



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. 320.08058, F.S.; revising provisions for
39 distribution and use of fees collected from the sale
40 of the Florida Salutes Veterans license plate;
41 amending s. 331.360, F.S., relating to aerospace
42 facilities; removing provisions for a spaceport master
43 plan; directing Space Florida to develop a spaceport
44 system plan for certain purposes; providing for
45 content of the plan; directing Space Florida to submit
46 the plan to metropolitan planning organizations for
47 review of intermodal impact and to the department;
48 authorizing the department to include relevant
49 portions in the 5-year work program; revising
50 responsibilities of the department relating to
51 aerospace facilities; authorizing the department to
52 administratively house its space transportation
53 responsibilities within an existing division or
54 office; authorizing the department to enter into an
55 agreement with Space Florida for specified purposes;
56 authorizing the department to allocate certain funds



57 | under specified conditions; requiring Space Florida to
58 | provide certain information to the department before
59 | an agreement is executed; amending s. 332.007, F.S.;
60 | authorizing the department to fund strategic airport
61 | investment projects that meet specified criteria;
62 | amending s. 334.044, F.S.; prohibiting the department
63 | from entering into any lease-purchase agreement with
64 | any expressway authority, regional transportation
65 | authority, or other entity; providing the prohibition
66 | does not invalidate existing specified lease-purchase
67 | agreements or limit the department's authority
68 | relating to certain public-private transportation
69 | facilities; authorizing the department to enter into a
70 | concession agreement for commercial sponsorship
71 | displays on certain multiuse trails and facilities and
72 | providing for use of the revenue received; providing
73 | an exception from the requirement to purchase all
74 | plant materials from Florida commercial nursery stock
75 | when prohibited by applicable federal law or
76 | regulation; amending s. 335.055, F.S.; authorizing the
77 | department to enter into contracts with community
78 | development districts to perform routine maintenance
79 | work on the State Highway System; limiting liability;
80 | amending s. 335.06, F.S.; authorizing the department
81 | to improve and maintain any road that is part of a
82 | county road system or city street system that provides
83 | access to property within the state park system;
84 | requiring the county or city to maintain such road if



85 | the department does not; amending s. 337.11, F.S.;

86 | removing the requirement that a contractor provide a

87 | notarized affidavit as proof of motor vehicle

88 | registration; amending s. 337.14, F.S.; revising

89 | requirements for a person desiring to bid for the

90 | performance of certain department construction

91 | contracts to be prequalified; amending s. 337.168,

92 | F.S., relating to confidentiality of bid information;

93 | providing that a document that reveals the identity of

94 | a person who has requested or received certain

95 | information before a certain time is a public record;

96 | amending s. 337.25, F.S.; revising provisions for

97 | disposition of property by the department; authorizing

98 | the department to contract for auction services for

99 | conveyance of property; revising requirements for an

100 | inventory of property; amending s. 337.251, F.S.;

101 | revising provisions for lease of property; requiring

102 | the department to publish a notice of receipt of a

103 | proposal for lease of particular department property

104 | and accept other proposals; revising notice

105 | procedures; requiring the department to establish by

106 | rule an application fee for lease proposals;

107 | authorizing the department to engage the services of

108 | private consultants to assist in evaluating proposals;

109 | requiring the department to make specified

110 | determinations before approving a proposed lease;

111 | amending s. 337.403, F.S., relating to interference by

112 | a utility of the use of a public road or publicly



113 | owned rail corridor; providing for an authority to
114 | bear certain costs to eliminate interference when the
115 | utility certifies that it cannot prove or disprove it
116 | has a compensable property right where the utility is
117 | located; requiring the department to pay for utility
118 | work related to commuter rail or intercity passenger
119 | rail under certain circumstances; providing an
120 | exception; authorizing the department to pay for
121 | utility relocation in rural areas of critical economic
122 | concern under certain circumstances; requiring the
123 | Florida Transportation Commission to study the
124 | potential for state revenue from parking meters and
125 | other parking time-limit devices; authorizing to
126 | commission to retain experts; requiring the department
127 | to pay for the experts; requiring certain information
128 | from municipalities and counties; requiring certain
129 | information to be considered in the study; requiring a
130 | written report; providing for the removal of parking
131 | meters and parking time-limit devices under certain
132 | circumstance; providing for municipalities and
133 | counties to pay the cost of removal; providing for a
134 | moratorium on new parking meters of other parking
135 | time-limit devices on the state right-of-way;
136 | providing an exception; amending s. 338.161, F.S.;
137 | revising provisions for the department to enter into
138 | agreements for certain purposes with public or private
139 | transportation facility owners whose systems become
140 | interoperable with the department's systems; amending



141 s. 338.165, F.S.; removing references to certain
142 facilities from the list of facilities the department
143 is authorized to request bond issuance secured by
144 facility revenues amending s. 338.26, F.S.; revising
145 the uses of fees generated from tolls to include the
146 design and construction of a fire station that may be
147 used by certain local governments in accordance with a
148 specified memorandum; removing a provision that
149 authorizes a district to issue bonds or notes;
150 amending s. 339.175, F.S.; revising provisions for
151 designation of metropolitan planning organizations and
152 provisions for voting membership; revising the
153 criteria that qualify a local government for
154 participation in a metropolitan planning organization;
155 providing that certain counties shall be designated
156 separate metropolitan planning organizations; revising
157 the criteria to determine voting membership of a
158 metropolitan planning organization; providing that
159 each metropolitan planning organization shall review
160 its membership and reapportion it as necessary;
161 providing criteria; removing the requirement that the
162 Governor review and apportion the voting membership
163 among the various governmental entities within the
164 metropolitan planning area; amending s. 339.2821,
165 F.S.; authorizing Enterprise Florida, Inc., to be a
166 consultant to the department for consideration of
167 expenditures associated with and contracts for
168 transportation projects; revising the requirements for



169 economic development transportation project contracts
170 between the department and a governmental entity;
171 repealing ss. 339.401-339.421, F.S., relating to the
172 Florida Transportation Corporation Act, definitions,
173 legislative findings and purpose, authorization of
174 corporations, type and structure and income of
175 corporation, contract between the department and the
176 corporation, articles of incorporation, boards of
177 directors and advisory directors, bylaws, meetings and
178 records, amendment of articles of incorporation,
179 powers of corporations, use of state property,
180 exemption from taxation, authority to alter or
181 dissolve corporation, dissolution upon completion of
182 purposes, transfer of funds and property upon
183 dissolution, department rules, construction of
184 provisions, and issuance of debt; amending s. 339.55,
185 F.S.; providing for the state-funded infrastructure
186 bank to lend capital costs or provide credit
187 enhancements for projects that provide intermodal
188 connectivity with spaceports and to make emergency
189 loans for damages to public-use spaceports; revising
190 criteria the department may consider for evaluation of
191 projects for assistance from the bank; amending s.
192 341.031, F.S.; revising the definition of the term
193 "intercity bus service," as used in the Florida Public
194 Transit Act; amending s. 341.052, F.S.; prohibiting an
195 eligible public transit provider from using public
196 transit block grant funds to pursue or promote the



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



225 | modification of a permit; amends s. 341.840, F.S.;

226 | conforming a cross-reference; amending ss. 343.82 and

227 | 343.922, F.S.; removing reference to advances from the

228 | Toll Facilities Revolving Trust Fund as a source of

229 | funding for certain projects by an authority; creating

230 | ch. 345, F.S., relating to the Florida Regional

231 | Transportation Finance Authority Act; creating s.

232 | 345.0001, F.S.; providing a short title; creating s.

233 | 345.0002, F.S.; providing definitions; creating s.

234 | 345.0003, F.S.; providing for counties to form a

235 | regional transportation finance authority to

236 | construct, maintain, or operate transportation

237 | projects in a region of the state; providing for

238 | governance of an authority; providing for membership

239 | and organization of an authority; creating s.

240 | 345.0004, F.S.; providing for the powers and duties of

241 | an authority; limiting an authority's power with

242 | respect to an existing system; prohibiting an

243 | authority from pledging the credit or taxing power of

244 | the state or any political subdivision or agency of

245 | the state; requiring that an authority comply with

246 | certain reporting and documentation requirements;

247 | creating s. 345.0005, F.S.; authorizing an authority

248 | to issue bonds; providing that the issued bonds must

249 | meet certain requirements; providing that the

250 | resolution that authorizes the issuance of bonds meet

251 | certain requirements; authorizing an authority to

252 | enter into security agreements for issued bonds with a



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



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



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



337 Service Class; authorizing the removal of positions
 338 from the class; providing effective dates.

339
 340 Be It Enacted by the Legislature of the State of Florida:

341
 342 Section 1. Paragraph (m) of subsection (3) of section
 343 11.45, Florida Statutes, is amended, and present paragraphs (n)
 344 through (x) are redesignated as paragraphs (m) through (w),
 345 respectively, to read:

346 11.45 Definitions; duties; authorities; reports; rules.—

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

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

357 Section 2. Paragraph (b) of subsection (2) and paragraph
 358 (d) of subsection (3) of section 20.23, Florida Statutes, are
 359 amended to read:

360 20.23 Department of Transportation.—There is created a
 361 Department of Transportation which shall be a decentralized
 362 agency.

363 (2)

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



365 | 1. Recommend major transportation policies for the
366 | Governor's approval, and assure that approved policies and any
367 | revisions thereto are properly executed.

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

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

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

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

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



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

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

415 | (3) There is created the Florida Statewide Passenger Rail
416 | Commission.

417 | (d) The commission is assigned to the Office of the
418 | Secretary of the Department of Transportation for administrative
419 | and fiscal accountability purposes, but it shall otherwise
420 | function independently of the control and direction of the



421 | ~~department except that reasonable expenses of the commission~~
422 | ~~shall be subject to approval by the Secretary of Transportation.~~
423 | ~~The department shall provide administrative support and service~~
424 | ~~to the commission. The executive director and assistant~~
425 | ~~executive director of the Florida Transportation Commission~~
426 | ~~shall serve as the executive director and assistant executive~~
427 | ~~director of the Florida Statewide Passenger Rail Commission. The~~
428 | ~~staff of the Florida Transportation Commission shall provide~~
429 | ~~administrative support and service to the Florida Statewide~~
430 | ~~Passenger Rail Commission.~~

431 | Section 3. Paragraph (j) of subsection (2) of section
432 | 110.205, Florida Statutes, is amended to read:

433 | 110.205 Career service; exemptions.—

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

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



449 ~~Transportation and Modal~~ Administrator, district secretaries,
450 district directors of transportation development, transportation
451 operations, transportation support, and the managers of the
452 offices specified in s. 20.23(4)(b), of the Department of
453 Transportation. Unless otherwise fixed by law, the department
454 shall set the salary and benefits of these positions in
455 accordance with the rules of the Senior Management Service; and
456 the county health department directors and county health
457 department administrators of the Department of Health.

458 Section 4. Paragraph (b) of subsection (1) of section
459 125.35, Florida Statutes, is amended to read:

460 125.35 County authorized to sell real and personal
461 property and to lease real property.—

462 (1)

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

465 1. Negotiate the lease of an airport or seaport facility;
466 2. Modify or extend an existing lease of real property for
467 an additional term not to exceed 25 years, where the improved
468 value of the lease has an appraised value in excess of \$20
469 million; ~~or~~

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

472 4. Lease real or personal property belonging to the county
473 pursuant to s. 125.045;

474
475 under such terms and conditions as negotiated by the board.



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

478 125.42 Water, sewage, gas, power, telephone, other
 479 utility, and television lines along county roads and highways.—

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

486 Section 6. Section 316.01, Florida Statutes, is created to
 487 read:

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

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

496 316.530 Towing requirements.—

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



504 ~~bridges and culverts established by the department as provided~~
505 ~~in s. 316.555.~~

506 (3)~~(4)~~ A violation of this section is a noncriminal
507 traffic infraction, punishable as a moving violation as provided
508 in chapter 318.

509 Section 8. Paragraph (c) of subsection (3) of section
510 316.545, Florida Statutes, is amended to read:

511 316.545 Weight and load unlawful; special fuel and motor
512 fuel tax enforcement; inspection; penalty; review.—

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

517 (c) For a vehicle equipped with fully functional idle-
518 reduction technology, any penalty shall be calculated by
519 reducing the actual gross vehicle weight or the internal bridge
520 weight by the certified weight of the idle-reduction technology
521 or by 550 ~~400~~ pounds, whichever is less. The vehicle operator
522 must present written certification of the weight of the idle-
523 reduction technology and must demonstrate or certify that the
524 idle-reduction technology is fully functional at all times. This
525 calculation is not allowed for vehicles described in s.
526 316.535(6);

527 Section 9. Paragraph (b) of subsection (4) of section
528 320.08058, Florida Statutes, is amended to read:

529 320.08058 Specialty license plates.—

530 (4) FLORIDA SALUTES VETERANS LICENSE PLATES.—

531 (b) The Florida Salutes Veterans license plate annual use



532 fee shall be distributed as follows:

533 1. Twenty ~~Ten~~ percent shall be distributed to a direct-
534 support organization created under s. 292.055 ~~for a period not~~
535 ~~to exceed 48 months after the date the direct support~~
536 ~~organization is incorporated.~~

537 2. Any remaining fees must be deposited in the State Homes
538 for Veterans Trust Fund, which is created in the State Treasury.
539 All such moneys are to be administered by the Department of
540 Veterans' Affairs and must be used solely for the purpose of
541 constructing, operating, and maintaining domiciliary and nursing
542 homes for veterans and for continuing promotion and marketing of
543 the license plate, subject to the requirements of chapter 216.

544 Section 10. Section 331.360, Florida Statutes, is amended
545 to read:

546 331.360 Spaceport system ~~Joint participation agreement or~~
547 ~~assistance; spaceport master plan.-~~

548 ~~(1) It shall be the duty, function, and responsibility of~~
549 ~~the Department of Transportation to promote the further~~
550 ~~development and improvement of aerospace transportation~~
551 ~~facilities; to address intermodal requirements and impacts of~~
552 ~~the launch ranges, spaceports, and other space transportation~~
553 ~~facilities; to assist in the development of joint-use facilities~~
554 ~~and technology that support aviation and aerospace operations;~~
555 ~~to coordinate and cooperate in the development of spaceport~~
556 ~~infrastructure and related transportation facilities contained~~
557 ~~in the Strategic Intermodal System Plan; to encourage, where~~
558 ~~appropriate, the cooperation and integration of airports and~~
559 ~~spaceports in order to meet transportation-related needs; and to~~



560 ~~facilitate and promote cooperative efforts between federal and~~
561 ~~state government entities to improve space transportation~~
562 ~~capacity and efficiency. In carrying out this duty and~~
563 ~~responsibility, the department may assist and advise, cooperate~~
564 ~~with, and coordinate with federal, state, local, or private~~
565 ~~organizations and individuals. The department may~~
566 ~~administratively house its space transportation responsibilities~~
567 ~~within an existing division or office.~~

568 ~~(2) Notwithstanding any other provision of law, the~~
569 ~~Department of Transportation may enter into a joint~~
570 ~~participation agreement with, or otherwise assist, Space Florida~~
571 ~~as necessary to effectuate the provisions of this chapter and~~
572 ~~may allocate funds for such purposes in its 5-year work program.~~
573 ~~However, the department may not fund the administrative or~~
574 ~~operational costs of Space Florida.~~

575 ~~(1)-(3)~~ Space Florida shall develop a spaceport system
576 ~~master~~ plan that addresses statewide spaceport goals and the
577 need for expansion and modernization of space transportation
578 facilities within spaceport territories as defined in s.
579 331.303. The plan shall contain recommended projects to meet
580 current and future commercial, national, and state space
581 transportation requirements. Space Florida shall submit the plan
582 to all ~~any~~ appropriate metropolitan planning organizations
583 ~~organization~~ for review of intermodal impacts. Space Florida
584 shall submit the spaceport system ~~master~~ plan to the Department
585 of Transportation, which may include those portions of the
586 system plan relevant to the department's mission and such plan
587 ~~may be included~~ within the department's 5-year work program of



588 ~~qualifying projects aerospace discretionary capacity improvement~~
589 ~~under subsection (4).~~ The plan shall identify appropriate
590 funding levels for each project ~~and include recommendations on~~
591 ~~appropriate sources of revenue that may be developed to~~
592 ~~contribute to the State Transportation Trust Fund.~~

593 (2) The Department of Transportation shall promote the
594 further development and improvement of aerospace transportation
595 facilities; address intermodal requirements and impacts of the
596 launch ranges, spaceports, and other space transportation
597 facilities; assist in the development of joint-use facilities
598 and technology that support aviation and aerospace operations;
599 coordinate and cooperate in the development of spaceport
600 infrastructure and related transportation facilities contained
601 in the Strategic Intermodal System Plan; encourage, where
602 appropriate, the cooperation and integration of airports and
603 spaceports in order to meet transportation-related needs; and
604 facilitate and promote cooperative efforts between federal and
605 state government entities to improve space transportation
606 capacity and efficiency. In carrying out such duties and
607 responsibilities, the department may assist and advise,
608 cooperate with, and coordinate with federal, state, local, or
609 private entities and individuals. The department may
610 administratively house its space transportation responsibilities
611 within an existing division or office.

612 (3) Notwithstanding any other provision of law, the
613 Department of Transportation may enter into an agreement with,
614 or otherwise assist, Space Florida as necessary to effectuate
615 the provisions of this chapter and may allocate funds for such



616 purposes in its 5-year work program. However, the department may
617 not fund the administrative or operational costs of Space
618 Florida.

619 (4) (a) Beginning in fiscal year 2013-2014, a minimum of
620 \$15 million annually may be made available from the State
621 Transportation Trust Fund to fund space transportation projects.
622 The funds for this initiative shall be from the funds dedicated
623 to public transportation projects pursuant to s. 206.46(3)
624 ~~Subject to the availability of appropriated funds, the~~
625 ~~department may participate in the capital cost of eligible~~
626 ~~spaceport discretionary capacity improvement projects. The~~
627 ~~annual legislative budget request shall be based on the proposed~~
628 ~~funding requested for approved spaceport discretionary capacity~~
629 ~~improvement projects.~~

630 (b) Before executing an agreement, Space Florida must
631 provide project-specific information to the Department of
632 Transportation in order to demonstrate that the project includes
633 transportation and aerospace benefits. Project information to be
634 provided includes, but is not limited to:

- 635 1. Project description, characteristics, and scope.
- 636 2. Project funding sources and costs.
- 637 3. Project financing considerations with emphasis on
638 federal, local, and private participation.
- 639 4. Financial feasibility and risk analysis, including
640 efforts to protect the state's investment and ensure project
641 goals are realized.
- 642 5. Demonstration that the project will encourage, enhance,
643 or create economic benefits.



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

647 1. Provides important access and on-spaceport capacity
648 improvements;

649 2. Provides capital improvements to strategically position
650 the state to maximize opportunities in the aerospace industry or
651 foster growth and development of a sustainable and world-leading
652 aerospace industry in the state;

653 3. Meets state goals of an integrated intermodal
654 transportation system; and

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

657 Section 11. Subsection (11) is added to section 332.007,
658 Florida Statutes, to read:

659 332.007 Administration and financing of aviation and
660 airport programs and projects; state plan.—

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

663 1. Provide important access and on-airport capacity
664 improvements;

665 2. Provide capital improvements to strategically position
666 the state to maximize opportunities in international trade,
667 logistics, and the aviation industry;

668 3. Achieve state goals of an integrated intermodal
669 transportation system; and

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



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

674 Section 12. Subsections (16), (18), and (26) of section
675 334.044, Florida Statutes, are amended to read:

676 334.044 Department; powers and duties.—The department
677 shall have the following general powers and duties:

678 (16) To plan, acquire, lease, construct, maintain, and
679 operate toll facilities; to authorize the issuance and refunding
680 of bonds; and to fix and collect tolls or other charges for
681 travel on any such facilities. Effective July 1, 2013, and
682 notwithstanding any other law to the contrary, the department
683 may not enter into any lease-purchase agreement with any
684 expressway authority, regional transportation authority, or
685 other entity. This provision does not invalidate any lease-
686 purchase agreement authorized under chapter 348 or chapter 2000-
687 411, Laws of Florida, and existing as of July 1, 2013, and does
688 not limit the department's authority under s. 334.30.

689 (18) To establish and maintain bicycle and pedestrian
690 ways. Notwithstanding s. 260.0144, the department may enter into
691 a concession agreement with a not-for-profit entity or private
692 sector business or entity for commercial sponsorship displays on
693 multiuse trails and related facilities under s. 335.065 funded
694 by the department and use any revenue received from such
695 agreements for the maintenance of the multiuse trails and
696 related facilities.

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



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700 and to provide for the implementation and maintenance of
701 roadside conservation, enhancement, and stabilization programs.
702 No less than 1.5 percent of the amount contracted for
703 construction projects shall be allocated by the department on a
704 statewide basis for the purchase of plant materials. Department
705 districts may not expend funds for landscaping in connection
706 with any project that is limited to resurfacing existing lanes
707 unless the expenditure has been approved by the department's
708 secretary or the secretary's designee. To the greatest extent
709 practical, a minimum of 50 percent of the funds allocated under
710 this subsection shall be allocated for large plant materials and
711 the remaining funds for other plant materials. Except as
712 prohibited by applicable federal law or regulation, all plant
713 materials shall be purchased from Florida commercial nursery
714 stock in this state on a uniform competitive bid basis. The
715 department shall develop grades and standards for landscaping
716 materials purchased through this process. To accomplish these
717 activities, the department may contract with nonprofit
718 organizations having the primary purpose of developing youth
719 employment opportunities.

720 Section 13. Section 335.055, Florida Statutes, is amended
721 to read:

722 335.055 Routine maintenance contracts.—

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



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

732 (3) Each county, ~~or~~ municipality, or community development
 733 district shall be entitled to receive payment or reimbursement
 734 from the department, in accordance with the contract, if the
 735 work is completed to the standards of the contract as agreed to
 736 by the department.

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

740 Section 14. Section 335.06, Florida Statutes, is amended
 741 to read:

742 335.06 Access roads to the state park system.—Any road
 743 which provides access to property within the state park system
 744 shall be maintained by the department if the road is a part of
 745 the State Highway System and may be improved and maintained by
 746 the department if the road is part of a county road system or
 747 city street system. If the department does not maintain a county
 748 or city road that provides access to the state park system, the
 749 road ~~or~~ shall be maintained by the appropriate county or
 750 municipality ~~if the road is a part of the county road system or~~
 751 ~~the city street system.~~

752 Section 15. Subsection (13) of section 337.11, Florida
 753 Statutes, is amended to read:

754 337.11 Contracting authority of department; bids;



755 emergency repairs, supplemental agreements, and change orders;
756 combined design and construction contracts; progress payments;
757 records; requirements of vehicle registration.—

758 (13) Each contract let by the department for the
759 performance of road or bridge construction or maintenance work
760 shall require ~~contain a provision requiring the contractor to~~
761 ~~provide proof to the department, in the form of a notarized~~
762 ~~affidavit from the contractor, that~~ all motor vehicles that the
763 contractor ~~he or she~~ operates or causes to be operated in this
764 state to be ~~are~~ registered in compliance with chapter 320.

765 Section 16. Subsection (1) of section 337.14, Florida
766 Statutes, is amended to read:

767 337.14 Application for qualification; certificate of
768 qualification; restrictions; request for hearing.—

769 (1) Any person desiring to bid for the performance of any
770 construction contract with a proposed budget estimate in excess
771 of \$250,000 which the department proposes to let must first be
772 certified by the department as qualified pursuant to this
773 section and rules of the department. The rules of the department
774 shall address the qualification of persons to bid on
775 construction contracts with proposed budget estimates in excess
776 of \$250,000 and shall include requirements with respect to the
777 equipment, past record, experience, financial resources, and
778 organizational personnel of the applicant necessary to perform
779 the specific class of work for which the person seeks
780 certification. The department may limit the dollar amount of any
781 contract upon which a person is qualified to bid or the
782 aggregate total dollar volume of contracts such person is



783 | allowed to have under contract at any one time. Each applicant
784 | seeking qualification to bid on construction contracts with
785 | proposed budget estimates in excess of \$250,000 shall furnish
786 | the department a statement under oath, on such forms as the
787 | department may prescribe, setting forth detailed information as
788 | required on the application. Each application for certification
789 | shall be accompanied by the latest annual financial statement of
790 | the applicant completed within the last 12 months. If the
791 | application or the annual financial statement shows the
792 | financial condition of the applicant more than 4 months before
793 | ~~prior to~~ the date on which the application is received by the
794 | department, then an interim financial statement must be
795 | submitted and be accompanied by an updated application. The
796 | interim financial statement must cover the period from the end
797 | date of the annual statement and must show the financial
798 | condition of the applicant no more than 4 months before ~~prior to~~
799 | the date the interim financial statement is received by the
800 | department. However, upon request by the applicant, an
801 | application and accompanying annual or interim financial
802 | statement received by the department within 15 days after either
803 | 4-month period under this subsection shall be considered timely.
804 | Each required annual or interim financial statement must be
805 | audited and accompanied by the opinion of a certified public
806 | accountant. An applicant desiring to bid exclusively for the
807 | performance of construction contracts with proposed budget
808 | estimates of less than \$1 million may submit reviewed annual or
809 | reviewed interim financial statements prepared by a certified
810 | public accountant. The information required by this subsection



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811 is confidential and exempt from the provisions of s. 119.07(1).
812 The department shall act upon the application for qualification
813 within 30 days after the department determines that the
814 application is complete. The department may waive the
815 requirements of this subsection for projects having a contract
816 price of \$500,000 or less if the department determines that the
817 project is of a noncritical nature and the waiver will not
818 endanger public health, safety, or property.

819 Section 17. Subsection (2) of section 337.168, Florida
820 Statutes, is amended to read:

821 337.168 Confidentiality of official estimates, identities
822 of potential bidders, and bid analysis and monitoring system.—

823 (2) A document that reveals ~~revealing~~ the identity of a
824 person who has ~~persons who have~~ requested or obtained a bid
825 package, plan ~~packages, plans,~~ or specifications pertaining to
826 any project to be let by the department is confidential and
827 exempt from the provisions of s. 119.07(1) for the period that
828 ~~which~~ begins 2 working days before ~~prior to~~ the deadline for
829 obtaining bid packages, plans, or specifications and ends with
830 the letting of the bid. A document that reveals the identity of
831 a person who has requested or obtained a bid package, plan, or
832 specifications pertaining to any project to be let by the
833 department before the 2 working days before the deadline for
834 obtaining bid packages, plans, or specifications remains a
835 public record subject to the provisions of s. 119.07(1).

836 Section 18. Section 337.25, Florida Statutes, is amended
837 to read:

838 337.25 Acquisition, lease, and disposal of real and



839 personal property.—

840 (1) (a) The department may purchase, lease, exchange, or
841 otherwise acquire any land, property interests, or buildings or
842 other improvements, including personal property within such
843 buildings or on such lands, necessary to secure or utilize
844 transportation rights-of-way for existing, proposed, or
845 anticipated transportation facilities on the State Highway
846 System, on the State Park Road System, in a rail corridor, or in
847 a transportation corridor designated by the department. Such
848 property shall be held in the name of the state.

849 (b) The department may accept donations of any land or
850 buildings or other improvements, including personal property
851 within such buildings or on such lands with or without such
852 conditions, reservations, or reverter provisions as are
853 acceptable to the department. Such donations may be used as
854 transportation rights-of-way or to secure or utilize
855 transportation rights-of-way for existing, proposed, or
856 anticipated transportation facilities on the State Highway
857 System, on the State Park Road System, or in a transportation
858 corridor designated by the department.

859 (c) When lands, buildings, or other improvements are
860 needed for transportation purposes, but are held by a federal,
861 state, or local governmental entity and utilized for public
862 purposes other than transportation, the department may
863 compensate the entity for such properties by providing
864 functionally equivalent replacement facilities. The providing of
865 replacement facilities under this subsection may only be



866 undertaken with the agreement of the governmental entity
867 affected.

868 (d) The department may contract pursuant to s. 287.055 for
869 auction services used in the conveyance of real or personal
870 property or the conveyance of leasehold interests under the
871 provisions of subsections (4) and (5). The contract may allow
872 for the contractor to retain a portion of the proceeds as
873 compensation for its services.

874 (2) A complete inventory shall be made of all real or
875 personal property immediately upon possession or acquisition.
876 Such inventory shall include a statement of the location or site
877 of each piece of realty, structure, or severable item ~~an~~
878 ~~itemized listing of all appliances, fixtures, and other~~
879 ~~severable items; a statement of the location or site of each~~
880 ~~piece of realty, structure, or severable item; and the serial~~
881 ~~number assigned to each.~~ Copies of each inventory shall be filed
882 in the district office in which the property is located. Such
883 inventory shall be carried forward to show the final disposition
884 of each item of property, both real and personal.

885 (3) The inventory of real property which was acquired by
886 the state after December 31, 1988, which has been owned by the
887 state for 10 or more years, and which is not within a
888 transportation corridor or within the right-of-way of a
889 transportation facility shall be evaluated to determine the
890 necessity for retaining the property. If the property is not
891 needed for the construction, operation, and maintenance of a
892 transportation facility, or is not located within a



893 transportation corridor, the department may dispose of the
 894 property pursuant to subsection (4).

895 (4) The department may convey ~~sell~~, in the name of the
 896 state, any land, building, or other property, real or personal,
 897 which was acquired under the provisions of subsection (1) and
 898 which the department has determined is not needed for the
 899 construction, operation, and maintenance of a transportation
 900 facility. ~~With the exception of any parcel governed by paragraph~~
 901 ~~(c), paragraph (d), paragraph (f), paragraph (g), or paragraph~~
 902 ~~(i), the department shall afford first right of refusal to the~~
 903 ~~local government in the jurisdiction of which the parcel is~~
 904 ~~situated.~~ When such a determination has been made, property may
 905 be disposed of through negotiation, sealed competitive bid,
 906 auction, or any other means the department deems to be in its
 907 best interest, with due advertisement for property valued by the
 908 department at more than \$10,000. A sale may not occur at a price
 909 less than the department's current estimate of value except as
 910 provided in paragraphs (a)-(d). The department may afford the
 911 right of first refusal to the local government or other
 912 political subdivision in the jurisdiction in which the parcel is
 913 situated, except in conveyances transacted under paragraphs (a),
 914 (c), or (e). ~~in the following manner:~~

915 (a) If a ~~the value of the property~~ has been donated to the
 916 state for transportation purposes, the facility has not been
 917 constructed for a period of at least 5 years, no plans have been
 918 prepared for the construction of such facility, and the property
 919 is not located in a transportation corridor, the governmental
 920 entity may authorize reconveyance of the donated property for no



921 consideration to the original donor or the donor's heirs,
922 successors, assigns, or representatives ~~is \$10,000 or less as~~
923 ~~determined by department estimate, the department may negotiate~~
924 ~~the sale.~~

925 (b) If the value of the property is to be used for a
926 public purpose, the property may be conveyed to a governmental
927 entity without consideration exceeds \$10,000 as determined by
928 ~~department estimate, such property may be sold to the highest~~
929 ~~bidder through receipt of sealed competitive bids, after due~~
930 ~~advertisement, or by public auction held at the site of the~~
931 ~~improvement which is being sold.~~

932 (c) If the property was originally acquired specifically
933 to provide replacement housing for persons displaced by
934 transportation projects, the department may negotiate for the
935 sale of such property as replacement housing. As compensation,
936 the state shall receive no less than its investment in such
937 properties or the department's current estimate of value,
938 whichever is lower. It is expressly intended that this benefit
939 be extended only to those persons actually displaced by such
940 project. Disposition to any other person must be for no less
941 than the department's current estimate of value, ~~in the~~
942 ~~discretion of the department, public sale would be inequitable,~~
943 ~~properties may be sold by negotiation to the owner holding title~~
944 ~~to the property abutting the property to be sold, provided such~~
945 ~~sale is at a negotiated price not less than fair market value as~~
946 ~~determined by an independent appraisal, the cost of which shall~~
947 ~~be paid by the owner of the abutting land. If negotiations do~~
948 ~~not result in the sale of the property to the owner of the~~



949 ~~abutting land and the property is sold to someone else, the cost~~
950 ~~of the independent appraisal shall be borne by the purchaser;~~
951 ~~and the owner of the abutting land shall have the cost of the~~
952 ~~appraisal refunded to him or her. If, however, no purchase takes~~
953 ~~place, the owner of the abutting land shall forfeit the sum paid~~
954 ~~by him or her for the independent appraisal. If, due to action~~
955 ~~of the department, the property is removed from eligibility for~~
956 ~~sale, the cost of any appraisal prepared shall be refunded to~~
957 ~~the owner of the abutting land.~~

958 (d) If the department determines that the property will
959 require significant costs to be incurred or that continued
960 ownership of the property exposes the department to significant
961 liability risks, the department may use the projected
962 maintenance costs over the next 10 years to offset the
963 property's value in establishing a value for disposal of the
964 property, even if that value is zero ~~property acquired for use~~
965 ~~as a borrow pit is no longer needed, the department may sell~~
966 ~~such property to the owner of the parcel of abutting land from~~
967 ~~which the borrow pit was originally acquired, provided the sale~~
968 ~~is at a negotiated price not less than fair market value as~~
969 ~~determined by an independent appraisal, the cost of which shall~~
970 ~~be paid by the owner of such abutting land.~~

971 (e) If, in the discretion of the department, a sale to
972 anyone other than an abutting property owner would be
973 inequitable, the property may be sold to the abutting owner for
974 the department's current estimate of value ~~the department begins~~
975 ~~the process for disposing of the property on its own initiative,~~
976 ~~either by negotiation under the provisions of paragraph (a),~~



977 ~~paragraph (c), paragraph (d), or paragraph (i), or by receipt of~~
978 ~~sealed competitive bids or public auction under the provisions~~
979 ~~of paragraph (b) or paragraph (i), a department staff appraiser~~
980 ~~may determine the fair market value of the property by an~~
981 ~~appraisal.~~

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

990 ~~(g) If a property has been donated to the state for~~
991 ~~transportation purposes and the facility has not been~~
992 ~~constructed for a period of at least 5 years and no plans have~~
993 ~~been prepared for the construction of such facility and the~~
994 ~~property is not located in a transportation corridor, the~~
995 ~~governmental entity may authorize reconveyance of the donated~~
996 ~~property for no consideration to the original donor or the~~
997 ~~donor's heirs, successors, assigns, or representatives.~~

998 ~~(h) If property is to be used for a public purpose, the~~
999 ~~property may be conveyed without consideration to a governmental~~
1000 ~~entity.~~

1001 ~~(i) If property was originally acquired specifically to~~
1002 ~~provide replacement housing for persons displaced by~~
1003 ~~transportation projects, the department may negotiate for the~~
1004 ~~sale of such property as replacement housing. As compensation,~~



1005 ~~the state shall receive no less than its investment in such~~
1006 ~~properties or fair market value, whichever is lower. It is~~
1007 ~~expressly intended that this benefit be extended only to those~~
1008 ~~persons actually displaced by such project. Dispositions to any~~
1009 ~~other persons must be for fair market value.~~

1010 ~~(j) If the department determines that the property will~~
1011 ~~require significant costs to be incurred or that continued~~
1012 ~~ownership of the property exposes the department to significant~~
1013 ~~liability risks, the department may use the projected~~
1014 ~~maintenance costs over the next 5 years to offset the market~~
1015 ~~value in establishing a value for disposal of the property, even~~
1016 ~~if that value is zero.~~

1017 (5) The department may convey a leasehold interest for
1018 commercial or other purposes, in the name of the state, to any
1019 land, building, or other property, real or personal, which was
1020 acquired under the provisions of subsection (1). A lease may not
1021 occur at a price less than the department's current estimate of
1022 value.

1023 (a) All leases shall be entered into by negotiation,
1024 sealed competitive bid, auction, or any other means the
1025 department deems to be in its best interest. ~~The department may~~
1026 ~~negotiate such a lease at the prevailing market value with the~~
1027 ~~owner from whom the property was acquired; with the holders of~~
1028 ~~leasehold estates existing at the time of the department's~~
1029 ~~acquisition; or, if public bidding would be inequitable, with~~
1030 ~~the owner holding title to privately owned abutting property, if~~
1031 ~~reasonable notice is provided to all other owners of abutting~~
1032 ~~property.~~ The department may allow an outdoor advertising sign



1033 to remain on the property acquired, or be relocated on
 1034 department property, and such sign shall not be considered a
 1035 nonconforming sign pursuant to chapter 479.

1036 (b) If, in the discretion of the department, a lease to
 1037 anyone other than an abutting property owner or a tenant with a
 1038 leasehold interest in the abutting property would be
 1039 inequitable, the property may be leased to the abutting owner or
 1040 tenant for no less than the department's current estimate of
 1041 value ~~All other leases shall be by competitive bid.~~

1042 (c) A ~~No~~ lease signed pursuant to paragraph (a) may not ~~or~~
 1043 ~~paragraph (b)~~ shall be for a period of more than 5 years;
 1044 however, the department may renegotiate or extend such a lease
 1045 for an additional term of 5 years as the department deems
 1046 appropriate ~~without rebidding.~~

1047 (d) Each lease shall provide that unless otherwise
 1048 directed by the lessor, any improvements made to the property
 1049 during the term of the lease shall be removed at the lessee's
 1050 expense.

1051 (e) If property is to be used for a public purpose,
 1052 ~~including a fair, art show, or other educational, cultural, or~~
 1053 ~~fundraising activity,~~ the property may be leased without
 1054 consideration to a governmental entity ~~or school board.~~ Any
 1055 public-purpose lease is exempt from the term limits provided in
 1056 paragraph (c).

1057 (f) Paragraphs (c) and (e) ~~(d)~~ do not apply to leases
 1058 entered into pursuant to s. 260.0161(3), except as provided in
 1059 such a lease.



1060 (g) No lease executed under this subsection may be
1061 utilized by the lessee to establish the ~~4 years~~ standing
1062 required by s. 73.071(3)(b) if the business had not been
1063 established for the specified number of 4 years on the date
1064 title passed to the department.

1065 (h) The department may enter into a long-term lease
1066 without compensation with a public port listed in s.
1067 403.021(9)(b) for rail corridors used for the operation of a
1068 short-line railroad to the port.

1069 (6) Nothing in this chapter prevents the joint use of
1070 right-of-way for alternative modes of transportation; provided
1071 that the joint use does not impair the integrity and safety of
1072 the transportation facility.

1073 (7) The department's estimate of value, as required in
1074 subsections (4) and (5), shall be prepared in accordance with
1075 department procedures, guidelines, and rules for valuation of
1076 real property. If the value of the property exceeds \$50,000 as
1077 determined by department estimate, the sale will be at a
1078 negotiated price not less than fair market value as determined
1079 by an independent appraisal prepared in accordance with
1080 department procedures, guidelines, and rules for valuation of
1081 real property, the cost of which shall be paid by the party
1082 seeking the purchase of the property. If the estimated value is
1083 \$50,000 or less, the department may use a department staff
1084 appraiser or obtain an independent appraisal required by
1085 ~~paragraphs (4)(c) and (d) shall be prepared in accordance with~~
1086 ~~department guidelines and rules by an independent appraiser who~~
1087 ~~has been certified by the department. If federal funds were used~~



1088 ~~in the acquisition of the property, the appraisal shall also be~~
 1089 ~~subject to the approval of the Federal Highway Administration.~~

1090 (8) A "due advertisement" under this section is an
 1091 advertisement in a newspaper of general circulation in the area
 1092 of the improvements of not less than 14 calendar days before
 1093 ~~prior to~~ the date of the receipt of bids or the date on which a
 1094 public auction is to be held.

1095 (9) The department, with the approval of the Chief
 1096 Financial Officer, is authorized to disburse state funds for
 1097 real estate closings in a manner consistent with good business
 1098 practices and in a manner minimizing costs and risks to the
 1099 state.

1100 (10) The department is authorized to purchase title
 1101 insurance in those instances where it is determined that such
 1102 insurance is necessary to protect the public's investment in
 1103 property being acquired for transportation purposes. The
 1104 department shall adopt procedures to be followed in making the
 1105 determination to purchase title insurance for a particular
 1106 parcel or group of parcels which, at a minimum, shall set forth
 1107 criteria which the parcels shall ~~must~~ meet.

1108 (11) This section does not modify the requirements of s.
 1109 73.013.

1110 Section 19. Subsection (2) of section 337.251, Florida
 1111 Statutes, is amended to read:

1112 337.251 Lease of property for joint public-private
 1113 development and areas above or below department property.-

1114 (2) The department may request proposals for the lease of
 1115 such property or, if the department receives a proposal for ~~to~~



1116 ~~negotiate~~ a lease of particular department property that the
 1117 department desires to consider, it shall publish a notice in a
 1118 newspaper of general circulation at least once a week for 2
 1119 weeks, stating that it has received the proposal and will
 1120 accept, for 120 ~~60~~ days after the date of publication, other
 1121 proposals for lease of the particular property ~~use of the space~~.
 1122 A copy of the notice must be mailed to each local government in
 1123 the affected area. The department shall adopt rules establishing
 1124 an application fee for the submission of proposals under this
 1125 section. The fee must be limited to the amount needed to pay the
 1126 anticipated costs of evaluating the proposals. The department
 1127 may engage the services of private consultants to assist in the
 1128 evaluation. Before approval, the department must determine that
 1129 the proposed lease:

- 1130 (a) Is in the public's best interest;
- 1131 (b) Would not require state funds to be used; and
- 1132 (c) Would have adequate safeguards in place to ensure that
 1133 no additional costs or service disruptions would be realized by
 1134 the traveling public and residents of the state in the event of
 1135 default by the private lessee or upon termination or expiration
 1136 of the lease.

1137 Section 20. Subsection (1) of section 337.403, Florida
 1138 Statutes, is amended to read:

1139 337.403 Interference caused by ~~relocation of~~ utility;
 1140 expenses.—

1141 (1) If a utility that is placed upon, under, over, or
 1142 along any public road or publicly owned rail corridor is found
 1143 by the authority to be unreasonably interfering in any way with



1144 the convenient, safe, or continuous use, or the maintenance,
1145 improvement, extension, or expansion, of such public road or
1146 publicly owned rail corridor, the utility owner shall, upon 30
1147 days' written notice to the utility or its agent by the
1148 authority, initiate the work necessary to alleviate the
1149 interference at its own expense except as provided in paragraphs
1150 (a)-(i) ~~(a)-(g)~~. The work must be completed within such
1151 reasonable time as stated in the notice or such time as agreed
1152 to by the authority and the utility owner.

1153 (a) If the relocation of utility facilities, as referred
1154 to in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.
1155 627 of the 84th Congress, is necessitated by the construction of
1156 a project on the federal-aid interstate system, including
1157 extensions thereof within urban areas, and the cost of the
1158 project is eligible and approved for reimbursement by the
1159 Federal Government to the extent of 90 percent or more under the
1160 Federal Aid Highway Act, or any amendment thereof, then in that
1161 event the utility owning or operating such facilities shall
1162 perform any necessary work upon notice from the department, and
1163 the state shall pay the entire expense properly attributable to
1164 such work after deducting therefrom any increase in the value of
1165 a new facility and any salvage value derived from an old
1166 facility.

1167 (b) When a joint agreement between the department and the
1168 utility is executed for utility work to be accomplished as part
1169 of a contract for construction of a transportation facility, the
1170 department may participate in those utility work costs that
1171 exceed the department's official estimate of the cost of the



1172 work by more than 10 percent. The amount of such participation
1173 shall be limited to the difference between the official estimate
1174 of all the work in the joint agreement plus 10 percent and the
1175 amount awarded for this work in the construction contract for
1176 such work. The department may not participate in any utility
1177 work costs that occur as a result of changes or additions during
1178 the course of the contract.

1179 (c) When an agreement between the department and utility
1180 is executed for utility work to be accomplished in advance of a
1181 contract for construction of a transportation facility, the
1182 department may participate in the cost of clearing and grubbing
1183 necessary to perform such work.

1184 (d) If the utility facility was initially installed to
1185 exclusively serve the authority or its tenants, or both, the
1186 authority shall bear the costs of the utility work. However, the
1187 authority is not responsible for the cost of utility work
1188 related to any subsequent additions to that facility for the
1189 purpose of serving others.

1190 (e) If, under an agreement between a utility and the
1191 authority entered into after July 1, 2009, the utility conveys,
1192 subordinates, or relinquishes a compensable property right to
1193 the authority for the purpose of accommodating the acquisition
1194 or use of the right-of-way by the authority, without the
1195 agreement expressly addressing future responsibility for the
1196 cost of necessary utility work, the authority shall bear the
1197 cost of removal or relocation. This paragraph does not impair or
1198 restrict, and may not be used to interpret, the terms of any
1199 such agreement entered into before July 1, 2009.



1200 (f) If the utility is an electric facility being relocated
 1201 underground in order to enhance vehicular, bicycle, and
 1202 pedestrian safety and in which ownership of the electric
 1203 facility to be placed underground has been transferred from a
 1204 private to a public utility within the past 5 years, the
 1205 department shall incur all costs of the necessary utility work.

1206 (g) An authority may bear the costs of utility work
 1207 required to eliminate an unreasonable interference when the
 1208 utility is not able to establish that it has a compensable
 1209 property right in the particular property where the utility is
 1210 located if:

1211 1. The utility was physically located on the particular
 1212 property before the authority acquired rights in the property;

1213 2. The utility demonstrates that it has a compensable
 1214 property right in ~~all~~ adjacent properties along the alignment of
 1215 the utility or, after due diligence, certifies that the utility
 1216 does not have evidence to prove or disprove that it has a
 1217 compensable property right in the particular property where the
 1218 utility is located; and

1219 3. The information available to the authority does not
 1220 establish the relative priorities of the authority's and the
 1221 utility's interests in the particular property.

1222 (h) If the relocation of utility facilities is
 1223 necessitated by the construction of a commuter rail service
 1224 project or an intercity passenger rail service project and the
 1225 cost of the project is eligible and approved for reimbursement
 1226 by the Federal Government, the utility that owns or operates
 1227 such facilities located by permit on a department-owned rail



1228 corridor shall perform any necessary utility relocation work
1229 upon notice from the department, and the department shall pay
1230 the expense properly attributable to such utility relocation
1231 work in the same proportion as Federal funds are expended on the
1232 commuter rail service project or an intercity passenger rail
1233 service project after deducting therefrom any increase in the
1234 value of a new facility and any salvage value derived from an
1235 old facility. In no event shall the state be required to use
1236 state dollars for such utility relocation work. This paragraph
1237 shall not apply to any phase of the Central Florida Rail
1238 Corridor project known as SunRail.

1239 (i) If a city-owned or county-owned utility is located in
1240 a rural area of critical economic concern, designated pursuant
1241 to s. 288.0656, and the department's comptroller determines that
1242 the utility is not able, and will not within the following 10
1243 years be able, to pay for the cost of utility work necessitated
1244 by a department project on the State Highway System, the
1245 department may pay the cost of such utility work performed by
1246 the department or the department's contractor, in whole or in
1247 part.

1248 Section 21. (1) The Florida Transportation Commission
1249 shall conduct a study of the potential for the state to obtain
1250 revenue from any parking meters or other parking time-limit
1251 devices that regulate designated parking spaces located within
1252 or along the right-of-way limits of a state road. The commission
1253 may retain such experts as are reasonably necessary to complete
1254 the study, and the department shall pay the expenses of such
1255 experts. On or before August 31, 2013, each municipality and



1256 county that receives revenue from any parking meters or other
1257 parking time-limit devices that regulate designated parking
1258 spaces located within or along the right-of-way limits of a
1259 state road shall provide the commission a written inventory of
1260 the location of each such meter or device and the total revenue
1261 collected from such locations during the last 3 fiscal years.
1262 Each municipality and county shall at the same time inform the
1263 commission of any pledge or commitment by the municipality or
1264 county of such revenues to the payment of debt service on any
1265 bonds or other debt issued by the municipality or county. The
1266 commission shall consider the information provided by the
1267 municipalities and counties, together with such other matters as
1268 it deems appropriate, and shall develop policy recommendations
1269 regarding the manner and extent that revenues generated by
1270 regulating parking within the right-of-way limits of a state
1271 road may be allocated between the department and municipalities
1272 and counties. The commission shall develop specific
1273 recommendations concerning the allocation of revenues generated
1274 by meters or devices regulating such parking that were installed
1275 before July 1, 2013, and the allocation of revenues that may be
1276 generated by meters or devices installed thereafter. The
1277 commission shall complete the study and provide a written report
1278 of its findings and conclusions to the Governor, the President
1279 of the Senate, the Speaker of the House of Representatives, and
1280 the chairs of each of the appropriations committees of the
1281 Legislature by October 31, 2013.

1282 (2) If, by August 31, 2013, a municipality or county does
1283 not provide the information requested by the commission, the



1284 department is authorized to remove the parking meters or parking
1285 time-limit devices that regulate designated parking spaces
1286 located within or along the right-of-way limits of a state road,
1287 and all costs incurred in connection with the removal shall be
1288 assessed against and collected from the municipality or county.

1289 (3) The Legislature finds that preservation of the status
1290 quo pending the commission's study and the Legislature's review
1291 of the commission's report is appropriate and desirable. From
1292 July 1, 2013, through July 1, 2014, no county or municipality
1293 shall install any parking meters or other parking time-limit
1294 devices that regulate designated parking spaces located within
1295 or along the right-of-way limits of a state road. This
1296 subsection does not prohibit the replacement of meters or
1297 similar devices installed before July 1, 2013, with new devices
1298 that regulate the same designated parking spaces.

1299 (4) This section shall take effect upon this act becoming
1300 law.

1301 Section 22. Subsection (5) of section 338.161, Florida
1302 Statutes, is amended to read:

1303 338.161 Authority of department or toll agencies to
1304 advertise and promote electronic toll collection; expanded uses
1305 of electronic toll collection system; authority of department to
1306 collect tolls, fares, and fees for private and public entities.-

1307 (5) If the department finds that it can increase nontoll
1308 revenues or add convenience or other value for its customers,
1309 and if a public or private transportation facility owner agrees
1310 that its facility will become interoperable with the
1311 department's electronic toll collection and video billing



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1312 systems, the department is authorized to enter into an agreement
1313 with the owner of such facility under which the department uses
1314 ~~private or public entities for the department's use of its~~
1315 electronic toll collection and video billing systems to collect
1316 and enforce for the owner tolls, fares, administrative fees, and
1317 other applicable charges due imposed in connection with use of
1318 the owner's facility ~~transportation facilities of the private or~~
1319 ~~public entities that become interoperable with the department's~~
1320 ~~electronic toll collection system.~~ The department may modify its
1321 rules regarding toll collection procedures and the imposition of
1322 administrative charges to be applicable to toll facilities that
1323 are not part of the turnpike system or otherwise owned by the
1324 department. This subsection may not be construed to limit the
1325 authority of the department under any other provision of law or
1326 under any agreement entered into before ~~prior to~~ July 1, 2012.

1327 Section 23. Subsection (4) of section 338.165, Florida
1328 Statutes, is amended to read:

1329 338.165 Continuation of tolls.—

1330 (4) Notwithstanding any other law to the contrary,
1331 pursuant to s. 11, Art. VII of the State Constitution, and
1332 subject to the requirements of subsection (2), the Department of
1333 Transportation may request the Division of Bond Finance to issue
1334 bonds secured by toll revenues collected on the Alligator Alley,
1335 the Sunshine Skyway Bridge, ~~the Beeline East Expressway, the~~
1336 ~~Navarre Bridge,~~ and the Pinellas Bayway to fund transportation
1337 projects located within the county or counties in which the
1338 project is located and contained in the adopted work program of
1339 the department.



1340 Section 24. Subsections (3) and (4) of section 338.26,
 1341 Florida Statutes, are amended to read:
 1342 338.26 Alligator Alley toll road.—
 1343 (3) Fees generated from tolls shall be deposited in the
 1344 State Transportation Trust Fund, and any amount of funds
 1345 generated annually in excess of that required to reimburse
 1346 outstanding contractual obligations, to operate and maintain the
 1347 highway and toll facilities, including reconstruction and
 1348 restoration, to pay for those projects that are funded with
 1349 Alligator Alley toll revenues and that are contained in the
 1350 1993-1994 adopted work program or the 1994-1995 tentative work
 1351 program submitted to the Legislature on February 22, 1994, and
 1352 to design and construct ~~develop and operate~~ a fire station at
 1353 mile marker 63 on Alligator Alley, which may be used by Collier
 1354 County or other appropriate local governmental entity to provide
 1355 fire, rescue, and emergency management services ~~to the adjacent~~
 1356 ~~counties~~ along Alligator Alley, may be transferred to the
 1357 Everglades Fund of the South Florida Water Management District
 1358 in accordance with the memorandum of understanding of June 30,
 1359 1997, between the district and the department. The South Florida
 1360 Water Management District shall deposit funds for projects
 1361 undertaken pursuant to s. 373.4592 in the Everglades Trust Fund
 1362 pursuant to s. 373.45926(4)(a). Any funds remaining in the
 1363 Everglades Fund may be used for environmental projects to
 1364 restore the natural values of the Everglades, subject to
 1365 compliance with any applicable federal laws and regulations.
 1366 Projects must ~~shall~~ be limited to:
 1367 (a) Highway redesign to allow for improved sheet flow of



1368 water across the southern Everglades.

1369 (b) Water conveyance projects to enable more water
 1370 resources to reach Florida Bay to replenish marine estuary
 1371 functions.

1372 (c) Engineering design plans for wastewater treatment
 1373 facilities as recommended in the Water Quality Protection
 1374 Program Document for the Florida Keys National Marine Sanctuary.

1375 (d) Acquisition of lands to move STA 3/4 out of the Toe of
 1376 the Boot, provided such lands are located within 1 mile of the
 1377 northern border of STA 3/4.

1378 (e) Other Everglades Construction Projects as described in
 1379 the February 15, 1994, conceptual design document.

1380 ~~(4) The district may issue revenue bonds or notes under s.~~
 1381 ~~373.584 and pledge the revenue from the transfers from the~~
 1382 ~~Alligator Alley toll revenues as security for such bonds or~~
 1383 ~~notes. The proceeds from such revenue bonds or notes shall be~~
 1384 ~~used for environmental projects; at least 50 percent of said~~
 1385 ~~proceeds must be used for projects that benefit Florida Bay, as~~
 1386 ~~described in this section subject to resolutions approving such~~
 1387 ~~activity by the Board of Trustees of the Internal Improvement~~
 1388 ~~Trust Fund and the governing board of the South Florida Water~~
 1389 ~~Management District and the remaining proceeds must be used for~~
 1390 ~~restoration activities in the Everglades Protection Area.~~

1391 Section 25. Paragraph (a) of subsection (2) and
 1392 subsections (3) and (4) of section 339.175, Florida Statutes,
 1393 are amended, and paragraph (f) is added to subsection (2) of
 1394 that section, to read:

1395 339.175 Metropolitan planning organization.—



1396 (2) DESIGNATION.—

1397 (a)1. An M.P.O. shall be designated for each urbanized
1398 area of the state; however, this does not require that an
1399 individual M.P.O. be designated for each such area. The M.P.O.
1400 ~~Such~~ designation shall be accomplished by agreement between the
1401 Governor and units of general-purpose local government that
1402 together represent ~~representing~~ at least 75 percent of the
1403 population, including the largest incorporated municipality,
1404 based on population, ~~of the urbanized area; however, the unit of~~
1405 ~~general-purpose local government that represents the central~~
1406 ~~city or cities within the M.P.O. jurisdiction, as named~~ defined
1407 by the United States Bureau of the Census, ~~must be a party to~~
1408 ~~such agreement.~~

1409 2. To the extent possible, only one M.P.O. shall be
1410 designated for each urbanized area or group of contiguous
1411 urbanized areas. More than one M.P.O. may be designated within
1412 an existing urbanized area only if the Governor and the existing
1413 M.P.O. determine that the size and complexity of the existing
1414 urbanized area makes the designation of more than one M.P.O. for
1415 the area appropriate.

1416 (f) Notwithstanding any other provision of this section,
1417 any county operating under a home rule charter adopted pursuant
1418 to s. 11, Art. VIII of the Constitution of 1885, as preserved by
1419 s. 6(e), Art. VIII of the Constitution of 1968, shall be
1420 designated a separate M.P.O. coterminous with the boundaries of
1421 such county.

1422



1423 Each M.P.O. required under this section must be fully operative
1424 no later than 6 months following its designation.

1425 (3) VOTING MEMBERSHIP.—

1426 (a) The voting membership of an M.P.O. shall consist of
1427 not fewer than 5 or more than 19 apportioned members, the exact
1428 number to be determined on an equitable geographic-population
1429 ratio ~~basis by the Governor~~, based on an agreement among the
1430 affected units of general-purpose local government and the
1431 Governor as required by federal ~~rules and~~ regulations. The
1432 voting membership of an M.P.O. that is redesignated after the
1433 effective date of this act as a result of the expansion of the
1434 M.P.O. to include a new urbanized area or the consolidation of
1435 two or more M.P.O.'s may consist of no more than 25 members. The
1436 Governor, in accordance with 23 U.S.C. s. 134, may also provide
1437 for M.P.O. members who represent municipalities to alternate
1438 with representatives from other municipalities within the
1439 metropolitan planning area that do not have members on the
1440 M.P.O. County commission members shall compose not less than
1441 one-third of the M.P.O. membership, except for an M.P.O. with
1442 more than 15 members located in a county with a 5-member county
1443 commission or an M.P.O. with 19 members located in a county with
1444 no more than 6 county commissioners, in which case county
1445 commission members may compose less than one-third percent of
1446 the M.P.O. membership, but all county commissioners must be
1447 members. All voting members shall be elected officials of
1448 general-purpose local governments, except that an M.P.O. may
1449 include, as part of its apportioned voting members, a member of
1450 a statutorily authorized planning board, an official of an



1451 agency that operates or administers a major mode of
1452 transportation, or an official of Space Florida. As used in this
1453 section, the term "elected officials of a general-purpose local
1454 government" excludes ~~shall exclude~~ constitutional officers,
1455 including sheriffs, tax collectors, supervisors of elections,
1456 property appraisers, clerks of the court, and similar types of
1457 officials. County commissioners shall compose not less than 20
1458 percent of the M.P.O. membership if an official of an agency
1459 that operates or administers a major mode of transportation has
1460 been appointed to an M.P.O.

1461 (b) In metropolitan areas in which authorities or other
1462 agencies have been or may be created by law to perform
1463 transportation functions and are performing transportation
1464 functions that are not under the jurisdiction of a general-
1465 purpose local government represented on the M.P.O., they may
1466 ~~shall~~ be provided voting membership on the M.P.O. In all other
1467 M.P.O.'s where transportation authorities or agencies are to be
1468 represented by elected officials from general-purpose local
1469 governments, the M.P.O. shall establish a process by which the
1470 collective interests of such authorities or other agencies are
1471 expressed and conveyed.

1472 (c) Any other provision of this section to the contrary
1473 notwithstanding, a chartered county with a population of more
1474 than ~~over~~ 1 million ~~population~~ may elect to reapportion the
1475 membership of an M.P.O. whose jurisdiction is wholly within the
1476 county. The charter county may exercise the provisions of this
1477 paragraph if:

1478 1. The M.P.O. approves the reapportionment plan by a



1479 three-fourths vote of its membership;

1480 2. The M.P.O. and the charter county determine that the
 1481 reapportionment plan is needed to fulfill specific goals and
 1482 policies applicable to that metropolitan planning area; and

1483 3. The charter county determines the reapportionment plan
 1484 otherwise complies with all federal requirements pertaining to
 1485 M.P.O. membership.

1486
 1487 A ~~Any~~ charter county that elects to exercise the provisions of
 1488 this paragraph shall notify the Governor in writing.

1489 (d) Any other provision of this section to the contrary
 1490 notwithstanding, a ~~any~~ county chartered under s. 6(e), Art. VIII
 1491 of the State Constitution may elect to have its county
 1492 commission serve as the M.P.O., if the M.P.O. jurisdiction is
 1493 wholly contained within the county. A ~~Any~~ charter county that
 1494 elects to exercise the provisions of this paragraph shall so
 1495 notify the Governor in writing. Upon receipt of the ~~such~~
 1496 notification, the Governor must designate the county commission
 1497 as the M.P.O. The Governor must appoint four additional voting
 1498 members to the M.P.O., one of whom must be an elected official
 1499 representing a municipality within the county, one of whom must
 1500 be an expressway authority member, one of whom must be a person
 1501 who does not hold elected public office and who resides in the
 1502 unincorporated portion of the county, and one of whom must be a
 1503 school board member.

1504 (4) APPORTIONMENT.—

1505 (a) Each metropolitan planning organization shall review
 1506 the composition of its membership in conjunction with the



1507 decennial census, as prepared by the United States Department of
1508 Commerce, Bureau of the Census, and, with the agreement of the
1509 affected units of general-purpose local government and the
1510 Governor, reapportion the membership as necessary to comply with
1511 subsection (3) The Governor shall, with the agreement of the
1512 affected units of general-purpose local government as required
1513 by federal rules and regulations, apportion the membership on
1514 the applicable M.P.O. among the various governmental entities
1515 within the area.

1516 (b) At the request of a majority of the affected units of
1517 general-purpose local government comprising an M.P.O., the
1518 Governor and a majority of units of general-purpose local
1519 government serving on an M.P.O. shall cooperatively agree upon
1520 and prescribe who may serve as an alternate member and a method
1521 for appointing alternate members who may vote at any M.P.O.
1522 meeting that an alternate member attends in place of a regular
1523 member. The method must ~~shall~~ be set forth as a part of the
1524 interlocal agreement describing the M.P.O.'s membership or in
1525 the M.P.O.'s operating procedures and bylaws. The governmental
1526 entity so designated shall appoint the appropriate number of
1527 members to the M.P.O. from eligible officials. Representatives
1528 of the department shall serve as nonvoting advisers to the
1529 M.P.O. governing board. Additional nonvoting advisers may be
1530 appointed by the M.P.O. as deemed necessary; however, to the
1531 maximum extent feasible, each M.P.O. shall seek to appoint
1532 nonvoting representatives of various multimodal forms of
1533 transportation not otherwise represented by voting members of
1534 the M.P.O. An M.P.O. shall appoint nonvoting advisers



1535 representing major military installations located within the
1536 jurisdictional boundaries of the M.P.O. upon the request of the
1537 aforesaid major military installations and subject to the
1538 agreement of the M.P.O. All nonvoting advisers may attend and
1539 participate fully in governing board meetings but may not vote
1540 or be members of the governing board. ~~The Governor shall review~~
1541 ~~the composition of the M.P.O. membership in conjunction with the~~
1542 ~~decennial census as prepared by the United States Department of~~
1543 ~~Commerce, Bureau of the Census, and reapportion it as necessary~~
1544 ~~to comply with subsection (3).~~

1545 (c) ~~(b)~~ Except for members who represent municipalities on
1546 the basis of alternating with representatives from other
1547 municipalities that do not have members on the M.P.O. as
1548 provided in paragraph (3) (a), the members of an M.P.O. shall
1549 serve 4-year terms. Members who represent municipalities on the
1550 basis of alternating with representatives from other
1551 municipalities that do not have members on the M.P.O. as
1552 provided in paragraph (3) (a) may serve terms of up to 4 years as
1553 further provided in the interlocal agreement described in
1554 paragraph (2) (b). The membership of a member who is a public
1555 official automatically terminates upon the member's leaving his
1556 or her elective or appointive office for any reason, or may be
1557 terminated by a majority vote of the total membership of the
1558 entity's governing board represented by the member. A vacancy
1559 shall be filled by the original appointing entity. A member must
1560 ~~may~~ be reappointed for one or more additional 4-year terms.

1561 (d) ~~(e)~~ If a governmental entity fails to fill an assigned
1562 appointment to an M.P.O. within 60 days after notification by



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1563 the Governor of its duty to appoint, that appointment shall be
1564 made by the Governor from the eligible representatives of that
1565 governmental entity.

1566 Section 26. Paragraph (a) of subsection (1) and
1567 subsections (4) and (5) of section 339.2821, Florida Statutes,
1568 are amended to read:

1569 339.2821 Economic development transportation projects.—

1570 (1) (a) The department, in consultation with the Department
1571 of Economic Opportunity and Enterprise Florida, Inc., may make
1572 and approve expenditures and contract with the appropriate
1573 governmental body for the direct costs of transportation
1574 projects. The Department of Economic Opportunity and the
1575 Department of Environmental Protection may formally review and
1576 comment on recommended transportation projects, although the
1577 department has final approval authority for any project
1578 authorized under this section.

1579 (4) A contract between the department and a governmental
1580 body for a transportation project must:

1581 (a) Specify that the transportation project is for the
1582 construction of a new or expanding business and specify the
1583 number of full-time permanent jobs that will result from the
1584 project.

1585 (b) Identify the governmental body and require that the
1586 governmental body award the construction of the particular
1587 transportation project to the lowest and best bidder in
1588 accordance with applicable state and federal statutes or rules
1589 unless the transportation project can be constructed using



1590 existing local governmental employees within the contract period
1591 specified by the department.

1592 (c) Require that the governmental body provide the
1593 department with ~~quarterly~~ progress reports. Each ~~quarterly~~
1594 progress report must contain:

1595 1. A narrative description of the work completed and
1596 whether the work is proceeding according to the transportation
1597 project schedule;

1598 2. A description of each change order executed by the
1599 governmental body;

1600 3. A budget summary detailing planned expenditures
1601 compared to actual expenditures; and

1602 4. The identity of each small or minority business used as
1603 a contractor or subcontractor.

1604 (d) Require that the governmental body make and maintain
1605 records in accordance with accepted governmental accounting
1606 principles and practices for each progress payment made for work
1607 performed in connection with the transportation project, each
1608 change order executed by the governmental body, and each payment
1609 made pursuant to a change order. The records are subject to
1610 financial audit as required by law.

1611 (e) Require that the governmental body, upon completion
1612 and acceptance of the transportation project, certify to the
1613 department that the transportation project has been completed in
1614 compliance with the terms and conditions of the contract between
1615 the department and the governmental body and meets the minimum
1616 construction standards established in accordance with s.
1617 336.045.



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1618 (f) Specify that ~~the department transfer funds~~ will not be
1619 transferred to the governmental body unless construction has
1620 begun on the facility of the ~~not more often than quarterly, upon~~
1621 ~~receipt of a request for funds from the governmental body and~~
1622 ~~consistent with the needs of the transportation project. The~~
1623 ~~governmental body shall expend funds received from the~~
1624 ~~department in a timely manner. The department may not transfer~~
1625 ~~funds unless construction has begun on the facility of a~~
1626 ~~business on whose behalf the award was made. If construction of~~
1627 the transportation project does not begin within 4 years after
1628 the date of the initial grant award, the grant award is
1629 terminated ~~A contract totaling less than \$200,000 is exempt from~~
1630 ~~the transfer requirement.~~

1631 (g) Require that funds be used only on a transportation
1632 project that has been properly reviewed and approved in
1633 accordance with the criteria set forth in this section.

1634 (h) Require that the governing board of the governmental
1635 body adopt a resolution accepting future maintenance and other
1636 attendant costs occurring after completion of the transportation
1637 project if the transportation project is constructed on a county
1638 or municipal system.

1639 (5) For purposes of this section, Space Florida may serve
1640 as the governmental body or as the contracting agency for a
1641 ~~transportation~~ project within a spaceport territory as defined
1642 by s. 331.304.

1643 Section 27. Sections 339.401, 339.402, 339.403, 339.404,
1644 339.405, 339.406, 339.407, 339.408, 339.409, 339.410, 339.411,



1645 339.412, 339.414, 339.415, 339.416, 339.417, 339.418, 339.419,
1646 339.420, and 339.421, Florida Statutes, are repealed.

1647 Section 28. Subsection (2) and paragraph (i) of subsection
1648 (7) of section 339.55, Florida Statutes, are amended to read:

1649 339.55 State-funded infrastructure bank.—

1650 (2) The bank may lend capital costs or provide credit
1651 enhancements for:

1652 (a) A transportation facility project that is on the State
1653 Highway System or that provides for increased mobility on the
1654 state's transportation system or provides intermodal
1655 connectivity with airports, seaports, spaceports, rail
1656 facilities, and other transportation terminals, pursuant to s.
1657 341.053, for the movement of people and goods.

1658 (b) Projects of the Transportation Regional Incentive
1659 Program which are identified pursuant to s. 339.2819(4).

1660 (c)1. Emergency loans for damages incurred to public-use
1661 commercial deepwater seaports, public-use airports, public-use
1662 spaceports, and other public-use transit and intermodal
1663 facilities that are within an area that is part of an official
1664 state declaration of emergency pursuant to chapter 252 and all
1665 other applicable laws. Such loans:

1666 a. May not exceed 24 months in duration except in extreme
1667 circumstances, for which the Secretary of Transportation may
1668 grant up to 36 months upon making written findings specifying
1669 the conditions requiring a 36-month term.

1670 b. Require application from the recipient to the
1671 department that includes documentation of damage claims filed
1672 with the Federal Emergency Management Agency or an applicable



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1673 insurance carrier and documentation of the recipient's overall
1674 financial condition.

1675 c. Are subject to approval by the Secretary of
1676 Transportation and the Legislative Budget Commission.

1677 2. Loans provided under this paragraph must be repaid upon
1678 receipt by the recipient of eligible program funding for damages
1679 in accordance with the claims filed with the Federal Emergency
1680 Management Agency or an applicable insurance carrier, but no
1681 later than the duration of the loan.

1682 (7) The department may consider, but is not limited to,
1683 the following criteria for evaluation of projects for assistance
1684 from the bank:

1685 (i) The extent to which the project will provide for
1686 connectivity between the State Highway System and airports,
1687 seaports, spaceports, rail facilities, and other transportation
1688 terminals and intermodal options pursuant to s. 341.053 for the
1689 increased accessibility and movement of people and goods.

1690 Section 29. Subsection (11) of section 341.031, Florida
1691 Statutes, is amended to read:

1692 341.031 Definitions relating to Florida Public Transit
1693 Act.—As used in ss. 341.011-341.061, the term:

1694 (11) "Intercity bus service" means regularly scheduled bus
1695 service for the general public which operates with limited stops
1696 over fixed routes connecting two or more urban areas not in
1697 close proximity; has the capacity for transporting baggage
1698 carried by passengers; and makes meaningful connections with
1699 scheduled intercity bus service to more distant points, if such
1700 service is available; ~~maintains scheduled information in the~~



1701 ~~National Official Bus Guide; and provides package express~~
 1702 ~~service incidental to passenger transportation.~~

1703 Section 30. Paragraph (d) of subsection (3) of section
 1704 341.052, Florida Statutes, is redesignated as paragraph (e) and
 1705 a new paragraph (d) is added to that subsection to read:

1706 341.052 Public transit block grant program;
 1707 administration; eligible projects; limitation.-

1708 (3) The following limitations shall apply to the use of
 1709 public transit block grant program funds:

1710 (d) Notwithstanding any provision of law, no eligible
 1711 public transit provider shall use public transit block grant
 1712 funds in pursuit of strategies or actions leading to or
 1713 promoting the levying of new or additional taxes through public
 1714 referenda. To the extent that a public transit provider uses
 1715 other public funds in pursuit of strategies or actions leading
 1716 to or promoting the levying of new or additional taxes through
 1717 public referenda, the amount of the provider's grant must be
 1718 reduced by the same amount. As used in this paragraph, the term
 1719 "public funds" means all moneys under the jurisdiction or
 1720 control of a federal agency, the state, a county, or a
 1721 municipality, including any district, authority, commission,
 1722 board, or agency thereof for any public purpose.

1723 Section 31. Section 341.053, Florida Statutes, is amended
 1724 to read:

1725 341.053 Intermodal Development Program; administration;
 1726 eligible projects; limitations.-

1727 (1) There is created within the Department of
 1728 Transportation an Intermodal Development Program to provide for



1729 major capital investments in fixed-guideway transportation
 1730 systems, access to seaports, airports, spaceports, and other
 1731 transportation terminals, providing for the construction of
 1732 intermodal or multimodal terminals; and to plan or fund
 1733 construction of airport, spaceport, seaport, transit, and rail
 1734 projects that ~~otherwise~~ facilitate the intermodal or multimodal
 1735 movement of people and goods.

1736 (2) The Intermodal Development Program shall be used for
 1737 projects that support statewide goals as outlined in the Florida
 1738 Transportation Plan, the Strategic Intermodal System Plan, the
 1739 Freight Mobility and Trade Plan, or the appropriate department
 1740 modal plan. ~~In recognition of the department's role in the~~
 1741 ~~economic development of this state, the department shall develop~~
 1742 ~~a proposed intermodal development plan to connect Florida's~~
 1743 ~~airports, deepwater seaports, rail systems serving both~~
 1744 ~~passenger and freight, and major intermodal connectors to the~~
 1745 ~~Strategic Intermodal System highway corridors as the primary~~
 1746 ~~system for the movement of people and freight in this state in~~
 1747 ~~order to make the intermodal development plan a fully integrated~~
 1748 ~~and interconnected system. The intermodal development plan must:~~

1749 ~~(a) Define and assess the state's freight intermodal~~
 1750 ~~network, including airports, seaports, rail lines and terminals,~~
 1751 ~~intercity bus lines and terminals, and connecting highways.~~

1752 ~~(b) Prioritize statewide infrastructure investments,~~
 1753 ~~including the acceleration of current projects, which are found~~
 1754 ~~by the Freight Stakeholders Task Force to be priority projects~~
 1755 ~~for the efficient movement of people and freight.~~



1756 ~~(c) Be developed in a manner that will assure maximum use~~
1757 ~~of existing facilities and optimum integration and coordination~~
1758 ~~of the various modes of transportation, including both~~
1759 ~~government owned and privately owned resources, in the most~~
1760 ~~cost-effective manner possible.~~

1761 (3) The Intermodal Development Program shall be
1762 administered by the department.

1763 (4) The department shall review funding requests from a
1764 rail authority created pursuant to chapter 343. The department
1765 may include projects of the authorities, including planning and
1766 design, in the tentative work program.

1767 ~~(5) No single transportation authority operating a fixed-~~
1768 ~~guideway transportation system, or single fixed-guideway~~
1769 ~~transportation system not administered by a transportation~~
1770 ~~authority, receiving funds under the Intermodal Development~~
1771 ~~Program shall receive more than 33 1/3 percent of the total~~
1772 ~~intermodal development funds appropriated between July 1, 1990,~~
1773 ~~and June 30, 2015. In determining the distribution of funds~~
1774 ~~under the Intermodal Development Program in any fiscal year, the~~
1775 ~~department shall assume that future appropriation levels will be~~
1776 ~~equal to the current appropriation level.~~

1777 (5)~~(6)~~ The department is authorized to fund projects
1778 within the Intermodal Development Program, which are consistent,
1779 to the maximum extent feasible, with approved local government
1780 comprehensive plans of the units of local government in which
1781 the project is located. Projects that are eligible for funding
1782 under this program include planning studies, major capital
1783 investments in public rail, and fixed-guideway transportation or



1784 freight facilities and systems that ~~which~~ provide intermodal
 1785 access; road, rail, intercity bus service, or fixed-guideway
 1786 access to, from, or between seaports, airports, spaceports,
 1787 intermodal logistics centers, and other transportation
 1788 terminals; construction of intermodal or multimodal terminals,
 1789 including projects on airports, spaceports, intermodal logistics
 1790 centers or seaports that assist in the movement or transfer of
 1791 people or goods; development and construction of dedicated bus
 1792 lanes; and projects that ~~which~~ otherwise facilitate the
 1793 intermodal or multimodal movement of people and goods.

1794 Section 32. Section 341.8203, Florida Statutes, is amended
 1795 to read:

1796 341.8203 Definitions.—As used in ss. 341.8201–341.842,
 1797 unless the context clearly indicates otherwise, the term:

1798 (1) "Associated development" means property, equipment,
 1799 buildings, or other related facilities which are built,
 1800 installed, used, or established to provide financing, funding,
 1801 or revenues for the planning, building, managing, and operation
 1802 of a high-speed rail system and which are associated with or
 1803 part of the rail stations. The term includes air and subsurface
 1804 rights, services that provide local area network devices for
 1805 transmitting data over wireless networks, parking facilities,
 1806 retail establishments, restaurants, hotels, offices,
 1807 advertising, or other commercial, civic, residential, or support
 1808 facilities.

1809 (2) "Communication facilities" means the communication
 1810 systems related to high-speed passenger rail operations,
 1811 including those which are built, installed, used, or established



1812 for the planning, building, managing, and operating of a high-
1813 speed rail system. The term includes the land, structures,
1814 improvements, rights-of-way, easements, positive train control
1815 systems, wireless communication towers and facilities that are
1816 designed to provide voice and data services for the safe and
1817 efficient operation of the high-speed rail system, voice, data,
1818 and wireless communication amenities made available to crew and
1819 passengers as part of a high-speed rail service, and any other
1820 facilities or equipment used for operation of, or the
1821 facilitation of communications for, a high-speed rail system.
1822 Communications facilities may not be offered to provide voice or
1823 data service to any entity other than passengers, crew or other
1824 persons involved in the operation of a high-speed rail system.

1825 (3)~~(2)~~ "Enterprise" means the Florida Rail Enterprise.

1826 (4)~~(3)~~ "High-speed rail system" means any high-speed fixed
1827 guideway system for transporting people or goods, which system
1828 is, by definition of the United States Department of
1829 Transportation, reasonably expected to reach speeds of at least
1830 110 miles per hour, including, but not limited to, a monorail
1831 system, dual track rail system, suspended rail system, magnetic
1832 levitation system, pneumatic repulsion system, or other system
1833 approved by the enterprise. The term includes a corridor,
1834 associated intermodal connectors, and structures essential to
1835 the operation of the line, including the land, structures,
1836 improvements, rights-of-way, easements, rail lines, rail beds,
1837 guideway structures, switches, yards, parking facilities, power
1838 relays, switching houses, and rail stations and also includes
1839 facilities or equipment used exclusively for the purposes of



1840 design, construction, operation, maintenance, or the financing
 1841 of the high-speed rail system.

1842 (5)~~(4)~~ "Joint development" means the planning, managing,
 1843 financing, or constructing of projects adjacent to, functionally
 1844 related to, or otherwise related to a high-speed rail system
 1845 pursuant to agreements between any person, firm, corporation,
 1846 association, organization, agency, or other entity, public or
 1847 private.

1848 (6)~~(5)~~ "Rail station," "station," or "high-speed rail
 1849 station" means any structure or transportation facility that is
 1850 part of a high-speed rail system designed to accommodate the
 1851 movement of passengers from one mode of transportation to
 1852 another at which passengers board or disembark from
 1853 transportation conveyances and transfer from one mode of
 1854 transportation to another.

1855 (7) "Railroad company" means a person developing, or
 1856 providing service on, a high speed rail system.

1857 (8)~~(6)~~ "Selected person or entity" means the person or
 1858 entity to whom the enterprise awards a contract to establish a
 1859 high-speed rail system pursuant to ss. 341.8201-341.842.

1860 Section 33. Paragraph (c) is added to subsection (2) of
 1861 section 341.822, Florida Statutes, to read:

1862 341.822 Powers and duties.—

1863 (2)

1864 (c) The enterprise shall establish a process to issue
 1865 permits to railroad companies for the construction of
 1866 communication facilities within a new or existing public or
 1867 private high speed rail system. The enterprise may adopt rules



1868 to administer such permits, including rules regarding the form,
1869 content, and necessary supporting documentation for permit
1870 applications, the process for submitting applications, and the
1871 application fee for a permit under s. 341.825. The enterprise
1872 shall provide a copy of a completed permit application to
1873 municipalities and counties where the high speed rail system
1874 will be located. The enterprise shall allow each such
1875 municipality and county 30 days to provide comments to the
1876 enterprise regarding the application, including any
1877 recommendations regarding conditions that may be placed on the
1878 permit.

1879 Section 34. Section 341.825, Florida Statutes, is created
1880 to read:

1881 341.825 Communication facilities.—

1882 (1) LEGISLATIVE INTENT.—The Legislature intends to:

1883 (a) Establish a streamlined process to authorize the
1884 location, construction, operation, and maintenance of
1885 communication facilities within new and existing high-speed rail
1886 systems.

1887 (b) Expedite the expansion of the high-speed rail system's
1888 wireless voice and data coverage and capacity for the safe and
1889 efficient operation of the high-speed rail system and the
1890 safety, use, and efficiency of its crew and passengers as a
1891 critical communication facilities component.

1892 (2) APPLICATION SUBMISSION.—A railroad company may submit
1893 to the enterprise an application to obtain a permit to construct
1894 communication facilities within a new or existing high speed
1895 rail system. The application shall include an application fee



1896 limited to the amount needed to pay the anticipated cost of
1897 reviewing the application, not to exceed \$10,000, which shall be
1898 deposited into the State Transportation Trust Fund. The
1899 application shall include the following information:

1900 (a) The location of the proposed communication facilities.

1901 (b) A description of the proposed communication
1902 facilities.

1903 (c) Any other information reasonably required by the
1904 enterprise.

1905 (3) APPLICATION REVIEW.—The enterprise shall review each
1906 application for completeness within 30 days after receipt of the
1907 application.

1908 (a) If the enterprise determines that an application is
1909 not complete, the enterprise shall, within 30 days after the
1910 receipt of the initial application, notify the applicant in
1911 writing of any errors or omissions. An applicant shall have 30
1912 days within which to correct the errors or omissions in the
1913 initial application.

1914 (b) If the enterprise determines that an application is
1915 complete, the enterprise shall act upon the permit application
1916 within 60 days of the receipt of the completed application by
1917 approving in whole, approving with conditions as the enterprise
1918 deems appropriate, or denying the application, and stating the
1919 reason for issuance or denial. In determining whether an
1920 application should be approved, approved with modifications or
1921 conditions, or denied, the enterprise shall consider any
1922 comments or recommendations received from a municipality or
1923 county and the extent to which the proposed communication



- 1924 facilities:
- 1925 1. Are located in a manner that is appropriate for the
- 1926 communication technology specified by the applicant.
- 1927 2. Serve an existing or projected future need for
- 1928 communication facilities.
- 1929 3. Provide sufficient wireless voice and data coverage and
- 1930 capacity for the safe and efficient operation of the high-speed
- 1931 rail system and the safety, use, and efficiency of its crew and
- 1932 passengers.
- 1933 (c) The failure to adopt any recommendation or comment
- 1934 shall not be a basis for challenging the issuance of a permit.
- 1935 (4) EFFECT OF PERMIT.—Subject to the conditions set forth
- 1936 therein, a permit issued by the enterprise shall constitute the
- 1937 sole permit of the state and any agency as to the approval of
- 1938 the location, construction, operation, and maintenance of the
- 1939 communication facilities within the new or existing high speed
- 1940 rail system.
- 1941 (a) A permit authorizes the permittee to locate,
- 1942 construct, operate, and maintain the communication facilities
- 1943 within a new or existing high speed rail system, subject only to
- 1944 the conditions set forth in the permit. Such activities are not
- 1945 subject to local government land use or zoning regulations.
- 1946 (b) A permit may include conditions that constitute
- 1947 variances and exemptions from rules of the enterprise or any
- 1948 other agency, which would otherwise be applicable to the
- 1949 communication facilities within the new or existing high speed
- 1950 rail system.
- 1951 (c) Notwithstanding any other provisions of law, the



1952 permit shall be in lieu of any license, permit, certificate, or
 1953 similar document required by any state, regional, or local
 1954 agency.

1955 (d) Nothing in this section is intended to impose
 1956 procedures or restrictions on railroad companies that are
 1957 subject to the exclusive jurisdiction of the federal Surface
 1958 Transportation Board pursuant to the Interstate Commerce
 1959 Commission Termination Act of 1995, 49 U.S.C. ss. 10101, et seq.

1960 (5) MODIFICATION OF PERMIT.—A permit may be modified by
 1961 the applicant after issuance upon the filing of a petition with
 1962 the enterprise.

1963 (a) A petition for modification must set forth the
 1964 proposed modification and the factual reasons asserted for the
 1965 modification.

1966 (b) The enterprise shall act upon the petition within 30
 1967 days by approving or denying the application, and stating the
 1968 reason for issuance or denial.

1969 Section 35. Paragraph (b) of subsection (2) of section
 1970 341.840, is amended to read:

1971 341.840 Tax exemption.—

1972 (2)

1973 (b) For the purposes of this section, any item or property
 1974 that is within the definition of the term "associated
 1975 development" in s. 341.8203(1) may not be considered part of the
 1976 high-speed rail system as defined in s. 341.8203(4) ~~s.~~
 1977 ~~341.8203(3)~~.

1978 Section 36. Paragraph (d) of subsection (3) of section
 1979 343.82, Florida Statutes, is amended to read:



1980 | 343.82 Purposes and powers.—

1981 | (3)

1982 | (d) The authority may undertake projects or other
 1983 | improvements in the master plan in phases as particular projects
 1984 | or segments thereof become feasible, as determined by the
 1985 | authority. In carrying out its purposes and powers, the
 1986 | authority may request funding and technical assistance from the
 1987 | department and appropriate federal and local agencies,
 1988 | including, but not limited to, state infrastructure bank loans,
 1989 | ~~advances from the Toll Facilities Revolving Trust Fund,~~ and from
 1990 | any other sources.

1991 | Section 37. Subsection (4) of section 343.922, Florida
 1992 | Statutes, is amended to read:

1993 | 343.922 Powers and duties.—

1994 | (4) The authority may undertake projects or other
 1995 | improvements in the master plan in phases as particular projects
 1996 | or segments become feasible, as determined by the authority. The
 1997 | authority shall coordinate project planning, development, and
 1998 | implementation with the applicable local governments. The
 1999 | authority's projects that are transportation oriented shall be
 2000 | consistent to the maximum extent feasible with the adopted local
 2001 | government comprehensive plans at the time they are funded for
 2002 | construction. Authority projects that are not transportation
 2003 | oriented and meet the definition of development pursuant to s.
 2004 | 380.04 shall be consistent with the local comprehensive plans.
 2005 | In carrying out its purposes and powers, the authority may
 2006 | request funding and technical assistance from the department and
 2007 | appropriate federal and local agencies, including, but not



2008 | limited to, state infrastructure bank loans, ~~advances from the~~
 2009 | ~~Toll Facilities Revolving Trust Fund,~~ and funding and technical
 2010 | assistance from any other source.

2011 | Section 38. Chapter 345, Florida Statutes, consisting of
 2012 | sections 345.0001, 345.0002, 345.0003, 345.0004, 345.0005,
 2013 | 345.0006, 345.0007, 345.0008, 345.0009, 345.0010, 345.0011,
 2014 | 345.0012, 345.0013, and 345.0014, is created to read:

2015 | 345.0001 Short title.-This chapter may be cited as the
 2016 | "Florida Regional Transportation Finance Authority Act."

2017 | 345.0002 Definitions.-

2018 | (1) As used in this chapter, the term:

2019 | (a) "Agency of the state" means the state and a department
 2020 | of, or corporation, agency, or instrumentality heretofore or
 2021 | hereafter created, designated, or established by, the state.

2022 | (b) "Area served" means the geographical area of the
 2023 | counties for which an authority is established.

2024 | (c) "Authority" means a regional transportation finance
 2025 | authority, a body politic and corporate and an agency of the
 2026 | state, established pursuant to this chapter.

2027 | (d) "Bonds" means the notes, bonds, refunding bonds, or
 2028 | other evidences of indebtedness or obligations, in temporary or
 2029 | definitive form, which an authority is authorized to issue
 2030 | pursuant to this chapter.

2031 | (e) "Department" means the Department of Transportation.

2032 | (f) "Division" means the Division of Bond Finance of the
 2033 | State Board of Administration.

2034 | (g) "Federal agency" means the United States, the
 2035 | President of the United States, and any department of, or



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2036 bureau, corporation, agency, or instrumentality heretofore or
2037 hereafter created, designated, or established by, the United
2038 States.

2039 (h) "Members" means the governing body of an authority,
2040 and the term "member" means one of the individuals constituting
2041 such governing body.

2042 (i) "Regional system" or "system" means, generally, a
2043 modern highway system of roads, bridges, causeways, and tunnels
2044 within any area of the authority, with access limited or
2045 unlimited as an authority may determine, and such buildings and
2046 structures and appurtenances and facilities related thereto,
2047 including all approaches, streets, roads, bridges, and avenues
2048 of access for such system.

2049 (j) "Revenues" means all tolls, revenues, rates, fees,
2050 charges, receipts, rentals, contributions, and other income
2051 derived from or in connection with the operation or ownership of
2052 a regional system, including the proceeds of any use and
2053 occupancy insurance on any portion of the system but excluding
2054 any state funds available to an authority and any other city or
2055 county funds available to an authority under any agreement with
2056 a city or county.

2057 (2) Words importing singular number include the plural
2058 number in each case and vice versa, and words importing persons
2059 include firms and corporations.

2060 345.0003 Transportation finance authority; formation;
2061 membership.-

2062 (1) Any county, or two or more contiguous counties, may,
2063 with the approval of the Legislature, form a regional



2064 transportation finance authority for the purposes of financing,
2065 constructing, maintaining, and operating transportation projects
2066 in a region of this state. An authority shall be governed in
2067 accordance with this chapter. An authority may only be created
2068 with the approval of the Legislature and the approval of the
2069 county commission of each county that will be a part of the
2070 authority. An authority may not be created to serve a particular
2071 area of the state as provided in this section if a regional
2072 transportation finance authority has been created and is
2073 operating within all or a portion of the same area served
2074 pursuant to an act of the Legislature. Each authority shall be
2075 the only authority created and operating pursuant to this
2076 chapter within the area served by the authority.

2077 (2) The governing body of an authority shall consist of a
2078 board of voting members, as follows:

2079 (a) The county commission of each county in the area
2080 served by the authority shall each appoint a member who must be
2081 a resident of the county from which he or she is appointed. The
2082 county commission of each county with a population of more than
2083 250,000 shall appoint a second member who must be a resident of
2084 the county. Insofar as possible, each member shall represent the
2085 business and civic interests of the community.

2086 (b) The Governor shall appoint an equal number of members
2087 to the board as those appointed by the county commissions. The
2088 members appointed by the Governor must be residents of the area
2089 served by the authority.

2090 (c) The secretary of the Department of Transportation
2091 shall appoint one of the district secretaries, or his or her



2092 designee, for the districts within which the area served by the
2093 authority is located.

2094 (3) Each member's term of office shall be 4 years or until
2095 his or her successor is appointed and qualified.

2096 (4) A member may not hold an elected office.

2097 (5) A vacancy occurring in the governing body before the
2098 expiration of the member's term shall be filled by the
2099 respective appointing authority in the same manner as the
2100 original appointment and only for the balance of the unexpired
2101 term.

2102 (6) Each member, before entering upon his or her official
2103 duties, shall take and subscribe to an oath before an official
2104 authorized by law to administer oaths that he or she will
2105 honestly, faithfully, and impartially perform the duties
2106 devolving upon him or her in office as a member of the governing
2107 body of the authority and that he or she will not neglect any
2108 duty imposed upon him or her by this chapter.

2109 (7) Members of an authority may be removed from office by
2110 the Governor for misconduct, malfeasance, misfeasance, or
2111 nonfeasance in office.

2112 (8) The authority shall designate one of its members as
2113 chair.

2114 (9) The members of the authority shall serve without
2115 compensation but are entitled to receive travel and other
2116 necessary expenses as provided in s. 112.061.

2117 (10) A majority of the members of the authority shall
2118 constitute a quorum, and resolutions enacted or adopted by a
2119 vote of a majority of the members present and voting at any



2120 meeting shall take effect without publication, posting, or any
 2121 further action of the authority.

2122 345.0004 Powers and duties.-

2123 (1) (a) An authority created and established or governed by
 2124 this chapter may plan, develop, finance, construct, reconstruct,
 2125 improve, own, operate, and maintain a regional system in the
 2126 area served by the authority.

2127 (b) An authority may not exercise the powers in paragraph
 2128 (a) with respect to an existing system for transporting people
 2129 and goods by any means which is owned by another entity without
 2130 the consent of that entity. If an authority acquires, purchases,
 2131 or inherits an existing entity, the authority shall also inherit
 2132 and assume all rights, assets, appropriations, privileges, and
 2133 obligations of the existing entity.

2134 (2) Each authority may exercise all powers necessary,
 2135 appurtenant, convenient, or incidental to the carrying out of
 2136 the purposes under this section, including, but not limited to,
 2137 the following rights and powers:

2138 (a) To sue and be sued, implead and be impleaded, and
 2139 complain and defend in all courts in its own name.

2140 (b) To adopt and use a corporate seal.

2141 (c) To have the power of eminent domain, including the
 2142 procedural powers granted under chapters 73 and 74.

2143 (d) To acquire, purchase, hold, lease as a lessee, and use
 2144 any property, real, personal, or mixed, tangible or intangible,
 2145 or any interest therein, necessary or desirable for carrying out
 2146 the purposes of the authority.



2147 (e) To sell, convey, exchange, lease, or otherwise dispose
2148 of any real or personal property acquired by the authority,
2149 which the authority and the department have determined is not
2150 needed for the construction, operation, and maintenance of the
2151 system, including air rights.

2152 (f) To fix, alter, charge, establish, and collect rates,
2153 fees, rentals, and other charges for the use of any system owned
2154 or operated by the authority, which rates, fees, rentals, and
2155 other charges shall always be sufficient to comply with any
2156 covenant made with the holders of any bonds issued pursuant to
2157 this chapter; however, such right and power may be assigned or
2158 delegated by the authority to the department.

2159 (g) To borrow money and make and issue negotiable notes,
2160 bonds, refunding bonds, and other evidences of indebtedness or
2161 obligations, either in temporary or definitive form, for the
2162 purpose of financing all or part of the improvement of the
2163 authority's system and appurtenant facilities, including all
2164 approaches, streets, roads, bridges, and avenues of access for
2165 said system and for any other purpose authorized by this
2166 chapter, said bonds to mature no more than 30 years after the
2167 date of the issuance thereof, and to secure the payment of such
2168 bonds or any part thereof by a pledge of any or all of its
2169 revenues, rates, fees, rentals, or other charges, including any
2170 or all city or county funds received by the authority pursuant
2171 to the terms of any agreement between the authority and a city
2172 or county; and in general to provide for the security of said
2173 bonds and the rights and remedies of the holders thereof.
2174 However, no city or county funds may be pledged for the



2175 construction of any project for which a toll is to be charged
2176 unless the anticipated tolls are reasonably estimated by the
2177 governing board of the city or county, at the date of its
2178 resolution pledging said funds, to be sufficient to cover the
2179 principal and interest of such obligations during the period
2180 when said pledge of funds are in effect. An authority shall
2181 reimburse any city or county for any sums expended from city or
2182 county funds used for the payment of such obligations.

2183 (h) To make contracts of every name and nature, including,
2184 but not limited to, partnerships providing for participation in
2185 ownership and revenues, and to execute all instruments necessary
2186 or convenient for the carrying on of its business.

2187 (i) Without limitation of the foregoing, to cooperate
2188 with, accept grants from, and to enter into contracts or other
2189 transactions with any federal agency, the state, any agency of
2190 the state, or with any other public body of the state.

2191 (j) To employ an executive director, attorney, staff, and
2192 consultants. Upon the request of an authority, the department
2193 shall furnish the services of a department employee to act as
2194 the executive director of the authority.

2195 (k) To accept funds or other property from private
2196 donations.

2197 (l) To do all acts and things necessary or convenient for
2198 the conduct of its business and the general welfare of the
2199 authority, in order to carry out the powers granted to it by
2200 this chapter or any other law.

2201 (3) An authority does not have the power at any time or in
2202 any manner to pledge the credit or taxing power of the state or



2203 any political subdivision or agency thereof, nor shall any of an
 2204 authority's obligations be deemed to be obligations of the state
 2205 or of any other political subdivision or agency thereof, nor
 2206 shall the state or any political subdivision or agency thereof,
 2207 except the authority, be liable for the payment of the principal
 2208 of or interest on such obligations.

2209 (4) An authority shall have no power, other than by
 2210 consent of the affected county or any affected city, to enter
 2211 into any agreement that would legally prohibit the construction
 2212 of any road by the county or the city.

2213 (5) Any authority formed pursuant to this chapter shall
 2214 comply with all statutory requirements of general application
 2215 which relate to the filing of any report or documentation
 2216 required by law, including the requirements of ss. 189.4085,
 2217 189.415, 189.417, and 189.418.

2218 345.0005 Bonds.-

2219 (1) (a) Bonds may be issued on behalf of an authority
 2220 pursuant to the State Bond Act.

2221 (b) Alternatively, an authority may issue bonds in such
 2222 principal amount as, in the opinion of the authority, is
 2223 necessary to provide sufficient moneys for achieving its
 2224 corporate purposes, including construction, reconstruction,
 2225 improvement, extension, and repair of the system; the cost of
 2226 acquisition of all real property; interest on bonds during
 2227 construction and for a reasonable period thereafter;
 2228 establishment of reserves to secure bonds; and all other
 2229 expenditures of the authority incident to and necessary or
 2230 convenient to carry out its corporate purposes and powers.



2231 (2) (a) Bonds issued by an authority pursuant to paragraph
2232 (1) (a) or paragraph (1) (b) must be authorized by resolution of
2233 the members of the authority and shall bear such date or dates;
2234 mature at such time or times, not exceeding 30 years after their
2235 respective dates; bear interest at such rate or rates, not
2236 exceeding the maximum rate fixed by general law for authorities;
2237 be in such denominations; be in such form, either coupon or
2238 fully registered; carry such registration, exchangeability, and
2239 interchangeability privileges; be payable in such medium of
2240 payment and at such place or places; be subject to such terms of
2241 redemption; and be entitled to such priorities of lien on the
2242 revenues and other available moneys as such resolution or any
2243 resolution subsequent to the bonds' issuance may provide. The
2244 bonds shall be executed either by manual or facsimile signature
2245 by such officers as the authority shall determine, provided that
2246 such bonds shall bear at least one signature that is manually
2247 executed thereon. The coupons attached to such bonds shall bear
2248 the facsimile signature or signatures of such officer or
2249 officers as designated by the authority. Such bonds shall have
2250 the seal of the authority affixed, imprinted, reproduced, or
2251 lithographed thereon.

2252 (b) Bonds issued pursuant to paragraph (1) (a) or paragraph
2253 (1) (b) shall be sold at public sale in the same manner provided
2254 in the State Bond Act. Pending the preparation of definitive
2255 bonds, temporary bonds or interim certificates may be issued to
2256 the purchaser or purchasers of such bonds and may contain such
2257 terms and conditions as the authority may determine.



2258 (3) Any such resolution or resolutions authorizing any
2259 bonds may contain provisions that shall be part of the contract
2260 with the holders of such bonds as to:

2261 (a) The pledging of all or any part of the revenues,
2262 available city or county funds, or other charges or receipts of
2263 the authority derived from the regional system.

2264 (b) The construction, reconstruction, improvement,
2265 extension, repair, maintenance, and operation of the system, or
2266 any part thereof, and the duties and obligations of the
2267 authority with reference thereto.

2268 (c) Limitations on the purposes to which the proceeds of
2269 the bonds, then or thereafter to be issued, or of any loan or
2270 grant by any federal agency or the state or any political
2271 subdivision thereof may be applied.

2272 (d) The fixing, charging, establishing, revising,
2273 increasing, reducing, and collecting of tolls, rates, fees,
2274 rentals, or other charges for use of the services and facilities
2275 of the system or any part thereof.

2276 (e) The setting aside of reserves or of sinking funds and
2277 the regulation and disposition thereof.

2278 (f) Limitations on the issuance of additional bonds.

2279 (g) The terms and provisions of any deed of trust or
2280 indenture securing the bonds, or under which the bonds may be
2281 issued.

2282 (h) 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 (4) The authority may enter into any deeds of trust,
2286 indentures, or other agreements with any bank or trust company
2287 within or without the state, as security for such bonds and may,
2288 under such agreements, assign and pledge all or any of the
2289 revenues and other available moneys, including all or any
2290 available city or county funds, pursuant to the terms of this
2291 chapter. Such deed of trust, indenture, or other agreement may
2292 contain such provisions as are customary in such instruments or
2293 as the authority may authorize, including, but not limited to:
2294 (a) The pledging of all or any part of the revenues or
2295 other moneys lawfully available therefor.
2296 (b) The application of funds and the safeguarding of funds
2297 on hand or on deposit.
2298 (c) The rights and remedies of the trustee and the holders
2299 of the bonds.
2300 (d) The terms and provisions of the bonds or the
2301 resolutions authorizing the issuance of the same.
2302 (e) Any other or additional matter, of like or different
2303 character, which in any way affects the security or protection
2304 of the bonds.
2305 (5) Bonds issued pursuant to this chapter are, and are
2306 hereby declared to be, negotiable instruments, and shall have
2307 all the qualities and incidents of negotiable instruments under
2308 the law merchant and the negotiable instruments law of the
2309 state.
2310 (6) Any resolution authorizing the issuance of authority
2311 bonds and pledging the revenues of the system shall require that
2312 revenues of the system be periodically deposited into



2313 appropriate accounts in such sums as will be sufficient to pay
2314 the costs of operation and maintenance of the system for the
2315 current fiscal year as set forth in the annual budget of the
2316 authority and to reimburse the department for any unreimbursed
2317 costs of operation and maintenance of the system from prior
2318 fiscal years before revenues of the system are deposited into
2319 accounts for the payment of interest or principal owing or that
2320 may become owing on such bonds.

2321 (7) State funds may not be used or pledged to pay the
2322 principal or interest of any authority bonds, and all such bonds
2323 shall contain a statement on their face to this effect.

2324 345.0006 Remedies of bondholders.—

2325 (1) The rights and the remedies herein conferred upon or
2326 granted to authority bondholders are in addition to, and do not
2327 limit, any rights and remedies lawfully granted to such
2328 bondholders by the resolution or indenture providing for the
2329 issuance of bonds, or by any deed of trust, indenture, or other
2330 agreement under which the bonds may be issued or secured. If an
2331 authority defaults in the payment of the principal of or
2332 interest on any of the bonds issued pursuant to this chapter
2333 after such principal of or interest on the bonds becomes due,
2334 whether at maturity or upon call for redemption, as provided in
2335 said resolution or indenture, and such default continues for a
2336 period of 30 days, or, if the authority fails or refuses to
2337 comply with this chapter or any agreement made with or for the
2338 benefit of the holders of the bonds, the holders of 25 percent
2339 in aggregate principal amount of the bonds then outstanding
2340 shall be entitled as of right to the appointment of a trustee to



2341 represent such bondholders for the purposes of this section;
2342 however, such holders of 25 percent in aggregate principal
2343 amount of the bonds then outstanding must first give to the
2344 authority and to the department written notice of their
2345 intention to appoint a trustee.

2346 (2) Such trustee and any trustee under any deed of trust,
2347 indenture, or other agreement may, and, upon written request of
2348 the holders of 25 percent or such other percentage as may be
2349 specified in any deed of trust, indenture, or other agreement in
2350 principal amount of the bonds then outstanding, shall, in any
2351 court of competent jurisdiction, in his, her, or its own name:

2352 (a) By mandamus or other suit, action, or proceeding at
2353 law or in equity, enforce all rights of the bondholders,
2354 including the right to require the authority to fix, establish,
2355 maintain, collect, and charge rates, fees, rentals, and other
2356 charges adequate to carry out any agreement as to or pledge of
2357 the revenues, and to require the authority to carry out any
2358 other covenants and agreements with or for the benefit of the
2359 bondholders, and to perform its and their duties under this
2360 chapter.

2361 (b) Bring suit upon the bonds.

2362 (c) By action or suit in equity require the authority to
2363 account as if it were the trustee of an express trust for the
2364 bondholders.

2365 (d) By action or suit in equity enjoin any act or thing
2366 that may be unlawful or in violation of the rights of the
2367 bondholders.



2368 (3) Any trustee when appointed as aforesaid, or acting
2369 under a deed of trust, indenture, or other agreement, and
2370 whether or not all bonds have been declared due and payable,
2371 shall be entitled as of right to the appointment of a receiver,
2372 who may enter upon and take possession of the system or the
2373 facilities or any part or parts thereof, the revenues and other
2374 pledged moneys, for and on behalf of and in the name of, the
2375 authority and the bondholders, and collect and receive all
2376 revenues and other pledged moneys in the same manner as the
2377 authority might, and shall deposit all such revenues and moneys
2378 in a separate account and apply all such revenues and moneys
2379 remaining after allowance for payment of all costs of operation
2380 and maintenance of the system in such manner as the court shall
2381 direct. In any suit, action, or proceeding by the trustee, the
2382 fees, counsel fees, and expenses of the trustee, and said
2383 receiver, if any, and all costs and disbursements allowed by the
2384 court shall be a first charge on any revenues after payment of
2385 the costs of operation and maintenance of the system. In
2386 addition, such trustee shall have and possess all other powers
2387 necessary or appropriate for the exercise of any function
2388 specifically set forth in this chapter or incident to the
2389 representation of the bondholders in the enforcement and
2390 protection of their rights.

2391 (4) Nothing in this chapter authorizes any receiver
2392 appointed pursuant to this section for the purpose of operating
2393 and maintaining the system or any facility or part or parts
2394 thereof to sell, assign, mortgage, or otherwise dispose of any
2395 of the assets of whatever kind and character belonging to the



2396 authority. It is the intention of this chapter to limit the
2397 powers of such receiver to the operation and maintenance of the
2398 system, or any facility or part or parts thereof, and the
2399 collection and application of revenues and other moneys due the
2400 authority, in the name and for and on behalf of the authority
2401 and the bondholders, and no holder of bonds nor any trustee
2402 shall ever have the right in any suit, action, or proceeding at
2403 law or in equity to compel a receiver, nor shall any receiver be
2404 authorized or any court be empowered to direct the receiver, to
2405 sell, assign, mortgage or otherwise dispose of any assets of
2406 whatever kind or character belonging to the authority.

2407 345.0007 Department to construct, operate, and maintain
2408 facilities.-

2409 (1) The department is the agent of each authority for the
2410 purpose of performing all phases of a project, including, but
2411 not limited to, constructing improvements and extensions to the
2412 system. The authority shall provide to the department complete
2413 copies of the documents, agreements, resolutions, contracts, and
2414 instruments relating thereto and shall request that the
2415 department perform such construction work, including the
2416 planning, surveying, design, and actual construction of the
2417 completion, extensions, and improvements to the system. After
2418 the issuance of bonds to finance construction of any improvement
2419 or addition to the system, the authority shall transfer to the
2420 credit of an account of the department in the State Treasury the
2421 necessary funds for construction. The department shall proceed
2422 with construction and use the funds for the purpose authorized
2423 and as otherwise provided by law for construction of roads and



2424 bridges. An authority may alternatively, with the consent and
2425 approval of the department, elect to appoint a local agency
2426 certified by the department to administer federal aid projects
2427 in accordance with federal law as its agent for the purpose of
2428 performing all phases of a project.

2429 (2) Notwithstanding subsection (1), the department is the
2430 agent of each authority for the purpose of operating and
2431 maintaining the system. The department shall operate and
2432 maintain the system, and the costs incurred by the department
2433 for operation and maintenance shall be reimbursed from revenues
2434 of the system. This appointment of the department as agent for
2435 each authority shall not be construed to create an independent
2436 obligation of the department to operate and maintain a system.
2437 Each authority shall remain obligated as principal to operate
2438 and maintain its system and an authority's bondholders shall
2439 have no independent right to compel the department to operate or
2440 maintain the authority's system.

2441 (3) Each authority shall fix, alter, charge, establish,
2442 and collect tolls, rates, fees, rentals, and other charges for
2443 the authority's facilities, as otherwise provided in this
2444 chapter.

2445 345.0008 Department contributions to authority projects.-

2446 (1) The department may agree with an authority to provide
2447 for or contribute to the payment of costs of financial or
2448 engineering and traffic feasibility studies and the design,
2449 financing, acquisition, or construction of an authority project
2450 or system included in the 10-year Strategic Intermodal Plan,
2451 subject to appropriation by the Legislature.



2452 (a) In the manner required by chapter 216, the department
2453 shall include any issue or issues in its legislative budget
2454 request for funding the payment of costs of financial or
2455 engineering and traffic feasibility studies and the design,
2456 financing, acquisition, or construction of an authority project
2457 or system. The request for funding may be included as part of
2458 the 5-year Tentative Work Program; however, it will be decided
2459 upon separately as a distinct funding item for consideration by
2460 the Legislature. The department must include a financial
2461 feasibility test to accompany such legislative budget request
2462 for consideration of funding any authority project.

2463 (b) As determined by the Legislature in the General
2464 Appropriations Act, funding provided for authority projects
2465 shall be appropriated in a specific fixed capital outlay
2466 appropriation category that clearly identifies the authority
2467 project.

2468 (c) The department may not request legislative approval of
2469 acquisition or construction of a proposed authority project
2470 unless the estimated net revenues of the proposed project will
2471 be sufficient to pay at least 50 percent of the annual debt
2472 service on the bonds associated with the project by the end of
2473 the 12th year of operation and to pay at least 100 percent of
2474 the debt service on the bonds by the end of the 30th year of
2475 operation.

2476 (2) The department may use its engineering and other
2477 personnel, including consulting engineers and traffic engineers,
2478 to conduct feasibility studies under subsection (1). The



2479 department may participate in authority-funded projects that, at
2480 a minimum:

2481 (a) Serve national, statewide, or regional functions and
2482 function as part of an integrated regional transportation
2483 system.

2484 (b) Are identified in the capital improvements element of
2485 a comprehensive plan that has been determined to be in
2486 compliance with part II of chapter 163. Further, the project
2487 shall be in compliance with local government comprehensive plan
2488 policies relative to corridor management.

2489 (c) Are consistent with the Strategic Intermodal System
2490 Plan developed under s. 339.64.

2491 (d) Have a commitment for local, regional, or private
2492 financial matching funds as a percentage of the overall project
2493 cost.

2494 (3) Before approval, the department must determine that
2495 the proposed project:

2496 (a) Is in the public's best interest;

2497 (b) Would not require state funds to be used unless the
2498 project is on the State Highway System;

2499 (c) Would have adequate safeguards in place to ensure that
2500 no additional costs or service disruptions would be realized by
2501 the traveling public and residents of the state in the event of
2502 default or cancellation of the agreement by the department; and

2503 (d) Would have adequate safeguards in place to ensure that
2504 the department and the regional transportation finance authority
2505 have the opportunity to add capacity to the proposed project and



2506 other transportation facilities serving similar origins and
 2507 destinations.

2508 (4) An obligation or expense incurred by the department
 2509 under this section is a part of the cost of the authority
 2510 project for which the obligation or expense was incurred. The
 2511 department may require money contributed by the department under
 2512 this section to be repaid from tolls of the project on which the
 2513 money was spent, other revenue of the authority, or other
 2514 sources of funds.

2515 (5) (a) The department shall receive from an authority a
 2516 share of the authority's net revenues equal to the ratio of the
 2517 department's total contributions to the authority under this
 2518 section to the sum of the department's total contributions under
 2519 this section, contributions by any local government to the cost
 2520 of revenue-producing authority projects, and the sale proceeds
 2521 of authority bonds after payment of costs of issuance.

2522 (b) As used in this subsection, "net revenues" means gross
 2523 revenues of an authority after payment of debt service,
 2524 administrative expenses, operations and maintenance expenses,
 2525 and all reserves required to be established under any resolution
 2526 under which authority bonds are issued.

2527 345.0009 Acquisition of lands and property.—

2528 (1) For the purposes of this chapter, an authority may
 2529 acquire private or public property and property rights,
 2530 including rights of access, air, view, and light, by gift,
 2531 devise, purchase, condemnation by eminent domain proceedings, or
 2532 transfer from another political subdivision of the state, as the
 2533 authority deems necessary for any of the purposes of this



2534 chapter, including, but not limited to, any lands reasonably
2535 necessary for securing applicable permits, areas necessary for
2536 management of access, borrow pits, drainage ditches, water
2537 retention areas, rest areas, replacement access for landowners
2538 whose access is impaired due to the construction of a facility,
2539 and replacement rights-of-way for relocated rail and utility
2540 facilities; for existing, proposed, or anticipated
2541 transportation facilities on the system or in a transportation
2542 corridor designated by the authority; or for the purposes of
2543 screening, relocating, removing, or disposing of junkyards and
2544 scrap metal processing facilities. Each authority shall also
2545 have the power to condemn any material and property necessary
2546 for such purposes.

2547 (2) The right of eminent domain conferred in this section
2548 shall be exercised by an authority in the manner provided by
2549 law.

2550 (3) When an authority acquires property for a
2551 transportation facility or in a transportation corridor, it is
2552 not subject to any liability imposed by chapter 376 or chapter
2553 403 for preexisting soil or groundwater contamination due solely
2554 to its ownership. This section does not affect the rights or
2555 liabilities of any past or future owner of the acquired property
2556 and does not affect the liability of any governmental entity for
2557 the results of its actions that create or exacerbate a pollution
2558 source. An authority and the Department of Environmental
2559 Protection may enter into interagency agreements for the
2560 performance, funding, and reimbursement of the investigative and
2561 remedial acts necessary for property acquired by the authority.



2562 345.0010 Cooperation with other units, boards, agencies,
 2563 and individuals.—Any county, municipality, drainage district,
 2564 road and bridge district, school district, or other political
 2565 subdivision, board, commission, or individual in or of the state
 2566 may make and enter into with an authority any contract, lease,
 2567 conveyance, partnership, or other agreement within the
 2568 provisions and purposes of this chapter. Each authority is
 2569 authorized to make and enter into contracts, leases,
 2570 conveyances, partnerships, and other agreements with any
 2571 political subdivision, agency, or instrumentality of the state
 2572 and any federal agency, corporation, and individual for the
 2573 purpose of carrying out the provisions of this chapter.

2574 345.0011 Covenant of the state.—The state pledges to and
 2575 agrees with any person, firm, or corporation or federal or state
 2576 agency subscribing to or acquiring the bonds to be issued by an
 2577 authority for the purposes of this chapter that the state will
 2578 not limit or alter the rights vested by this chapter in the
 2579 authority and the department until all bonds at any time issued,
 2580 together with the interest thereon, are fully paid and
 2581 discharged insofar as the same affects the rights of the holders
 2582 of bonds issued hereunder. The state further pledges to and
 2583 agrees with the United States that in the event a federal agency
 2584 shall construct or contribute funds for the completion,
 2585 extension, or improvement of the system, or a part or portion
 2586 thereof, the state will not alter or limit the rights and powers
 2587 of the authority and the department in a manner that would be
 2588 inconsistent with the continued maintenance and operation of the
 2589 system or the completion, extension, or improvement thereof, or



2590 that would be inconsistent with the due performance of an
 2591 agreement between the authority and such federal agency, and the
 2592 authority and the department shall continue to have and may
 2593 exercise all powers herein granted, so long as the same are
 2594 necessary or desirable for the carrying out of the purposes of
 2595 this chapter and the purposes of the United States in the
 2596 completion, extension, or improvement of the system or a part
 2597 thereof.

2598 345.0012 Exemption from taxation.—The effectuation of the
 2599 authorized purposes of an authority created under this chapter
 2600 is, in all respects, for the benefit of the people of the state,
 2601 for the increase of their commerce and prosperity, and for the
 2602 improvement of their health and living conditions; and, because
 2603 such authority will be performing essential governmental
 2604 functions in effectuating such purposes, such authority is not
 2605 required to pay any taxes or assessments of any kind or nature
 2606 whatsoever upon any property acquired or used by it for such
 2607 purposes, or upon any rates, fees, rentals, receipts, income, or
 2608 charges at any time received by it; and the bonds issued by the
 2609 authority, their transfer, and the income therefrom, including
 2610 any profits made on the sale thereof, shall at all times be free
 2611 from taxation of any kind by the state, or by any political
 2612 subdivision, taxing agency, or instrumentality thereof. The
 2613 exemption granted by this section does not apply to any tax
 2614 imposed by chapter 220 on interest, income, or profits on debt
 2615 obligations owned by corporations.

2616 345.0013 Eligibility for investments and security.—Any
 2617 bonds or other obligations issued pursuant to this chapter



2618 constitute legal investments for banks, savings banks, trustees,
 2619 executors, administrators, and all other fiduciaries, and for
 2620 all state, municipal, and other public funds; and constitute
 2621 securities eligible for deposit as security for all state,
 2622 municipal, or other public funds, notwithstanding any other law
 2623 to the contrary.

2624 345.0014 This chapter complete and additional authority.-

2625 (1) The powers conferred by this chapter are in addition
 2626 and supplemental to the powers conferred by any other law, and
 2627 this chapter does not repeal any provisions of general, special,
 2628 or local law, but supersedes such other laws in the exercise of
 2629 the powers provided in this chapter, and provides a complete
 2630 method for the exercise of the powers granted in this chapter.
 2631 The extension and improvement of a system, and the issuance of
 2632 bonds hereunder to finance all or part of the cost thereof, may
 2633 be accomplished upon compliance with the provisions of this
 2634 chapter without regard to or necessity for compliance with the
 2635 provisions, limitations, or restrictions contained in any other
 2636 general, special, or local law, including, but not limited to,
 2637 s. 215.821, and no approval of any bonds issued under this
 2638 chapter by the qualified electors or qualified electors who are
 2639 freeholders in the state or in any political subdivision of the
 2640 state shall be required for the issuance of such bonds pursuant
 2641 to this act.

2642 (2) This chapter does not repeal, rescind, or modify any
 2643 other law relating to the State Board of Administration, the
 2644 Department of Transportation, authorities created pursuant to
 2645 chapters 343, 348, or 349, or the Division of Bond Finance of



2646 the State Board of Administration, and does not it supersede any
2647 provision of chapters 343, 348, or 349, but does supersede any
2648 other law that is inconsistent with the provisions of this
2649 chapter, including, but not limited to, s. 215.821.

2650 (3) This section does not supersede any applicable
2651 requirements of part II of chapter 163, s. 339.155, or s.
2652 339.175.

2653 Section 39. Paragraph (d) of subsection (2) of section
2654 348.754, Florida Statutes, is amended to read:

2655 348.754 Purposes and powers.—

2656 (2) The authority is hereby granted, and shall have and
2657 may exercise all powers necessary, appurtenant, convenient or
2658 incidental to the carrying out of the aforesaid purposes,
2659 including, but without being limited to, the following rights
2660 and powers:

2661 (d) To enter into and make leases for terms not exceeding
2662 99 ~~40~~ years, as either lessee or lessor, in order to carry out
2663 the right to lease as set forth in this part.

2664 Section 40. Subsections (13), (14), and (15) are added to
2665 section 373.406, Florida Statutes, to read:

2666 373.406 Exemptions.—The following exemptions shall apply:

2667 (13) Nothing in this part, or in any rule, regulation, or
2668 order adopted pursuant to this part, applies to construction,
2669 alteration, operation, or maintenance of any wholly owned,
2670 manmade excavated farm ponds, as defined in s. 403.927,
2671 constructed entirely in uplands. Alteration or maintenance may
2672 not involve any work to connect the farm pond to, or expand the
2673 farm pond into, other wetlands or other surface waters. This



2674 exemption does not apply to any farm pond that covers an area
2675 greater than 15 acres and has an average depth greater than 15
2676 feet, or is less than 50 feet from any wetlands.

2677 (14) Nothing in this part, or in any rule, regulation, or
2678 order adopted pursuant to this part, may require a permit for
2679 activities affecting wetlands created solely by the unauthorized
2680 flooding or interference with the natural flow of surface water
2681 caused by an unaffiliated adjoining landowner. Requests to
2682 qualify for this exemption must be made within 7 years after the
2683 cause of such unauthorized flooding or unauthorized interference
2684 with the natural flow of surface water and must be submitted in
2685 writing to the district or department. Such activities may not
2686 begin without a written determination from the district or
2687 department confirming that the activity qualifies for the
2688 exemption. This exemption does not expand the jurisdiction of
2689 the department or the water management districts and does not
2690 apply to activities that discharge dredged or fill material into
2691 waters of the United States, including wetlands, subject to
2692 federal jurisdiction under s. 404 of the federal Clean Water
2693 Act, 33 U.S.C. s. 1344.

2694 (15) Any independent water control district created before
2695 July 1, 2013, and operating pursuant to chapter 298 for which a
2696 valid environmental resource permit has been issued pursuant to
2697 this part or a federal wetlands permit authorized under s. 404
2698 of the federal Clean Water Act, 33 U.S.C. s. 1344, has been
2699 issued, is exempt from further wetlands regulations imposed
2700 pursuant to chapters 125, 163, and 166.



2701 Section 41. Section 373.4137, Florida Statutes, is amended
 2702 to read:

2703 373.4137 Mitigation requirements for specified
 2704 transportation projects.—

2705 (1) The Legislature finds that environmental mitigation
 2706 for the impact of transportation projects proposed by the
 2707 Department of Transportation or a transportation authority
 2708 established pursuant to chapter 348 or chapter 349 can be more
 2709 effectively achieved by regional, long-range mitigation planning
 2710 rather than on a project-by-project basis. It is the intent of
 2711 the Legislature that mitigation to offset the adverse effects of
 2712 these transportation projects be funded by the Department of
 2713 Transportation and be carried out by the use of mitigation banks
 2714 and any other mitigation options that satisfy state and federal
 2715 requirements in a manner that promotes efficiency, timeliness in
 2716 project delivery, and cost-effectiveness.

2717 (2) Environmental impact inventories for transportation
 2718 projects proposed by the Department of Transportation or a
 2719 transportation authority established pursuant to chapter 348 or
 2720 chapter 349 shall be developed as follows:

2721 (a) By July 1 of each year, the Department of
 2722 Transportation, or a transportation authority established
 2723 pursuant to chapter 348 or chapter 349 which chooses to
 2724 participate in the program, shall submit to the water management
 2725 districts a list of its projects in the adopted work program and
 2726 an environmental impact inventory of habitat impacts and the
 2727 anticipated amount of mitigation needed to offset impacts as
 2728 described in paragraph (b). The environmental impact inventory



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2729 must be based on habitats ~~addressed in~~ the rules adopted
2730 pursuant to this part, ~~and~~ s. 404 of the Clean Water Act, 33
2731 U.S.C. s. 1344, and the Department of Transportation's ~~which may~~
2732 ~~be impacted by its~~ plan of construction for transportation
2733 projects in the next 3 years of the tentative work program. The
2734 Department of Transportation or a transportation authority
2735 established pursuant to chapter 348 or chapter 349 may also
2736 include in its environmental impact inventory the habitat
2737 impacts and the anticipated amount of mitigation needed for ~~of~~
2738 any future transportation project. The Department of
2739 Transportation and each transportation authority established
2740 pursuant to chapter 348 or chapter 349 may fund any mitigation
2741 activities for future projects using current year funds.

2742 (b) The environmental impact inventory must ~~shall~~ include
2743 a description of ~~these~~ habitat impacts, including ~~their~~
2744 location, acreage, and type; the anticipated amount of
2745 mitigation needed based on the functional loss as determined
2746 through the Uniform Mitigation Assessment Method (UMAM) adopted
2747 in chapter 62-345, Florida Administrative Code; identification
2748 of the proposed mitigation option; state water quality
2749 classification of impacted wetlands and other surface waters;
2750 any other state or regional designations for these habitats; and
2751 a list of threatened species, endangered species, and species of
2752 special concern affected by the proposed project.

2753 (c) Before projects are identified for inclusion in a
2754 water management district mitigation plan as described in
2755 subsection (4), the Department of Transportation must consider
2756 using credits from a permitted mitigation bank. The Department



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2757 of Transportation must consider the availability of suitable and
2758 sufficient mitigation bank credits within the transportation
2759 project's area, the ability to satisfy commitments to regulatory
2760 and resource agencies, the availability of suitable and
2761 sufficient mitigation purchased or developed through this
2762 section, the ability to complete existing water management
2763 district or Department of Environmental Protection suitable
2764 mitigation sites initiated with Department of Transportation
2765 mitigation funds, and the ability to satisfy state and federal
2766 requirements including long-term maintenance and liability.

2767 (3) (a) To implement the mitigation option ~~fund development~~
2768 ~~and implementation of the mitigation plan for the projected~~
2769 ~~impacts~~ identified in the environmental impact inventory
2770 described in subsection (2), the Department of Transportation
2771 may purchase credits for current and future use directly from a
2772 mitigation bank, purchase mitigation services through the water
2773 management districts or the Department of Environmental
2774 Protection, conduct its own mitigation, or use other mitigation
2775 options that meet state and federal requirements. Funding for
2776 the identified mitigation option as described in the
2777 environmental impact inventory must be included in shall
2778 ~~identify funds quarterly in an escrow account within the State~~
2779 ~~Transportation Trust Fund for the environmental mitigation phase~~
2780 ~~of projects budgeted by the Department of~~ Transportation's work
2781 program developed pursuant to s. 339.135. The amount programmed
2782 each year by the Department of Transportation and participating
2783 transportation authorities established pursuant to chapter 348
2784 or chapter 349 must correspond to an estimated cost per credit



2785 of \$150,000 multiplied by the projected number of credits
2786 identified in the environmental impact inventory described in
2787 subsection (2). This estimated cost per credit will be adjusted
2788 every 2 years by the Department of Transportation based on the
2789 average cost per UMAM credit paid through this section.
2790 ~~Transportation for the current fiscal year. The escrow account~~
2791 ~~shall be maintained by the Department of Transportation for the~~
2792 ~~benefit of the water management districts. Any interest earnings~~
2793 ~~from the escrow account shall remain with the Department of~~
2794 ~~Transportation.~~

2795 (b) Each transportation authority established pursuant to
2796 chapter 348 or chapter 349 that chooses to participate in this
2797 program shall create an escrow account within its financial
2798 structure and deposit funds in the account to pay for the
2799 environmental mitigation phase of projects budgeted for the
2800 current fiscal year. The escrow account shall be maintained by
2801 the authority for the benefit of the water management districts.
2802 Any interest earnings from the escrow account shall remain with
2803 the authority.

2804 (c) For mitigation implemented by the water management
2805 district or the Department of Environmental Protection, as
2806 appropriate, the amount paid each year must be based on
2807 mitigation services provided by the water management districts
2808 or Department of Environmental Protection pursuant to an
2809 approved water management district plan, as described in
2810 subsection (4). ~~Except for current mitigation projects in the~~
2811 ~~monitoring and maintenance phase and except as allowed by~~
2812 ~~paragraph (d),~~ The water management districts or the Department



2813 of Environmental Protection, as appropriate, may request payment
2814 ~~a transfer of funds from an escrow account~~ no sooner than 30
2815 days before the date the funds are needed to pay for activities
2816 associated with development or implementation of permitted
2817 mitigation meeting the requirements pursuant to this part, 33
2818 U.S.C. s. 1344, and 33 C.F.R. part 332, in the approved
2819 mitigation plan described in subsection (4) for the current
2820 fiscal year, ~~including, but not limited to, design, engineering,~~
2821 ~~production, and staff support. Actual conceptual plan~~
2822 ~~preparation costs incurred before plan approval may be submitted~~
2823 ~~to the Department of Transportation or the appropriate~~
2824 ~~transportation authority each year with the plan. The conceptual~~
2825 ~~plan preparation costs of each water management district will be~~
2826 ~~paid from mitigation funds associated with the environmental~~
2827 ~~impact inventory for the current year. The amount transferred to~~
2828 ~~the escrow accounts each year by the Department of~~
2829 ~~Transportation and participating transportation authorities~~
2830 ~~established pursuant to chapter 348 or chapter 349 shall~~
2831 ~~correspond to a cost per acre of \$75,000 multiplied by the~~
2832 ~~projected acres of impact identified in the environmental impact~~
2833 ~~inventory described in subsection (2). However, the \$75,000 cost~~
2834 ~~per acre does not constitute an admission against interest by~~
2835 ~~the state or its subdivisions and is not admissible as evidence~~
2836 ~~of full compensation for any property acquired by eminent domain~~
2837 ~~or through inverse condemnation. Each July 1, the cost per acre~~
2838 ~~shall be adjusted by the percentage change in the average of the~~
2839 ~~Consumer Price Index issued by the United States Department of~~
2840 ~~Labor for the most recent 12-month period ending September 30,~~



2841 ~~compared to the base year average, which is the average for the~~
2842 ~~12-month period ending September 30, 1996. Each quarter, the~~
2843 ~~projected amount of mitigation must~~ aereage of impact shall be
2844 reconciled with the actual amount of mitigation needed for
2845 ~~aereage of impact of projects as permitted, including permit~~
2846 ~~modifications, pursuant to this part and s. 404 of the Clean~~
2847 ~~Water Act, 33 U.S.C. s. 1344. The subject year's programming~~
2848 ~~transfer of funds shall be adjusted accordingly to reflect the~~
2849 mitigation aereage of impacts as permitted. If the water
2850 management district excludes a project from an approved water
2851 management district mitigation plan, if the water management
2852 district cannot timely permit a mitigation site to offset the
2853 impacts of a Department of Transportation project identified in
2854 the environmental impact inventory, or if the proposed
2855 mitigation does not meet state and federal requirements, the
2856 Department of Transportation may use the associated funds for
2857 the purchase of mitigation bank credits or any other mitigation
2858 option that satisfies state and federal requirements. The
2859 ~~Department of Transportation and participating transportation~~
2860 ~~authorities established pursuant to chapter 348 or chapter 349~~
2861 ~~are authorized to transfer such funds from the escrow accounts~~
2862 ~~to the water management districts to carry out the mitigation~~
2863 ~~programs. Environmental mitigation funds that are identified for~~
2864 ~~or maintained in an escrow account for the benefit of a water~~
2865 ~~management district may be released if the associated~~
2866 ~~transportation project is excluded in whole or part from the~~
2867 ~~mitigation plan. For a mitigation project that is in the~~
2868 ~~maintenance and monitoring phase, the water management district~~



2869 ~~may request and receive a one-time payment based on the~~
2870 ~~project's expected future maintenance and monitoring costs. Upon~~
2871 ~~final disbursement of the final maintenance and monitoring~~
2872 ~~payment for mitigation of a transportation project as permitted,~~
2873 ~~the obligation of the Department of Transportation or the~~
2874 ~~participating transportation authority is satisfied and the~~
2875 ~~water management district or the Department of Environmental~~
2876 ~~Protection, as appropriate, will have continuing responsibility~~
2877 ~~for the mitigation project, the escrow account for the project~~
2878 ~~established by the Department of Transportation or the~~
2879 ~~participating transportation authority may be closed. Any~~
2880 ~~interest earned on these disbursed funds shall remain with the~~
2881 ~~water management district and must be used as authorized under~~
2882 ~~this section.~~

2883 (d) Beginning with the March 2014 water management
2884 district mitigation plans, in the 2005-2006 fiscal year, each
2885 water management district or the Department of Environmental
2886 Protection, as appropriate, shall invoice the Department of
2887 Transportation for mitigation services to offset only the
2888 impacts of a Department of Transportation project identified in
2889 the environmental impact inventory, including planning, design,
2890 construction, maintenance, and monitoring, and other costs
2891 necessary to meet requirements pursuant to this section, 33
2892 U.S.C. s. 1344, and 33 C.F.R. part 332. If the water management
2893 district identifies the use of mitigation bank credits to offset
2894 a Department of Transportation impact, the water management
2895 district shall exclude that purchase from the mitigation plan,
2896 and the Department of Transportation must purchase the bank



2897 ~~credits. be paid a lump sum amount of \$75,000 per acre, adjusted~~
2898 ~~as provided under paragraph (c), for federally funded~~
2899 ~~transportation projects that are included on the environmental~~
2900 ~~impact inventory and that have an approved mitigation plan.~~
2901 ~~Beginning in the 2009-2010 fiscal year, each water management~~
2902 ~~district shall be paid a lump sum amount of \$75,000 per acre,~~
2903 ~~adjusted as provided under paragraph (c), for federally funded~~
2904 ~~and nonfederally funded transportation projects that have an~~
2905 ~~approved mitigation plan. All mitigation costs, including, but~~
2906 ~~not limited to, the costs of preparing conceptual plans and the~~
2907 ~~costs of design, construction, staff support, future~~
2908 ~~maintenance, and monitoring the mitigated acres shall be funded~~
2909 ~~through these lump sum amounts.~~

2910 (e) For mitigation activities occurring on existing water
2911 management district or Department of Environmental Protection
2912 mitigation sites initiated with Department of Transportation
2913 mitigation funds before July 1, 2013, the water management
2914 district or the Department of Environmental Protection shall
2915 invoice the Department of Transportation or a participating
2916 transportation authority at a cost per acre of \$75,000
2917 multiplied by the projected acres of impact as identified in the
2918 environmental impact inventory. The cost per acre must be
2919 adjusted by the percentage change in the average of the Consumer
2920 Price Index issued by the United States Department of Labor for
2921 the most recent 12-month period ending September 30, compared to
2922 the base year average, which is the average for the 12-month
2923 period ending September 30, 1996. When implementing the
2924 mitigation activities necessary to offset the permitted impacts



2925 as provided in the approved mitigation plan, the water
2926 management district shall maintain records of the costs incurred
2927 in implementing the mitigation. The records must include, but
2928 are not limited to, costs for planning, land acquisition,
2929 design, construction, staff support, long-term maintenance and
2930 monitoring of the mitigation site, and other costs necessary to
2931 meet the requirements of 33 U.S.C. s. 1344 and 33 C.F.R. part
2932 332.

2933 (f) For purposes of preparing and implementing the
2934 mitigation plans to be adopted by the water management districts
2935 on or before March 1, 2013, for impacts based on the July 1,
2936 2012, environmental impact inventory, the funds identified in
2937 the Department of Transportation's work program or participating
2938 transportation authorities' escrow accounts must correspond to a
2939 cost per acre of \$75,000 multiplied by the project acres of
2940 impact as identified in the environmental impact inventory. The
2941 cost per acre shall be adjusted by the percentage change in the
2942 average of the Consumer Price Index issued by the United States
2943 Department of Labor for the most recent 12-month period ending
2944 September 30, compared to the base year average, which is the
2945 average for the 12-month period ending September 30, 1996.
2946 Payment as provided under this paragraph is limited to those
2947 mitigation activities that are identified in the first year of
2948 the 2013 mitigation plan and for which the transportation
2949 project is permitted and is in the Department of
2950 Transportation's adopted work program, or equivalent for a
2951 transportation authority. When implementing the mitigation
2952 activities necessary to offset the permitted impacts as provided



2953 in the approved mitigation plan, the water management district
 2954 shall maintain records of the costs incurred in implementing the
 2955 mitigation. The records must include, but are not limited to,
 2956 costs for planning, land acquisition, design, construction,
 2957 staff support, long-term maintenance and monitoring of the
 2958 mitigation site, and other costs necessary to meet the
 2959 requirements of 33 U.S.C. s. 1344 and 33 C.F.R. part 332. To the
 2960 extent moneys paid to a water management district by the
 2961 Department of Transportation or a participating transportation
 2962 authority exceed the amount expended by the water management
 2963 districts in implementing the mitigation to offset the permitted
 2964 impacts, these funds must be refunded to the Department of
 2965 Transportation or participating transportation authority. This
 2966 paragraph expires June 30, 2014.

2967 (4) Before March 1 of each year, each water management
 2968 district shall develop a mitigation plan to offset only the
 2969 impacts of transportation projects in the environmental impact
 2970 inventory for which a water management district is implementing
 2971 mitigation that meets the requirements of this section, 33
 2972 U.S.C. s. 1344, and 33 C.F.R. part 332. The water management
 2973 district mitigation plan must be developed~~7~~ in consultation with
 2974 the Department of Environmental Protection, the United States
 2975 Army Corps of Engineers, the Department of Transportation,
 2976 participating transportation authorities established pursuant to
 2977 chapter 348 or chapter 349, and other appropriate federal,
 2978 state, and local governments, and other interested parties,
 2979 including entities operating mitigation banks, ~~shall develop a~~
 2980 ~~plan for the primary purpose of complying with the mitigation~~



2981 ~~requirements adopted pursuant to this part and 33 U.S.C. s.~~
2982 ~~1344.~~ In developing such plans, the water management districts
2983 shall use sound ecosystem management practices to address
2984 significant water resource needs and consider ~~shall focus on~~
2985 activities of the Department of Environmental Protection and the
2986 water management districts, such as surface water improvement
2987 and management (SWIM) projects and lands identified for
2988 potential acquisition for preservation, restoration, or
2989 enhancement, and the control of invasive and exotic plants in
2990 wetlands and other surface waters, to the extent that the
2991 activities comply with the mitigation requirements adopted under
2992 this part, ~~and~~ 33 U.S.C. s. 1344, and 33 C.F.R. part 332. The
2993 water management district mitigation plan must identify each
2994 site where the water management district will mitigate for a
2995 transportation project. For each mitigation site, the water
2996 management district shall provide the scope of the mitigation
2997 services, provide the functional gain as determined through the
2998 UMAM per chapter 62-345, Florida Administrative Code, describe
2999 how the mitigation offsets the impacts of each transportation
3000 project as permitted, and provide a schedule for the mitigation
3001 services. The water management districts shall maintain records
3002 of costs incurred and payments received for providing these
3003 services. Records must include, but are not limited to,
3004 planning, land acquisition, design, construction, staff support,
3005 long-term maintenance and monitoring of the mitigation site, and
3006 other costs necessary to meet the requirements of 33 U.S.C. s.
3007 1344 and 33 C.F.R. part 332. To the extent moneys paid to a
3008 water management district by the Department of Transportation or



3009 a participating transportation authority exceed the amount
3010 expended by the water management districts in providing the
3011 mitigation services to offset the permitted transportation
3012 project impacts, these moneys must be refunded to the Department
3013 of Transportation or participating transportation authority. In
3014 determining the activities to be included in the plans, the
3015 districts shall consider the purchase of credits from public or
3016 private mitigation banks permitted under s. 373.4136 and
3017 associated federal authorization and shall include the purchase
3018 as a part of the mitigation plan when the purchase would offset
3019 the impact of the transportation project, provide equal benefits
3020 to the water resources than other mitigation options being
3021 considered, and provide the most cost-effective mitigation
3022 option. The mitigation plan shall be submitted to the water
3023 management district governing board, or its designee, for review
3024 and approval. At least 14 days before approval by the governing
3025 board, the water management district shall provide a copy of the
3026 draft mitigation plan to the Department of Environmental
3027 Protection and any person who has requested a copy. Subsequent
3028 to governing board approval, the mitigation plan must be
3029 submitted to the Department of Environmental Protection for
3030 approval. The plan may not be implemented until it is submitted
3031 to and approved, in part or in its entirety, by the Department
3032 of Environmental Protection.

3033 ~~(a) For each transportation project with a funding request~~
3034 ~~for the next fiscal year, the mitigation plan must include a~~
3035 ~~brief explanation of why a mitigation bank was or was not chosen~~
3036 ~~as a mitigation option, including an estimation of identifiable~~



3037 ~~costs of the mitigation bank and nonbank options and other~~
3038 ~~factors such as time saved, liability for success of the~~
3039 ~~mitigation, and long-term maintenance.~~

3040 (a) (b) Specific projects may be excluded from the
3041 mitigation plan, in whole or in part, and are not subject to
3042 this section upon the election of the Department of
3043 Transportation, a transportation authority if applicable, or the
3044 appropriate water management district. The Department of
3045 Transportation or a participating transportation authority may
3046 not exclude a transportation project from the mitigation plan
3047 when mitigation is scheduled for implementation by the water
3048 management district in the current fiscal year, except when the
3049 transportation project is removed from the Department of
3050 Transportation's work program or transportation authority
3051 funding plan, the mitigation cannot be timely permitted to
3052 offset the impacts of a Department of Transportation project
3053 identified in the environmental impact inventory, or the
3054 proposed mitigation does not meet state and federal
3055 requirements. If a project is removed from the work program or
3056 the mitigation plan, costs expended by the water management
3057 district before removal are eligible for reimbursement by the
3058 Department of Transportation or participating transportation
3059 authority.

3060 (b) (e) When determining which projects to include in or
3061 exclude from the mitigation plan, the Department of
3062 Transportation shall investigate using credits from a permitted
3063 mitigation bank before those projects are submitted for
3064 inclusion in a water management district mitigation ~~the~~ plan.



3065 The Department of Transportation shall exclude a project from
3066 the mitigation plan if the investigation undertaken pursuant to
3067 this paragraph results in the conclusion that the use of credits
3068 from a permitted mitigation bank promotes efficiency, timeliness
3069 in project delivery, cost-effectiveness, and transfer of
3070 liability for success and long-term maintenance. The
3071 ~~investigation shall consider the cost-effectiveness of~~
3072 ~~mitigation bank credits, including, but not limited to, factors~~
3073 ~~such as time saved, transfer of liability for success of the~~
3074 ~~mitigation, and long-term maintenance.~~

3075 (5) The water management district shall ensure that
3076 mitigation requirements pursuant to 33 U.S.C. s. 1344 and 33
3077 C.F.R. part 332 are met for the impacts identified in the
3078 environmental impact inventory for which the water management
3079 district will implement mitigation described in subsection (2),
3080 by implementation of the approved mitigation plan described in
3081 subsection (4) to the extent funding is provided by the
3082 Department of Transportation, or a transportation authority
3083 established pursuant to chapter 348 or chapter 349, if
3084 applicable. In developing and implementing the mitigation plan,
3085 the water management district shall comply with federal
3086 permitting requirements pursuant to 33 U.S.C. s. 1344 and 33
3087 C.F.R. part 332. During the federal permitting process, the
3088 water management district may deviate from the approved
3089 mitigation plan in order to comply with federal permitting
3090 requirements upon notice and coordination with the Department of
3091 Transportation or participating transportation authority.



3092 (6) The water management district mitigation plans shall
3093 be updated annually to reflect the most current Department of
3094 Transportation work program and project list of a transportation
3095 authority established pursuant to chapter 348 or chapter 349, if
3096 applicable, and may be amended throughout the year to anticipate
3097 schedule changes or additional projects which may arise. Before
3098 amending the mitigation plan to include new projects, the
3099 Department of Transportation shall consider mitigation banks and
3100 other available mitigation options that meet state and federal
3101 requirements. Each update and amendment of the mitigation plan
3102 shall be submitted to the governing board of the water
3103 management district or its designee for approval. However, such
3104 approval shall not be applicable to a deviation as described in
3105 subsection (5).

3106 (7) Upon approval by the governing board of the water
3107 management district and the Department of Environmental
3108 Protection ~~or its designee~~, the mitigation plan shall be deemed
3109 to satisfy the mitigation requirements under this part for
3110 impacts specifically identified in the environmental impact
3111 inventory described in subsection (2) and any other mitigation
3112 requirements imposed by local, regional, and state agencies for
3113 these same impacts. The approval of the governing board of the
3114 water management district and the Department of Environmental
3115 Protection ~~or its designee~~ shall authorize the activities
3116 proposed in the mitigation plan, and no other state, regional,
3117 or local permit or approval shall be necessary.

3118 (8) This section shall not be construed to eliminate the
3119 need for the Department of Transportation or a transportation



3120 authority established pursuant to chapter 348 or chapter 349 to
3121 comply with the requirement to implement practicable design
3122 modifications, including realignment of transportation projects,
3123 to reduce or eliminate the impacts of its transportation
3124 projects on wetlands and other surface waters as required by
3125 rules adopted pursuant to this part, or to diminish the
3126 authority under this part to regulate other impacts, including
3127 water quantity or water quality impacts, or impacts regulated
3128 under this part that are not identified in the environmental
3129 impact inventory described in subsection (2).

3130 ~~(9) The process for environmental mitigation for the~~
3131 ~~impact of transportation projects under this section shall be~~
3132 ~~available to an expressway, bridge, or transportation authority~~
3133 ~~established under chapter 348 or chapter 349. Use of this~~
3134 ~~process may be initiated by an authority depositing the~~
3135 ~~requisite funds into an escrow account set up by the authority~~
3136 ~~and filing an environmental impact inventory with the~~
3137 ~~appropriate water management district. An authority that~~
3138 ~~initiates the environmental mitigation process established by~~
3139 ~~this section shall comply with subsection (6) by timely~~
3140 ~~providing the appropriate water management district with the~~
3141 ~~requisite work program information. A water management district~~
3142 ~~may draw down funds from the escrow account as provided in this~~
3143 ~~section.~~

3144 Section 42. Section 373.6053, Florida Statutes, is created
3145 to read:

3146 373.6053 Designation of positions for water management
3147 districts.—Notwithstanding the provisions of s. 121.055(2)(a),



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3148 effective July 1, 2013, each water management district may,
3149 between July 1, 2013, and December 31, 2013, reassess its
3150 designation of positions as allowed under s. 121.055(1)(b)1.b.,
3151 for inclusion in the Senior Management Service Class as provided
3152 in s. 121.055(1)(b), and may request removal from the class of
3153 any such positions that it deems appropriate. Such removal of
3154 any previously designated positions shall be effective on the
3155 first day of the month following written notification of removal
3156 to the Division of Management Services before January 1, 2014.

3157 Section 43. Except as otherwise expressly provided in this
3158 act, this act shall take effect July 1, 2013.