must demonstrate or certify that the  
521 idle-reduction technology is fully functional at all times. This  
522 calculation is not allowed for vehicles described in s.  
523 316.535(6);

524 Section 9. Section 331.360, Florida Statutes, is amended  
525 to read:

526 331.360 Spaceport system ~~Joint participation agreement or~~  
527 ~~assistance; spaceport master plan.—~~

528 ~~(1) It shall be the duty, function, and responsibility of~~  
529 ~~the Department of Transportation to promote the further~~  
530 ~~development and improvement of aerospace transportation~~  
531 ~~facilities; to address intermodal requirements and impacts of~~  
532 ~~the launch ranges, spaceports, and other space transportation~~



533 ~~facilities; to assist in the development of joint-use facilities~~  
534 ~~and technology that support aviation and aerospace operations;~~  
535 ~~to coordinate and cooperate in the development of spaceport~~  
536 ~~infrastructure and related transportation facilities contained~~  
537 ~~in the Strategic Intermodal System Plan; to encourage, where~~  
538 ~~appropriate, the cooperation and integration of airports and~~  
539 ~~spaceports in order to meet transportation-related needs; and to~~  
540 ~~facilitate and promote cooperative efforts between federal and~~  
541 ~~state government entities to improve space transportation~~  
542 ~~capacity and efficiency. In carrying out this duty and~~  
543 ~~responsibility, the department may assist and advise, cooperate~~  
544 ~~with, and coordinate with federal, state, local, or private~~  
545 ~~organizations and individuals. The department may~~  
546 ~~administratively house its space transportation responsibilities~~  
547 ~~within an existing division or office.~~

548 ~~(2) Notwithstanding any other provision of law, the~~  
549 ~~Department of Transportation may enter into a joint~~  
550 ~~participation agreement with, or otherwise assist, Space Florida~~  
551 ~~as necessary to effectuate the provisions of this chapter and~~  
552 ~~may allocate funds for such purposes in its 5-year work program.~~  
553 ~~However, the department may not fund the administrative or~~  
554 ~~operational costs of Space Florida.~~

555 ~~(1)(3)~~ Space Florida shall develop a spaceport system  
556 ~~master~~ plan that addresses statewide spaceport goals and the  
557 need for expansion and modernization of space transportation  
558 facilities within spaceport territories as defined in s.  
559 331.303. The plan shall contain recommended projects to meet  
560 current and future commercial, national, and state space



561 transportation requirements. Space Florida shall submit the plan  
562 to all ~~any~~ appropriate metropolitan planning organizations  
563 ~~organization~~ for review of intermodal impacts. Space Florida  
564 shall submit the spaceport system ~~master~~ plan to the Department  
565 of Transportation, which may include those portions of the  
566 system plan relevant to the department's mission and such plan  
567 ~~may be included~~ within the department's 5-year work program of  
568 qualifying projects ~~aerospace discretionary capacity improvement~~  
569 ~~under subsection (4)~~. The plan shall identify appropriate  
570 funding levels for each project ~~and include recommendations on~~  
571 ~~appropriate sources of revenue that may be developed to~~  
572 ~~contribute to the State Transportation Trust Fund.~~

573 (2) The Department of Transportation shall promote the  
574 further development and improvement of aerospace transportation  
575 facilities; address intermodal requirements and impacts of the  
576 launch ranges, spaceports, and other space transportation  
577 facilities; assist in the development of joint-use facilities  
578 and technology that support aviation and aerospace operations;  
579 coordinate and cooperate in the development of spaceport  
580 infrastructure and related transportation facilities contained  
581 in the Strategic Intermodal System Plan; encourage, where  
582 appropriate, the cooperation and integration of airports and  
583 spaceports in order to meet transportation-related needs; and  
584 facilitate and promote cooperative efforts between federal and  
585 state government entities to improve space transportation  
586 capacity and efficiency. In carrying out such duties and  
587 responsibilities, the department may assist and advise,  
588 cooperate with, and coordinate with federal, state, local, or



589 private entities and individuals. The department may  
590 administratively house its space transportation responsibilities  
591 within an existing division or office.

592 (3) Notwithstanding any other provision of law, the  
593 Department of Transportation may enter into an agreement with,  
594 or otherwise assist, Space Florida as necessary to effectuate  
595 the provisions of this chapter and may allocate funds for such  
596 purposes in its 5-year work program. However, the department may  
597 not fund the administrative or operational costs of Space  
598 Florida.

599 (4) (a) Beginning in fiscal year 2013-2014, a minimum of  
600 \$15 million annually may be made available from the State  
601 Transportation Trust Fund to fund space transportation projects.  
602 The funds for this initiative shall be from the funds dedicated  
603 to public transportation projects pursuant to s. 206.46(3)  
604 ~~Subject to the availability of appropriated funds, the~~  
605 ~~department may participate in the capital cost of eligible~~  
606 ~~spaceport discretionary capacity improvement projects. The~~  
607 ~~annual legislative budget request shall be based on the proposed~~  
608 ~~funding requested for approved spaceport discretionary capacity~~  
609 ~~improvement projects.~~

610 (b) Before executing an agreement, Space Florida must  
611 provide project-specific information to the Department of  
612 Transportation in order to demonstrate that the project includes  
613 transportation and aerospace benefits. Project information to be  
614 provided includes, but is not limited to:

- 615 1. Project description, characteristics, and scope.  
616 2. Project funding sources and costs.



617 3. Project financing considerations with emphasis on  
618 federal, local, and private participation.

619 4. Financial feasibility and risk analysis, including  
620 efforts to protect the state's investment and ensure project  
621 goals are realized.

622 5. Demonstration that the project will encourage, enhance,  
623 or create economic benefits.

624 (c) The Department of Transportation is authorized to fund  
625 up to 50 percent of eligible project costs. The department may  
626 fund up to 100 percent of eligible project costs if the project:

627 1. Provides important access and on-spaceport capacity  
628 improvements;

629 2. Provides capital improvements to strategically position  
630 the state to maximize opportunities in the aerospace industry or  
631 foster growth and development of a sustainable and world-leading  
632 aerospace industry in the state;

633 3. Meets state goals of an integrated intermodal  
634 transportation system; and

635 4. Demonstrates the feasibility and availability of  
636 matching funds through federal, local, or private partners.

637 Section 10. Subsection (11) is added to section 332.007,  
638 Florida Statutes, to read:

639 332.007 Administration and financing of aviation and  
640 airport programs and projects; state plan.—

641 (11) (a) The department is authorized to fund strategic  
642 airport investment projects that:

643 1. Provide important access and on-airport capacity  
644 improvements;



645 2. Provide capital improvements to strategically position  
646 the state to maximize opportunities in international trade,  
647 logistics, and the aviation industry;

648 3. Achieve state goals of an integrated intermodal  
649 transportation system; and

650 4. Demonstrate the feasibility and availability of  
651 matching funds through federal, local, or private partners.

652 (b) Strategic airport investment projects may be funded at  
653 up to 100 percent of the project's cost.

654 Section 11. Subsections (16), (18), and (26) of section  
655 334.044, Florida Statutes, are amended to read:

656 334.044 Department; powers and duties.—The department  
657 shall have the following general powers and duties:

658 (16) To plan, acquire, lease, construct, maintain, and  
659 operate toll facilities; to authorize the issuance and refunding  
660 of bonds; and to fix and collect tolls or other charges for  
661 travel on any such facilities. Effective July 1, 2013, and  
662 notwithstanding any other law to the contrary, the department  
663 may not enter into any lease-purchase agreement with any  
664 expressway authority, regional transportation authority, or  
665 other entity. This provision does not invalidate any lease-  
666 purchase agreement authorized under chapter 348 or chapter 2000-  
667 411, Laws of Florida, and existing as of July 1, 2013, and does  
668 not limit the department's authority under s. 334.30.

669 (18) To establish and maintain bicycle and pedestrian  
670 ways. Notwithstanding s. 260.0144, the department may enter into  
671 a concession agreement with a not-for-profit entity or private  
672 sector business or entity for commercial sponsorship displays on





673 multiuse trails and related facilities under s. 335.065 funded  
674 by the department and use any revenue received from such  
675 agreements for the maintenance of the multiuse trails and  
676 related facilities.

677 (26) To provide for the enhancement of environmental  
678 benefits, including air and water quality; to prevent roadside  
679 erosion; to conserve the natural roadside growth and scenery;  
680 and to provide for the implementation and maintenance of  
681 roadside conservation, enhancement, and stabilization programs.  
682 No less than 1.5 percent of the amount contracted for  
683 construction projects shall be allocated by the department on a  
684 statewide basis for the purchase of plant materials. Department  
685 districts may not expend funds for landscaping in connection  
686 with any project that is limited to resurfacing existing lanes  
687 unless the expenditure has been approved by the department's  
688 secretary or the secretary's designee. To the greatest extent  
689 practical, a minimum of 50 percent of the funds allocated under  
690 this subsection shall be allocated for large plant materials and  
691 the remaining funds for other plant materials. Except as  
692 prohibited by applicable federal law or regulation, all plant  
693 materials shall be purchased from Florida commercial nursery  
694 stock in this state on a uniform competitive bid basis. The  
695 department shall develop grades and standards for landscaping  
696 materials purchased through this process. To accomplish these  
697 activities, the department may contract with nonprofit  
698 organizations having the primary purpose of developing youth  
699 employment opportunities.



700 Section 12. Section 335.055, Florida Statutes, is amended  
 701 to read:

702 335.055 Routine maintenance contracts.—

703 (1) The Department of Transportation may enter into  
 704 contracts with counties, ~~and~~ municipalities, and community  
 705 development districts to perform routine maintenance work on the  
 706 State Highway System within the appropriate boundaries.

707 (2) Each county, ~~or~~ municipality, or community development  
 708 district that ~~which~~ completes the work described in subsection  
 709 (1) shall be relieved from any tort liability arising after  
 710 completion of such work if the completed project conforms to the  
 711 standards of the contract as agreed to by the department.

712 (3) Each county, ~~or~~ municipality, or community development  
 713 district shall be entitled to receive payment or reimbursement  
 714 from the department, in accordance with the contract, if the  
 715 work is completed to the standards of the contract as agreed to  
 716 by the department.

717 (4) Nothing contained in this section shall impair,  
 718 suspend, contract, enlarge, extend, or affect in any manner the  
 719 powers and duties of the department.

720 Section 13. Section 335.06, Florida Statutes, is amended  
 721 to read:

722 335.06 Access roads to the state park system.—Any road  
 723 which provides access to property within the state park system  
 724 shall be maintained by the department if the road is a part of  
 725 the State Highway System and may be improved and maintained by  
 726 the department if the road is part of a county road system or  
 727 city street system. If the department does not maintain a county



728 or city road that provides access to the state park system, the  
 729 road ~~or~~ shall be maintained by the appropriate county or  
 730 municipality ~~if the road is a part of the county road system or~~  
 731 ~~the city street system.~~

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

734 337.11 Contracting authority of department; bids;  
 735 emergency repairs, supplemental agreements, and change orders;  
 736 combined design and construction contracts; progress payments;  
 737 records; requirements of vehicle registration.—

738 (13) Each contract let by the department for the  
 739 performance of road or bridge construction or maintenance work  
 740 shall require ~~contain a provision requiring the contractor to~~  
 741 ~~provide proof to the department, in the form of a notarized~~  
 742 ~~affidavit from the contractor, that all motor vehicles that the~~  
 743 ~~contractor~~ he or she operates or causes to be operated in this  
 744 state to be ~~are~~ registered in compliance with chapter 320.

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

747 337.14 Application for qualification; certificate of  
 748 qualification; restrictions; request for hearing.—

749 (1) Any person desiring to bid for the performance of any  
 750 construction contract with a proposed budget estimate in excess  
 751 of \$250,000 which the department proposes to let must first be  
 752 certified by the department as qualified pursuant to this  
 753 section and rules of the department. The rules of the department  
 754 shall address the qualification of persons to bid on  
 755 construction contracts with proposed budget estimates in excess



756 of \$250,000 and shall include requirements with respect to the  
757 equipment, past record, experience, financial resources, and  
758 organizational personnel of the applicant necessary to perform  
759 the specific class of work for which the person seeks  
760 certification. The department may limit the dollar amount of any  
761 contract upon which a person is qualified to bid or the  
762 aggregate total dollar volume of contracts such person is  
763 allowed to have under contract at any one time. Each applicant  
764 seeking qualification to bid on construction contracts with  
765 proposed budget estimates in excess of \$250,000 shall furnish  
766 the department a statement under oath, on such forms as the  
767 department may prescribe, setting forth detailed information as  
768 required on the application. Each application for certification  
769 shall be accompanied by the latest annual financial statement of  
770 the applicant completed within the last 12 months. If the  
771 application or the annual financial statement shows the  
772 financial condition of the applicant more than 4 months before  
773 ~~prior to~~ the date on which the application is received by the  
774 department, then an interim financial statement must be  
775 submitted and be accompanied by an updated application. The  
776 interim financial statement must cover the period from the end  
777 date of the annual statement and must show the financial  
778 condition of the applicant no more than 4 months before ~~prior to~~  
779 the date the interim financial statement is received by the  
780 department. However, upon request by the applicant, an  
781 application and accompanying annual or interim financial  
782 statement received by the department within 15 days after either  
783 4-month period under this subsection shall be considered timely.



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784 Each required annual or interim financial statement must be  
785 audited and accompanied by the opinion of a certified public  
786 accountant. An applicant desiring to bid exclusively for the  
787 performance of construction contracts with proposed budget  
788 estimates of less than \$1 million may submit reviewed annual or  
789 reviewed interim financial statements prepared by a certified  
790 public accountant. The information required by this subsection  
791 is confidential and exempt from the provisions of s. 119.07(1).  
792 The department shall act upon the application for qualification  
793 within 30 days after the department determines that the  
794 application is complete. The department may waive the  
795 requirements of this subsection for projects having a contract  
796 price of \$500,000 or less if the department determines that the  
797 project is of a noncritical nature and the waiver will not  
798 endanger public health, safety, or property.

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

801 337.168 Confidentiality of official estimates, identities  
802 of potential bidders, and bid analysis and monitoring system.—

803 (2) A document that reveals ~~revealing~~ the identity of a  
804 person who has ~~persons who have~~ requested or obtained a bid  
805 package, plan ~~packages, plans,~~ or specifications pertaining to  
806 any project to be let by the department is confidential and  
807 exempt from the provisions of s. 119.07(1) for the period that  
808 ~~which~~ begins 2 working days before ~~prior to~~ the deadline for  
809 obtaining bid packages, plans, or specifications and ends with  
810 the letting of the bid. A document that reveals the identity of  
811 a person who has requested or obtained a bid package, plan, or



812 specifications pertaining to any project to be let by the  
813 department before the 2 working days before the deadline for  
814 obtaining bid packages, plans, or specifications remains a  
815 public record subject to the provisions of s. 119.07(1).

816 Section 17. Section 337.25, Florida Statutes, is amended  
817 to read:

818 337.25 Acquisition, lease, and disposal of real and  
819 personal property.—

820 (1) (a) The department may purchase, lease, exchange, or  
821 otherwise acquire any land, property interests, or buildings or  
822 other improvements, including personal property within such  
823 buildings or on such lands, necessary to secure or utilize  
824 transportation rights-of-way for existing, proposed, or  
825 anticipated transportation facilities on the State Highway  
826 System, on the State Park Road System, in a rail corridor, or in  
827 a transportation corridor designated by the department. Such  
828 property shall be held in the name of the state.

829 (b) The department may accept donations of any land or  
830 buildings or other improvements, including personal property  
831 within such buildings or on such lands with or without such  
832 conditions, reservations, or reverter provisions as are  
833 acceptable to the department. Such donations may be used as  
834 transportation rights-of-way or to secure or utilize  
835 transportation rights-of-way for existing, proposed, or  
836 anticipated transportation facilities on the State Highway  
837 System, on the State Park Road System, or in a transportation  
838 corridor designated by the department.



839 (c) When lands, buildings, or other improvements are  
840 needed for transportation purposes, but are held by a federal,  
841 state, or local governmental entity and utilized for public  
842 purposes other than transportation, the department may  
843 compensate the entity for such properties by providing  
844 functionally equivalent replacement facilities. The providing of  
845 replacement facilities under this subsection may only be  
846 undertaken with the agreement of the governmental entity  
847 affected.

848 (d) The department may contract pursuant to s. 287.055 for  
849 auction services used in the conveyance of real or personal  
850 property or the conveyance of leasehold interests under the  
851 provisions of subsections (4) and (5). The contract may allow  
852 for the contractor to retain a portion of the proceeds as  
853 compensation for its services.

854 (2) A complete inventory shall be made of all real or  
855 personal property immediately upon possession or acquisition.  
856 Such inventory shall include a statement of the location or site  
857 of each piece of realty, structure, or severable item ~~an~~  
858 ~~itemized listing of all appliances, fixtures, and other~~  
859 ~~severable items; a statement of the location or site of each~~  
860 ~~piece of realty, structure, or severable item; and the serial~~  
861 ~~number assigned to each.~~ Copies of each inventory shall be filed  
862 in the district office in which the property is located. Such  
863 inventory shall be carried forward to show the final disposition  
864 of each item of property, both real and personal.

865 (3) The inventory of real property which was acquired by  
866 the state after December 31, 1988, which has been owned by the



867 state for 10 or more years, and which is not within a  
868 transportation corridor or within the right-of-way of a  
869 transportation facility shall be evaluated to determine the  
870 necessity for retaining the property. If the property is not  
871 needed for the construction, operation, and maintenance of a  
872 transportation facility, or is not located within a  
873 transportation corridor, the department may dispose of the  
874 property pursuant to subsection (4).

875 (4) The department may convey ~~sell~~, in the name of the  
876 state, any land, building, or other property, real or personal,  
877 which was acquired under the provisions of subsection (1) and  
878 which the department has determined is not needed for the  
879 construction, operation, and maintenance of a transportation  
880 facility. ~~With the exception of any parcel governed by paragraph~~  
881 ~~(c), paragraph (d), paragraph (f), paragraph (g), or paragraph~~  
882 ~~(i), the department shall afford first right of refusal to the~~  
883 ~~local government in the jurisdiction of which the parcel is~~  
884 ~~situated.~~ When such a determination has been made, property may  
885 be disposed of through negotiation, sealed competitive bid,  
886 auction, or any other means the department deems to be in its  
887 best interest, with due advertisement for property valued by the  
888 department at more than \$10,000. A sale may not occur at a price  
889 less than the department's current estimate of value except as  
890 provided in paragraphs (a)-(d). The department may afford the  
891 right of first refusal to the local government or other  
892 political subdivision in the jurisdiction in which the parcel is  
893 situated, except in conveyances transacted under paragraphs (a),  
894 (c), or (e). ~~in the following manner:~~





895           (a) ~~If a the value of the property has been donated to the~~  
896 ~~state for transportation purposes, the facility has not been~~  
897 ~~constructed for a period of at least 5 years, no plans have been~~  
898 ~~prepared for the construction of such facility, and the property~~  
899 ~~is not located in a transportation corridor, the governmental~~  
900 ~~entity may authorize reconveyance of the donated property for no~~  
901 ~~consideration to the original donor or the donor's heirs,~~  
902 ~~successors, assigns, or representatives is \$10,000 or less as~~  
903 ~~determined by department estimate, the department may negotiate~~  
904 ~~the sale.~~

905           (b) ~~If the value of the property is to be used for a~~  
906 ~~public purpose, the property may be conveyed to a governmental~~  
907 ~~entity without consideration exceeds \$10,000 as determined by~~  
908 ~~department estimate, such property may be sold to the highest~~  
909 ~~bidder through receipt of sealed competitive bids, after due~~  
910 ~~advertisement, or by public auction held at the site of the~~  
911 ~~improvement which is being sold.~~

912           (c) ~~If the property was originally acquired specifically~~  
913 ~~to provide replacement housing for persons displaced by~~  
914 ~~transportation projects, the department may negotiate for the~~  
915 ~~sale of such property as replacement housing. As compensation,~~  
916 ~~the state shall receive no less than its investment in such~~  
917 ~~properties or the department's current estimate of value,~~  
918 ~~whichever is lower. It is expressly intended that this benefit~~  
919 ~~be extended only to those persons actually displaced by such~~  
920 ~~project. Disposition to any other person must be for no less~~  
921 ~~than the department's current estimate of value, in the~~  
922 ~~discretion of the department, public sale would be inequitable,~~



923 ~~properties may be sold by negotiation to the owner holding title~~  
924 ~~to the property abutting the property to be sold, provided such~~  
925 ~~sale is at a negotiated price not less than fair market value as~~  
926 ~~determined by an independent appraisal, the cost of which shall~~  
927 ~~be paid by the owner of the abutting land. If negotiations do~~  
928 ~~not result in the sale of the property to the owner of the~~  
929 ~~abutting land and the property is sold to someone else, the cost~~  
930 ~~of the independent appraisal shall be borne by the purchaser;~~  
931 ~~and the owner of the abutting land shall have the cost of the~~  
932 ~~appraisal refunded to him or her. If, however, no purchase takes~~  
933 ~~place, the owner of the abutting land shall forfeit the sum paid~~  
934 ~~by him or her for the independent appraisal. If, due to action~~  
935 ~~of the department, the property is removed from eligibility for~~  
936 ~~sale, the cost of any appraisal prepared shall be refunded to~~  
937 ~~the owner of the abutting land.~~

938       (d) If the department determines that the property will  
939 require significant costs to be incurred or that continued  
940 ownership of the property exposes the department to significant  
941 liability risks, the department may use the projected  
942 maintenance costs over the next 10 years to offset the  
943 property's value in establishing a value for disposal of the  
944 property, even if that value is zero ~~property acquired for use~~  
945 ~~as a borrow pit is no longer needed, the department may sell~~  
946 ~~such property to the owner of the parcel of abutting land from~~  
947 ~~which the borrow pit was originally acquired, provided the sale~~  
948 ~~is at a negotiated price not less than fair market value as~~  
949 ~~determined by an independent appraisal, the cost of which shall~~  
950 ~~be paid by the owner of such abutting land.~~



951           (e) If, in the discretion of the department, a sale to  
952 anyone other than an abutting property owner would be  
953 inequitable, the property may be sold to the abutting owner for  
954 the department's current estimate of value ~~the department begins~~  
955 ~~the process for disposing of the property on its own initiative,~~  
956 ~~either by negotiation under the provisions of paragraph (a),~~  
957 ~~paragraph (c), paragraph (d), or paragraph (i), or by receipt of~~  
958 ~~sealed competitive bids or public auction under the provisions~~  
959 ~~of paragraph (b) or paragraph (i), a department staff appraiser~~  
960 ~~may determine the fair market value of the property by an~~  
961 ~~appraisal.~~

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

970           ~~(g) If a property has been donated to the state for~~  
971 ~~transportation purposes and the facility has not been~~  
972 ~~constructed for a period of at least 5 years and no plans have~~  
973 ~~been prepared for the construction of such facility and the~~  
974 ~~property is not located in a transportation corridor, the~~  
975 ~~governmental entity may authorize reconveyance of the donated~~  
976 ~~property for no consideration to the original donor or the~~  
977 ~~donor's heirs, successors, assigns, or representatives.~~



978 ~~(h) If property is to be used for a public purpose, the~~  
979 ~~property may be conveyed without consideration to a governmental~~  
980 ~~entity.~~

981 ~~(i) If property was originally acquired specifically to~~  
982 ~~provide replacement housing for persons displaced by~~  
983 ~~transportation projects, the department may negotiate for the~~  
984 ~~sale of such property as replacement housing. As compensation,~~  
985 ~~the state shall receive no less than its investment in such~~  
986 ~~properties or fair market value, whichever is lower. It is~~  
987 ~~expressly intended that this benefit be extended only to those~~  
988 ~~persons actually displaced by such project. Dispositions to any~~  
989 ~~other persons must be for fair market value.~~

990 ~~(j) If the department determines that the property will~~  
991 ~~require significant costs to be incurred or that continued~~  
992 ~~ownership of the property exposes the department to significant~~  
993 ~~liability risks, the department may use the projected~~  
994 ~~maintenance costs over the next 5 years to offset the market~~  
995 ~~value in establishing a value for disposal of the property, even~~  
996 ~~if that value is zero.~~

997 (5) The department may convey a leasehold interest for  
998 commercial or other purposes, in the name of the state, to any  
999 land, building, or other property, real or personal, which was  
1000 acquired under the provisions of subsection (1). A lease may not  
1001 occur at a price less than the department's current estimate of  
1002 value.

1003 (a) All leases shall be entered into by negotiation,  
1004 sealed competitive bid, auction, or any other means the  
1005 department deems to be in its best interest. ~~The department may~~



1006 ~~negotiate such a lease at the prevailing market value with the~~  
 1007 ~~owner from whom the property was acquired; with the holders of~~  
 1008 ~~leasehold estates existing at the time of the department's~~  
 1009 ~~acquisition; or, if public bidding would be inequitable, with~~  
 1010 ~~the owner holding title to privately owned abutting property, if~~  
 1011 ~~reasonable notice is provided to all other owners of abutting~~  
 1012 ~~property.~~ The department may allow an outdoor advertising sign  
 1013 to remain on the property acquired, or be relocated on  
 1014 department property, and such sign shall not be considered a  
 1015 nonconforming sign pursuant to chapter 479.

1016 (b) If, in the discretion of the department, a lease to  
 1017 anyone other than an abutting property owner or a tenant with a  
 1018 leasehold interest in the abutting property would be  
 1019 inequitable, the property may be leased to the abutting owner or  
 1020 tenant for no less than the department's current estimate of  
 1021 value ~~All other leases shall be by competitive bid.~~

1022 (c) A ~~No~~ lease signed pursuant to paragraph (a) may not ~~or~~  
 1023 ~~paragraph (b)~~ shall be for a period of more than 5 years;  
 1024 however, the department may renegotiate or extend such a lease  
 1025 for an additional term of 5 years as the department deems  
 1026 appropriate ~~without rebidding.~~

1027 (d) Each lease shall provide that unless otherwise  
 1028 directed by the lessor, any improvements made to the property  
 1029 during the term of the lease shall be removed at the lessee's  
 1030 expense.

1031 (e) If property is to be used for a public purpose,  
 1032 ~~including a fair, art show, or other educational, cultural, or~~  
 1033 ~~fundraising activity,~~ the property may be leased without



1034 consideration to a governmental entity ~~or school board~~. Any  
 1035 public-purpose lease is exempt from the term limits provided in  
 1036 paragraph (c).

1037 (f) Paragraphs (c) and (e) ~~(d)~~ do not apply to leases  
 1038 entered into pursuant to s. 260.0161(3), except as provided in  
 1039 such a lease.

1040 (g) No lease executed under this subsection may be  
 1041 utilized by the lessee to establish the ~~4 years'~~ standing  
 1042 required by s. 73.071(3)(b) if the business had not been  
 1043 established for the specified number of 4 years on the date  
 1044 title passed to the department.

1045 (h) The department may enter into a long-term lease  
 1046 without compensation with a public port listed in s.  
 1047 403.021(9)(b) for rail corridors used for the operation of a  
 1048 short-line railroad to the port.

1049 (6) Nothing in this chapter prevents the joint use of  
 1050 right-of-way for alternative modes of transportation; provided  
 1051 that the joint use does not impair the integrity and safety of  
 1052 the transportation facility.

1053 (7) The department's estimate of value, as required in  
 1054 subsections (4) and (5), shall be prepared in accordance with  
 1055 department procedures, guidelines, and rules for valuation of  
 1056 real property. If the value of the property exceeds \$50,000 as  
 1057 determined by department estimate, the sale will be at a  
 1058 negotiated price not less than fair market value as determined  
 1059 by an independent appraisal prepared in accordance with  
 1060 department procedures, guidelines, and rules for valuation of  
 1061 real property, the cost of which shall be paid by the party



1062 seeking the purchase of the property. If the estimated value is  
1063 \$50,000 or less, the department may use a department staff  
1064 appraiser or obtain an independent appraisal required by  
1065 ~~paragraphs (4) (c) and (d) shall be prepared in accordance with~~  
1066 ~~department guidelines and rules by an independent appraiser who~~  
1067 ~~has been certified by the department. If federal funds were used~~  
1068 ~~in the acquisition of the property, the appraisal shall also be~~  
1069 ~~subject to the approval of the Federal Highway Administration.~~

1070 (8) A "due advertisement" under this section is an  
1071 advertisement in a newspaper of general circulation in the area  
1072 of the improvements of not less than 14 calendar days before  
1073 ~~prior to~~ the date of the receipt of bids or the date on which a  
1074 public auction is to be held.

1075 (9) The department, with the approval of the Chief  
1076 Financial Officer, is authorized to disburse state funds for  
1077 real estate closings in a manner consistent with good business  
1078 practices and in a manner minimizing costs and risks to the  
1079 state.

1080 (10) The department is authorized to purchase title  
1081 insurance in those instances where it is determined that such  
1082 insurance is necessary to protect the public's investment in  
1083 property being acquired for transportation purposes. The  
1084 department shall adopt procedures to be followed in making the  
1085 determination to purchase title insurance for a particular  
1086 parcel or group of parcels which, at a minimum, shall set forth  
1087 criteria which the parcels shall ~~must~~ meet.

1088 (11) This section does not modify the requirements of s.  
1089 73.013.



1090 Section 18. Subsection (2) of section 337.251, Florida  
 1091 Statutes, is amended to read:

1092 337.251 Lease of property for joint public-private  
 1093 development and areas above or below department property.-

1094 (2) The department may request proposals for the lease of  
 1095 such property or, if the department receives a proposal for ~~to~~  
 1096 ~~negotiate~~ a lease of particular department property that the  
 1097 department desires to consider, it shall publish a notice in a  
 1098 newspaper of general circulation at least once a week for 2  
 1099 weeks, stating that it has received the proposal and will  
 1100 accept, for 120 ~~60~~ days after the date of publication, other  
 1101 proposals for lease of the particular property ~~use of the space~~.  
 1102 A copy of the notice must be mailed to each local government in  
 1103 the affected area. The department shall adopt rules establishing  
 1104 an application fee for the submission of proposals under this  
 1105 section. The fee must be limited to the amount needed to pay the  
 1106 anticipated costs of evaluating the proposals. The department  
 1107 may engage the services of private consultants to assist in the  
 1108 evaluation. Before approval, the department must determine that  
 1109 the proposed lease:

- 1110 (a) Is in the public's best interest;
- 1111 (b) Would not require state funds to be used; and
- 1112 (c) Would have adequate safeguards in place to ensure that  
 1113 no additional costs or service disruptions would be realized by  
 1114 the traveling public and residents of the state in the event of  
 1115 default by the private lessee or upon termination or expiration  
 1116 of the lease.

1117 Section 19. Subsection (1) of section 337.403, Florida





1118 Statutes, is amended to read:

1119 337.403 Interference caused by ~~relocation of~~ utility;  
 1120 expenses.—

1121 (1) If a utility that is placed upon, under, over, or  
 1122 along any public road or publicly owned rail corridor is found  
 1123 by the authority to be unreasonably interfering in any way with  
 1124 the convenient, safe, or continuous use, or the maintenance,  
 1125 improvement, extension, or expansion, of such public road or  
 1126 publicly owned rail corridor, the utility owner shall, upon 30  
 1127 days' written notice to the utility or its agent by the  
 1128 authority, initiate the work necessary to alleviate the  
 1129 interference at its own expense except as provided in paragraphs  
 1130 (a)-(i) ~~(a)-(g)~~. The work must be completed within such  
 1131 reasonable time as stated in the notice or such time as agreed  
 1132 to by the authority and the utility owner.

1133 (a) If the relocation of utility facilities, as referred  
 1134 to in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.  
 1135 627 of the 84th Congress, is necessitated by the construction of  
 1136 a project on the federal-aid interstate system, including  
 1137 extensions thereof within urban areas, and the cost of the  
 1138 project is eligible and approved for reimbursement by the  
 1139 Federal Government to the extent of 90 percent or more under the  
 1140 Federal Aid Highway Act, or any amendment thereof, then in that  
 1141 event the utility owning or operating such facilities shall  
 1142 perform any necessary work upon notice from the department, and  
 1143 the state shall pay the entire expense properly attributable to  
 1144 such work after deducting therefrom any increase in the value of  
 1145 a new facility and any salvage value derived from an old



1146 facility.

1147 (b) When a joint agreement between the department and the  
1148 utility is executed for utility work to be accomplished as part  
1149 of a contract for construction of a transportation facility, the  
1150 department may participate in those utility work costs that  
1151 exceed the department's official estimate of the cost of the  
1152 work by more than 10 percent. The amount of such participation  
1153 shall be limited to the difference between the official estimate  
1154 of all the work in the joint agreement plus 10 percent and the  
1155 amount awarded for this work in the construction contract for  
1156 such work. The department may not participate in any utility  
1157 work costs that occur as a result of changes or additions during  
1158 the course of the contract.

1159 (c) When an agreement between the department and utility  
1160 is executed for utility work to be accomplished in advance of a  
1161 contract for construction of a transportation facility, the  
1162 department may participate in the cost of clearing and grubbing  
1163 necessary to perform such work.

1164 (d) If the utility facility was initially installed to  
1165 exclusively serve the authority or its tenants, or both, the  
1166 authority shall bear the costs of the utility work. However, the  
1167 authority is not responsible for the cost of utility work  
1168 related to any subsequent additions to that facility for the  
1169 purpose of serving others.

1170 (e) If, under an agreement between a utility and the  
1171 authority entered into after July 1, 2009, the utility conveys,  
1172 subordinates, or relinquishes a compensable property right to  
1173 the authority for the purpose of accommodating the acquisition



1174 or use of the right-of-way by the authority, without the  
1175 agreement expressly addressing future responsibility for the  
1176 cost of necessary utility work, the authority shall bear the  
1177 cost of removal or relocation. This paragraph does not impair or  
1178 restrict, and may not be used to interpret, the terms of any  
1179 such agreement entered into before July 1, 2009.

1180 (f) If the utility is an electric facility being relocated  
1181 underground in order to enhance vehicular, bicycle, and  
1182 pedestrian safety and in which ownership of the electric  
1183 facility to be placed underground has been transferred from a  
1184 private to a public utility within the past 5 years, the  
1185 department shall incur all costs of the necessary utility work.

1186 (g) An authority may bear the costs of utility work  
1187 required to eliminate an unreasonable interference when the  
1188 utility is not able to establish that it has a compensable  
1189 property right in the particular property where the utility is  
1190 located if:

1191 1. The utility was physically located on the particular  
1192 property before the authority acquired rights in the property;

1193 2. The utility demonstrates that it has a compensable  
1194 property right in ~~all~~ adjacent properties along the alignment of  
1195 the utility or, after due diligence, certifies that the utility  
1196 does not have evidence to prove or disprove that it has a  
1197 compensable property right in the particular property where the  
1198 utility is located; and

1199 3. The information available to the authority does not  
1200 establish the relative priorities of the authority's and the  
1201 utility's interests in the particular property.



1202       (h) If the relocation of utility facilities is  
1203 necessitated by the construction of a commuter rail service  
1204 project or an intercity passenger rail service project and the  
1205 cost of the project is eligible and approved for reimbursement  
1206 by the Federal Government, the utility that owns or operates  
1207 such facilities located by permit on a department-owned rail  
1208 corridor shall perform any necessary utility relocation work  
1209 upon notice from the department, and the department shall pay  
1210 the expense properly attributable to such utility relocation  
1211 work in the same proportion as Federal funds are expended on the  
1212 commuter rail service project or an intercity passenger rail  
1213 service project after deducting therefrom any increase in the  
1214 value of a new facility and any salvage value derived from an  
1215 old facility. In no event shall the state be required to use  
1216 state dollars for such utility relocation work. This paragraph  
1217 shall not apply to any phase of the Central Florida Rail  
1218 Corridor project known as SunRail.

1219       (i) If a city-owned or county-owned utility is located in  
1220 a rural area of critical economic concern, designated pursuant  
1221 to s. 288.0656, and the department's comptroller determines that  
1222 the utility is not able, and will not within the following 10  
1223 years be able, to pay for the cost of utility work necessitated  
1224 by a department project on the State Highway System, the  
1225 department may pay the cost of such utility work performed by  
1226 the department or the department's contractor, in whole or in  
1227 part.

1228       Section 20. (1) The Florida Transportation Commission  
1229 shall conduct a study of the potential for the state to obtain



1230 revenue from any parking meters or other parking time-limit  
1231 devices that regulate designated parking spaces located within  
1232 or along the right-of-way limits of a state road. The commission  
1233 may retain such experts as are reasonably necessary to complete  
1234 the study, and the department shall pay the expenses of such  
1235 experts. On or before August 31, 2013, each municipality and  
1236 county that receives revenue from any parking meters or other  
1237 parking time-limit devices that regulate designated parking  
1238 spaces located within or along the right-of-way limits of a  
1239 state road shall provide the commission a written inventory of  
1240 the location of each such meter or device and the total revenue  
1241 collected from such locations during the last 3 fiscal years.  
1242 Each municipality and county shall at the same time inform the  
1243 commission of any pledge or commitment by the municipality or  
1244 county of such revenues to the payment of debt service on any  
1245 bonds or other debt issued by the municipality or county. The  
1246 commission shall consider the information provided by the  
1247 municipalities and counties, together with such other matters as  
1248 it deems appropriate, and shall develop policy recommendations  
1249 regarding the manner and extent that revenues generated by  
1250 regulating parking within the right-of-way limits of a state  
1251 road may be allocated between the department and municipalities  
1252 and counties. The commission shall develop specific  
1253 recommendations concerning the allocation of revenues generated  
1254 by meters or devices regulating such parking that were installed  
1255 before July 1, 2013, and the allocation of revenues that may be  
1256 generated by meters or devices installed thereafter. The  
1257 commission shall complete the study and provide a written report



1258 of its findings and conclusions to the Governor, the President  
1259 of the Senate, the Speaker of the House of Representatives, and  
1260 the chairs of each of the appropriations committees of the  
1261 Legislature by October 31, 2013.

1262 (2) If, by August 31, 2013, a municipality or county does  
1263 not provide the information requested by the commission, the  
1264 department is authorized to remove the parking meters or parking  
1265 time-limit devices that regulate designated parking spaces  
1266 located within or along the right-of-way limits of a state road,  
1267 and all costs incurred in connection with the removal shall be  
1268 assessed against and collected from the municipality or county.

1269 (3) The Legislature finds that preservation of the status  
1270 quo pending the commission's study and the Legislature's review  
1271 of the commission's report is appropriate and desirable. From  
1272 July 1, 2013, through July 1, 2014, no county or municipality  
1273 shall install any parking meters or other parking time-limit  
1274 devices that regulate designated parking spaces located within  
1275 or along the right-of-way limits of a state road. This  
1276 subsection does not prohibit the replacement of meters or  
1277 similar devices installed before July 1, 2013, with new devices  
1278 that regulate the same designated parking spaces.

1279 (4) This section shall take effect upon this act becoming  
1280 law.

1281 Section 21. Subsection (5) of section 338.161, Florida  
1282 Statutes, is amended to read:

1283 338.161 Authority of department or toll agencies to  
1284 advertise and promote electronic toll collection; expanded uses



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1285 of electronic toll collection system; authority of department to  
1286 collect tolls, fares, and fees for private and public entities.—

1287 (5) If the department finds that it can increase nontoll  
1288 revenues or add convenience or other value for its customers,  
1289 and if a public or private transportation facility owner agrees  
1290 that its facility will become interoperable with the  
1291 department's electronic toll collection and video billing  
1292 systems, the department is authorized to enter into an agreement  
1293 with the owner of such facility under which the department uses  
1294 ~~private or public entities for the department's use of its~~  
1295 electronic toll collection and video billing systems to collect  
1296 and enforce for the owner tolls, fares, administrative fees, and  
1297 other applicable charges due ~~imposed~~ in connection with use of  
1298 the owner's facility ~~transportation facilities of the private or~~  
1299 ~~public entities that become interoperable with the department's~~  
1300 ~~electronic toll collection system.~~ The department may modify its  
1301 rules regarding toll collection procedures and the imposition of  
1302 administrative charges to be applicable to toll facilities that  
1303 are not part of the turnpike system or otherwise owned by the  
1304 department. This subsection may not be construed to limit the  
1305 authority of the department under any other provision of law or  
1306 under any agreement entered into before ~~prior to~~ July 1, 2012.

1307 Section 22. Subsection (4) of section 338.165, Florida  
1308 Statutes, is amended to read:

1309 338.165 Continuation of tolls.—

1310 (4) Notwithstanding any other law to the contrary,  
1311 pursuant to s. 11, Art. VII of the State Constitution, and  
1312 subject to the requirements of subsection (2), the Department of



1313 Transportation may request the Division of Bond Finance to issue  
 1314 bonds secured by toll revenues collected on the Alligator Alley,  
 1315 the Sunshine Skyway Bridge, ~~the Beeline-East Expressway, the~~  
 1316 ~~Navarre Bridge,~~ and the Pinellas Bayway to fund transportation  
 1317 projects located within the county or counties in which the  
 1318 project is located and contained in the adopted work program of  
 1319 the department.

1320 Section 23. Subsections (3) and (4) of section 338.26,  
 1321 Florida Statutes, are amended to read:

1322 338.26 Alligator Alley toll road.—

1323 (3) Fees generated from tolls shall be deposited in the  
 1324 State Transportation Trust Fund, and any amount of funds  
 1325 generated annually in excess of that required to reimburse  
 1326 outstanding contractual obligations, to operate and maintain the  
 1327 highway and toll facilities, including reconstruction and  
 1328 restoration, to pay for those projects that are funded with  
 1329 Alligator Alley toll revenues and that are contained in the  
 1330 1993-1994 adopted work program or the 1994-1995 tentative work  
 1331 program submitted to the Legislature on February 22, 1994, and  
 1332 to design and construct ~~develop and operate~~ a fire station at  
 1333 mile marker 63 on Alligator Alley, which may be used by Collier  
 1334 County or other appropriate local governmental entity to provide  
 1335 fire, rescue, and emergency management services ~~to the adjacent~~  
 1336 ~~counties~~ along Alligator Alley, may be transferred to the  
 1337 Everglades Fund of the South Florida Water Management District  
 1338 in accordance with the memorandum of understanding of June 30,  
 1339 1997, between the district and the department. The South Florida  
 1340 Water Management District shall deposit funds for projects





1341 undertaken pursuant to s. 373.4592 in the Everglades Trust Fund  
 1342 pursuant to s. 373.45926(4) (a). Any funds remaining in the  
 1343 Everglades Fund may be used for environmental projects to  
 1344 restore the natural values of the Everglades, subject to  
 1345 compliance with any applicable federal laws and regulations.  
 1346 Projects must ~~shall~~ be limited to:

1347 (a) Highway redesign to allow for improved sheet flow of  
 1348 water across the southern Everglades.

1349 (b) Water conveyance projects to enable more water  
 1350 resources to reach Florida Bay to replenish marine estuary  
 1351 functions.

1352 (c) Engineering design plans for wastewater treatment  
 1353 facilities as recommended in the Water Quality Protection  
 1354 Program Document for the Florida Keys National Marine Sanctuary.

1355 (d) Acquisition of lands to move STA 3/4 out of the Toe of  
 1356 the Boot, provided such lands are located within 1 mile of the  
 1357 northern border of STA 3/4.

1358 (e) Other Everglades Construction Projects as described in  
 1359 the February 15, 1994, conceptual design document.

1360 ~~(4) The district may issue revenue bonds or notes under s.~~  
 1361 ~~373.584 and pledge the revenue from the transfers from the~~  
 1362 ~~Alligator Alley toll revenues as security for such bonds or~~  
 1363 ~~notes. The proceeds from such revenue bonds or notes shall be~~  
 1364 ~~used for environmental projects; at least 50 percent of said~~  
 1365 ~~proceeds must be used for projects that benefit Florida Bay, as~~  
 1366 ~~described in this section subject to resolutions approving such~~  
 1367 ~~activity by the Board of Trustees of the Internal Improvement~~  
 1368 ~~Trust Fund and the governing board of the South Florida Water~~



1369 ~~Management District and the remaining proceeds must be used for~~  
 1370 ~~restoration activities in the Everglades Protection Area.~~

1371 Section 24. Paragraph (a) of subsection (2) and  
 1372 subsections (3) and (4) of section 339.175, Florida Statutes,  
 1373 are amended, and paragraph (f) is added to subsection (2) of  
 1374 that section, to read:

1375 339.175 Metropolitan planning organization.—

1376 (2) DESIGNATION.—

1377 (a)1. An M.P.O. shall be designated for each urbanized  
 1378 area of the state; however, this does not require that an  
 1379 individual M.P.O. be designated for each such area. The M.P.O.  
 1380 ~~Such~~ designation shall be accomplished by agreement between the  
 1381 Governor and units of general-purpose local government that  
 1382 together represent ~~representing~~ at least 75 percent of the  
 1383 population, including the largest incorporated municipality,  
 1384 based on population, ~~of the urbanized area; however, the unit of~~  
 1385 ~~general-purpose local government that represents the central~~  
 1386 ~~city or cities within the M.P.O. jurisdiction,~~ as named defined  
 1387 by the United States Bureau of the Census, ~~must be a party to~~  
 1388 ~~such agreement.~~

1389 2. To the extent possible, only one M.P.O. shall be  
 1390 designated for each urbanized area or group of contiguous  
 1391 urbanized areas. More than one M.P.O. may be designated within  
 1392 an existing urbanized area only if the Governor and the existing  
 1393 M.P.O. determine that the size and complexity of the existing  
 1394 urbanized area makes the designation of more than one M.P.O. for  
 1395 the area appropriate.



1396           (f) Notwithstanding any other provision of this section,  
 1397 any county operating under a home rule charter adopted pursuant  
 1398 to s. 11, Art. VIII of the Constitution of 1885, as preserved by  
 1399 s. 6(e), Art. VIII of the Constitution of 1968, shall be  
 1400 designated a separate M.P.O. coterminous with the boundaries of  
 1401 such county.

1402  
 1403 Each M.P.O. required under this section must be fully operative  
 1404 no later than 6 months following its designation.

1405           (3) VOTING MEMBERSHIP.—

1406           (a) The voting membership of an M.P.O. shall consist of  
 1407 not fewer than 5 or more than 19 apportioned members, the exact  
 1408 number to be determined on an equitable geographic-population  
 1409 ratio ~~basis by the Governor~~, based on an agreement among the  
 1410 affected units of general-purpose local government and the  
 1411 Governor as required by federal ~~rules and~~ regulations. The  
 1412 voting membership of an M.P.O. that is redesignated after the  
 1413 effective date of this act as a result of the expansion of the  
 1414 M.P.O. to include a new urbanized area or the consolidation of  
 1415 two or more M.P.O.'s may consist of no more than 25 members. The  
 1416 Governor, in accordance with 23 U.S.C. s. 134, may also provide  
 1417 for M.P.O. members who represent municipalities to alternate  
 1418 with representatives from other municipalities within the  
 1419 metropolitan planning area that do not have members on the  
 1420 M.P.O. County commission members shall compose not less than  
 1421 one-third of the M.P.O. membership, except for an M.P.O. with  
 1422 more than 15 members located in a county with a 5-member county  
 1423 commission or an M.P.O. with 19 members located in a county with



1424 no more than 6 county commissioners, in which case county  
1425 commission members may compose less than one-third percent of  
1426 the M.P.O. membership, but all county commissioners must be  
1427 members. All voting members shall be elected officials of  
1428 general-purpose local governments, except that an M.P.O. may  
1429 include, as part of its apportioned voting members, a member of  
1430 a statutorily authorized planning board, an official of an  
1431 agency that operates or administers a major mode of  
1432 transportation, or an official of Space Florida. As used in this  
1433 section, the term "elected officials of a general-purpose local  
1434 government" excludes ~~shall exclude~~ constitutional officers,  
1435 including sheriffs, tax collectors, supervisors of elections,  
1436 property appraisers, clerks of the court, and similar types of  
1437 officials. County commissioners shall compose not less than 20  
1438 percent of the M.P.O. membership if an official of an agency  
1439 that operates or administers a major mode of transportation has  
1440 been appointed to an M.P.O.

1441 (b) In metropolitan areas in which authorities or other  
1442 agencies have been or may be created by law to perform  
1443 transportation functions and are performing transportation  
1444 functions that are not under the jurisdiction of a general-  
1445 purpose local government represented on the M.P.O., they may  
1446 ~~shall~~ be provided voting membership on the M.P.O. In all other  
1447 M.P.O.'s where transportation authorities or agencies are to be  
1448 represented by elected officials from general-purpose local  
1449 governments, the M.P.O. shall establish a process by which the  
1450 collective interests of such authorities or other agencies are  
1451 expressed and conveyed.



1452 (c) Any other provision of this section to the contrary  
1453 notwithstanding, a chartered county with a population of more  
1454 than ~~over~~ 1 million ~~population~~ may elect to reapportion the  
1455 membership of an M.P.O. whose jurisdiction is wholly within the  
1456 county. The charter county may exercise the provisions of this  
1457 paragraph if:

1458 1. The M.P.O. approves the reapportionment plan by a  
1459 three-fourths vote of its membership;

1460 2. The M.P.O. and the charter county determine that the  
1461 reapportionment plan is needed to fulfill specific goals and  
1462 policies applicable to that metropolitan planning area; and

1463 3. The charter county determines the reapportionment plan  
1464 otherwise complies with all federal requirements pertaining to  
1465 M.P.O. membership.

1466  
1467 A ~~Any~~ charter county that elects to exercise the provisions of  
1468 this paragraph shall notify the Governor in writing.

1469 (d) Any other provision of this section to the contrary  
1470 notwithstanding, a ~~any~~ county chartered under s. 6(e), Art. VIII  
1471 of the State Constitution may elect to have its county  
1472 commission serve as the M.P.O., if the M.P.O. jurisdiction is  
1473 wholly contained within the county. A ~~Any~~ charter county that  
1474 elects to exercise the provisions of this paragraph shall so  
1475 notify the Governor in writing. Upon receipt of the ~~such~~  
1476 notification, the Governor must designate the county commission  
1477 as the M.P.O. The Governor must appoint four additional voting  
1478 members to the M.P.O., one of whom must be an elected official  
1479 representing a municipality within the county, one of whom must



1480 be an expressway authority member, one of whom must be a person  
1481 who does not hold elected public office and who resides in the  
1482 unincorporated portion of the county, and one of whom must be a  
1483 school board member.

1484 (4) APPORTIONMENT.—

1485 (a) Each metropolitan planning organization shall review  
1486 the composition of its membership in conjunction with the  
1487 decennial census, as prepared by the United States Department of  
1488 Commerce, Bureau of the Census, and, with the agreement of the  
1489 affected units of general-purpose local government and the  
1490 Governor, reapportion the membership as necessary to comply with  
1491 subsection (3) The Governor shall, with the agreement of the  
1492 affected units of general purpose local government as required  
1493 by federal rules and regulations, apportion the membership on  
1494 the applicable M.P.O. among the various governmental entities  
1495 within the area.

1496 (b) At the request of a majority of the affected units of  
1497 general-purpose local government comprising an M.P.O., the  
1498 Governor and a majority of units of general-purpose local  
1499 government serving on an M.P.O. shall cooperatively agree upon  
1500 and prescribe who may serve as an alternate member and a method  
1501 for appointing alternate members who may vote at any M.P.O.  
1502 meeting that an alternate member attends in place of a regular  
1503 member. The method must ~~shall~~ be set forth as a part of the  
1504 interlocal agreement describing the M.P.O.'s membership or in  
1505 the M.P.O.'s operating procedures and bylaws. The governmental  
1506 entity so designated shall appoint the appropriate number of  
1507 members to the M.P.O. from eligible officials. Representatives



1508 of the department shall serve as nonvoting advisers to the  
1509 M.P.O. governing board. Additional nonvoting advisers may be  
1510 appointed by the M.P.O. as deemed necessary; however, to the  
1511 maximum extent feasible, each M.P.O. shall seek to appoint  
1512 nonvoting representatives of various multimodal forms of  
1513 transportation not otherwise represented by voting members of  
1514 the M.P.O. An M.P.O. shall appoint nonvoting advisers  
1515 representing major military installations located within the  
1516 jurisdictional boundaries of the M.P.O. upon the request of the  
1517 aforesaid major military installations and subject to the  
1518 agreement of the M.P.O. All nonvoting advisers may attend and  
1519 participate fully in governing board meetings but may not vote  
1520 or be members of the governing board. ~~The Governor shall review~~  
1521 ~~the composition of the M.P.O. membership in conjunction with the~~  
1522 ~~decennial census as prepared by the United States Department of~~  
1523 ~~Commerce, Bureau of the Census, and reapportion it as necessary~~  
1524 ~~to comply with subsection (3).~~

1525 (c) ~~(b)~~ Except for members who represent municipalities on  
1526 the basis of alternating with representatives from other  
1527 municipalities that do not have members on the M.P.O. as  
1528 provided in paragraph (3) (a), the members of an M.P.O. shall  
1529 serve 4-year terms. Members who represent municipalities on the  
1530 basis of alternating with representatives from other  
1531 municipalities that do not have members on the M.P.O. as  
1532 provided in paragraph (3) (a) may serve terms of up to 4 years as  
1533 further provided in the interlocal agreement described in  
1534 paragraph (2) (b). The membership of a member who is a public  
1535 official automatically terminates upon the member's leaving his



1536 or her elective or appointive office for any reason, or may be  
1537 terminated by a majority vote of the total membership of the  
1538 entity's governing board represented by the member. A vacancy  
1539 shall be filled by the original appointing entity. A member must  
1540 ~~may~~ be reappointed for one or more additional 4-year terms.

1541 (d)~~(e)~~ If a governmental entity fails to fill an assigned  
1542 appointment to an M.P.O. within 60 days after notification by  
1543 the Governor of its duty to appoint, that appointment shall be  
1544 made by the Governor from the eligible representatives of that  
1545 governmental entity.

1546 Section 25. Paragraph (a) of subsection (1) and  
1547 subsections (4) and (5) of section 339.2821, Florida Statutes,  
1548 are amended to read:

1549 339.2821 Economic development transportation projects.—

1550 (1) (a) The department, in consultation with the Department  
1551 of Economic Opportunity and Enterprise Florida, Inc., may make  
1552 and approve expenditures and contract with the appropriate  
1553 governmental body for the direct costs of transportation  
1554 projects. The Department of Economic Opportunity and the  
1555 Department of Environmental Protection may formally review and  
1556 comment on recommended transportation projects, although the  
1557 department has final approval authority for any project  
1558 authorized under this section.

1559 (4) A contract between the department and a governmental  
1560 body for a transportation project must:

1561 (a) Specify that the transportation project is for the  
1562 construction of a new or expanding business and specify the





1563 number of full-time permanent jobs that will result from the  
1564 project.

1565 (b) Identify the governmental body and require that the  
1566 governmental body award the construction of the particular  
1567 transportation project to the lowest and best bidder in  
1568 accordance with applicable state and federal statutes or rules  
1569 unless the transportation project can be constructed using  
1570 existing local governmental employees within the contract period  
1571 specified by the department.

1572 (c) Require that the governmental body provide the  
1573 department with ~~quarterly~~ progress reports. Each ~~quarterly~~  
1574 progress report must contain:

1575 1. A narrative description of the work completed and  
1576 whether the work is proceeding according to the transportation  
1577 project schedule;

1578 2. A description of each change order executed by the  
1579 governmental body;

1580 3. A budget summary detailing planned expenditures  
1581 compared to actual expenditures; and

1582 4. The identity of each small or minority business used as  
1583 a contractor or subcontractor.

1584 (d) Require that the governmental body make and maintain  
1585 records in accordance with accepted governmental accounting  
1586 principles and practices for each progress payment made for work  
1587 performed in connection with the transportation project, each  
1588 change order executed by the governmental body, and each payment  
1589 made pursuant to a change order. The records are subject to  
1590 financial audit as required by law.



1591 (e) Require that the governmental body, upon completion  
1592 and acceptance of the transportation project, certify to the  
1593 department that the transportation project has been completed in  
1594 compliance with the terms and conditions of the contract between  
1595 the department and the governmental body and meets the minimum  
1596 construction standards established in accordance with s.  
1597 336.045.

1598 (f) Specify that ~~the department transfer funds~~ will not be  
1599 transferred to the governmental body unless construction has  
1600 begun on the facility of the not more often than quarterly, upon  
1601 receipt of a request for funds from the governmental body and  
1602 consistent with the needs of the transportation project. The  
1603 governmental body shall expend funds received from the  
1604 department in a timely manner. The department may not transfer  
1605 funds unless construction has begun on the facility of a  
1606 business on whose behalf the award was made. If construction of  
1607 the transportation project does not begin within 4 years after  
1608 the date of the initial grant award, the grant award is  
1609 terminated ~~A contract totaling less than \$200,000 is exempt from~~  
1610 ~~the transfer requirement.~~

1611 (g) Require that funds be used only on a transportation  
1612 project that has been properly reviewed and approved in  
1613 accordance with the criteria set forth in this section.

1614 (h) Require that the governing board of the governmental  
1615 body adopt a resolution accepting future maintenance and other  
1616 attendant costs occurring after completion of the transportation  
1617 project if the transportation project is constructed on a county  
1618 or municipal system.



1619 (5) For purposes of this section, Space Florida may serve  
 1620 as the governmental body or as the contracting agency for a  
 1621 ~~transportation~~ project within a spaceport territory as defined  
 1622 by s. 331.304.

1623 Section 26. Sections 339.401, 339.402, 339.403, 339.404,  
 1624 339.405, 339.406, 339.407, 339.408, 339.409, 339.410, 339.411,  
 1625 339.412, 339.414, 339.415, 339.416, 339.417, 339.418, 339.419,  
 1626 339.420, and 339.421, Florida Statutes, are repealed.

1627 Section 27. Subsection (2) and paragraph (i) of subsection  
 1628 (7) of section 339.55, Florida Statutes, are amended to read:

1629 339.55 State-funded infrastructure bank.—

1630 (2) The bank may lend capital costs or provide credit  
 1631 enhancements for:

1632 (a) A transportation facility project that is on the State  
 1633 Highway System or that provides for increased mobility on the  
 1634 state's transportation system or provides intermodal  
 1635 connectivity with airports, seaports, spaceports, rail  
 1636 facilities, and other transportation terminals, pursuant to s.  
 1637 341.053, for the movement of people and goods.

1638 (b) Projects of the Transportation Regional Incentive  
 1639 Program which are identified pursuant to s. 339.2819(4).

1640 (c)1. Emergency loans for damages incurred to public-use  
 1641 commercial deepwater seaports, public-use airports, public-use  
 1642 spaceports, and other public-use transit and intermodal  
 1643 facilities that are within an area that is part of an official  
 1644 state declaration of emergency pursuant to chapter 252 and all  
 1645 other applicable laws. Such loans:



1646 a. May not exceed 24 months in duration except in extreme  
1647 circumstances, for which the Secretary of Transportation may  
1648 grant up to 36 months upon making written findings specifying  
1649 the conditions requiring a 36-month term.

1650 b. Require application from the recipient to the  
1651 department that includes documentation of damage claims filed  
1652 with the Federal Emergency Management Agency or an applicable  
1653 insurance carrier and documentation of the recipient's overall  
1654 financial condition.

1655 c. Are subject to approval by the Secretary of  
1656 Transportation and the Legislative Budget Commission.

1657 2. Loans provided under this paragraph must be repaid upon  
1658 receipt by the recipient of eligible program funding for damages  
1659 in accordance with the claims filed with the Federal Emergency  
1660 Management Agency or an applicable insurance carrier, but no  
1661 later than the duration of the loan.

1662 (7) The department may consider, but is not limited to,  
1663 the following criteria for evaluation of projects for assistance  
1664 from the bank:

1665 (i) The extent to which the project will provide for  
1666 connectivity between the State Highway System and airports,  
1667 seaports, spaceports, rail facilities, and other transportation  
1668 terminals and intermodal options pursuant to s. 341.053 for the  
1669 increased accessibility and movement of people and goods.

1670 Section 28. Subsection (11) of section 341.031, Florida  
1671 Statutes, is amended to read:

1672 341.031 Definitions relating to Florida Public Transit  
1673 Act.—As used in ss. 341.011-341.061, the term:



1674 (11) "Intercity bus service" means regularly scheduled bus  
 1675 service for the general public which operates with limited stops  
 1676 over fixed routes connecting two or more urban areas not in  
 1677 close proximity; has the capacity for transporting baggage  
 1678 carried by passengers; and makes meaningful connections with  
 1679 scheduled intercity bus service to more distant points, if such  
 1680 service is available; ~~maintains scheduled information in the~~  
 1681 ~~National Official Bus Guide; and provides package express~~  
 1682 ~~service incidental to passenger transportation.~~

1683 Section 29. Paragraph (d) of subsection (3) of section  
 1684 341.052, Florida Statutes, is redesignated as paragraph (e) and  
 1685 a new paragraph (d) is added to that subsection to read:

1686 341.052 Public transit block grant program;  
 1687 administration; eligible projects; limitation.—

1688 (3) The following limitations shall apply to the use of  
 1689 public transit block grant program funds:

1690 (d) Notwithstanding any provision of law, no eligible  
 1691 public transit provider shall use public transit block grant  
 1692 funds in pursuit of strategies or actions leading to or  
 1693 promoting the levying of new or additional taxes through public  
 1694 referenda. To the extent that a public transit provider uses  
 1695 other public funds in pursuit of strategies or actions leading  
 1696 to or promoting the levying of new or additional taxes through  
 1697 public referenda, the amount of the provider's grant must be  
 1698 reduced by the same amount. As used in this paragraph, the term  
 1699 "public funds" means all moneys under the jurisdiction or  
 1700 control of a federal agency, the state, a county, or a



1701 municipality, including any district, authority, commission,  
1702 board, or agency thereof for any public purpose.

1703 Section 30. Section 341.053, Florida Statutes, is amended  
1704 to read:

1705 341.053 Intermodal Development Program; administration;  
1706 eligible projects; limitations.—

1707 (1) There is created within the Department of  
1708 Transportation an Intermodal Development Program to provide for  
1709 major capital investments in fixed-guideway transportation  
1710 systems, access to seaports, airports, spaceports, and other  
1711 transportation terminals, providing for the construction of  
1712 intermodal or multimodal terminals; and to plan or fund  
1713 construction of airport, spaceport, seaport, transit, and rail  
1714 projects that ~~otherwise~~ facilitate the intermodal or multimodal  
1715 movement of people and goods.

1716 (2) The Intermodal Development Program shall be used for  
1717 projects that support statewide goals as outlined in the Florida  
1718 Transportation Plan, the Strategic Intermodal System Plan, the  
1719 Freight Mobility and Trade Plan, or the appropriate department  
1720 modal plan. ~~In recognition of the department's role in the~~  
1721 ~~economic development of this state, the department shall develop~~  
1722 ~~a proposed intermodal development plan to connect Florida's~~  
1723 ~~airports, deepwater seaports, rail systems serving both~~  
1724 ~~passenger and freight, and major intermodal connectors to the~~  
1725 ~~Strategic Intermodal System highway corridors as the primary~~  
1726 ~~system for the movement of people and freight in this state in~~  
1727 ~~order to make the intermodal development plan a fully integrated~~  
1728 ~~and interconnected system. The intermodal development plan must:~~



1729 ~~(a) Define and assess the state's freight intermodal~~  
1730 ~~network, including airports, seaports, rail lines and terminals,~~  
1731 ~~intercity bus lines and terminals, and connecting highways.~~

1732 ~~(b) Prioritize statewide infrastructure investments,~~  
1733 ~~including the acceleration of current projects, which are found~~  
1734 ~~by the Freight Stakeholders Task Force to be priority projects~~  
1735 ~~for the efficient movement of people and freight.~~

1736 ~~(c) Be developed in a manner that will assure maximum use~~  
1737 ~~of existing facilities and optimum integration and coordination~~  
1738 ~~of the various modes of transportation, including both~~  
1739 ~~government-owned and privately owned resources, in the most~~  
1740 ~~cost-effective manner possible.~~

1741 (3) The Intermodal Development Program shall be  
1742 administered by the department.

1743 (4) The department shall review funding requests from a  
1744 rail authority created pursuant to chapter 343. The department  
1745 may include projects of the authorities, including planning and  
1746 design, in the tentative work program.

1747 ~~(5) No single transportation authority operating a fixed-~~  
1748 ~~guideway transportation system, or single fixed-guideway~~  
1749 ~~transportation system not administered by a transportation~~  
1750 ~~authority, receiving funds under the Intermodal Development~~  
1751 ~~Program shall receive more than 33 1/3 percent of the total~~  
1752 ~~intermodal development funds appropriated between July 1, 1990,~~  
1753 ~~and June 30, 2015. In determining the distribution of funds~~  
1754 ~~under the Intermodal Development Program in any fiscal year, the~~  
1755 ~~department shall assume that future appropriation levels will be~~  
1756 ~~equal to the current appropriation level.~~



1757            (5)~~(6)~~ The department is authorized to fund projects  
 1758 within the Intermodal Development Program, which are consistent,  
 1759 to the maximum extent feasible, with approved local government  
 1760 comprehensive plans of the units of local government in which  
 1761 the project is located. Projects that are eligible for funding  
 1762 under this program include planning studies, major capital  
 1763 investments in public rail, and fixed-guideway transportation or  
 1764 freight facilities and systems that ~~which~~ provide intermodal  
 1765 access; road, rail, intercity bus service, or fixed-guideway  
 1766 access to, from, or between seaports, airports, spaceports,  
 1767 intermodal logistics centers, and other transportation  
 1768 terminals; construction of intermodal or multimodal terminals,  
 1769 including projects on airports, spaceports, intermodal logistics  
 1770 centers or seaports that assist in the movement or transfer of  
 1771 people or goods; development and construction of dedicated bus  
 1772 lanes; and projects that ~~which~~ otherwise facilitate the  
 1773 intermodal or multimodal movement of people and goods.

1774            Section 31. Section 341.8203, Florida Statutes, is amended  
 1775 to read:

1776            341.8203 Definitions.—As used in ss. 341.8201–341.842,  
 1777 unless the context clearly indicates otherwise, the term:

1778            (1) "Associated development" means property, equipment,  
 1779 buildings, or other related facilities which are built,  
 1780 installed, used, or established to provide financing, funding,  
 1781 or revenues for the planning, building, managing, and operation  
 1782 of a high-speed rail system and which are associated with or  
 1783 part of the rail stations. The term includes air and subsurface  
 1784 rights, services that provide local area network devices for





1785 transmitting data over wireless networks, parking facilities,  
 1786 retail establishments, restaurants, hotels, offices,  
 1787 advertising, or other commercial, civic, residential, or support  
 1788 facilities.

1789 (2) "Communication facilities" means the communication  
 1790 systems related to high-speed passenger rail operations,  
 1791 including those which are built, installed, used, or established  
 1792 for the planning, building, managing, and operating of a high-  
 1793 speed rail system. The term includes the land, structures,  
 1794 improvements, rights-of-way, easements, positive train control  
 1795 systems, wireless communication towers and facilities that are  
 1796 designed to provide voice and data services for the safe and  
 1797 efficient operation of the high-speed rail system, voice, data,  
 1798 and wireless communication amenities made available to crew and  
 1799 passengers as part of a high-speed rail service, and any other  
 1800 facilities or equipment used for operation of, or the  
 1801 facilitation of communications for, a high-speed rail system.  
 1802 Communications facilities may not be offered to provide voice or  
 1803 data service to any entity other than passengers, crew or other  
 1804 persons involved in the operation of a high-speed rail system.

1805 (3)~~(2)~~ "Enterprise" means the Florida Rail Enterprise.

1806 (4)~~(3)~~ "High-speed rail system" means any high-speed fixed  
 1807 guideway system for transporting people or goods, which system  
 1808 is, by definition of the United States Department of  
 1809 Transportation, reasonably expected to reach speeds of at least  
 1810 110 miles per hour, including, but not limited to, a monorail  
 1811 system, dual track rail system, suspended rail system, magnetic  
 1812 levitation system, pneumatic repulsion system, or other system



1813 approved by the enterprise. The term includes a corridor,  
1814 associated intermodal connectors, and structures essential to  
1815 the operation of the line, including the land, structures,  
1816 improvements, rights-of-way, easements, rail lines, rail beds,  
1817 guideway structures, switches, yards, parking facilities, power  
1818 relays, switching houses, and rail stations and also includes  
1819 facilities or equipment used exclusively for the purposes of  
1820 design, construction, operation, maintenance, or the financing  
1821 of the high-speed rail system.

1822 (5)~~(4)~~ "Joint development" means the planning, managing,  
1823 financing, or constructing of projects adjacent to, functionally  
1824 related to, or otherwise related to a high-speed rail system  
1825 pursuant to agreements between any person, firm, corporation,  
1826 association, organization, agency, or other entity, public or  
1827 private.

1828 (6)~~(5)~~ "Rail station," "station," or "high-speed rail  
1829 station" means any structure or transportation facility that is  
1830 part of a high-speed rail system designed to accommodate the  
1831 movement of passengers from one mode of transportation to  
1832 another at which passengers board or disembark from  
1833 transportation conveyances and transfer from one mode of  
1834 transportation to another.

1835 (7) "Railroad company" means a person developing, or  
1836 providing service on, a high speed rail system.

1837 (8)~~(6)~~ "Selected person or entity" means the person or  
1838 entity to whom the enterprise awards a contract to establish a  
1839 high-speed rail system pursuant to ss. 341.8201-341.842.

1840 Section 32. Paragraph (c) is added to subsection (2) of



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1841 section 341.822, Florida Statutes, to read:

1842 341.822 Powers and duties.—

1843 (2)

1844 (c) The enterprise shall establish a process to issue  
1845 permits to railroad companies for the construction of  
1846 communication facilities within a new or existing public or  
1847 private high speed rail system. The enterprise may adopt rules  
1848 to administer such permits, including rules regarding the form,  
1849 content, and necessary supporting documentation for permit  
1850 applications, the process for submitting applications, and the  
1851 application fee for a permit under s. 341.825. The enterprise  
1852 shall provide a copy of a completed permit application to  
1853 municipalities and counties where the high speed rail system  
1854 will be located. The enterprise shall allow each such  
1855 municipality and county 30 days to provide comments to the  
1856 enterprise regarding the application, including any  
1857 recommendations regarding conditions that may be placed on the  
1858 permit.

1859 Section 33. Section 341.825, Florida Statutes, is created  
1860 to read:

1861 341.825 Communication facilities.—

1862 (1) LEGISLATIVE INTENT.—The Legislature intends to:

1863 (a) Establish a streamlined process to authorize the  
1864 location, construction, operation, and maintenance of  
1865 communication facilities within new and existing high-speed rail  
1866 systems.

1867 (b) Expedite the expansion of the high-speed rail system's  
1868 wireless voice and data coverage and capacity for the safe and



1869 efficient operation of the high-speed rail system and the  
1870 safety, use, and efficiency of its crew and passengers as a  
1871 critical communication facilities component.

1872 (2) APPLICATION SUBMISSION.—A railroad company may submit  
1873 to the enterprise an application to obtain a permit to construct  
1874 communication facilities within a new or existing high speed  
1875 rail system. The application shall include an application fee  
1876 limited to the amount needed to pay the anticipated cost of  
1877 reviewing the application, not to exceed \$10,000, which shall be  
1878 deposited into the State Transportation Trust Fund. The  
1879 application shall include the following information:

1880 (a) The location of the proposed communication facilities.

1881 (b) A description of the proposed communication  
1882 facilities.

1883 (c) Any other information reasonably required by the  
1884 enterprise.

1885 (3) APPLICATION REVIEW.—The enterprise shall review each  
1886 application for completeness within 30 days after receipt of the  
1887 application.

1888 (a) If the enterprise determines that an application is  
1889 not complete, the enterprise shall, within 30 days after the  
1890 receipt of the initial application, notify the applicant in  
1891 writing of any errors or omissions. An applicant shall have 30  
1892 days within which to correct the errors or omissions in the  
1893 initial application.

1894 (b) If the enterprise determines that an application is  
1895 complete, the enterprise shall act upon the permit application  
1896 within 60 days of the receipt of the completed application by



1897 approving in whole, approving with conditions as the enterprise  
1898 deems appropriate, or denying the application, and stating the  
1899 reason for issuance or denial. In determining whether an  
1900 application should be approved, approved with modifications or  
1901 conditions, or denied, the enterprise shall consider any  
1902 comments or recommendations received from a municipality or  
1903 county and the extent to which the proposed communication  
1904 facilities:

1905 1. Are located in a manner that is appropriate for the  
1906 communication technology specified by the applicant.

1907 2. Serve an existing or projected future need for  
1908 communication facilities.

1909 3. Provide sufficient wireless voice and data coverage and  
1910 capacity for the safe and efficient operation of the high-speed  
1911 rail system and the safety, use, and efficiency of its crew and  
1912 passengers.

1913 (c) The failure to adopt any recommendation or comment  
1914 shall not be a basis for challenging the issuance of a permit.

1915 (4) EFFECT OF PERMIT.—Subject to the conditions set forth  
1916 therein, a permit issued by the enterprise shall constitute the  
1917 sole permit of the state and any agency as to the approval of  
1918 the location, construction, operation, and maintenance of the  
1919 communication facilities within the new or existing high speed  
1920 rail system.

1921 (a) A permit authorizes the permittee to locate,  
1922 construct, operate, and maintain the communication facilities  
1923 within a new or existing high speed rail system, subject only to  
1924 the conditions set forth in the permit. Such activities are not



1925 subject to local government land use or zoning regulations.

1926 (b) A permit may include conditions that constitute  
 1927 variances and exemptions from rules of the enterprise or any  
 1928 other agency, which would otherwise be applicable to the  
 1929 communication facilities within the new or existing high speed  
 1930 rail system.

1931 (c) Notwithstanding any other provisions of law, the  
 1932 permit shall be in lieu of any license, permit, certificate, or  
 1933 similar document required by any state, regional, or local  
 1934 agency.

1935 (d) Nothing in this section is intended to impose  
 1936 procedures or restrictions on railroad companies that are  
 1937 subject to the exclusive jurisdiction of the federal Surface  
 1938 Transportation Board pursuant to the Interstate Commerce  
 1939 Commission Termination Act of 1995, 49 U.S.C. ss. 10101, et seq.

1940 (5) MODIFICATION OF PERMIT.—A permit may be modified by  
 1941 the applicant after issuance upon the filing of a petition with  
 1942 the enterprise.

1943 (a) A petition for modification must set forth the  
 1944 proposed modification and the factual reasons asserted for the  
 1945 modification.

1946 (b) The enterprise shall act upon the petition within 30  
 1947 days by approving or denying the application, and stating the  
 1948 reason for issuance or denial.

1949 Section 34. Paragraph (b) of subsection (2) of section  
 1950 341.840, is amended to read:

1951 341.840 Tax exemption.—

1952 (2)



1953 (b) For the purposes of this section, any item or property  
 1954 that is within the definition of the term "associated  
 1955 development" in s. 341.8203(1) may not be considered part of the  
 1956 high-speed rail system as defined in s. 341.8203(4) ~~s.~~  
 1957 ~~341.8203(3)~~.

1958 Section 35. Paragraph (d) of subsection (3) of section  
 1959 343.82, Florida Statutes, is amended to read:

1960 343.82 Purposes and powers.—  
 1961 (3)

1962 (d) The authority may undertake projects or other  
 1963 improvements in the master plan in phases as particular projects  
 1964 or segments thereof become feasible, as determined by the  
 1965 authority. In carrying out its purposes and powers, the  
 1966 authority may request funding and technical assistance from the  
 1967 department and appropriate federal and local agencies,  
 1968 including, but not limited to, state infrastructure bank loans,  
 1969 ~~advances from the Toll Facilities Revolving Trust Fund,~~ and from  
 1970 any other sources.

1971 Section 36. Subsection (4) of section 343.922, Florida  
 1972 Statutes, is amended to read:

1973 343.922 Powers and duties.—  
 1974 (4) The authority may undertake projects or other

1975 improvements in the master plan in phases as particular projects  
 1976 or segments become feasible, as determined by the authority. The  
 1977 authority shall coordinate project planning, development, and  
 1978 implementation with the applicable local governments. The  
 1979 authority's projects that are transportation oriented shall be  
 1980 consistent to the maximum extent feasible with the adopted local



1981 government comprehensive plans at the time they are funded for  
 1982 construction. Authority projects that are not transportation  
 1983 oriented and meet the definition of development pursuant to s.  
 1984 380.04 shall be consistent with the local comprehensive plans.  
 1985 In carrying out its purposes and powers, the authority may  
 1986 request funding and technical assistance from the department and  
 1987 appropriate federal and local agencies, including, but not  
 1988 limited to, state infrastructure bank loans, ~~advances from the~~  
 1989 ~~Toll Facilities Revolving Trust Fund,~~ and funding and technical  
 1990 assistance from any other source.

1991 Section 37. Chapter 345, Florida Statutes, consisting of  
 1992 sections 345.0001, 345.0002, 345.0003, 345.0004, 345.0005,  
 1993 345.0006, 345.0007, 345.0008, 345.0009, 345.0010, 345.0011,  
 1994 345.0012, 345.0013, and 345.0014, is created to read:

1995 345.0001 Short title.-This chapter may be cited as the  
 1996 "Florida Regional Transportation Finance Authority Act."

1997 345.0002 Definitions.-

1998 (1) As used in this chapter, the term:

1999 (a) "Agency of the state" means the state and a department  
 2000 of, or corporation, agency, or instrumentality heretofore or  
 2001 hereafter created, designated, or established by, the state.

2002 (b) "Area served" means the geographical area of the  
 2003 counties for which an authority is established.

2004 (c) "Authority" means a regional transportation finance  
 2005 authority, a body politic and corporate and an agency of the  
 2006 state, established pursuant to this chapter.

2007 (d) "Bonds" means the notes, bonds, refunding bonds, or  
 2008 other evidences of indebtedness or obligations, in temporary or





2009 definitive form, which an authority is authorized to issue  
 2010 pursuant to this chapter.

2011 (e) "Department" means the Department of Transportation.

2012 (f) "Division" means the Division of Bond Finance of the  
 2013 State Board of Administration.

2014 (g) "Federal agency" means the United States, the  
 2015 President of the United States, and any department of, or  
 2016 bureau, corporation, agency, or instrumentality heretofore or  
 2017 hereafter created, designated, or established by, the United  
 2018 States.

2019 (h) "Members" means the governing body of an authority,  
 2020 and the term "member" means one of the individuals constituting  
 2021 such governing body.

2022 (i) "Regional system" or "system" means, generally, a  
 2023 modern highway system of roads, bridges, causeways, and tunnels  
 2024 within any area of the authority, with access limited or  
 2025 unlimited as an authority may determine, and such buildings and  
 2026 structures and appurtenances and facilities related thereto,  
 2027 including all approaches, streets, roads, bridges, and avenues  
 2028 of access for such system.

2029 (j) "Revenues" means all tolls, revenues, rates, fees,  
 2030 charges, receipts, rentals, contributions, and other income  
 2031 derived from or in connection with the operation or ownership of  
 2032 a regional system, including the proceeds of any use and  
 2033 occupancy insurance on any portion of the system but excluding  
 2034 any state funds available to an authority and any other city or  
 2035 county funds available to an authority under any agreement with  
 2036 a city or county.



2037 (2) Words importing singular number include the plural  
2038 number in each case and vice versa, and words importing persons  
2039 include firms and corporations.

2040 345.0003 Transportation finance authority; formation;  
2041 membership.-

2042 (1) Any county, or two or more contiguous counties, may,  
2043 with the approval of the Legislature, form a regional  
2044 transportation finance authority for the purposes of financing,  
2045 constructing, maintaining, and operating transportation projects  
2046 in a region of this state. An authority shall be governed in  
2047 accordance with this chapter. An authority may only be created  
2048 with the approval of the Legislature and the approval of the  
2049 county commission of each county that will be a part of the  
2050 authority. An authority may not be created to serve a particular  
2051 area of the state as provided in this section if a regional  
2052 transportation finance authority has been created and is  
2053 operating within all or a portion of the same area served  
2054 pursuant to an act of the Legislature. Each authority shall be  
2055 the only authority created and operating pursuant to this  
2056 chapter within the area served by the authority.

2057 (2) The governing body of an authority shall consist of a  
2058 board of voting members, as follows:

2059 (a) The county commission of each county in the area  
2060 served by the authority shall each appoint a member who must be  
2061 a resident of the county from which he or she is appointed. The  
2062 county commission of each county with a population of more than  
2063 250,000 shall appoint a second member who must be a resident of



2064 the county. Insofar as possible, each member shall represent the  
 2065 business and civic interests of the community.

2066 (b) The Governor shall appoint an equal number of members  
 2067 to the board as those appointed by the county commissions. The  
 2068 members appointed by the Governor must be residents of the area  
 2069 served by the authority.

2070 (c) The secretary of the Department of Transportation  
 2071 shall appoint one of the district secretaries, or his or her  
 2072 designee, for the districts within which the area served by the  
 2073 authority is located.

2074 (3) Each member's term of office shall be 4 years or until  
 2075 his or her successor is appointed and qualified.

2076 (4) A member may not hold an elected office.

2077 (5) A vacancy occurring in the governing body before the  
 2078 expiration of the member's term shall be filled by the  
 2079 respective appointing authority in the same manner as the  
 2080 original appointment and only for the balance of the unexpired  
 2081 term.

2082 (6) Each member, before entering upon his or her official  
 2083 duties, shall take and subscribe to an oath before an official  
 2084 authorized by law to administer oaths that he or she will  
 2085 honestly, faithfully, and impartially perform the duties  
 2086 devolving upon him or her in office as a member of the governing  
 2087 body of the authority and that he or she will not neglect any  
 2088 duty imposed upon him or her by this chapter.

2089 (7) Members of an authority may be removed from office by  
 2090 the Governor for misconduct, malfeasance, misfeasance, or  
 2091 nonfeasance in office.



2092       (8) The authority shall designate one of its members as  
2093 chair.

2094       (9) The members of the authority shall serve without  
2095 compensation but are entitled to receive travel and other  
2096 necessary expenses as provided in s. 112.061.

2097       (10) A majority of the members of the authority shall  
2098 constitute a quorum, and resolutions enacted or adopted by a  
2099 vote of a majority of the members present and voting at any  
2100 meeting shall take effect without publication, posting, or any  
2101 further action of the authority.

2102       345.0004 Powers and duties.—

2103       (1) (a) An authority created and established or governed by  
2104 this chapter may plan, develop, finance, construct, reconstruct,  
2105 improve, own, operate, and maintain a regional system in the  
2106 area served by the authority.

2107       (b) An authority may not exercise the powers in paragraph  
2108 (a) with respect to an existing system for transporting people  
2109 and goods by any means which is owned by another entity without  
2110 the consent of that entity. If an authority acquires, purchases,  
2111 or inherits an existing entity, the authority shall also inherit  
2112 and assume all rights, assets, appropriations, privileges, and  
2113 obligations of the existing entity.

2114       (2) Each authority may exercise all powers necessary,  
2115 appurtenant, convenient, or incidental to the carrying out of  
2116 the purposes under this section, including, but not limited to,  
2117 the following rights and powers:

2118       (a) To sue and be sued, implead and be impleaded, and  
2119 complain and defend in all courts in its own name.



- 2120        (b) To adopt and use a corporate seal.
- 2121        (c) To have the power of eminent domain, including the  
2122 procedural powers granted under chapters 73 and 74.
- 2123        (d) To acquire, purchase, hold, lease as a lessee, and use  
2124 any property, real, personal, or mixed, tangible or intangible,  
2125 or any interest therein, necessary or desirable for carrying out  
2126 the purposes of the authority.
- 2127        (e) To sell, convey, exchange, lease, or otherwise dispose  
2128 of any real or personal property acquired by the authority,  
2129 which the authority and the department have determined is not  
2130 needed for the construction, operation, and maintenance of the  
2131 system, including air rights.
- 2132        (f) To fix, alter, charge, establish, and collect rates,  
2133 fees, rentals, and other charges for the use of any system owned  
2134 or operated by the authority, which rates, fees, rentals, and  
2135 other charges shall always be sufficient to comply with any  
2136 covenant made with the holders of any bonds issued pursuant to  
2137 this chapter; however, such right and power may be assigned or  
2138 delegated by the authority to the department.
- 2139        (g) To borrow money and make and issue negotiable notes,  
2140 bonds, refunding bonds, and other evidences of indebtedness or  
2141 obligations, either in temporary or definitive form, for the  
2142 purpose of financing all or part of the improvement of the  
2143 authority's system and appurtenant facilities, including all  
2144 approaches, streets, roads, bridges, and avenues of access for  
2145 said system and for any other purpose authorized by this  
2146 chapter, said bonds to mature no more than 30 years after the  
2147 date of the issuance thereof, and to secure the payment of such



2148 bonds or any part thereof by a pledge of any or all of its  
2149 revenues, rates, fees, rentals, or other charges, including any  
2150 or all city or county funds received by the authority pursuant  
2151 to the terms of any agreement between the authority and a city  
2152 or county; and in general to provide for the security of said  
2153 bonds and the rights and remedies of the holders thereof.  
2154 However, no city or county funds may be pledged for the  
2155 construction of any project for which a toll is to be charged  
2156 unless the anticipated tolls are reasonably estimated by the  
2157 governing board of the city or county, at the date of its  
2158 resolution pledging said funds, to be sufficient to cover the  
2159 principal and interest of such obligations during the period  
2160 when said pledge of funds are in effect. An authority shall  
2161 reimburse any city or county for any sums expended from city or  
2162 county funds used for the payment of such obligations.

2163 (h) To make contracts of every name and nature, including,  
2164 but not limited to, partnerships providing for participation in  
2165 ownership and revenues, and to execute all instruments necessary  
2166 or convenient for the carrying on of its business.

2167 (i) Without limitation of the foregoing, to cooperate  
2168 with, accept grants from, and to enter into contracts or other  
2169 transactions with any federal agency, the state, any agency of  
2170 the state, or with any other public body of the state.

2171 (j) To employ an executive director, attorney, staff, and  
2172 consultants. Upon the request of an authority, the department  
2173 shall furnish the services of a department employee to act as  
2174 the executive director of the authority.



2175 (k) To accept funds or other property from private  
2176 donations.

2177 (1) To do all acts and things necessary or convenient for  
2178 the conduct of its business and the general welfare of the  
2179 authority, in order to carry out the powers granted to it by  
2180 this chapter or any other law.

2181 (3) An authority does not have the power at any time or in  
2182 any manner to pledge the credit or taxing power of the state or  
2183 any political subdivision or agency thereof, nor shall any of an  
2184 authority's obligations be deemed to be obligations of the state  
2185 or of any other political subdivision or agency thereof, nor  
2186 shall the state or any political subdivision or agency thereof,  
2187 except the authority, be liable for the payment of the principal  
2188 of or interest on such obligations.

2189 (4) An authority shall have no power, other than by  
2190 consent of the affected county or any affected city, to enter  
2191 into any agreement that would legally prohibit the construction  
2192 of any road by the county or the city.

2193 (5) Any authority formed pursuant to this chapter shall  
2194 comply with all statutory requirements of general application  
2195 which relate to the filing of any report or documentation  
2196 required by law, including the requirements of ss. 189.4085,  
2197 189.415, 189.417, and 189.418.

2198 345.0005 Bonds.—

2199 (1) (a) Bonds may be issued on behalf of an authority  
2200 pursuant to the State Bond Act.

2201 (b) Alternatively, an authority may issue bonds in such  
2202 principal amount as, in the opinion of the authority, is



2203 necessary to provide sufficient moneys for achieving its  
2204 corporate purposes, including construction, reconstruction,  
2205 improvement, extension, and repair of the system; the cost of  
2206 acquisition of all real property; interest on bonds during  
2207 construction and for a reasonable period thereafter;  
2208 establishment of reserves to secure bonds; and all other  
2209 expenditures of the authority incident to and necessary or  
2210 convenient to carry out its corporate purposes and powers.

2211 (2) (a) Bonds issued by an authority pursuant to paragraph  
2212 (1) (a) or paragraph (1) (b) must be authorized by resolution of  
2213 the members of the authority and shall bear such date or dates;  
2214 mature at such time or times, not exceeding 30 years after their  
2215 respective dates; bear interest at such rate or rates, not  
2216 exceeding the maximum rate fixed by general law for authorities;  
2217 be in such denominations; be in such form, either coupon or  
2218 fully registered; carry such registration, exchangeability, and  
2219 interchangeability privileges; be payable in such medium of  
2220 payment and at such place or places; be subject to such terms of  
2221 redemption; and be entitled to such priorities of lien on the  
2222 revenues and other available moneys as such resolution or any  
2223 resolution subsequent to the bonds' issuance may provide. The  
2224 bonds shall be executed either by manual or facsimile signature  
2225 by such officers as the authority shall determine, provided that  
2226 such bonds shall bear at least one signature that is manually  
2227 executed thereon. The coupons attached to such bonds shall bear  
2228 the facsimile signature or signatures of such officer or  
2229 officers as designated by the authority. Such bonds shall have





2230 the seal of the authority affixed, imprinted, reproduced, or  
2231 lithographed thereon.

2232 (b) Bonds issued pursuant to paragraph (1)(a) or paragraph  
2233 (1)(b) shall be sold at public sale in the same manner provided  
2234 in the State Bond Act. Pending the preparation of definitive  
2235 bonds, temporary bonds or interim certificates may be issued to  
2236 the purchaser or purchasers of such bonds and may contain such  
2237 terms and conditions as the authority may determine.

2238 (3) Any such resolution or resolutions authorizing any  
2239 bonds may contain provisions that shall be part of the contract  
2240 with the holders of such bonds as to:

2241 (a) The pledging of all or any part of the revenues,  
2242 available city or county funds, or other charges or receipts of  
2243 the authority derived from the regional system.

2244 (b) The construction, reconstruction, improvement,  
2245 extension, repair, maintenance, and operation of the system, or  
2246 any part thereof, and the duties and obligations of the  
2247 authority with reference thereto.

2248 (c) Limitations on the purposes to which the proceeds of  
2249 the bonds, then or thereafter to be issued, or of any loan or  
2250 grant by any federal agency or the state or any political  
2251 subdivision thereof may be applied.

2252 (d) The fixing, charging, establishing, revising,  
2253 increasing, reducing, and collecting of tolls, rates, fees,  
2254 rentals, or other charges for use of the services and facilities  
2255 of the system or any part thereof.

2256 (e) The setting aside of reserves or of sinking funds and  
2257 the regulation and disposition thereof.



2258           (f) Limitations on the issuance of additional bonds.  
 2259           (g) The terms and provisions of any deed of trust or  
 2260 indenture securing the bonds, or under which the bonds may be  
 2261 issued.  
 2262           (h) Any other or additional matter, of like or different  
 2263 character, which in any way affects the security or protection  
 2264 of the bonds.  
 2265           (4) The authority may enter into any deeds of trust,  
 2266 indentures, or other agreements with any bank or trust company  
 2267 within or without the state, as security for such bonds and may,  
 2268 under such agreements, assign and pledge all or any of the  
 2269 revenues and other available moneys, including all or any  
 2270 available city or county funds, pursuant to the terms of this  
 2271 chapter. Such deed of trust, indenture, or other agreement may  
 2272 contain such provisions as are customary in such instruments or  
 2273 as the authority may authorize, including, but not limited to:  
 2274           (a) The pledging of all or any part of the revenues or  
 2275 other moneys lawfully available therefor.  
 2276           (b) The application of funds and the safeguarding of funds  
 2277 on hand or on deposit.  
 2278           (c) The rights and remedies of the trustee and the holders  
 2279 of the bonds.  
 2280           (d) The terms and provisions of the bonds or the  
 2281 resolutions authorizing the issuance of the same.  
 2282           (e) Any other or additional matter, of like or different  
 2283 character, which in any way affects the security or protection  
 2284 of the bonds.



2285 (5) Bonds issued pursuant to this chapter are, and are  
2286 hereby declared to be, negotiable instruments, and shall have  
2287 all the qualities and incidents of negotiable instruments under  
2288 the law merchant and the negotiable instruments law of the  
2289 state.

2290 (6) Any resolution authorizing the issuance of authority  
2291 bonds and pledging the revenues of the system shall require that  
2292 revenues of the system be periodically deposited into  
2293 appropriate accounts in such sums as will be sufficient to pay  
2294 the costs of operation and maintenance of the system for the  
2295 current fiscal year as set forth in the annual budget of the  
2296 authority and to reimburse the department for any unreimbursed  
2297 costs of operation and maintenance of the system from prior  
2298 fiscal years before revenues of the system are deposited into  
2299 accounts for the payment of interest or principal owing or that  
2300 may become owing on such bonds.

2301 (7) State funds may not be used or pledged to pay the  
2302 principal or interest of any authority bonds, and all such bonds  
2303 shall contain a statement on their face to this effect.

2304 345.0006 Remedies of bondholders.—

2305 (1) The rights and the remedies herein conferred upon or  
2306 granted to authority bondholders are in addition to, and do not  
2307 limit, any rights and remedies lawfully granted to such  
2308 bondholders by the resolution or indenture providing for the  
2309 issuance of bonds, or by any deed of trust, indenture, or other  
2310 agreement under which the bonds may be issued or secured. If an  
2311 authority defaults in the payment of the principal of or  
2312 interest on any of the bonds issued pursuant to this chapter



2313 after such principal of or interest on the bonds becomes due,  
 2314 whether at maturity or upon call for redemption, as provided in  
 2315 said resolution or indenture, and such default continues for a  
 2316 period of 30 days, or, if the authority fails or refuses to  
 2317 comply with this chapter or any agreement made with or for the  
 2318 benefit of the holders of the bonds, the holders of 25 percent  
 2319 in aggregate principal amount of the bonds then outstanding  
 2320 shall be entitled as of right to the appointment of a trustee to  
 2321 represent such bondholders for the purposes of this section;  
 2322 however, such holders of 25 percent in aggregate principal  
 2323 amount of the bonds then outstanding must first give to the  
 2324 authority and to the department written notice of their  
 2325 intention to appoint a trustee.

2326 (2) Such trustee and any trustee under any deed of trust,  
 2327 indenture, or other agreement may, and, upon written request of  
 2328 the holders of 25 percent or such other percentage as may be  
 2329 specified in any deed of trust, indenture, or other agreement in  
 2330 principal amount of the bonds then outstanding, shall, in any  
 2331 court of competent jurisdiction, in his, her, or its own name:

2332 (a) By mandamus or other suit, action, or proceeding at  
 2333 law or in equity, enforce all rights of the bondholders,  
 2334 including the right to require the authority to fix, establish,  
 2335 maintain, collect, and charge rates, fees, rentals, and other  
 2336 charges adequate to carry out any agreement as to or pledge of  
 2337 the revenues, and to require the authority to carry out any  
 2338 other covenants and agreements with or for the benefit of the  
 2339 bondholders, and to perform its and their duties under this  
 2340 chapter.



2341 (b) Bring suit upon the bonds.

2342 (c) By action or suit in equity require the authority to  
2343 account as if it were the trustee of an express trust for the  
2344 bondholders.

2345 (d) By action or suit in equity enjoin any act or thing  
2346 that may be unlawful or in violation of the rights of the  
2347 bondholders.

2348 (3) Any trustee when appointed as aforesaid, or acting  
2349 under a deed of trust, indenture, or other agreement, and  
2350 whether or not all bonds have been declared due and payable,  
2351 shall be entitled as of right to the appointment of a receiver,  
2352 who may enter upon and take possession of the system or the  
2353 facilities or any part or parts thereof, the revenues and other  
2354 pledged moneys, for and on behalf of and in the name of, the  
2355 authority and the bondholders, and collect and receive all  
2356 revenues and other pledged moneys in the same manner as the  
2357 authority might, and shall deposit all such revenues and moneys  
2358 in a separate account and apply all such revenues and moneys  
2359 remaining after allowance for payment of all costs of operation  
2360 and maintenance of the system in such manner as the court shall  
2361 direct. In any suit, action, or proceeding by the trustee, the  
2362 fees, counsel fees, and expenses of the trustee, and said  
2363 receiver, if any, and all costs and disbursements allowed by the  
2364 court shall be a first charge on any revenues after payment of  
2365 the costs of operation and maintenance of the system. In  
2366 addition, such trustee shall have and possess all other powers  
2367 necessary or appropriate for the exercise of any function  
2368 specifically set forth in this chapter or incident to the



2369 representation of the bondholders in the enforcement and  
 2370 protection of their rights.

2371 (4) Nothing in this chapter authorizes any receiver  
 2372 appointed pursuant to this section for the purpose of operating  
 2373 and maintaining the system or any facility or part or parts  
 2374 thereof to sell, assign, mortgage, or otherwise dispose of any  
 2375 of the assets of whatever kind and character belonging to the  
 2376 authority. It is the intention of this chapter to limit the  
 2377 powers of such receiver to the operation and maintenance of the  
 2378 system, or any facility or part or parts thereof, and the  
 2379 collection and application of revenues and other moneys due the  
 2380 authority, in the name and for and on behalf of the authority  
 2381 and the bondholders, and no holder of bonds nor any trustee  
 2382 shall ever have the right in any suit, action, or proceeding at  
 2383 law or in equity to compel a receiver, nor shall any receiver be  
 2384 authorized or any court be empowered to direct the receiver, to  
 2385 sell, assign, mortgage or otherwise dispose of any assets of  
 2386 whatever kind or character belonging to the authority.

2387 345.0007 Department to construct, operate, and maintain  
 2388 facilities.-

2389 (1) The department is the agent of each authority for the  
 2390 purpose of performing all phases of a project, including, but  
 2391 not limited to, constructing improvements and extensions to the  
 2392 system. The authority shall provide to the department complete  
 2393 copies of the documents, agreements, resolutions, contracts, and  
 2394 instruments relating thereto and shall request that the  
 2395 department perform such construction work, including the  
 2396 planning, surveying, design, and actual construction of the



2397 completion, extensions, and improvements to the system. After  
2398 the issuance of bonds to finance construction of any improvement  
2399 or addition to the system, the authority shall transfer to the  
2400 credit of an account of the department in the State Treasury the  
2401 necessary funds for construction. The department shall proceed  
2402 with construction and use the funds for the purpose authorized  
2403 and as otherwise provided by law for construction of roads and  
2404 bridges. An authority may alternatively, with the consent and  
2405 approval of the department, elect to appoint a local agency  
2406 certified by the department to administer federal aid projects  
2407 in accordance with federal law as its agent for the purpose of  
2408 performing all phases of a project.

2409 (2) Notwithstanding subsection (1), the department is the  
2410 agent of each authority for the purpose of operating and  
2411 maintaining the system. The department shall operate and  
2412 maintain the system, and the costs incurred by the department  
2413 for operation and maintenance shall be reimbursed from revenues  
2414 of the system. This appointment of the department as agent for  
2415 each authority shall not be construed to create an independent  
2416 obligation of the department to operate and maintain a system.  
2417 Each authority shall remain obligated as principal to operate  
2418 and maintain its system and an authority's bondholders shall  
2419 have no independent right to compel the department to operate or  
2420 maintain the authority's system.

2421 (3) Each authority shall fix, alter, charge, establish,  
2422 and collect tolls, rates, fees, rentals, and other charges for  
2423 the authority's facilities, as otherwise provided in this  
2424 chapter.



2425 345.0008 Department contributions to authority projects.-

2426 (1) The department may agree with an authority to provide  
2427 for or contribute to the payment of costs of financial or  
2428 engineering and traffic feasibility studies and the design,  
2429 financing, acquisition, or construction of an authority project  
2430 or system included in the 10-year Strategic Intermodal Plan,  
2431 subject to appropriation by the Legislature.

2432 (a) In the manner required by chapter 216, the department  
2433 shall include any issue or issues in its legislative budget  
2434 request for funding the payment of costs of financial or  
2435 engineering and traffic feasibility studies and the design,  
2436 financing, acquisition, or construction of an authority project  
2437 or system. The request for funding may be included as part of  
2438 the 5-year Tentative Work Program; however, it will be decided  
2439 upon separately as a distinct funding item for consideration by  
2440 the Legislature. The department must include a financial  
2441 feasibility test to accompany such legislative budget request  
2442 for consideration of funding any authority project.

2443 (b) As determined by the Legislature in the General  
2444 Appropriations Act, funding provided for authority projects  
2445 shall be appropriated in a specific fixed capital outlay  
2446 appropriation category that clearly identifies the authority  
2447 project.

2448 (c) The department may not request legislative approval of  
2449 acquisition or construction of a proposed authority project  
2450 unless the estimated net revenues of the proposed project will  
2451 be sufficient to pay at least 50 percent of the annual debt  
2452 service on the bonds associated with the project by the end of





2453 the 12th year of operation and to pay at least 100 percent of  
2454 the debt service on the bonds by the end of the 30th year of  
2455 operation.

2456 (2) The department may use its engineering and other  
2457 personnel, including consulting engineers and traffic engineers,  
2458 to conduct feasibility studies under subsection (1). The  
2459 department may participate in authority-funded projects that, at  
2460 a minimum:

2461 (a) Serve national, statewide, or regional functions and  
2462 function as part of an integrated regional transportation  
2463 system.

2464 (b) Are identified in the capital improvements element of  
2465 a comprehensive plan that has been determined to be in  
2466 compliance with part II of chapter 163. Further, the project  
2467 shall be in compliance with local government comprehensive plan  
2468 policies relative to corridor management.

2469 (c) Are consistent with the Strategic Intermodal System  
2470 Plan developed under s. 339.64.

2471 (d) Have a commitment for local, regional, or private  
2472 financial matching funds as a percentage of the overall project  
2473 cost.

2474 (3) Before approval, the department must determine that  
2475 the proposed project:

2476 (a) Is in the public's best interest;

2477 (b) Would not require state funds to be used unless the  
2478 project is on the State Highway System;

2479 (c) Would have adequate safeguards in place to ensure that  
2480 no additional costs or service disruptions would be realized by



2481 the traveling public and residents of the state in the event of  
2482 default or cancellation of the agreement by the department; and  
2483 (d) Would have adequate safeguards in place to ensure that  
2484 the department and the regional transportation finance authority  
2485 have the opportunity to add capacity to the proposed project and  
2486 other transportation facilities serving similar origins and  
2487 destinations.

2488 (4) An obligation or expense incurred by the department  
2489 under this section is a part of the cost of the authority  
2490 project for which the obligation or expense was incurred. The  
2491 department may require money contributed by the department under  
2492 this section to be repaid from tolls of the project on which the  
2493 money was spent, other revenue of the authority, or other  
2494 sources of funds.

2495 (5) (a) The department shall receive from an authority a  
2496 share of the authority's net revenues equal to the ratio of the  
2497 department's total contributions to the authority under this  
2498 section to the sum of the department's total contributions under  
2499 this section, contributions by any local government to the cost  
2500 of revenue-producing authority projects, and the sale proceeds  
2501 of authority bonds after payment of costs of issuance.

2502 (b) As used in this subsection, "net revenues" means gross  
2503 revenues of an authority after payment of debt service,  
2504 administrative expenses, operations and maintenance expenses,  
2505 and all reserves required to be established under any resolution  
2506 under which authority bonds are issued.

2507 345.0009 Acquisition of lands and property.—



2508       (1) For the purposes of this chapter, an authority may  
2509 acquire private or public property and property rights,  
2510 including rights of access, air, view, and light, by gift,  
2511 devise, purchase, condemnation by eminent domain proceedings, or  
2512 transfer from another political subdivision of the state, as the  
2513 authority deems necessary for any of the purposes of this  
2514 chapter, including, but not limited to, any lands reasonably  
2515 necessary for securing applicable permits, areas necessary for  
2516 management of access, borrow pits, drainage ditches, water  
2517 retention areas, rest areas, replacement access for landowners  
2518 whose access is impaired due to the construction of a facility,  
2519 and replacement rights-of-way for relocated rail and utility  
2520 facilities; for existing, proposed, or anticipated  
2521 transportation facilities on the system or in a transportation  
2522 corridor designated by the authority; or for the purposes of  
2523 screening, relocating, removing, or disposing of junkyards and  
2524 scrap metal processing facilities. Each authority shall also  
2525 have the power to condemn any material and property necessary  
2526 for such purposes.

2527       (2) The right of eminent domain conferred in this section  
2528 shall be exercised by an authority in the manner provided by  
2529 law.

2530       (3) When an authority acquires property for a  
2531 transportation facility or in a transportation corridor, it is  
2532 not subject to any liability imposed by chapter 376 or chapter  
2533 403 for preexisting soil or groundwater contamination due solely  
2534 to its ownership. This section does not affect the rights or  
2535 liabilities of any past or future owner of the acquired property



2536 and does not affect the liability of any governmental entity for  
2537 the results of its actions that create or exacerbate a pollution  
2538 source. An authority and the Department of Environmental  
2539 Protection may enter into interagency agreements for the  
2540 performance, funding, and reimbursement of the investigative and  
2541 remedial acts necessary for property acquired by the authority.

2542 345.0010 Cooperation with other units, boards, agencies,  
2543 and individuals.—Any county, municipality, drainage district,  
2544 road and bridge district, school district, or other political  
2545 subdivision, board, commission, or individual in or of the state  
2546 may make and enter into with an authority any contract, lease,  
2547 conveyance, partnership, or other agreement within the  
2548 provisions and purposes of this chapter. Each authority is  
2549 authorized to make and enter into contracts, leases,  
2550 conveyances, partnerships, and other agreements with any  
2551 political subdivision, agency, or instrumentality of the state  
2552 and any federal agency, corporation, and individual for the  
2553 purpose of carrying out the provisions of this chapter.

2554 345.0011 Covenant of the state.—The state pledges to and  
2555 agrees with any person, firm, or corporation or federal or state  
2556 agency subscribing to or acquiring the bonds to be issued by an  
2557 authority for the purposes of this chapter that the state will  
2558 not limit or alter the rights vested by this chapter in the  
2559 authority and the department until all bonds at any time issued,  
2560 together with the interest thereon, are fully paid and  
2561 discharged insofar as the same affects the rights of the holders  
2562 of bonds issued hereunder. The state further pledges to and  
2563 agrees with the United States that in the event a federal agency



2564 shall construct or contribute funds for the completion,  
2565 extension, or improvement of the system, or a part or portion  
2566 thereof, the state will not alter or limit the rights and powers  
2567 of the authority and the department in a manner that would be  
2568 inconsistent with the continued maintenance and operation of the  
2569 system or the completion, extension, or improvement thereof, or  
2570 that would be inconsistent with the due performance of an  
2571 agreement between the authority and such federal agency, and the  
2572 authority and the department shall continue to have and may  
2573 exercise all powers herein granted, so long as the same are  
2574 necessary or desirable for the carrying out of the purposes of  
2575 this chapter and the purposes of the United States in the  
2576 completion, extension, or improvement of the system or a part  
2577 thereof.

2578 345.0012 Exemption from taxation.—The effectuation of the  
2579 authorized purposes of an authority created under this chapter  
2580 is, in all respects, for the benefit of the people of the state,  
2581 for the increase of their commerce and prosperity, and for the  
2582 improvement of their health and living conditions; and, because  
2583 such authority will be performing essential governmental  
2584 functions in effectuating such purposes, such authority is not  
2585 required to pay any taxes or assessments of any kind or nature  
2586 whatsoever upon any property acquired or used by it for such  
2587 purposes, or upon any rates, fees, rentals, receipts, income, or  
2588 charges at any time received by it; and the bonds issued by the  
2589 authority, their transfer, and the income therefrom, including  
2590 any profits made on the sale thereof, shall at all times be free  
2591 from taxation of any kind by the state, or by any political



2592 subdivision, taxing agency, or instrumentality thereof. The  
 2593 exemption granted by this section does not apply to any tax  
 2594 imposed by chapter 220 on interest, income, or profits on debt  
 2595 obligations owned by corporations.

2596 345.0013 Eligibility for investments and security.—Any  
 2597 bonds or other obligations issued pursuant to this chapter  
 2598 constitute legal investments for banks, savings banks, trustees,  
 2599 executors, administrators, and all other fiduciaries, and for  
 2600 all state, municipal, and other public funds; and constitute  
 2601 securities eligible for deposit as security for all state,  
 2602 municipal, or other public funds, notwithstanding any other law  
 2603 to the contrary.

2604 345.0014 This chapter complete and additional authority.—

2605 (1) The powers conferred by this chapter are in addition  
 2606 and supplemental to the powers conferred by any other law, and  
 2607 this chapter does not repeal any provisions of general, special,  
 2608 or local law, but supersedes such other laws in the exercise of  
 2609 the powers provided in this chapter, and provides a complete  
 2610 method for the exercise of the powers granted in this chapter.  
 2611 The extension and improvement of a system, and the issuance of  
 2612 bonds hereunder to finance all or part of the cost thereof, may  
 2613 be accomplished upon compliance with the provisions of this  
 2614 chapter without regard to or necessity for compliance with the  
 2615 provisions, limitations, or restrictions contained in any other  
 2616 general, special, or local law, including, but not limited to,  
 2617 s. 215.821, and no approval of any bonds issued under this  
 2618 chapter by the qualified electors or qualified electors who are  
 2619 freeholders in the state or in any political subdivision of the



2620 state shall be required for the issuance of such bonds pursuant  
2621 to this act.

2622 (2) This chapter does not repeal, rescind, or modify any  
2623 other law relating to the State Board of Administration, the  
2624 Department of Transportation, authorities created pursuant to  
2625 chapters 343, 348, or 349, or the Division of Bond Finance of  
2626 the State Board of Administration, and does not it supersede any  
2627 provision of chapters 343, 348, or 349, but does supersede any  
2628 other law that is inconsistent with the provisions of this  
2629 chapter, including, but not limited to, s. 215.821.

2630 (3) This section does not supersede any applicable  
2631 requirements of part II of chapter 163, s. 339.155, or s.  
2632 339.175.

2633 Section 38. Paragraph (d) of subsection (2) of section  
2634 348.754, Florida Statutes, is amended to read:

2635 348.754 Purposes and powers.—

2636 (2) The authority is hereby granted, and shall have and  
2637 may exercise all powers necessary, appurtenant, convenient or  
2638 incidental to the carrying out of the aforesaid purposes,  
2639 including, but without being limited to, the following rights  
2640 and powers:

2641 (d) To enter into and make leases for terms not exceeding  
2642 99 ~~40~~ years, as either lessee or lessor, in order to carry out  
2643 the right to lease as set forth in this part.

2644 Section 39. Subsections (13), (14), and (15) are added to  
2645 section 373.406, Florida Statutes, to read:

2646 373.406 Exemptions.—The following exemptions shall apply:



2647       (13) Nothing in this part, or in any rule, regulation, or  
2648 order adopted pursuant to this part, applies to construction,  
2649 alteration, operation, or maintenance of any wholly owned,  
2650 manmade excavated farm ponds, as defined in s. 403.927,  
2651 constructed entirely in uplands. Alteration or maintenance may  
2652 not involve any work to connect the farm pond to, or expand the  
2653 farm pond into, other wetlands or other surface waters. This  
2654 exemption does not apply to any farm pond that covers an area  
2655 greater than 15 acres and has an average depth greater than 15  
2656 feet, or is less than 50 feet from any wetlands.

2657       (14) Nothing in this part, or in any rule, regulation, or  
2658 order adopted pursuant to this part, may require a permit for  
2659 activities affecting wetlands created solely by the unauthorized  
2660 flooding or interference with the natural flow of surface water  
2661 caused by an unaffiliated adjoining landowner. Requests to  
2662 qualify for this exemption must be made within 7 years after the  
2663 cause of such unauthorized flooding or unauthorized interference  
2664 with the natural flow of surface water and must be submitted in  
2665 writing to the district or department. Such activities may not  
2666 begin without a written determination from the district or  
2667 department confirming that the activity qualifies for the  
2668 exemption. This exemption does not expand the jurisdiction of  
2669 the department or the water management districts and does not  
2670 apply to activities that discharge dredged or fill material into  
2671 waters of the United States, including wetlands, subject to  
2672 federal jurisdiction under s. 404 of the federal Clean Water  
2673 Act, 33 U.S.C. s. 1344.

2674       (15) Any independent water control district created before





2675 July 1, 2013, and operating pursuant to chapter 298 for which a  
2676 valid environmental resource permit has been issued pursuant to  
2677 this part or a federal wetlands permit authorized under s. 404  
2678 of the federal Clean Water Act, 33 U.S.C. s. 1344, has been  
2679 issued, is exempt from further wetlands regulations imposed  
2680 pursuant to chapters 125, 163, and 166.

2681 Section 40. Section 373.4137, Florida Statutes, is amended  
2682 to read:

2683 373.4137 Mitigation requirements for specified  
2684 transportation projects.—

2685 (1) The Legislature finds that environmental mitigation  
2686 for the impact of transportation projects proposed by the  
2687 Department of Transportation or a transportation authority  
2688 established pursuant to chapter 348 or chapter 349 can be more  
2689 effectively achieved by regional, long-range mitigation planning  
2690 rather than on a project-by-project basis. It is the intent of  
2691 the Legislature that mitigation to offset the adverse effects of  
2692 these transportation projects be funded by the Department of  
2693 Transportation and be carried out by the use of mitigation banks  
2694 and any other mitigation options that satisfy state and federal  
2695 requirements in a manner that promotes efficiency, timeliness in  
2696 project delivery, and cost-effectiveness.

2697 (2) Environmental impact inventories for transportation  
2698 projects proposed by the Department of Transportation or a  
2699 transportation authority established pursuant to chapter 348 or  
2700 chapter 349 shall be developed as follows:

2701 (a) By July 1 of each year, the Department of  
2702 Transportation, or a transportation authority established



2703 | pursuant to chapter 348 or chapter 349 which chooses to  
 2704 | participate in the program, shall submit to the water management  
 2705 | districts a list of its projects in the adopted work program and  
 2706 | an environmental impact inventory of habitat impacts and the  
 2707 | anticipated amount of mitigation needed to offset impacts as  
 2708 | described in paragraph (b). The environmental impact inventory  
 2709 | must be based on ~~habitats addressed in~~ the rules adopted  
 2710 | pursuant to this part, ~~and~~ s. 404 of the Clean Water Act, 33  
 2711 | U.S.C. s. 1344, and the Department of Transportation's ~~which may~~  
 2712 | ~~be impacted by its~~ plan of construction for transportation  
 2713 | projects in the next 3 years of the tentative work program. The  
 2714 | Department of Transportation or a transportation authority  
 2715 | established pursuant to chapter 348 or chapter 349 may also  
 2716 | include in its environmental impact inventory the habitat  
 2717 | impacts and the anticipated amount of mitigation needed for ~~of~~  
 2718 | any future transportation project. The Department of  
 2719 | Transportation and each transportation authority established  
 2720 | pursuant to chapter 348 or chapter 349 may fund any mitigation  
 2721 | activities for future projects using current year funds.

2722 | (b) The environmental impact inventory must ~~shall~~ include  
 2723 | a description of ~~these~~ habitat impacts, including ~~their~~  
 2724 | location, acreage, and type; the anticipated amount of  
 2725 | mitigation needed based on the functional loss as determined  
 2726 | through the Uniform Mitigation Assessment Method (UMAM) adopted  
 2727 | in chapter 62-345, Florida Administrative Code; identification  
 2728 | of the proposed mitigation option; state water quality  
 2729 | classification of impacted wetlands and other surface waters;  
 2730 | any other state or regional designations for these habitats; and



2731 a list of threatened species, endangered species, and species of  
2732 special concern affected by the proposed project.

2733 (c) Before projects are identified for inclusion in a  
2734 water management district mitigation plan as described in  
2735 subsection (4), the Department of Transportation must consider  
2736 using credits from a permitted mitigation bank. The Department  
2737 of Transportation must consider the availability of suitable and  
2738 sufficient mitigation bank credits within the transportation  
2739 project's area, the ability to satisfy commitments to regulatory  
2740 and resource agencies, the availability of suitable and  
2741 sufficient mitigation purchased or developed through this  
2742 section, the ability to complete existing water management  
2743 district or Department of Environmental Protection suitable  
2744 mitigation sites initiated with Department of Transportation  
2745 mitigation funds, and the ability to satisfy state and federal  
2746 requirements including long-term maintenance and liability.

2747 (3) (a) To implement the mitigation option ~~fund development~~  
2748 ~~and implementation of the mitigation plan for the projected~~  
2749 ~~impacts~~ identified in the environmental impact inventory  
2750 described in subsection (2), the Department of Transportation  
2751 may purchase credits for current and future use directly from a  
2752 mitigation bank, purchase mitigation services through the water  
2753 management districts or the Department of Environmental  
2754 Protection, conduct its own mitigation, or use other mitigation  
2755 options that meet state and federal requirements. Funding for  
2756 the identified mitigation option as described in the  
2757 environmental impact inventory must be included in ~~shall~~  
2758 ~~identify funds quarterly in an escrow account within the State~~



2759 ~~Transportation Trust Fund for the environmental mitigation phase~~  
 2760 ~~of projects budgeted by the Department of Transportation's work~~  
 2761 ~~program developed pursuant to s. 339.135. The amount programmed~~  
 2762 ~~each year by the Department of Transportation and participating~~  
 2763 ~~transportation authorities established pursuant to chapter 348~~  
 2764 ~~or chapter 349 must correspond to an estimated cost per credit~~  
 2765 ~~of \$150,000 multiplied by the projected number of credits~~  
 2766 ~~identified in the environmental impact inventory described in~~  
 2767 ~~subsection (2). This estimated cost per credit will be adjusted~~  
 2768 ~~every 2 years by the Department of Transportation based on the~~  
 2769 ~~average cost per UMAM credit paid through this section.~~  
 2770 ~~Transportation for the current fiscal year. The escrow account~~  
 2771 ~~shall be maintained by the Department of Transportation for the~~  
 2772 ~~benefit of the water management districts. Any interest earnings~~  
 2773 ~~from the escrow account shall remain with the Department of~~  
 2774 ~~Transportation.~~

2775 (b) Each transportation authority established pursuant to  
 2776 chapter 348 or chapter 349 that chooses to participate in this  
 2777 program shall create an escrow account within its financial  
 2778 structure and deposit funds in the account to pay for the  
 2779 environmental mitigation phase of projects budgeted for the  
 2780 current fiscal year. The escrow account shall be maintained by  
 2781 the authority for the benefit of the water management districts.  
 2782 Any interest earnings from the escrow account shall remain with  
 2783 the authority.

2784 (c) For mitigation implemented by the water management  
 2785 district or the Department of Environmental Protection, as  
 2786 appropriate, the amount paid each year must be based on



2787 mitigation services provided by the water management districts  
2788 or Department of Environmental Protection pursuant to an  
2789 approved water management district plan, as described in  
2790 subsection (4). ~~Except for current mitigation projects in the~~  
2791 ~~monitoring and maintenance phase and except as allowed by~~  
2792 ~~paragraph (d),~~ The water management districts or the Department  
2793 of Environmental Protection, as appropriate, may request payment  
2794 ~~a transfer of funds from an escrow account~~ no sooner than 30  
2795 days before the date the funds are needed to pay for activities  
2796 associated with development or implementation of permitted  
2797 mitigation meeting the requirements pursuant to this part, 33  
2798 U.S.C. s. 1344, and 33 C.F.R. part 332, in the approved  
2799 mitigation plan described in subsection (4) for the current  
2800 fiscal year, ~~including, but not limited to, design, engineering,~~  
2801 ~~production, and staff support. Actual conceptual plan~~  
2802 ~~preparation costs incurred before plan approval may be submitted~~  
2803 ~~to the Department of Transportation or the appropriate~~  
2804 ~~transportation authority each year with the plan. The conceptual~~  
2805 ~~plan preparation costs of each water management district will be~~  
2806 ~~paid from mitigation funds associated with the environmental~~  
2807 ~~impact inventory for the current year. The amount transferred to~~  
2808 ~~the escrow accounts each year by the Department of~~  
2809 ~~Transportation and participating transportation authorities~~  
2810 ~~established pursuant to chapter 348 or chapter 349 shall~~  
2811 ~~correspond to a cost per acre of \$75,000 multiplied by the~~  
2812 ~~projected acres of impact identified in the environmental impact~~  
2813 ~~inventory described in subsection (2). However, the \$75,000 cost~~  
2814 ~~per acre does not constitute an admission against interest by~~



2815 ~~the state or its subdivisions and is not admissible as evidence~~  
2816 ~~of full compensation for any property acquired by eminent domain~~  
2817 ~~or through inverse condemnation. Each July 1, the cost per acre~~  
2818 ~~shall be adjusted by the percentage change in the average of the~~  
2819 ~~Consumer Price Index issued by the United States Department of~~  
2820 ~~Labor for the most recent 12-month period ending September 30,~~  
2821 ~~compared to the base year average, which is the average for the~~  
2822 ~~12-month period ending September 30, 1996. Each quarter, the~~  
2823 ~~projected amount of mitigation must~~ acreage of impact shall be  
2824 reconciled with the actual amount of mitigation needed for  
2825 ~~acreage of impact of projects as permitted, including permit~~  
2826 ~~modifications, pursuant to this part and s. 404 of the Clean~~  
2827 ~~Water Act, 33 U.S.C. s. 1344. The subject year's programming~~  
2828 ~~transfer of funds shall be adjusted accordingly to reflect the~~  
2829 mitigation acreage of impacts as permitted. If the water  
2830 management district excludes a project from an approved water  
2831 management district mitigation plan, if the water management  
2832 district cannot timely permit a mitigation site to offset the  
2833 impacts of a Department of Transportation project identified in  
2834 the environmental impact inventory, or if the proposed  
2835 mitigation does not meet state and federal requirements, the  
2836 Department of Transportation may use the associated funds for  
2837 the purchase of mitigation bank credits or any other mitigation  
2838 option that satisfies state and federal requirements. The  
2839 ~~Department of Transportation and participating transportation~~  
2840 ~~authorities established pursuant to chapter 348 or chapter 349~~  
2841 ~~are authorized to transfer such funds from the escrow accounts~~  
2842 ~~to the water management districts to carry out the mitigation~~



2843 ~~programs. Environmental mitigation funds that are identified for~~  
2844 ~~or maintained in an escrow account for the benefit of a water~~  
2845 ~~management district may be released if the associated~~  
2846 ~~transportation project is excluded in whole or part from the~~  
2847 ~~mitigation plan. For a mitigation project that is in the~~  
2848 ~~maintenance and monitoring phase, the water management district~~  
2849 ~~may request and receive a one-time payment based on the~~  
2850 ~~project's expected future maintenance and monitoring costs. Upon~~  
2851 final disbursement of the final maintenance and monitoring  
2852 payment for mitigation of a transportation project as permitted,  
2853 the obligation of the Department of Transportation or the  
2854 participating transportation authority is satisfied and the  
2855 water management district or the Department of Environmental  
2856 Protection, as appropriate, will have continuing responsibility  
2857 for the mitigation project, the escrow account for the project  
2858 established by the Department of Transportation or the  
2859 participating transportation authority may be closed. Any  
2860 interest earned on these disbursed funds shall remain with the  
2861 water management district and must be used as authorized under  
2862 this section.

2863 (d) Beginning with the March 2014 water management  
2864 district mitigation plans, in the 2005-2006 fiscal year, each  
2865 water management district or the Department of Environmental  
2866 Protection, as appropriate, shall invoice the Department of  
2867 Transportation for mitigation services to offset only the  
2868 impacts of a Department of Transportation project identified in  
2869 the environmental impact inventory, including planning, design,  
2870 construction, maintenance, and monitoring, and other costs



2871 necessary to meet requirements pursuant to this section, 33  
2872 U.S.C. s. 1344, and 33 C.F.R. part 332. If the water management  
2873 district identifies the use of mitigation bank credits to offset  
2874 a Department of Transportation impact, the water management  
2875 district shall exclude that purchase from the mitigation plan,  
2876 and the Department of Transportation must purchase the bank  
2877 credits. ~~be paid a lump-sum amount of \$75,000 per acre, adjusted~~  
2878 ~~as provided under paragraph (c), for federally funded~~  
2879 ~~transportation projects that are included on the environmental~~  
2880 ~~impact inventory and that have an approved mitigation plan.~~  
2881 ~~Beginning in the 2009-2010 fiscal year, each water management~~  
2882 ~~district shall be paid a lump-sum amount of \$75,000 per acre,~~  
2883 ~~adjusted as provided under paragraph (c), for federally funded~~  
2884 ~~and nonfederally funded transportation projects that have an~~  
2885 ~~approved mitigation plan. All mitigation costs, including, but~~  
2886 ~~not limited to, the costs of preparing conceptual plans and the~~  
2887 ~~costs of design, construction, staff support, future~~  
2888 ~~maintenance, and monitoring the mitigated acres shall be funded~~  
2889 ~~through these lump-sum amounts.~~

2890 (e) For mitigation activities occurring on existing water  
2891 management district or Department of Environmental Protection  
2892 mitigation sites initiated with Department of Transportation  
2893 mitigation funds before July 1, 2013, the water management  
2894 district or the Department of Environmental Protection shall  
2895 invoice the Department of Transportation or a participating  
2896 transportation authority at a cost per acre of \$75,000  
2897 multiplied by the projected acres of impact as identified in the  
2898 environmental impact inventory. The cost per acre must be





2899 adjusted by the percentage change in the average of the Consumer  
2900 Price Index issued by the United States Department of Labor for  
2901 the most recent 12-month period ending September 30, compared to  
2902 the base year average, which is the average for the 12-month  
2903 period ending September 30, 1996. When implementing the  
2904 mitigation activities necessary to offset the permitted impacts  
2905 as provided in the approved mitigation plan, the water  
2906 management district shall maintain records of the costs incurred  
2907 in implementing the mitigation. The records must include, but  
2908 are not limited to, costs for planning, land acquisition,  
2909 design, construction, staff support, long-term maintenance and  
2910 monitoring of the mitigation site, and other costs necessary to  
2911 meet the requirements of 33 U.S.C. s. 1344 and 33 C.F.R. part  
2912 332.

2913 (f) For purposes of preparing and implementing the  
2914 mitigation plans to be adopted by the water management districts  
2915 on or before March 1, 2013, for impacts based on the July 1,  
2916 2012, environmental impact inventory, the funds identified in  
2917 the Department of Transportation's work program or participating  
2918 transportation authorities' escrow accounts must correspond to a  
2919 cost per acre of \$75,000 multiplied by the project acres of  
2920 impact as identified in the environmental impact inventory. The  
2921 cost per acre shall be adjusted by the percentage change in the  
2922 average of the Consumer Price Index issued by the United States  
2923 Department of Labor for the most recent 12-month period ending  
2924 September 30, compared to the base year average, which is the  
2925 average for the 12-month period ending September 30, 1996.  
2926 Payment as provided under this paragraph is limited to those



2927 mitigation activities that are identified in the first year of  
2928 the 2013 mitigation plan and for which the transportation  
2929 project is permitted and is in the Department of  
2930 Transportation's adopted work program, or equivalent for a  
2931 transportation authority. When implementing the mitigation  
2932 activities necessary to offset the permitted impacts as provided  
2933 in the approved mitigation plan, the water management district  
2934 shall maintain records of the costs incurred in implementing the  
2935 mitigation. The records must include, but are not limited to,  
2936 costs for planning, land acquisition, design, construction,  
2937 staff support, long-term maintenance and monitoring of the  
2938 mitigation site, and other costs necessary to meet the  
2939 requirements of 33 U.S.C. s. 1344 and 33 C.F.R. part 332. To the  
2940 extent moneys paid to a water management district by the  
2941 Department of Transportation or a participating transportation  
2942 authority exceed the amount expended by the water management  
2943 districts in implementing the mitigation to offset the permitted  
2944 impacts, these funds must be refunded to the Department of  
2945 Transportation or participating transportation authority. This  
2946 paragraph expires June 30, 2014.

2947 (4) Before March 1 of each year, each water management  
2948 district shall develop a mitigation plan to offset only the  
2949 impacts of transportation projects in the environmental impact  
2950 inventory for which a water management district is implementing  
2951 mitigation that meets the requirements of this section, 33  
2952 U.S.C. s. 1344, and 33 C.F.R. part 332. The water management  
2953 district mitigation plan must be developed, in consultation with  
2954 the Department of Environmental Protection, the United States



2955 Army Corps of Engineers, the Department of Transportation,  
 2956 participating transportation authorities established pursuant to  
 2957 chapter 348 or chapter 349, and other appropriate federal,  
 2958 state, and local governments, and other interested parties,  
 2959 including entities operating mitigation banks, ~~shall develop a~~  
 2960 ~~plan for the primary purpose of complying with the mitigation~~  
 2961 ~~requirements adopted pursuant to this part and 33 U.S.C. s.~~  
 2962 ~~1344.~~ In developing such plans, the water management districts  
 2963 shall use sound ecosystem management practices to address  
 2964 significant water resource needs and consider ~~shall focus on~~  
 2965 activities of the Department of Environmental Protection and the  
 2966 water management districts, such as surface water improvement  
 2967 and management (SWIM) projects and lands identified for  
 2968 potential acquisition for preservation, restoration, or  
 2969 enhancement, and the control of invasive and exotic plants in  
 2970 wetlands and other surface waters, to the extent that the  
 2971 activities comply with the mitigation requirements adopted under  
 2972 this part, ~~and~~ 33 U.S.C. s. 1344, and 33 C.F.R. part 332. The  
 2973 water management district mitigation plan must identify each  
 2974 site where the water management district will mitigate for a  
 2975 transportation project. For each mitigation site, the water  
 2976 management district shall provide the scope of the mitigation  
 2977 services, provide the functional gain as determined through the  
 2978 UMAM per chapter 62-345, Florida Administrative Code, describe  
 2979 how the mitigation offsets the impacts of each transportation  
 2980 project as permitted, and provide a schedule for the mitigation  
 2981 services. The water management districts shall maintain records  
 2982 of costs incurred and payments received for providing these



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2983 services. Records must include, but are not limited to,  
2984 planning, land acquisition, design, construction, staff support,  
2985 long-term maintenance and monitoring of the mitigation site, and  
2986 other costs necessary to meet the requirements of 33 U.S.C. s.  
2987 1344 and 33 C.F.R. part 332. To the extent moneys paid to a  
2988 water management district by the Department of Transportation or  
2989 a participating transportation authority exceed the amount  
2990 expended by the water management districts in providing the  
2991 mitigation services to offset the permitted transportation  
2992 project impacts, these moneys must be refunded to the Department  
2993 of Transportation or participating transportation authority. ~~In~~  
2994 ~~determining the activities to be included in the plans, the~~  
2995 ~~districts shall consider the purchase of credits from public or~~  
2996 ~~private mitigation banks permitted under s. 373.4136 and~~  
2997 ~~associated federal authorization and shall include the purchase~~  
2998 ~~as a part of the mitigation plan when the purchase would offset~~  
2999 ~~the impact of the transportation project, provide equal benefits~~  
3000 ~~to the water resources than other mitigation options being~~  
3001 ~~considered, and provide the most cost-effective mitigation~~  
3002 ~~option.~~ The mitigation plan shall be submitted to the water  
3003 management district governing board, or its designee, for review  
3004 and approval. At least 14 days before approval by the governing  
3005 board, the water management district shall provide a copy of the  
3006 draft mitigation plan to the Department of Environmental  
3007 Protection and any person who has requested a copy. Subsequent  
3008 to governing board approval, the mitigation plan must be  
3009 submitted to the Department of Environmental Protection for  
3010 approval. The plan may not be implemented until it is submitted



3011 to and approved, in part or in its entirety, by the Department  
3012 of Environmental Protection.

3013 ~~(a) For each transportation project with a funding request~~  
3014 ~~for the next fiscal year, the mitigation plan must include a~~  
3015 ~~brief explanation of why a mitigation bank was or was not chosen~~  
3016 ~~as a mitigation option, including an estimation of identifiable~~  
3017 ~~costs of the mitigation bank and nonbank options and other~~  
3018 ~~factors such as time saved, liability for success of the~~  
3019 ~~mitigation, and long-term maintenance.~~

3020 (a)(b) Specific projects may be excluded from the  
3021 mitigation plan, in whole or in part, and are not subject to  
3022 this section upon the election of the Department of  
3023 Transportation, a transportation authority if applicable, or the  
3024 appropriate water management district. The Department of  
3025 Transportation or a participating transportation authority may  
3026 not exclude a transportation project from the mitigation plan  
3027 when mitigation is scheduled for implementation by the water  
3028 management district in the current fiscal year, except when the  
3029 transportation project is removed from the Department of  
3030 Transportation's work program or transportation authority  
3031 funding plan, the mitigation cannot be timely permitted to  
3032 offset the impacts of a Department of Transportation project  
3033 identified in the environmental impact inventory, or the  
3034 proposed mitigation does not meet state and federal  
3035 requirements. If a project is removed from the work program or  
3036 the mitigation plan, costs expended by the water management  
3037 district before removal are eligible for reimbursement by the



3038 Department of Transportation or participating transportation  
3039 authority.

3040 (b)(e) When determining which projects to include in or  
3041 exclude from the mitigation plan, the Department of  
3042 Transportation shall investigate using credits from a permitted  
3043 mitigation bank before those projects are submitted for  
3044 inclusion in a water management district mitigation ~~the~~ plan.  
3045 The Department of Transportation shall exclude a project from  
3046 the mitigation plan if the investigation undertaken pursuant to  
3047 this paragraph results in the conclusion that the use of credits  
3048 from a permitted mitigation bank promotes efficiency, timeliness  
3049 in project delivery, cost-effectiveness, and transfer of  
3050 liability for success and long-term maintenance. ~~The~~  
3051 ~~investigation shall consider the cost-effectiveness of~~  
3052 ~~mitigation bank credits, including, but not limited to, factors~~  
3053 ~~such as time saved, transfer of liability for success of the~~  
3054 ~~mitigation, and long-term maintenance.~~

3055 (5) The water management district shall ensure that  
3056 mitigation requirements pursuant to 33 U.S.C. s. 1344 and 33  
3057 C.F.R. part 332 are met for the impacts identified in the  
3058 environmental impact inventory for which the water management  
3059 district will implement mitigation described in subsection (2),  
3060 by implementation of the approved mitigation plan described in  
3061 subsection (4) to the extent funding is provided by the  
3062 Department of Transportation, or a transportation authority  
3063 established pursuant to chapter 348 or chapter 349, if  
3064 applicable. In developing and implementing the mitigation plan,  
3065 the water management district shall comply with federal



3066 permitting requirements pursuant to 33 U.S.C. s. 1344 and 33  
3067 C.F.R. part 332. During the federal permitting process, the  
3068 water management district may deviate from the approved  
3069 mitigation plan in order to comply with federal permitting  
3070 requirements upon notice and coordination with the Department of  
3071 Transportation or participating transportation authority.

3072 (6) The water management district mitigation plans shall  
3073 be updated annually to reflect the most current Department of  
3074 Transportation work program and project list of a transportation  
3075 authority established pursuant to chapter 348 or chapter 349, if  
3076 applicable, and may be amended throughout the year to anticipate  
3077 schedule changes or additional projects which may arise. Before  
3078 amending the mitigation plan to include new projects, the  
3079 Department of Transportation shall consider mitigation banks and  
3080 other available mitigation options that meet state and federal  
3081 requirements. Each update and amendment of the mitigation plan  
3082 shall be submitted to the governing board of the water  
3083 management district or its designee for approval. However, such  
3084 approval shall not be applicable to a deviation as described in  
3085 subsection (5).

3086 (7) Upon approval by the governing board of the water  
3087 management district and the Department of Environmental  
3088 Protection ~~or its designee~~, the mitigation plan shall be deemed  
3089 to satisfy the mitigation requirements under this part for  
3090 impacts specifically identified in the environmental impact  
3091 inventory described in subsection (2) and any other mitigation  
3092 requirements imposed by local, regional, and state agencies for  
3093 these same impacts. The approval of the governing board of the



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3094 | water management district and the Department of Environmental  
3095 | Protection ~~or its designee~~ shall authorize the activities  
3096 | proposed in the mitigation plan, and no other state, regional,  
3097 | or local permit or approval shall be necessary.

3098 | (8) This section shall not be construed to eliminate the  
3099 | need for the Department of Transportation or a transportation  
3100 | authority established pursuant to chapter 348 or chapter 349 to  
3101 | comply with the requirement to implement practicable design  
3102 | modifications, including realignment of transportation projects,  
3103 | to reduce or eliminate the impacts of its transportation  
3104 | projects on wetlands and other surface waters as required by  
3105 | rules adopted pursuant to this part, or to diminish the  
3106 | authority under this part to regulate other impacts, including  
3107 | water quantity or water quality impacts, or impacts regulated  
3108 | under this part that are not identified in the environmental  
3109 | impact inventory described in subsection (2).

3110 | ~~(9) The process for environmental mitigation for the~~  
3111 | ~~impact of transportation projects under this section shall be~~  
3112 | ~~available to an expressway, bridge, or transportation authority~~  
3113 | ~~established under chapter 348 or chapter 349. Use of this~~  
3114 | ~~process may be initiated by an authority depositing the~~  
3115 | ~~requisite funds into an escrow account set up by the authority~~  
3116 | ~~and filing an environmental impact inventory with the~~  
3117 | ~~appropriate water management district. An authority that~~  
3118 | ~~initiates the environmental mitigation process established by~~  
3119 | ~~this section shall comply with subsection (6) by timely~~  
3120 | ~~providing the appropriate water management district with the~~  
3121 | ~~requisite work program information. A water management district~~





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3122 ~~may draw down funds from the escrow account as provided in this~~  
3123 ~~section.~~

3124 Section 41. Section 373.6053, Florida Statutes, is created  
3125 to read:

3126 373.6053 Designation of positions for water management  
3127 districts.—Notwithstanding the provisions of s. 121.055(2)(a),  
3128 effective July 1, 2013, each water management district may,  
3129 between July 1, 2013, and December 31, 2013, reassess its  
3130 designation of positions as allowed under s. 121.055(1)(b)1.b.,  
3131 for inclusion in the Senior Management Service Class as provided  
3132 in s. 121.055(1)(b), and may request removal from the class of  
3133 any such positions that it deems appropriate. Such removal of  
3134 any previously designated positions shall be effective on the  
3135 first day of the month following written notification of removal  
3136 to the Division of Management Services before January 1, 2014.

3137 Section 42. Except as otherwise expressly provided in this  
3138 act, this act shall take effect July 1, 2013.