



Transportation & Highway Safety Subcommittee

**Wednesday, January 11, 2012
3:35 PM - 6:00 PM
306 HOB**

**Dean Cannon
Speaker**

**Brad Drake
Chair**

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Transportation & Highway Safety Subcommittee

Start Date and Time: Wednesday, January 11, 2012 03:35 pm
End Date and Time: Wednesday, January 11, 2012 06:00 pm
Location: 306 HOB
Duration: 2.42 hrs

Consideration of the following bill(s):

HB 599 Mitigation Requirements for Transportation Projects by Pilon
HB 4101 Department of Transportation by Brandes
HB 4141 Strategic Intermodal System by Eisnaugle
HB 4143 Transportation Corridors by Eisnaugle
PCS for HB 343 -- Noncriminal Traffic Infractions

Consideration of the following proposed committee bill(s):

PCB THSS 12-01 -- An act relating to Designations

Pursuant to rule 7.12, the filing deadline for amendments to bills on the agenda by a member who is not a member of the committee or subcommittee considering the bill is 6 p.m., Tuesday, January 10, 2012.

By request of the Chair, all Subcommittee members are asked to have amendments to bills on the agenda submitted to staff by 6:00 p.m., Tuesday, January 10, 2012.

NOTICE FINALIZED on 01/09/2012 16:20 by Manning.Karen

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 599 Mitigation Requirements for Transportation Projects

SPONSOR(S): Pilon

TIED BILLS: IDEN./SIM. **BILLS:** SB 824

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Highway Safety Subcommittee		Kiner <i>KLK</i>	Kruse <i>MK</i>
2) Agriculture & Natural Resources Subcommittee			
3) Transportation & Economic Development Appropriations Subcommittee			
4) Economic Affairs Committee			

SUMMARY ANALYSIS

HB 599 relates to environmental mitigation efforts to offset the impacts of transportation projects proposed by the Florida Department of Transportation ("DOT"). The bill amends current Florida law to provide DOT the option to choose between water management districts ("WMDs") and private mitigation banks when undertaking mitigation efforts for transportation projects. The bill makes this change by:

- revising legislative intent to encourage the use of public and private mitigation banks and other mitigation options that satisfy state and federal requirements;
- providing an opt-out clause authorizing DOT (and WMDs and participating transportation authorities) to exclude projects from the statutory mitigation plan carried out by WMDs provided specified criteria have been met and specified investigations have been conducted;
- providing that funds held in escrow for the benefit of a WMD may be released if the associated transportation project is excluded in whole or in part from the mitigation plan;
- requiring that mitigation plans be approved by the Florida Department of Environmental Protection ("DEP"), in addition to current WMD approval, before implementation; and
- clarifying when governmental entities outside of the statutory plan may create and/or provide mitigation.

The bill's fiscal impact is indeterminate.

The bill has an effective date of July 1, 2012.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Background, Legislative Intent and Purpose

Environmental mitigation as it relates to wetlands regulatory programs is generally defined as the creation, restoration, preservation or enhancement of wetlands to compensate for permitted wetlands losses.¹ Mitigation banking is a concept designed to increase the success of environmental mitigation efforts and reduce costs to developers of individual mitigation projects.²

Section 373.4135, F.S., as part of the Environmental Reorganization Act of 1993, directs the Florida Department of Environmental Protection (“DEP”) and water management districts (“WMDs”) to participate in and encourage the establishment of private and public mitigation banks and offsite regional mitigation.³ Section 404 of the federal Clean Water Act⁴ and early Florida law attempted to regulate wetlands impacts. However, these pieces of legislation did not specifically establish a wetlands protection program. As such, the Florida Legislature responded to the lack of both a comprehensive policy and a regulatory framework to handle environmental mitigation efforts with passage of s. 373.4135, F.S.⁵ With few exceptions, it was intended that the provisions for establishing mitigation banks would apply equally to both public and private entities.⁶

Mitigation Banking Process

In 1994, rules were adopted to govern the establishment and use of mitigation banks.⁷ The substantive aspects of these rules, which were later codified⁸ in s. 373.4136, F.S., address the following:

- the establishment of mitigation banks by governmental, nonprofit or for-profit entities;
- requirements to ensure the financial responsibility of nongovernmental entities proposing to develop mitigation banks;
- circumstances in which mitigation banking is appropriate or desirable: only when onsite mitigation is determined not to have comparable long-term viability and the bank itself would improve ecological value more than on-site mitigation;
- a framework for determining the value of a mitigation bank through the issuance of credits;
- criteria for withdrawal of mitigation credits by projects within or outside the regional watershed where the bank is located;
- measures to ensure the long-term management and protection of mitigation banks; and
- criteria governing the contribution of funds or land to an approved mitigation bank.⁹

¹ John J. Fumero, *Environmental Law: 1994 Survey of Florida Law – At a Crossroads in Natural Resource Protection and Management in Florida*, 19 Nova L. Rev. 77, 101 (1994).

² Id. at 103.

³ Section 29., Ch. 93-213, Laws of Florida.

⁴ 33 U.S.C. s. 1344

⁵ John J. Fumero, *Environmental Law: 1994 Survey of Florida Law – At a Crossroads in Natural Resource Protection and Management in Florida*, 19 Nova L. Rev. 77, 103 (1994).

⁶ s. 373.4165, F.S.

⁷ Ch. 17-342.450, F.A.C. This rule has been amended several times and is now Ch. 62-342.450, F.A.C., effective 5/21/2001.

⁸ In 1996, the Florida Legislature revised the statutes on mitigation banking and the substantive sections of the rules were placed in s. 373.4136, F.S. See the “Legal Authority” section of the Florida Department of Environmental Protection’s website on the Mitigation Banking Rule and Synopsis. This information may be viewed at <http://www.dep.state.fl.us/water/wetlands/mitigation/synopsis.htm> (Last viewed 12/9/2011).

⁹ John J. Fumero, *Environmental Law: 1994 Survey of Florida Law – At a Crossroads in Natural Resource Protection and Management in Florida*, 19 Nova L. Rev. 77, 104 (1994) (citing section 29, Ch. 93-213, Laws of Florida – codified in s. 373.4135, F.S.).

A 'banker' is an entity that creates, operates, manages, or maintains a mitigation bank.¹⁰ A banker must apply for a mitigation bank permit before establishing and operating a mitigation bank.¹¹ Mitigation banks are permitted by DEP or one of the WMDs that have adopted rules based on the location of the bank and activity-based considerations, such as whether the ecological benefits will preserve wetlands losses resulting from development or land use activities or will offset losses to threatened and endangered species.¹² The mitigation bank permit authorizes the implementation and operation of the mitigation bank and sets forth the rights and responsibilities of the banker and DEP for its implementation, management, maintenance and operation.¹³ Specific state mitigation bank permit requirements are contained within s. 373.4136, F.S., and Ch. 62-342.450, F.A.C. Mitigation banks must also go through a federal permitting process overseen by the United States Army Corps of Engineers.

There are separate and distinct requirements for mitigation efforts related to transportation projects.

Mitigation Requirements for Specified Transportation Projects

In 1996,¹⁴ the Florida Legislature found that environmental mitigation efforts related to transportation projects proposed by the Florida Department of Transportation ("DOT") or transportation authorities could be more effectively achieved through regional, long-range mitigation planning rather than on a project-by-project basis. As such, s. 373.4137, F.S., requires DOT to fund mitigation efforts to offset the adverse impacts of transportation projects on wetlands, wildlife and other aspects of the natural environment. Mitigation efforts are required to be carried out by a combination of WMDs and through the use of mitigation banks.

DOT's Role in the Mitigation Process

Section 373.4137, F.S., requires DOT (and transportation authorities) to annually submit (by July 1st) a copy of its adopted work program along with an environmental impact inventory of affected habitats (WMDs are responsible for ensuring compliance with federal permitting requirements). The environmental impact inventory must be submitted to the WMDs and must include the following:

- a description of habitats impacted by transportation projects, including location, acreage and type;
- a statement of the water quality classification of impacted wetlands and other surface waters;
- identification of any other state or regional designations for the habitats; and
- a survey of threatened species, endangered species and species of special concern affected by the proposed project.

WMDs Decision to Involve Mitigation Banks in the Mitigation Process

By March 1st of each year, each WMD must develop a mitigation plan in consultation with DEP, the United States Army Corps of Engineers, DOT, transportation authorities and various other federal, state and local governmental entities and submit the plan to its governing board for review and approval.¹⁵ This plan is, in part, based off of the information provided in the environmental impact inventory and compiled in coordination with mitigation bankers.¹⁶ Among other things, WMDs are required to consider the purchase of credits from properly permitted public or private mitigation banks when developing the plan and shall include this information in the plan when the purchase would:

- offset the impact of the transportation project;

¹⁰ Ch. 62-342.200(1), F.A.C. (2001).

¹¹ Ch. 62-342.200(1), F.A.C. (2001).

¹² See the Florida Department of Environmental Protection's website on the Mitigation and Banking Rule and Procedure Synopsis at <http://www.dep.state.fl.us/water/wetlands/mitigation/synopsis.htm>. (Last viewed 12/9/2011).

¹³ Id.

¹⁴ Section 1., Ch. 96-238, Laws of Florida

¹⁵ s. 373.4137(4), F.S.

¹⁶ s. 373.4137(4), F.S.

- provide equal benefits to the water resources than other mitigation options being considered; and
- provide the most cost-effective mitigation option.¹⁷

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

Florida law also provides that a specific project may be excluded from the mitigation plan in certain instances if DOT, the applicable transportation authority and WMD agree that the efficiency or timeliness of the planning or permitting process would be hampered were the project included. Additionally, a WMD may unilaterally exclude a project from the mitigation plan if appropriate mitigation for the project is not identifiable.¹⁸ At this time, Florida law does not allow DOT to unilaterally elect which projects to include or exclude from the mitigation plan.

Mitigation Credits

Each quarter, DOT and transportation authorities must transfer sufficient funds into escrow accounts within the State Transportation Trust Fund to pay for mitigation of projected acreage impacts resulting from projects identified in the approved mitigation plan. By statute, the amount transferred must correspond to \$75,000/acre of acreage projected to be impacted and must be spent down through the use of 'mitigation credits' throughout the fiscal year. This \$75,000/acre statutory figure was originally based on estimates of the historical average cost per acre that DOT was spending on mitigation on a project-by-project basis in the early 1990's (usually this mitigation was conducted strictly on-site to restore or enhance wetlands directly linked to the impacted area). Over time, the process has changed. Now, this amount is adjusted on July 1st of each year based on the percentage change in the average of the Consumer Price Index. For fiscal year 2011-2012, the adjusted amount is \$104,701 per acre. As defined by statute, a 'mitigation credit' is a unit of measure which represents the increase in ecological value resulting from mitigation efforts on a proposed project or projects.¹⁹ One mitigation credit equals the ecological value gained by successfully creating one acre of wetlands.²⁰

At the end of each quarter, the projected acreage impacts are compared to the actual acreage impacts and escrow balances are adjusted accordingly. Pursuant to the process, and with limited exceptions, WMDs may request a release of funds from the escrow accounts no sooner than 30 days prior to the date the funds are needed to pay for costs associated with the development or implementation of the mitigation efforts. Associated costs relate to, but are not limited to, the following:

- design costs;
- engineering costs;
- production costs; and
- staff support.

Mitigation Expenditures

From 2007 to 2011, DOT's mitigation expenditures have totaled \$169,921,562. WMDs have received \$116,456,080 (68.54%) of the total expenditures, while public and private mitigation banks have received \$38,107,600 (22.43%) of the total expenditures.²¹ During this time, DOT also carried out its own mitigation in cases where mitigation banks were unavailable or the WMD could not identify the

¹⁷ Id.

¹⁸ Id.

¹⁹ s. 373.403(20), F.S.

²⁰ Ch. 62-342.200(5), F.A.C.

²¹ According to DOT, "itemizing mitigation bank purchases by project is not readily available because of the ability to purchase advance mitigation credits and the ability to lump various projects within a single mitigation bank credit purchase."

appropriate amount of mitigation within the existing statutory scheme. These related expenditures amount to \$15,357,882 (9.04%) of total expenditures.

From inception of the DOT mitigation program in 1996 through present time, many acres of wetlands impacts have been – or plan to be – offset across the state. According to its 2011 DOT Mitigation Plan, the St. John's River Water Management District has, as of September 30, 2010, provided 35,036.68 acres of mitigation to offset 1305 acres of wetlands and other surface waters impacts. This total includes the mitigation acreage associated with 132.09 mitigation bank credits. The Southwest Florida Water Management District, according to its draft 2012 DOT Mitigation Plan, has provided (including proposed projects) a total of 814 acres of wetlands impacts.²² This total includes mitigation acreage associated with 44.01 mitigation bank credits purchased from four mitigation banks and two local government regional off-site mitigation areas.²³

Statewide Anticipated Mitigation Inventory for Fiscal Year 2012-2013

For fiscal year 2012-2013,²⁴ the total anticipated mitigation inventory is \$20,068,232. It is anticipated that WMDs will receive \$10,374,303 of the total, while public and private mitigation banks are anticipated to receive \$9,643,929 of the total. DOT also anticipates it will carry out its own mitigation totaling \$50,000.

Effect of Proposed Changes

The bill amends current Florida law to provide DOT the option to choose between water management districts ("WMDs") and private mitigation banks when undertaking mitigation efforts for transportation projects. The bill makes this change by:

- revising legislative intent to encourage the use of public and private mitigation banks and other mitigation options that satisfy state and federal requirements;
- providing an opt-out clause authorizing DOT (and WMDs and participating transportation authorities) to exclude projects from the statutory mitigation plan carried out by WMDs provided specified criteria have been met and specified investigations have been conducted;
- providing that funds held in escrow for the benefit of a WMD may be released if the associated transportation project is excluded in whole or in part from the mitigation plan;
- requiring that mitigation plans be approved by the Florida Department of Environmental Protection ("DEP"), in addition to current WMD approval, before implementation; and
- clarifying when governmental entities outside of the statutory program may create and/or provide mitigation.

Revising Legislative Intent to Encourage the Use of Public and Private Mitigation Banks

The bill amends s. 373.4137(1), F.S., by revising legislative intent to encourage the use of public and private mitigation banks and any other mitigation options that satisfy state and federal requirements. The effect of the proposed change is a removal of legislative intent specifically referencing that mitigation projects be carried out by WMDs. However, the proposed change does not completely remove WMDs from the process. WMDs will still be involved in the statutory program to the following extent:

- the Department of Transportation must submit to the WMDs a list of projects in DOT's adopted work program (along with an environmental impact inventory) which may be impacted by DOT's plan of construction for transportation projects in the next 3 years of the tentative work program;

²² This plan is projected to be approved by the Southwest Florida Water Management District Governing Board on January 31, 2012. The draft plan may be viewed at <http://www.swfwmd.state.fl.us/projects/mitigation/> (Last viewed 1/5/2012).

²³ Id.

²⁴ According to DOT, these figures are current as of 11/17/2011 and are subject to change based on DOT work program changes and/or coordination with WMDs and the U.S. Army Corps of Engineers

- the Department of Transportation and participating transportation authorities will still transfer funds held in escrow to the WMDs to carry out mitigation efforts;
- water management districts will still develop mitigation plans in consultation with DOT and various other agencies;
- the governing board(s) of the WMDs will still be required to review and approve the mitigation plan(s);
- mitigation plans will require approval by DEP, which has supervisory authority²⁵ over all WMDs, before the plans may be implemented;
- water management districts will be given authority to elect to opt-out of the statutory program provided specified criteria has been met and specified investigations have been conducted; and
- water management districts will be required to ensure that DOT's environmental impact inventory and implementation of the mitigation plan meet federal permitting requirements.

Legislative intent related to DOT's funding of these projects is left unchanged.

Opt-out Clause Allowing Projects to be Excluded from the Mitigation Plan(s)

The bill amends s. 373.4137(4)(b), F.S., to provide an opt-out clause authorizing DOT, an applicable transportation authority or the appropriate WMD to unilaterally choose to exclude a project from the mitigation plan provided specified criteria has been met and specified investigations have been conducted. The proposed change strikes the condition precedent that an agreement be reached among DOT, an applicable transportation authority and the appropriate WMD that the efficiency of the planning or permitting process would be hampered were a specified project included. The proposed change also eliminates a WMD's authority to unilaterally choose to exclude a project in whole or in part if the WMD is unable to identify mitigation that would offset impacts of the project. Instead, the bill provides specified criteria that must be used in determining which projects to include or exclude from the mitigation plan. The specified criteria require the following:

- a cost-effectiveness investigation (including a written analysis), which uses credits from a private mitigation bank and considers various factors, such as the nominal cost of using a private mitigation bank compared to the nominal cost of other included (or proposed) projects;
- the value of complying with federal requirements for federal aid projects;
- the value private mitigation banks provide through expedited approval during the federal permitting process as overseen by the U.S. Army Corps of Engineers; and
- the value private mitigation banks provide with regard to state and federal liability for the success of the mitigation project.

Release of Funds Held in Escrow for the Benefit of WMDs When Projects are Excluded

The bill amends s. 373.4137(3)(c), F.S., providing that funds identified for or maintained in an escrow account for the benefit of a WMD may be released if the associated transportation project is excluded in whole or in part from the mitigation plan. The proposed change is in line with the opt-out clause authorizing DOT, a participating transportation authority or a WMD to unilaterally exclude a project from the mitigation plan.

DEP Approval of Mitigation Plan before Implementation

The bill amends s. 373.4137(4), F.S., to require mitigation plans to be submitted to and approved by DEP before implementation. The effect of the proposed change adds an additional requirement that the plan be approved above and beyond the already required approval from the governing board of the applicable WMD. DEP approval of the mitigation plan was a requirement eliminated during the 2005 Regular Legislative Session.²⁶

²⁵ s. 373.026(7), F.S.

²⁶ Chapter 2005-281, Laws of Florida (HB 1681).

Mitigation by Governmental Entities Outside the Statutory Program

The bill creates s. 373.4137(10), F.S., to clarify when governmental entities that are outside the statutory program may create or provide mitigation. Specifically, the bill requires that the mitigation:

- be for the governmental entity's own project;
- use new land that has not been previously purchased for conservation;
- not compete with any permitted, privately owned mitigation bank; and
- have all of its current and future liabilities prefunded in a cash account, or other equivalent financial instrument typically used by private mitigation banks, and established solely for that purpose.

Effective Date

The bill has an effective date of July 1, 2012.

B. SECTION DIRECTORY:

Section 1: Revises legislative intent; provides an opt-out clause authorizing exclusion of projects from the mitigation plan in certain instances; provides for the release of funds held in escrow for excluded projects; requires that mitigation plans be approved by DEP before implementation; prohibits certain entities from providing mitigation unless exceptions apply.

Section 2: Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

Indeterminate.

Expenditures:

Indeterminate. There is potential for additional costs to DOT associated with DEP review and approval of mitigation plans.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Indeterminate.

2. Expenditures:

Indeterminate. Although the proposed change creating subsection (10) does not appear to apply to transportation projects, the proposed change appears to place financial assurance requirements on local governmental entities.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Indeterminate. The impact the proposed changes will have on the cooperative partnership among the various public agencies involved and the private sector is unclear.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect municipal or county government. The bill does not appear to require counties or cities to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

1. The bill refers to "the department" in line 185. As defined in s. 373.019(4), F.S., "department" means "the Department of Environmental Protection or its successor agency or agencies." From the context of the bill, it appears the reference is to the Florida Department of Transportation. The sponsor may wish to make this reference more clear.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to mitigation requirements for
 3 transportation projects; amending s. 373.4137, F.S.;
 4 revising legislative intent to encourage the use of
 5 other mitigation options that satisfy state and
 6 federal requirements; providing the Department of
 7 Transportation or a transportation authority the
 8 option of participating in a mitigation project;
 9 requiring the Department of Transportation or a
 10 transportation authority to submit lists of its
 11 projects in the adopted work program to the water
 12 management districts; requiring a list rather than a
 13 survey of threatened or endangered species and species
 14 of special concern affected by a proposed project;
 15 providing conditions for the release of certain
 16 environmental mitigation funds; prohibiting a
 17 mitigation plan from being implemented unless the plan
 18 is submitted to and approved by the Department of
 19 Environmental Protection; providing additional factors
 20 that must be explained regarding the choice of
 21 mitigation bank; removing a provision requiring an
 22 explanation for excluding certain projects from the
 23 mitigation plan; providing criteria that the
 24 Department of Transportation must use in determining
 25 which projects to include or exclude in the mitigation
 26 plan; prohibiting a governmental entity from providing
 27 or creating mitigation except under specified
 28 circumstances; providing an effective date.

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

Section 1. Subsections (1) and (2), paragraph (c) of subsection (3), and subsections (4) and (5) of section 373.4137, Florida Statutes, are amended, and subsection (10) is added to that section, to read:

373.4137 Mitigation requirements for specified transportation projects.—

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

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

(a) By July 1 of each year, the Department of Transportation or a transportation authority established pursuant to chapter 348 or chapter 349 which chooses to

57 | participate in the program shall submit to the water management
 58 | districts a list ~~copy~~ of its projects in the adopted work
 59 | program and an environmental impact inventory of habitats
 60 | addressed in the rules adopted pursuant to this part and s. 404
 61 | of the Clean Water Act, 33 U.S.C. s. 1344, which may be impacted
 62 | by its plan of construction for transportation projects in the
 63 | next 3 years of the tentative work program. The Department of
 64 | Transportation or a transportation authority established
 65 | pursuant to chapter 348 or chapter 349 may also include in its
 66 | environmental impact inventory the habitat impacts of any future
 67 | transportation project. The Department of Transportation and
 68 | each transportation authority established pursuant to chapter
 69 | 348 or chapter 349 may fund any mitigation activities for future
 70 | projects using current year funds.

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

78 | (3)

79 | (c) Except for current mitigation projects in the
 80 | monitoring and maintenance phase and except as allowed by
 81 | paragraph (d), the water management districts may request a
 82 | transfer of funds from an escrow account no sooner than 30 days
 83 | before ~~prior to~~ the date the funds are needed to pay for
 84 | activities associated with development or implementation of the

85 approved mitigation plan described in subsection (4) for the
 86 current fiscal year, including, but not limited to, design,
 87 engineering, production, and staff support. Actual conceptual
 88 plan preparation costs incurred before plan approval may be
 89 submitted to the Department of Transportation or the appropriate
 90 transportation authority each year with the plan. The conceptual
 91 plan preparation costs of each water management district will be
 92 paid from mitigation funds associated with the environmental
 93 impact inventory for the current year. The amount transferred to
 94 the escrow accounts each year by the Department of
 95 Transportation and participating transportation authorities
 96 established pursuant to chapter 348 or chapter 349 shall
 97 correspond to a cost per acre of \$75,000 multiplied by the
 98 projected acres of impact identified in the environmental impact
 99 inventory described in subsection (2). However, the \$75,000 cost
 100 per acre does not constitute an admission against interest by
 101 the state or its subdivisions and ~~nor~~ is not ~~the cost~~ admissible
 102 as evidence of full compensation for any property acquired by
 103 eminent domain or through inverse condemnation. Each July 1, the
 104 cost per acre shall be adjusted by the percentage change in the
 105 average of the Consumer Price Index issued by the United States
 106 Department of Labor for the most recent 12-month period ending
 107 September 30, compared to the base year average, which is the
 108 average for the 12-month period ending September 30, 1996. Each
 109 quarter, the projected acreage of impact shall be reconciled
 110 with the acreage of impact of projects as permitted, including
 111 permit modifications, pursuant to this part and s. 404 of the
 112 Clean Water Act, 33 U.S.C. s. 1344. The subject year's transfer

113 of funds shall be adjusted accordingly to reflect the acreage of
 114 impacts as permitted. The Department of Transportation and
 115 participating transportation authorities established pursuant to
 116 chapter 348 or chapter 349 are authorized to transfer such funds
 117 from the escrow accounts to the water management districts to
 118 carry out the mitigation programs. Environmental mitigation
 119 funds that are identified for or maintained in an escrow account
 120 for the benefit of a water management district may be released
 121 if the associated transportation project is excluded in whole or
 122 part from the mitigation plan. For a mitigation project that is
 123 in the maintenance and monitoring phase, the water management
 124 district may request and receive a one-time payment based on the
 125 project's expected future maintenance and monitoring costs. Upon
 126 disbursement of the final maintenance and monitoring payment,
 127 the escrow account for the project established by the Department
 128 of Transportation or the participating transportation authority
 129 may be closed. Any interest earned on these disbursed funds
 130 shall remain with the water management district and must be used
 131 as authorized under this section.

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

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

167 | (a) For each transportation project with a funding request
 168 | for the next fiscal year, the mitigation plan must include a

169 brief explanation of why a mitigation bank was or was not chosen
 170 as a mitigation option, including an estimation of identifiable
 171 costs of the mitigation bank and nonbank options and other
 172 factors such as time saved, liability for success of the
 173 mitigation, and long-term maintenance to the extent practicable.

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

184 (c) When determining which projects to include or exclude
 185 from the mitigation plan, the department shall investigate using
 186 credits from a permitted private mitigation bank before those
 187 projects are submitted to, or are allowed to remain in, the
 188 plan.

189 1. The investigation shall include the cost-effectiveness
 190 of private mitigation bank credits.

191 2. The cost-effectiveness analysis must be in writing and
 192 consider:

193 a. How the nominal cost of the private mitigation bank
 194 credits compares with the nominal cost for any given project to
 195 be included in the plan;

196 b. The value of complying with federal transportation

197 policies for federal aid projects;

198 c. The value that private mitigation bank credits provide
 199 as the result of the expedited approvals by the Army Corps of
 200 Engineers when private mitigation banks are used; and

201 d. The value that private mitigation banks provide to the
 202 state and its residents as a result of the state and federal
 203 liability for the success of the mitigation transferring to the
 204 private mitigation bank when credits are purchased from the
 205 private mitigation bank.

206 (5) The water management district shall ensure ~~be~~
 207 ~~responsible for ensuring~~ that mitigation requirements pursuant
 208 to 33 U.S.C. s. 1344 are met for the impacts identified in the
 209 environmental impact inventory described in subsection (2), by
 210 implementation of the approved plan described in subsection (4)
 211 to the extent funding is provided by the Department of
 212 Transportation, or a transportation authority established
 213 pursuant to chapter 348 or chapter 349, if applicable. During
 214 the federal permitting process, the water management district
 215 may deviate from the approved mitigation plan in order to comply
 216 with federal permitting requirements.

217 (10) Except when a governmental entity is part of the
 218 program established by this section, a governmental entity may
 219 not create or provide mitigation unless the mitigation is for
 220 the governmental entity's own project, uses new land that has
 221 not been previously purchased for conservation, does not compete
 222 with any permitted, privately owned mitigation bank, and has all
 223 of its current and future liabilities prefunded in a cash
 224 account, or other equivalent financial instrument typically used

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225 | by private mitigation banks, and established solely for that
226 | purpose.

227 | Section 2. This act shall take effect July 1, 2012.

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Transportation & Highway
2 Safety Subcommittee
3 Representative Pilon offered the following:

Amendment (with title amendment)

6 Remove lines 184-227 and insert:

7 (c) When determining which projects to include or exclude
8 from the mitigation plan, the Department of Transportation shall
9 investigate using credits from a permitted private mitigation
10 bank before those projects are submitted to, or are allowed to
11 remain in, the plan.

12 1. The investigation shall include the cost-effectiveness
13 of private mitigation bank credits.

14 2. The cost-effectiveness analysis must be in writing and
15 consider:

16 a. How the nominal cost of the private mitigation bank
17 credits compares with the nominal cost for any given project to
18 be included in the plan;

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 599 (2012)

Amendment No. 1

19 b. The value of complying with federal transportation
20 policies for federal aid projects;

21 c. The value that private mitigation bank credits provide
22 as the result of the expedited approvals by the Army Corps of
23 Engineers when private mitigation banks are used; and

24 d. The value that private mitigation banks provide to the
25 state and its residents as a result of the state and federal
26 liability for the success of the mitigation transferring to the
27 private mitigation bank when credits are purchased from the
28 private mitigation bank.

29 (5) The water management district shall ensure ~~be~~
30 ~~responsible for ensuring~~ that mitigation requirements pursuant
31 to 33 U.S.C. s. 1344 are met for the impacts identified in the
32 environmental impact inventory described in subsection (2), by
33 implementation of the approved plan described in subsection (4)
34 to the extent funding is provided by the Department of
35 Transportation, or a transportation authority established
36 pursuant to chapter 348 or chapter 349, if applicable. During
37 the federal permitting process, the water management district
38 may deviate from the approved mitigation plan in order to comply
39 with federal permitting requirements.

40 Section 2. Paragraphs (b) through (e) of subsection (1) of
41 section 373.4135, Florida Statutes, are redesignated as
42 paragraphs (c) through (f), respectively, and a new paragraph
43 (b) is added to that subsection, to read:

44 373.4135 Mitigation banks and offsite regional
45 mitigation.-

Amendment No. 1

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

63 (b) Notwithstanding s. 373.4135(5), a governmental entity
64 may not create or provide mitigation for a project other than
65 its own unless the governmental entity uses land that was not
66 previously purchased for conservation and unless the
67 governmental entity provides the same financial assurances as
68 required for mitigation banks permitted under s. 373.4136 and
69 regional offsite mitigation areas permitted under s.
70 373.4135(6). This paragraph does not apply to:

71 1. Mitigation banks permitted prior to December 31, 2011,
72 under s. 373.4136;

Amendment No. 1

73 2. Offsite regional mitigation areas established prior to
74 December 31, 2011, under s. 373.4135(6);

75 3. Mitigation for transportation projects under ss.
76 373.4137 and 373.4139;

77 4. Mitigation for impacts from mining activities under s.
78 373.41492; or

79 5. Mitigation provided for single family lots or
80 homeowners under s. 373.4135(6).

81 Section 3. This act shall take effect upon becoming a law.

82

83

84

T I T L E A M E N D M E N T

85

Remove lines 2-3 and insert:

86

An act relating to mitigation; amending s. 373.4137, F.S.;

87

Remove lines 26-28 and insert:

88

plan; amending s. 373.4135, F.S.; providing the circumstances

89

under which a governmental entity may create or provide

90

mitigation outside of the statutory program; providing an

91

effective date.

92

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 4101 Department of Transportation

SPONSOR(S): Brandes

TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Highway Safety Subcommittee		Johnson <i>JHS</i>	Kruse <i>JK</i>
2) Economic Affairs Committee			

SUMMARY ANALYSIS

The bill repeals a section of law that is currently not being used. Section 479.28, F.S., requires the Department of Transportation (DOT) to implement a rest area information panel or device program in rest areas along the interstate highway system and the federal-aid primary highway system to present information in the specific interest of the traveling public and to promote tourist-oriented businesses.

According to DOT, it has only received two letters of interest related to the program, and neither company participated past a trial period.

The bill repeals s. 479.28, F.S., relating to the rest area information panel or device program.

The bill does not have a fiscal impact on state or local governments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Section 479.28, F.S., requires DOT to implement a rest area information panel or device program in rest areas along the interstate highway system and the federal-aid primary highway system to present information in the specific interest of the traveling public and to promote tourist-oriented businesses. The statute provides that the information panel be designed to accommodate the names, locations, and short messages regarding numerous businesses. It authorizes DOT to contract with private persons for the construction, erection, and maintenance of the devices, whose compensation would be from fees it charged participating businesses. DOT is required to receive from the contractors sufficient revenues to cover the cost of administering the program.

According to DOT, since the law was passed in 1984,¹ it has only received two letters of interest related to the program, and neither company participated past a trial period. DOT has not received any further requests for participation.

Proposed Changes

The bill repeals s. 479.28, F.S., relating to the rest area information panel or device program, which is not being used.

The bill has an effective date of July 1, 2012.

B. SECTION DIRECTORY:

Section 1 Repeals s. 449.28, F.S., relating to the rest area information panel or device program.

Section 2 Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

¹ Ch. 84-227, L.O.F. It was also readopted from a scheduled 1994 repeal in 1991 (ch. 91-429, L.O.F.).

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Repealing s. 479.28, F.S., will enable DOT to repeal ch. 14-99.001, F.A.C., its rule related to the rest area information panel or device program.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

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A bill to be entitled
An act relating to the Department of Transportation;
repealing s. 479.28, F.S., relating to the rest area
information panel or device program; providing an
effective date.
Be It Enacted by the Legislature of the State of Florida:
Section 1. Section 479.28, Florida Statutes, is repealed.
Section 2. This act shall take effect July 1, 2012.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 4141 Strategic Intermodal System

SPONSOR(S): Eisnaugle

TIED BILLS: IDEN./SIM. **BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Highway Safety Subcommittee		Johnson <i>STJ</i>	Kruse <i>MK</i>
2) Economic Affairs Committee			

SUMMARY ANALYSIS

In 2003, the Strategic Intermodal System was established to serve the state's mobility needs, help the state become a worldwide economic leader, enhance economic prosperity and competitiveness, enrich quality of life and reflect responsible environmental stewardship. The 2003 law also created a Statewide Intermodal Transportation Advisory Council to advise and make recommendations to the Legislature and the Department of Transportation on the policies, planning, and funding of intermodal transportation projects. The members of the council are appointed by the Governor, the President of the Senate, and the Speaker of the House of Representatives, and represent various interests involved in the Strategic Intermodal System.

The council is no longer active and held its last meeting in December 2004. The bill eliminates the Statewide Intermodal Transportation Advisory Council.

The bill does not have a fiscal impact.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

In 2003, the Strategic Intermodal System was established to serve the state's mobility needs, help the state become a worldwide economic leader, enhance economic prosperity and competitiveness, enrich quality of life and reflect responsible environmental stewardship.¹ The 2003 law also created a Statewide Intermodal Transportation Advisory Council to advise and make recommendations to the Legislature and DOT on the policies, planning, and funding of intermodal transportation projects. These responsibilities include:

- Advising DOT on the policies, planning, and implementation strategies related to intermodal transportation; and
- Providing advice and recommendations to the Legislature on funding for projects to move goods and people in the most efficient manner for the state.

The members of the council are appointed by the Governor, the President of the Senate, and the Speaker of the House of Representatives, and represent various interests involved in the Strategic Intermodal System. The council is no longer active, and held its last meeting in December 2004.²

Proposed Changes

The bill repeals s. 339.63(5), F.S., to eliminate the Statewide Intermodal Transportation Advisory Council.

The bill has an effective date of July 1, 2012.

B. SECTION DIRECTORY:

Section 1 Amends s. 339.34, F.S., removing provisions creating and providing duties of the Statewide Intermodal Transportation Advisory Council.

Section 2 Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

¹ Department of Transportation Strategic Intermodal System Brochure, July 2008.

² April 16, 2009, e-mail from Department of Transportation to Roads, Bridges & Ports Policy Committee staff.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

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1 A bill to be entitled
 2 An act relating to the Strategic Intermodal System;
 3 amending s. 339.64, F.S.; removing provisions creating
 4 and providing duties of the Statewide Intermodal
 5 Transportation Advisory Council; providing an
 6 effective date.

7
 8 Be It Enacted by the Legislature of the State of Florida:

9
 10 Section 1. Subsections (1), (2), and (5) of section
 11 339.64, Florida Statutes, are amended to read:

12 339.64 Strategic Intermodal System Plan.—

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

21 (2) In association with the continued development of the
 22 Strategic Intermodal System Plan, the Florida Transportation
 23 Commission, as part of its work program review process, shall
 24 conduct an annual assessment of the progress that the department
 25 and its transportation partners have made in realizing the goals
 26 of economic development, improved mobility, and increased
 27 intermodal connectivity of the Strategic Intermodal System. The
 28 Florida Transportation Commission shall coordinate with the

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29 department, ~~the Statewide Intermodal Transportation Advisory~~
 30 ~~Council,~~ and other appropriate entities when developing this
 31 assessment. The Florida Transportation Commission shall deliver
 32 a report to the Governor and Legislature no later than 14 days
 33 after the regular session begins, with recommendations as
 34 necessary to fully implement the Strategic Intermodal System.

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

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

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

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

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

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

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

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

56 ~~c. One representative from an intercity bus company~~

57 ~~providing regularly scheduled bus travel as determined by~~
 58 ~~federal regulations.~~

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

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

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

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

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

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

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

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

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

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

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

77 ~~In no event may this representative be employed by the same~~
 78 ~~company that employs the intermodal trucking company~~
 79 ~~representative selected by the Governor.~~

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

82 ~~1. The initial appointments made by the President of the~~
 83 ~~Senate and the Speaker of the House of Representatives shall~~
 84 ~~serve terms concurrent with those of the respective appointing~~

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85 ~~officer. Beginning January 15, 2005, and for all subsequent~~
 86 ~~appointments, council members appointed by the President of the~~
 87 ~~Senate and the Speaker of the House of Representatives shall~~
 88 ~~serve 2-year terms, concurrent with the term of the respective~~
 89 ~~appointing officer.~~

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

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

94 ~~(d) Each member of the council shall be allowed one vote.~~
 95 ~~The council shall select a chair from among its membership.~~
 96 ~~Meetings shall be held at the call of the chair, but not less~~
 97 ~~frequently than quarterly. The members of the council shall be~~
 98 ~~reimbursed for per diem and travel expenses as provided in s.~~
 99 ~~112.061.~~

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

105 Section 2. This act shall take effect July 1, 2012.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 4143 Transportation Corridors

SPONSOR(S): Eisnaugle

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Highway Safety Subcommittee		Johnson <i>STB</i>	Kruse <i>MC</i>
2) Economic Affairs Committee			

SUMMARY ANALYSIS

In 2003, the Legislature created s. 341.0532, F.S., relating to statewide transportation corridors. Section 341.0532, F.S., designates a number of "statewide transportation corridors" that include railways, highways connecting to transportation terminals, and intermodal service centers. The specified corridors are:

1. The Atlantic Coast Corridor, including I-95, and linking Jacksonville to Miami.
2. The Gulf Coast Corridor, from Pensacola to St. Petersburg and Tampa, including U.S. 98, U.S. 19 and S.R. 27.
3. The Central Florida North-South Corridor, from the Florida-Georgia border to Naples, and Fort Lauderdale/Miami, including I-75.
4. The Central Florida East-West Corridor, from St. Petersburg to Tampa and Titusville, including I-4 and the BeeLine Expressway.
5. The North Florida Corridor, from Pensacola to Jacksonville, including I-10 and U.S. 231, S.R. 77, and S.R. 79.
6. The Jacksonville to Tampa Corridor, including U.S. 301.
7. The Jacksonville to Orlando Corridor, including U.S. 17.
8. The Southeastern Everglades Corridor, linking Wildwood, Winter Garden, Orlando, West Palm Beach via the Florida Turnpike.

The bill repeals s. 341.0532, F.S. which created the statewide transportation corridors. The Department of Transportation has placed a majority of these transportation corridors on the state's Strategic Intermodal System (SIS).

The bill does not have a fiscal impact.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

In 2003, the Legislature created s. 341.0532, F.S., relating to statewide transportation corridors. Section 341.0532, F.S., designates a number of "statewide transportation corridors" that include railways, highways connecting to transportation terminals, and intermodal service centers. The specified corridors are:

1. The Atlantic Coast Corridor, including I-95, and linking Jacksonville to Miami.
2. The Gulf Coast Corridor, from Pensacola to St. Petersburg and Tampa, including U.S. 98, U.S. 19 and S.R. 27.
3. The Central Florida North-South Corridor, from the Florida-Georgia border to Naples, and Fort Lauderdale/Miami, including I-75.
4. The Central Florida East-West Corridor, from St. Petersburg to Tampa and Titusville, including I-4 and the BeeLine Expressway.
5. The North Florida Corridor, from Pensacola to Jacksonville, including I-10 and U.S. 231, S.R. 77, and S.R. 79.
6. The Jacksonville to Tampa Corridor, including U.S. 301.
7. The Jacksonville to Orlando Corridor, including U.S. 17.
8. The Southeastern Everglades Corridor, linking Wildwood, Winter Garden, Orlando, West Palm Beach via the Florida Turnpike.

With very limited exceptions these corridors are also in the Strategic Intermodal System (SIS)¹ which is a statewide network of high-priority transportation facilities, including the state's largest and most significant commercial service airports, spaceport, deepwater seaports, freight rail terminals, passenger rail and intercity bus terminals, rail corridors, waterways and highways. These facilities carry more than 99 percent of all commercial air passengers, virtually all waterborne freight tonnage, almost all rail freight, and more than 68 percent of all truck traffic and 54 percent of total traffic on the State Highway System. The facilities on SIS are designated by the DOT based on criteria provided in ss. 339.61 through 339.64, F.S.²

Section 341.0532, F.S., is not linked to any other section of statute nor is it linked to any transportation funding and is not being used for any purpose.

Proposed Changes

The bill repeals s. 341.0532, F.S. which created the statewide transportation corridors. As mentioned above, most of the corridors are now on DOT's SIS.

The bill has an effective date of July 1, 2012.

B. SECTION DIRECTORY:

Section 1 Repeals s. 341.0532, F.S., relating to statewide transportation corridors; removing the definition of "statewide transportation corridors;" removing provisions that specify certain transportation facilities as transportation corridors.

Section 2 Provides an effective date.

¹ The exceptions are limited portions of U.S. 98 and U.S. 301.

² A list of facilities on the SIS may be obtained at <http://www.dot.state.fl.us/planning/sis/atlas/> (Last viewed December 12, 2011).

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

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2012

1 A bill to be entitled
2 An act relating to transportation corridors; repealing
3 s. 341.0532, F.S., relating to statewide
4 transportation corridors; removing the definition of
5 "statewide transportation corridors"; removing
6 provisions that specify certain transportation
7 facilities as statewide transportation corridors;
8 providing an effective date.

9

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

11

12 Section 1. Section 341.0532, Florida Statutes, is
13 repealed.

14 Section 2. This act shall take effect July 1, 2012.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS for HB 343 Noncriminal Traffic Infractions
SPONSOR(S): Transportation & Highway Safety Subcommittee
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Transportation & Highway Safety Subcommittee		Kiner <i>KLK</i>	Kruse <i>MK</i>

SUMMARY ANALYSIS

The bill relates to the disposition of red-light camera citations and revises the procedure that applies to a person identified on an affidavit as having care, custody, and control of a motor vehicle captured by a traffic infraction detector for an alleged violation of the red-light camera statute. The bill makes these changes by:

- providing that upon receipt of an affidavit, the person identified as having care, custody, and control of the motor vehicle at the time of the violation may be issued a notice of violation before a uniform traffic citation (UTC) is issued; and
- providing that the same procedure that applies to the registered owner under the provisions of the red-light camera statute applies to the person identified as the driver on the affidavit

Under current law, in instances where the registered owner furnishes an affidavit raising the exemption that the vehicle was, at the time of the violation, in the care, custody, or control of another person, the identified person is not issued a notice of violation. Instead, the person is immediately issued a UTC at a higher amount, which includes associated court fees and costs.

The bill provides that upon receipt of an affidavit, the person identified as having care, custody, and control of the motor vehicle at the time of the violation may be issued a notice of violation before issuance of a uniform traffic citation. The effect of the proposed change lifts the time constraints on traffic infraction enforcement officers responsible for mailing notices of violations and uniform traffic citations (UTC) and gives the identified person the same rights as the registered owner.

The bill's fiscal impact is indeterminate.

The bill has an effective date of July 1, 2012.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Traffic Infraction Detectors generally

Traffic infraction detectors, or “red-light cameras,” are used to enforce traffic laws by automatically photographing vehicles whose drivers run red lights. A red light camera is connected to the traffic signal and to sensors that monitor traffic flow at the crosswalk or stop line. The system continuously monitors the traffic signal and the camera is triggered by any vehicle entering the intersection above a pre-set minimum speed and following a specified time after the signal has turned red. A second photograph typically shows the red light violator in the intersection. In some cases, video cameras are used. These video cameras record the license plate number, the date and time of day, the time elapsed since the signal has turned red and the vehicle’s speed.

Traffic Infraction Detectors in Florida

In 2010, the Florida Legislature enacted Chapter 2010-80, Laws of Florida. This legislation expressly preempted to the state regulation of the use of cameras for enforcing the provisions of Chapter 316, Florida Statutes.¹ The legislation also authorized the Department of Highway Safety and Motor Vehicles (DHSMV), counties and municipalities to authorize officials to issue notices of violations for running red lights.²

Installation, Operation, Equipment and Testing Specifications

By statute, traffic infraction detectors must meet placement and installation specifications established by the Florida Department of Transportation (DOT).³ Additionally, traffic infraction detectors must be tested at regular intervals to ensure specified technical and operational requirements are met.⁴ These requirements are published by DOT and are to be conducted in accordance with the manufacturer’s recommendations or County or City testing requirements, whichever is more stringent.⁵ Pursuant to the process, traffic infraction detectors are required to perform and record the results of a daily internal self test sequence that confirms proper operation of each critical system component. If the system fails on one or more portions of the internal self test, the system will render itself inoperable until a successful internal self test is recorded.⁶

During the system test phase, traffic infraction detectors are required to activate and create ‘event information’ consistent with an ‘event,’ when artificially activated. According to DOT specifications, an ‘event’ is defined as the point at which “a motor vehicle fails to stop behind the stop bar or clearly marked stop line when facing a traffic control signal steady red indication.”⁷ With regard to the capturing of ‘event information’ during the testing phase, traffic infraction detectors are required to capture the following:

- a photographic or electronic image of the intersection that includes the rear of the vehicle and license tag at a time the vehicle is in advance (and beyond) of the stop bar or clearly marked stop line with the corresponding traffic control signal steady red light visible in the image; and

¹ s. 316.0776, F.S.

² See generally s. 316.0083, F.S.

³ s. 316.07456, F.S., and s. 316.0776, F.S.

⁴ s. 316.07456, F.S.

⁵ DOT’s Traffic Infraction Detector Equipment and Testing Specifications may be viewed at <http://www.dot.state.fl.us/trafficoperations/Operations/RLRC.shtm> (Last viewed 1/5/2012).

⁶ Id.

⁷ Id.

- if 'right on red' violations are enforced, a minimum of five seconds of streaming video showing the rear of the vehicle (and license tag) in advance of the stop bar or clearly marked stop line with the corresponding traffic control signal steady red light visible in the image. The streaming video must continue until after the vehicle is beyond the stop bar or clearly marked stop line with the corresponding traffic control signal steady red light visible in the image

Notifications and Citations

If a traffic infraction detector catches a motor vehicle running a red light, the visual evidence is captured and reviewed by a traffic infraction enforcement officer. As required by statute, a notice of violation is mailed to the registered owner (first name on registration in cases of joint registration) of the vehicle within 30 days after the alleged violation.⁸ The notice must be accompanied by a photograph or other recorded image of the violation and must include a statement of the vehicle owner's right to review images or video of the violation and the time, place and Internet location where the evidence may be reviewed.⁹ A notice of violation may not be issued if the driver is making a right-hand turn "in a careful and prudent manner."¹⁰

If the registered owner of the vehicle does not submit payment within 30 days of receipt of the notification described above, the traffic infraction enforcement officer must issue a uniform traffic citation (UTC) to the registered owner (first name on registration in cases of joint registration).¹¹ The UTC must be mailed by certified mail and must be issued no later than 60 days after the violation.¹² The UTC must also include the photograph and statements described above regarding review of the photographic and/or video evidence.¹³ The officer's (that initially reviewed the evidence) report and images provided by a traffic infraction detector are admissible in court and provide a rebuttable presumption the owner's vehicle was used to commit the violation.¹⁴

A UTC issued for a violation of the red-light camera statute may be resolved in one of three ways:

- the person cited may pay the fine;
- the person cited may request a hearing; or
- the person cited may furnish an affidavit that raises a statutory exemption

If the person cited elects to do nothing, he or she may have his or her driving privileges suspended.

Fines

A violation of the red-light camera statute carries a \$158 fine. When the traffic infraction detector is owned by a local government, \$75 is retained by the local government and \$83 is deposited with the Department of Revenue (DOR).¹⁵ DOR subsequently distributes the fines by depositing \$70 in the General Revenue Fund, \$10 in the Department of Health Administrative Trust Fund and \$3 in the Brain and Spinal Cord Injury Trust Fund.¹⁶

If a law enforcement officer cites a motorist for a red-light camera violation, the fine is still \$158, but the revenue is distributed from the local clerk of court to DOR, where \$30 is distributed to the General Revenue Fund, \$65 is distributed to the Department of Health Administrative Trust Fund and \$3 is distributed to the Brain and Spinal Cord Injury Trust Fund. The remaining \$60 is distributed in small percentages to a number of funds pursuant to s. 318.21, F.S.¹⁷

⁸ s. 316.0083(1)(b), F.S.

⁹ *Id.*

¹⁰ Section 316.0083(2), F.S.

¹¹ Section 316.0083(1)(c), F.S.

¹² *Id.*

¹³ *Id.*

¹⁴ Section 316.0083(1)(e), F.S.

¹⁵ Section 318.18(15), F.S., s. 316.0083(1)(b)3., F.S.

¹⁶ *Id.*

¹⁷ Section 318.18(15), F.S.

Exemptions

The registered owner of the motor vehicle is responsible for payment of the fine unless the registered owner can establish that the vehicle:

- passed through the intersection to yield the right-of-way to an emergency vehicle or as part of a funeral procession;
- passed through the intersection at the direction of a law enforcement officer;
- was, at the time of the violation, in the care, custody or control of another person; or
- received a UTC for the alleged violation issued by a law enforcement officer

To establish any of these exemptions, the registered owner¹⁸ of the vehicle must furnish an affidavit to the appropriate governmental entity that provides detailed information supporting an exemption provided above, including relevant documents such as a police report (if the car had been reported stolen) or a copy of the UTC, if issued. If the owner submits an affidavit that another driver was behind the wheel, the affidavit must contain the name, address, date of birth, and if known, the operator's driver's license number. In such cases, a UTC will be issued to the identified driver and the affidavit may be used as evidence in any proceeding used to enforce the red-light camera statute. Submission of a false affidavit is a second degree misdemeanor.

No Notice of Violation Issued to Person Named in the Affidavit

In instances where the registered owner furnishes an affidavit raising the exemption that the vehicle was, at the time of the violation, in the care, custody or control of another person, the identified person is not issued a notice of violation. Instead, the person is immediately issued a UTC at a higher amount,¹⁹ which includes associated court fees and costs.²⁰ The immediate issuance of a UTC comes as a result of time constraints imposed by the red-light camera statute. Because a UTC must be issued to the registered owner within 60 days after the date of the violation in cases of nonpayment, there is not enough time to issue another notice of violation – even if the registered owner furnishes an affidavit identifying someone else as the driver. As such, while registered owners are given the opportunity to pay a \$158 fine pursuant to the notice of violation, persons identified on the affidavit are subject to a higher fine and run the risk of having a conviction recorded on their driving record if they elect to attend a hearing and are found to have committed the violation.

Effect of Proposed Changes

The bill revises the procedure that applies to a person identified on an affidavit as having care, custody, and control of a motor vehicle captured by a traffic infraction detector for an alleged violation of the red-light camera statute. The bill makes these changes by:

- providing that upon receipt of an affidavit, the person identified as having care, custody, and control of the motor vehicle at the time of the violation may be issued a notice of violation before a uniform traffic citation (UTC) is issued; and
- providing that the same procedure that applies to the registered owner under the provisions of the red-light camera statute applies to the person identified as the driver on the affidavit

Issuance of a Notice of Violation Before Issuance of a Uniform Traffic Citation

The bill provides that upon receipt of an affidavit, the person identified as having care, custody, and control of the motor vehicle at the time of the violation may be issued a notice of violation before issuance of a uniform traffic citation. The effect of the proposed change lifts the time constraints on

¹⁸ If a vehicle is leased, the owner of the leased vehicle is neither responsible for paying the citation nor required to submit an affidavit if the motor vehicle is registered in the name of the lessee.

¹⁹ The UTC amount varies across jurisdictions due to differing court costs and fees, but is generally above \$200.

²⁰ s. 316.0083(1)(d)3., F.S.

traffic infraction enforcement officers responsible for mailing notices of violations and uniform traffic citations (UTC) and gives the identified person the same rights as the registered owner. Specifically, the bill allows the person identified as having care, custody, and control of the motor vehicle at the time of the violation the opportunity to pay a \$158 fine that is not subject to court costs, fees and risks associated with attending a hearing – namely the possibility of a conviction being recorded on the person's driving record. Additionally, because the bill provides that a notice of violation may be sent to the person identified on the affidavit, the identified person receives the same amount of time as a registered owner of a motor vehicle to pay the imposed fine before a UTC is issued.

The Same Procedure that Applies to the Registered Owner Applies to the Person Identified on an Affidavit

The bill provides that the same procedure that applies to the registered owner under the provisions of the red-light camera statute applies to the person identified on the affidavit as having care, custody, and control of the motor vehicle. The effect of the proposed change will require the same notice of violation sent to a registered owner be sent to the person identified on the affidavit. A notice of violation must be accompanied by a photograph or other recorded image of the violation and must include a statement of the cited person's right to review images or video of the violation and the time, place and Internet location where the evidence may be reviewed. The same procedure for non-payment that applies to a registered owner also applies to a person identified on an affidavit.

Effective Date

The bill has an effective date of July 1, 2012.

B. SECTION DIRECTORY:

Section 1: Provides that a person identified as having care, custody, and control of a motor vehicle used to violate the red-light camera statute may be issued a notice of violation and is subject to the same procedure as a registered owner.

Section 2: Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

Indeterminate. It is unclear if the bill's change to allow a person identified on an affidavit to receive a notice of violation first instead of a uniform traffic citation will reduce or increase the amount of revenue received by state government.

2. Expenditures:

Indeterminate.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Indeterminate. It is unclear if the bill's change to allow a person identified on an affidavit to receive a notice of violation first instead of a uniform traffic citation will reduce or increase the amount of revenue received by local government.

2. Expenditures:

Indeterminate.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The registered owner of a motor vehicle and the person identified as having care, custody, and control of the motor vehicle at the time of the violation will be subject to the same procedure for the disposition of a red-light camera citation.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because the bill does not appear to require the counties or cities to spend funds or take an action requiring the expenditure of funds, reduce the authority that cities or counties have to raise revenues in the aggregate, or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to noncriminal traffic infractions;
 3 amending s. 316.0083; revising the procedures applied
 4 to persons identified as having care, custody, and
 5 control of a motor vehicle used to commit a red-light
 6 camera violation; providing an effective date.

7
 8 Be It Enacted by the Legislature of the State of Florida:

9
 10 Section 1. Paragraphs (a) and (d) of subsection (1) of
 11 section 316.0083, Florida Statutes, are amended to read:

12 316.0083 Mark Wandall Traffic Safety Program;
 13 administration; report.-

14 (1)(a) For purposes of administering this section, the
 15 department, a county, or a municipality may authorize a traffic
 16 infraction enforcement officer under s. 316.640 to issue a
 17 traffic citation for a violation of s. 316.074(1) or s.
 18 316.075(1)(c)1. A notice of violation and a traffic citation may
 19 not be issued for failure to stop at a red light if the driver
 20 is making a right-hand turn in a careful and prudent manner at
 21 an intersection where right-hand turns are permissible. This
 22 paragraph does not prohibit a review of information from a
 23 traffic infraction detector by an authorized employee or agent
 24 of the department, a county, or a municipality before issuance
 25 of the traffic citation by the traffic infraction enforcement
 26 officer. This paragraph does not prohibit the department, a
 27 county, or a municipality from issuing notification as provided
 28 in paragraph (b) to the registered owner of the motor vehicle or

29 to another person identified as having care, custody, and
 30 control of the motor vehicle involved in the violation of s.
 31 316.074(1) or s. 316.075(1)(c)1.

32 (d)1. The owner of the motor vehicle involved in the
 33 violation is responsible and liable for paying the uniform
 34 traffic citation issued for a violation of s. 316.074(1) or s.
 35 316.075(1)(c)1. when the driver failed to stop at a traffic
 36 signal, unless the owner can establish that:

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

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

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

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

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

52 a. An affidavit supporting an exemption under sub-
 53 subparagraph 1.c. must include the name, address, date of birth,
 54 and, if known, the driver's license number of the person who
 55 leased, rented, or otherwise had care, custody, or control of
 56 the motor vehicle at the time of the alleged violation. If the

57 | vehicle was stolen at the time of the alleged offense, the
 58 | affidavit must include the police report indicating that the
 59 | vehicle was stolen.

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

64 | 3. Upon receipt of an affidavit, the person designated as
 65 | having care, custody, and control of the motor vehicle at the
 66 | time of the violation may be issued a notice of violation
 67 | pursuant to paragraph (b) ~~traffic citation~~ for a violation of s.
 68 | 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop
 69 | at a traffic signal. The affidavit is admissible in a proceeding
 70 | pursuant to this section for the purpose of providing proof that
 71 | the person identified in the affidavit was in actual care,
 72 | custody, or control of the motor vehicle. The owner of a leased
 73 | vehicle for which a traffic citation is issued for a violation
 74 | of s. 316.074(1) or s. 316.075(1)(c)1. when the driver failed to
 75 | stop at a traffic signal is not responsible for paying the
 76 | traffic citation and is not required to submit an affidavit as
 77 | specified in this subsection if the motor vehicle involved in
 78 | the violation is registered in the name of the lessee of such
 79 | motor vehicle.

80 | 4. Subparagraphs (b) and (c) of subsection (1) apply to
 81 | the person identified on the affidavit, except that the
 82 | notification under subparagraph(b)1.a. must be sent within 30
 83 | days after receipt of an affidavit and the traffic citation
 84 | mailed pursuant to subparagraph (c)1.d. must be mailed no later

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85 | than 60 days after the date of receipt of an affidavit.

86 | 5 4. The submission of a false affidavit is a misdemeanor
87 | of the second degree, punishable as provided in s. 775.082 or s.
88 | 775.083.

89 | Section 2. This act shall take effect July 1, 2012.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB THSS 12-01 An act relating to Designations
SPONSOR(S): Transportation & Highway Safety Subcommittee
TIED BILLS: IDEN./SIM. **BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Transportation & Highway Safety Subcommittee		Johnson <i>AS</i>	Kruse <i>ME</i>

SUMMARY ANALYSIS

State law provides for legislative designations of transportation facilities for honorary or memorial purposes, or to distinguish a particular facility. The legislative designations do not officially change the current names of the facilities, nor does the law require local governments and private entities to change street signs, mailing addresses, or 911 emergency telephone-number system listings.

The bill makes the following designations and directs the Department of Transportation to erect suitable markers for each of these designations:

- SP4 Thomas Berry Corbin Memorial Highway and U.S. Navy BMC Samuel Calhoun Chavous Jr., Memorial Highway in Dixie County.
- Marine Lance Corporal Brian R. Buesing Memorial Highway, United States Army Sergeant Karl A. Campbell Memorial Highway, and U.S. Army SPC James A. Page Memorial Highway in Levy County.
- Alma Lee Loy Bridge in Indian River County.
- Joyce Webb Nobles Bridge in Escambia County
- Corporal Michael Joseph Roberts Memorial Highway and Ivey E. Cannon Memorial Bridge in Hillsborough County.
- Edna S. Hargrett-Thrower Avenue in Orange County.
- USS Stark Memorial Drive and Duval County Law Enforcement Memorial Overpass in Duval County.
- Coach Jimmy Carnes Boulevard in Alachua County.
- Harry T. and Harriette V. Moore Memorial Highway in Brevard County.
- Whale Harbor Joe Roth, Jr. Bridge in Monroe County.
- Jim Mandich Memorial Highway, Tanya Martin Oubre Pikel Street, Jacob Fleishman Street, Margaret Haines Street, Florencio 'Kiko' Pernas Avenue, and Dr. Oscar Elias Biscet Boulevard in Miami-Dade County.
- Florida Highway Patrol Trooper Nicholas G. Sottile Memorial in Highlands County.
- Captain Jim Reynolds, Jr., USAF "Malibu" Road in Lake County.
- Mardi Gras Way, West Park Boulevard and Pembroke Park Boulevard in Broward County.
- Sheriff Stanley H. Cannon Memorial Highway in Lafayette County.
- Veterans Memorial Highway in Putnam County.
- Santa Fe Military Trail in Bradford, Union, and Columbia Counties.

The bill also corrects errors in the Miss Lillie Williams Boulevard and the Father Jean-Juste Street designations that passed in 2010.

The bill has an estimated negative fiscal impact of \$28,000, which is the cost to the Department of Transportation to erect the markers.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Section 334.071, F.S., provides for legislative designations of transportation facilities for honorary or memorial purposes, or to distinguish a particular facility. The legislative designations do not officially change the current names of the facilities, nor does the statute require local governments and private entities to change street signs, mailing addresses, or 911 emergency telephone-number system listings.

The statute requires the Department of Transportation (DOT) to place a marker at each terminus or intersection of an identified road or bridge, and to erect other markers it deems appropriate for the transportation facility. The statute also provides that a city or county must pass a resolution in support of a particular designation before road markers are erected. Additionally, if the designated road segment extends through multiple cities or counties, a resolution must be passed by each affected local government.

- SP4 Thomas Berry Corbin was killed in combat in South Vietnam in 1968. He received the Army Silver Star.
- Navy BMC Samuel Calhoun Chavous, Jr., was killed in combat in South Vietnam in 1968.
- Marine Lance Cpl. Brian Rory Buesing was killed in combat in Iraq in 2003.
- Army Sgt. Karl Andrew Campbell was killed in Afghanistan in 2010.
- Army SPC. James Anthony Page was killed in Afghanistan in 2010.
- Alma Lee Loy was the first woman elected to the Indian River County Commission.
- Joyce Webb Nobles cut the ribbon when the East Cervantes Street Bridge (State Road 10A) in Pensacola opened in 1935 and when a concrete bridge replaced the original wooden structure.
- Corporal Michael Joseph Roberts was a Tampa Police Officer who was shot and killed in the line of duty on August 19, 2009.
- Edna Sampson Hargrett-Thrower was the head of the Choral Music department at Jones High School in Orlando. She passed away on April 19, 2010
- Based in Mayport, FL., the USS Stark was attacked by an Iraqi jet fighter in 1987, killing 37 American sailors.
- Coach Jimmy Carnes was the track coach at the University of Florida from 1965 to 1976. He passed away on March 3, 2011.
- Harry T. and Harriette V. Moore were early pioneers of the civil rights movement who were killed for their activities on December 25, 1951.
- Joe Roth, Jr., was a philanthropist and entrepreneur in the Florida Keys.
- Jim Mandich was a player for the Miami Dolphins and a radio host and commentator.
- Florida Highway Patrol Trooper Sgt. Nicholas G. Sottile was killed in the line of duty on January 12, 2007.
- Captain Jim Reynolds, Jr., USAF "Malibu" was killed during a training mission at the Nellis Air Force Base Range in Nevada in 1993.
- Tanya Martin Oubre Pekel was a Miami native who served as an associate director of Education and Policy Planning in the Clinton White House. She passed away on May 22, 2006.
- Jacob Fleishman founded Jacob Fleishman Cold Storage, a fourth generation family business.
- Margaret Haines is active in community outreach activities in Miami-Dade County.
- Sheriff Stanley H. Cannon was sheriff of Lafayette County from 1971 to 1980. He passed away on May 11, 2011.
- Florencio "Kiko" Pernas: after emigrating from Cuba he owned several video stores and pawn shops in Hialeah.

- Dr. Óscar Elías Biscet is a Cuban medical professional and a noted advocate for human rights who is currently in prison in Cuba for alleged crimes against the sovereignty and the integrity of Cuba.
- Ivey E. Cannon was a farmer in Hillsborough County since 1935 who also operated the Blackwater Creek Ultralight Flight Park since 1983. He passed away on June 16, 2004.

Proposed Changes

The bill makes the following honorary designations:

- That portion of U.S. Highway 19/27A/98/State Road 55 between the Suwannee River Bridge and N.E. 592nd Street/Chavous Road/Kate Green Road in Dixie County as "SP4 Thomas Berry Corbin Memorial Highway."
- That portion of U.S. Highway 19/98/State Road 55 between N.E. 592nd Street/Chavous Road/Kate Green Road and N.E. 170th Street in Dixie County as "U.S. Navy BMC Samuel Calhoun Chavous, Jr., Memorial Highway."
- That portion of State Road 24 between County Road 347 and Bridge Number 340053 in Levy County as "Marine Lance Corporal Brian R. Buesing Memorial Highway."
- That portion of U.S. Highway 19/98/State Road 55/S. Main Street between N.W. 1st Avenue and S.E. 2nd Avenue in Levy County as "United States Army Sergeant Karl A. Campbell Memorial Highway."
- That portion of U.S. Highway 27A/State Road 500/Hathaway Avenue between State Road 24/Thrasher Drive and Town Court in Levy County as "U.S. Army SPC James A. Page Memorial Highway."
- Bridge Number 880077 on State Road 656 in Indian River County between State Road A1A and Indian River Boulevard in Vero Beach as "Alma Lee Loy Bridge."
- The U.S. Highway 90/98, State Road 10A, East Cervantes Street Bridge (Bridge Number 480198) in Escambia County as "Joyce Webb Nobles Bridge."
- I-275 in Hillsborough County between the Livingston Avenue Bridge and the intersection with I-75 at the Hillsborough-Pasco County line as "Corporal Michael Joseph Roberts Memorial Highway."
- That portion of Orange Blossom Trail between Gore Street and Church Street in Orange County as "Edna S. Hargrett-Thrower Avenue."
- That portion of State Road 101/Mayport Road between State Road A1A and Wonderwood Connector in Duval County as "USS Stark Memorial Drive."
- That portion of S.W. 23rd Street, in front of James G. Pressley Stadium and 4211 S.W. 23rd Street, between S.W. 2nd Avenue and Fraternity Row/Drive in Alachua County as "Coach Jimmy Carnes Boulevard."
- That portion of State Road 46 in Brevard County from U.S. 1 to the Volusia County line as "Harry T. and Harriette V. Moore Memorial Highway."
- The Interstate 295/State Road 9A overpass (Bridge Numbers 720256 and 720347) over Interstate 10/State Road 8 in Duval County as "Duval County Law Enforcement Memorial Overpass."
- Whale Harbor Bridge (Bridge Number 900076) on U.S. Highway 1/State Road 5 in Monroe County as "Whale Harbor Joe Roth, Jr. Bridge."
- That portion of SR 826/Palmetto Expressway between on-ramp 87260330 and on-ramp 87260333 in Miami-Dade County is designated as "Jim Mandich Memorial Highway."
- Milepost 22.182 on U.S. Highway 27 in Highlands County as "Florida Highway Trooper Sgt. Nicholas G. Sottile Memorial."
- That portion of State Road 44 in Lake County between U.S. Highway 441 and State Road 44/East Orange Avenue near Eustis as "Captain Jim Reynolds, Jr., USAF "Malibu" Road."
- That portion of State Road 932/N.E. 103rd Street between N.W. 3rd Avenue and N.E. 6th Avenue in Miami-Dade County as "Tanya Martin Oubre Pekel Street."
- That portion of State Road 934/N.W. 79th Street between N.W. 14th Avenue and N.W. 7th Avenue in Miami-Dade County as Jacob Fleishman Street.

- That portion of N.W. 59th Street between N.W. 27th Avenue and N.W. 25th Avenue in Miami-Dade County as “Margaret Haines Street.”
- That portion of State Road 824 between Interstate 95/State Road 9 and U.S. Highway 1/State Road 5 in Broward County as “Mardi Gras Way.”
- That portion of U.S. Highway 441/State Road 7 between State Road 824/Pembroke Road and State Road 852/N.W. 215th Street/County Line Road in Broward County as “West Park Boulevard.”
- That portion of State Road 858/Hallandale Beach Boulevard between Interstate 95/State Road 9 and S.W. 56th Avenue in Broward County as “Pembroke Park Boulevard.”
- That portion of State Road 51 between Cooks Hammock and the Lafayette/Taylor County Line in Lafayette County as “Sheriff Stanley H. Cannon Memorial Highway.”
- That portion of State Road 19 in Putnam County between U.S. 17/State Road 15 and Carriage Drive as “Veterans Memorial Highway.”
- That portion of County Road 18 in Bradford, Union, and Columbia Counties between State Road 100 in Bradford County and State Road 20 in Columbia County as “Santa Fe Military Trail.”
- That portion of State Road 953/LeJeune Road/N.E. 8th Avenue between East 32nd street and East 41st Street in Miami-Dade County as “Florencio ‘Kiko’ Pernas Avenue.”
- That portion of State Road 972/S.W. 22nd Street between S.W. 32nd Avenue and S.W. 37th Avenue/Douglas Road in Miami-Dade County as “Dr. Oscar Elias Biscet Boulevard.”
- Bridge Numbers 100646 and 100647 on Paul S. Buchman Highway/State Road 39 between County Line Road and Half Mile Road in Hillsborough County as “Ivey E. Cannon Memorial Bridge.”

The bill directs DOT to erect suitable markers designating each of the above designations.

The bill also amends the “Miss Lillie Williams Boulevard” and “Father Gerard Jean-Juste Street” designations which were created in 2010 in order to correct errors in the previous designations.¹

The bill has an effective date of July 1, 2012.

B. SECTION DIRECTORY:

- | | |
|-----------|---|
| Section 1 | Designates the SP4 Thomas Berry Corbin Memorial Highway; directs DOT to erect suitable markers. |
| Section 2 | Designates the U.S. Navy BMC Samuel Calhoun Chavous, Jr. Memorial Highway; directs DOT to erect suitable markers. |
| Section 3 | Designates the Marine Lance Corporal Brian R. Buesing Memorial Highway; directs DOT to erect suitable markers. |
| Section 4 | Designates the Army Sergeant Karl A. Campbell Memorial Highway; directs DOT to erect suitable markers. |
| Section 5 | Designates the U.S. Army SPC James A. Page Memorial Highway; directs DOT to erect suitable markers. |
| Section 6 | Designates the Alma Lee Loy Bridge; directs DOT to erect suitable markers. |
| Section 7 | Designates the Joyce Webb Nobles Bridge; directs DOT to erect suitable markers. |
| Section 8 | Designates the Corporal Michael Joseph Roberts Memorial Highway; directs DOT to erect suitable markers. |

¹ Ch. 2010-230, L.O.F.

- Section 9 Designates Edna S. Hargrett-Thrower Avenue; directs DOT to erect suitable markers.
- Section 10 Designates USS Stark Memorial Drive; directs DOT to erect suitable markers.
- Section 11 Designates Coach Jimmy Carnes Boulevard; directs DOT to erect suitable markers.
- Section 12 Designates Harry T. and Harriette V. Moore Memorial Highway; directs DOT to erect suitable markers.
- Section 13 Designates Duval County Law Enforcement Memorial Overpass; directs DOT to erect suitable markers.
- Section 14 Designates Whale Harbor Joe Roth, Jr. Bridge; directs DOT to erect suitable markers.
- Section 15 Designates Jim Mandich Memorial Highway; directs DOT to erect suitable markers.
- Section 16 Designates Florida Highway Patrol Trooper Sgt. Nicholas G. Sottile Memorial; directs DOT to erect suitable markers.
- Section 17 Designates Captain Jim Reynolds, Jr., USAF "Malibu" Road; directs DOT to erect suitable markers.
- Section 18 Designates Tanya Marie Oubre Pekel Street; directs DOT to erect suitable markers.
- Section 19 Designates Jacob Fleishman Street; directs DOT to erect suitable markers.
- Section 20 Designates Margaret Haines Street; directs DOT to erect suitable markers.
- Section 21 Designates Mardi Gras Way; directs DOT to erect suitable markers.
- Section 22 Designates West Park Boulevard; directs DOT to erect suitable markers.
- Section 23 Designates Pembroke Park Boulevard; directs DOT to erect suitable markers.
- Section 24 Designates Sheriff Stanley H. Cannon Memorial Highway; directs DOT to erect suitable markers.
- Section 25 Designates Veterans Memorial Highway; directs DOT to erect suitable markers.
- Section 26 Designates Santa Fe Military Trail; directs DOT to erect suitable markers.
- Section 27 Designates Florencio 'Kiko' Pernas Avenue; directs DOT to erect suitable markers.
- Section 28 Designates Dr. Oscar Elias Biscet Boulevard; directs DOT to erect suitable markers.
- Section 29 Designates Ivey E. Cannon Memorial Bridge; directs DOT to erect suitable markers.
- Section 30 Amends s. 24 of ch. 2010-230, L.O.F., amending the "Miss Lillie Williams Boulevard" designation.
- Section 31 Amends s. 45 of ch. 2010-230, L.O.F., amending the "Father Jean-Juste Street." designation.
- Section 32 Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

DOT will incur costs of approximately \$28,000 (from the State Transportation Trust Fund) for erecting markers for the designations. This is based on the assumption that two markers for each designation will be erected at a cost of \$500 per marker. DOT will also incur the recurring costs of maintaining these signs over time, and for future replacement of the signs as necessary. However, the Florencio 'Kiko' Pernas designation indicates that the signage and installation is to be paid by the Pernas family.²

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The Coach Jimmy Carnes Boulevard, Margaret Haines Street, and the Santa Fe Trail designations are not on the State Highway System.

² The estimated expenditures do not include a sign for the Florencio 'Kiko' Pernas designation.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

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1 A bill to be entitled
 2 An act relating to designations; providing honorary
 3 designations of various transportation facilities in
 4 specified counties; directing the Department of
 5 Transportation to erect suitable markers; revising
 6 designations in a specified county; providing an
 7 effective date.

8
 9 Be It Enacted by the Legislature of the State of Florida:

10
 11 Section 1. SP4 Thomas Berry Corbin Memorial Highway
 12 designated; Department of Transportation to erect suitable
 13 markers.-

14 (1) That portion of U.S. 19/27A/98/State Road 55 between
 15 the Suwannee River Bridge and N.E. 592nd Street/Chavous
 16 Road/Kate Green Road in Dixie County is designated as "SP4
 17 Thomas Berry Corbin Memorial Highway."

18 (2) The Department of Transportation is directed to erect
 19 suitable markers designating SP4 Thomas Berry Corbin Memorial
 20 Highway as described in subsection (1).

21 Section 2. U.S. Navy BMC Samuel Calhoun Chavous, Jr.,
 22 Memorial Highway designated; Department of Transportation to
 23 erect suitable markers.-

24 (1) That portion of U.S. 19/98/State Road 55 between N.E.
 25 592nd Street/Chavous Road/Kate Green Road and N.E. 170th Street
 26 in Dixie County is designated as "U.S. Navy BMC Samuel Calhoun
 27 Chavous, Jr. Memorial Highway."

28 Section 3. Marine Lance Corporal Brian R. Buesing Memorial

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29 Highway designated; Department of Transportation to erect
 30 suitable markers.-

31 (1) That portion of State Road 24 between County Road 347
 32 and Bridge Number 340053 in Levy County is designated as "Marine
 33 Lance Corporal Brian R. Buesing Memorial Highway."

34 (2) The Department of Transportation is directed to erect
 35 suitable markers designating Marine Lance Corporal Brian R.
 36 Buesing Memorial Highway as described in subsection (1).

37 Section 4. United States Army Sergeant Karl A. Campbell
 38 Memorial Highway designated; Department of Transportation to
 39 erect suitable markers.-

40 (1) That portion of U.S. 19/98/State Road 55/South Main
 41 Street between N.W. 1st Avenue and S.E. 2nd Avenue in Levy
 42 County is designated as "United States Army Sergeant Karl A.
 43 Campbell Memorial Highway."

44 (2) The Department of Transportation is directed to erect
 45 suitable markers designating United States Army Sergeant Karl A.
 46 Campbell Memorial Highway as described in subsection (1).

47 Section 5. U.S. Army SPC James A. Page Memorial Highway
 48 designated; Department of Transportation to erect suitable
 49 markers.-

50 (1) That portion of U.S. 27A/State Road 500/Hathaway
 51 Avenue between State Road 24/Thrasher Drive and Town Court in
 52 Levy County is designated as "U.S. Army SPC James A. Page
 53 Memorial Highway."

54 (2) The Department of Transportation is directed to erect
 55 suitable markers designating U.S. Army SPC James A. Page
 56 Memorial Highway as described in subsection (1).

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57 Section 6. Alma Lee Loy Bridge designated; Department of
 58 Transportation to erect suitable markers.-

59 (1) Bridge Number 880077 on State Road 656 between State
 60 Road A1A and Indian River Boulevard in the City of Vero Beach in
 61 Indian River County is designated as "Alma Lee Loy Bridge."

62 (2) The Department of Transportation is directed to erect
 63 suitable markers designating Alma Lee Loy Bridge as described in
 64 subsection (1).

65 Section 7. Joyce Webb Nobles Bridge designated; Department
 66 of Transportation to erect suitable markers.-

67 (1) The U.S. Highway 90/98, State Road 10A, East Cervantes
 68 Street Bridge (Bridge Number 480198) in Escambia County is
 69 designated as "Joyce Webb Nobles Bridge."

70 (2) The Department of Transportation is directed to erect
 71 suitable markers designating Joyce Webb Nobles Bridge as
 72 described in subsection (1).

73 Section 8. Corporal Michael Joseph Roberts Memorial
 74 Highway designated; Department of Transportation to erect
 75 suitable markers.-

76 (1) That portion of I-275 in Hillsborough County between
 77 the Livingston Avenue Bridge and the intersection with I-75 at
 78 the Hillsborough-Pasco County line is designated as "Corporal
 79 Michael Joseph Roberts Memorial Highway."

80 (2) The Department of Transportation is directed to erect
 81 suitable markers designating the Corporal Michael Joseph Roberts
 82 Memorial Highway as described in subsection (1).

83 Section 9. Edna S. Hargrett-Thrower Avenue designated;
 84 Department of Transportation to erect suitable markers.-

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85 (1) That portion of Orange Blossom Trail between W. Gore
 86 Street and W. Church Street in Orange County is designated as
 87 "Edna S. Hargrett-Thrower Avenue."

88 (2) The Department of Transportation is directed to erect
 89 suitable markers designating Edna S. Hargrett-Thrower Avenue as
 90 described in subsection (1).

91 Section 10. USS Stark Memorial Drive designated;
 92 Department of Transportation to erect suitable markers.-

93 (1) That portion of State Road 101/Mayport Road between
 94 State Road A1A and Wonderwood Connector in Duval County is
 95 designated as "USS Stark Memorial Drive."

96 (2) The Department of Transportation is directed to erect
 97 suitable markers designating USS Stark Memorial Drive as
 98 described in subsection (1).

99 Section 11. Coach Jimmy Carnes Boulevard designated;
 100 Department of Transportation to erect suitable markers.-

101 (1) That portion of S.W. 23rd Street, in front of James G.
 102 Pressly Stadium and 4211 S.W. 23rd Street, between S.W. 2nd
 103 Avenue and Fraternity Row/Drive in Alachua County is designated
 104 as "Coach Jimmy Carnes Boulevard."

105 (2) The Department of Transportation is directed to erect
 106 suitable markers designating Coach Jimmy Carnes Boulevard as
 107 described in subsection (1).

108 Section 12. Harry T. and Harriette V. Moore Memorial
 109 Highway designated; Department of Transportation to erect
 110 suitable markers.-

111 (1) That portion of State Road 46 in Brevard County from
 112 U.S. 1 to the Volusia County line is designated as "Harry T. and

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113 Harriette V. Moore Memorial Highway."

114 (2) The Department of Transportation is directed to erect
 115 suitable markers designating Harry T. and Harriette V. Moore
 116 Memorial Highway as described in subsection (1).

117 Section 13. Duval County Law Enforcement Memorial Overpass
 118 designated; Department of Transportation to erect suitable
 119 markers.-

120 (1) The Interstate 295/State Road 9A overpass (Bridge Nos.
 121 720256 and 720347) over Interstate 10/State Road 8 in Duval
 122 County is designated the "Duval County Law Enforcement Memorial
 123 Overpass."

124 (2) The Department of Transportation is directed to erect
 125 suitable markers designating the Duval County Law Enforcement
 126 Memorial Overpass as described in subsection (1).

127 Section 14. Whale Harbor Joe Roth, Jr. Bridge designated;
 128 Department of Transportation to erect suitable markers.-

129 (1) Whale Harbor Bridge (Bridge Number 900076) on U.S.
 130 Highway 1/State Road 5 in Monroe County is designated as "Whale
 131 Harbor Joe Roth, Jr. Bridge."

132 (2) The Department of Transportation is directed to erect
 133 suitable markers designating Whale Harbor Joe Roth, Jr. Bridge
 134 as described in subsection (1).

135 Section 15. Jim Mandich Memorial Highway designated;
 136 Department of Transportation to erect suitable markers.-

137 (1) That portion of SR 826/Palmetto Expressway between on-
 138 ramp 87260330 and on-ramp 87260333 in Miami-Dade County is
 139 designated as "Jim Mandich Memorial Highway."

140 (2) The Department of Transportation is directed to erect

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141 suitable markers designating Jim Mandich Memorial Highway as
 142 described in subsection (1).

143 Section 16. Florida Highway Patrol Trooper Sgt. Nicholas
 144 G. Sottile Memorial designated; Department of Transportation to
 145 erect suitable markers.-

146 (1) Milepost 22.182 on U.S. Highway 27 in Highlands County
 147 is designated as "Florida Highway Patrol Trooper Sgt. Nicholas
 148 G. Sottile Memorial."

149 (2) The Department of Transportation is directed to erect
 150 suitable markers designating Florida Highway Patrol Trooper Sgt.
 151 Nicholas G. Sottile Memorial as described subsection (1).

152 Section 17. Captain Jim Reynolds, Jr., USAF "Malibu" Road
 153 designated; Department of Transportation to erect suitable
 154 markers.-

155 (1) That portion of State Road 44 in Lake County between
 156 U.S. Highway 441 and State Road 44/East Orange Avenue near
 157 Eustis is designated as "Captain Jim Reynolds, Jr., USAF
 158 "Malibu" Road."

159 (2) The Department of Transportation is directed to erect
 160 suitable markers designating Captain Jim Reynolds, Jr., USAF
 161 "Malibu" Road as described in subsection (1).

162 Section 18. Tanya Martin Oubre Pekel Street designated;
 163 Department of Transportation to erect suitable markers.-

164 (1) That portion of State Road 932/N.E. 103rd Street
 165 between N.W. 3rd Avenue and N.E. 6th Avenue in Miami-Dade County
 166 is designated as "Tanya Martin Oubre Pekel Street."

167 (2) The Department of Transportation is directed to erect
 168 suitable markers designating Tanya Martin Oubre Pekel Street as

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169 described in subsection (1).

170 Section 19. Jacob Fleishman Street designated; Department
 171 of Transportation to erect suitable markers.-

172 (1) That portion of State Road 934/N.W. 79th Street
 173 between N.W. 14th Avenue and N.W. 9th Avenue in Miami-Dade
 174 County is designated as "Jacob Fleishman Street."

175 (2) The Department of Transportation is directed to erect
 176 suitable markers designating Jacob Fleishman Street as described
 177 in subsection (1).

178 Section 20. Margaret Haines Street designated; Department
 179 of Transportation to erect suitable markers.-

180 (1) That portion of N.W. 59th Street between N.W. 27th
 181 Avenue and N.W. 25th Avenue in Miami-Dade County is designated
 182 as "Margaret Haines Street."

183 (2) The Department of Transportation is directed to erect
 184 suitable markers designating Margaret Haines Street as described
 185 in subsection (1).

186 Section 21. Mardi Gras Way designated; Department of
 187 Transportation to erect suitable markers.-

188 (1) That portion of State Road 824 between Interstate
 189 95/State Road 9 and U.S. Highway 1/State Road 5 in Broward
 190 County is designated as "Mardi Gras Way."

191 (2) The Department of Transportation is directed to erect
 192 suitable markers designating Mardi Gras Way as described in
 193 subsection (1).

194 Section 22. West Park Boulevard designated; Department of
 195 Transportation to erect suitable markers.-

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196 (1) That portion of U.S. Highway 441/State Road 7 between
 197 State Road 824/Pembroke Road and State Road 852/N.W. 215th
 198 Street/County Line Road in Broward County is designated as "West
 199 Park Boulevard."

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

203 Section 23. Pembroke Park Boulevard designated; Department
 204 of Transportation to erect suitable markers.-

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

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

212 Section 24. Sheriff Stanley H. Cannon Memorial Highway
 213 designated; Department of Transportation to erect suitable
 214 markers.-

215 (1) That portion of State Road 51 between Cooks Hammock and
 216 the Lafayette/Taylor County Line in Lafayette County is
 217 designated as "Sheriff Stanley H. Cannon Memorial Highway."

218 (2) The Department of Transportation is directed to erect
 219 suitable markers designating Sheriff Stanley H. Cannon Memorial
 220 Highway as described in subsection (1).

221 Section 25. Veterans Memorial Highway designated;
 222 Department of Transportation to erect suitable markers.-

223 (1) That portion of State Road 19 in Putnam County between

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224 U.S. 17/State Road 15 and Carriage Drive is designated as
 225 "Veterans Memorial Highway."

226 (2) The Department of Transportation is directed to erect
 227 suitable markers designating Veterans Memorial Highway as
 228 described in subsection (1).

229 Section 26. Santa Fe Military Trail designated; Department
 230 of Transportation to erect suitable markers.-

231 (1) That portion of County Road 18 in Bradford, Union, and
 232 Columbia Counties between State Road 100 in Bradford County and
 233 State Road 20 in Columbia County is designated as "Santa Fe
 234 Military Trail."

235 (2) The Department of Transportation is directed to erect
 236 suitable markers designating Santa Fe Military Trail as
 237 described in subsection (1).

238 Section 27. Florencio 'Kiko' Pernas Avenue designated;
 239 Department of Transportation to erect suitable markers.

240 (1) That portion of State Road 953/LeJeune Road/N.E. 8th
 241 Avenue between East 32nd Street and East 41st Street in Miami-
 242 Dade County is designated as "Florencio 'Kiko' Pernas Avenue."

243 (2) The Department of Transportation is directed to erect
 244 suitable markers designating Florencio 'Kiko' Pernas Avenue as
 245 described in subsection (1). The cost of signage and
 246 installation shall be paid by the Pernas family.

247 Section 28. Dr. Oscar Elias Biscet Boulevard designated;
 248 Department of Transportation to erect suitable markers.-

249 (1) That portion of State Road 972/S.W. 22nd Street between
 250 S.W. 32nd Avenue and S.W. 37th Avenue/Douglas Road in Miami-Dade
 251 County is designated as "Dr. Oscar Elias Biscet Boulevard."

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252 (2) The Department of Transportation is directed to erect
 253 suitable markers designating Dr. Oscar Elias Biscet Boulevard as
 254 described in subsection (1).

255 Section 29. Ivey E. Cannon Memorial Bridge Designated;
 256 Department of Transportation to erect suitable markers.-

257 (1) Bridge Numbers 100646 and 100647 on Paul S. Buchman
 258 Highway/State Road 39 between County Line Road and Half Mile
 259 Road in Hillsborough County are designated "Ivey E. Cannon
 260 Memorial Bridge."

261 (2) The Department of Transportation is directed to erect
 262 suitable markers designating Ivey E. Cannon Memorial Bridge as
 263 described in subsection (1).

264 Section 30. Section 24 of chapter 2010-230, Laws of
 265 Florida, is amended to read:

266 Section 24. Miss Lillie Williams Boulevard designated;
 267 Department of Transportation to erect suitable markers.-

268 (1) That portion of N.W. 79th Street between N.W. 6th
 269 Avenue and N.W. 7th E.~~12th~~ Avenue in Miami-Dade County is
 270 designated as "Miss Lillie Williams Boulevard."

271 (2) The Department of Transportation is directed to erect
 272 suitable markers designating Miss Lillie Williams Boulevard as
 273 described in subsection (1).

274 Section 31. Section 45 of chapter 2010-230, Laws of
 275 Florida, is amended to read:

276 Section 45. Father Gerard Jean-Juste Street designated;
 277 Department of Transportation to erect suitable markers.-

278 (1) That portion of N.W. 54th Street in Miami-Dade County
 279 between N.W. 2nd Avenue and N.E. N.W. 3rd Avenue in Little Haiti

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280 | is designated "Father Gerard Jean-Juste Street."

281 | (2) The Department of Transportation is directed to erect
282 | suitable markers designating Father Gerard Jean-Juste Street as
283 | described in subsection (1).

284 | Section 32. This act shall take effect July 1, 2012.

COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB THSS 12-01 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Committee/Subcommittee hearing PCB: Transportation & Highway
2 Safety Subcommittee
3 Representative Ingram offered the following:
4

5 **Amendment**

6 Remove lines 255-263 and insert:

7 Section 29. Ivey Edward Cannon Memorial Bridge Designated;
8 Department of Transportation to erect suitable markers.-

9 (1) Bridge Numbers 100646 and 100647 on Paul S. Buchman
10 Highway/State Road 39 between County Line Road and Half Mile
11 Road in Hillsborough County are designated "Ivey Edward Cannon
12 Memorial Bridge."

13 (2) The Department of Transportation is directed to erect
14 suitable markers designating Ivey Edward Cannon Memorial Bridge
15 as described in subsection (1).
16

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Committee/Subcommittee hearing PCB: Transportation & Highway
2 Safety Subcommittee
3 Representative Baxley offered the following:

4
5 **Amendment**

6 Between lines 263 and 264, insert:

7 Section 30. Samuel B. Love Memorial Highway designated;
8 Department of Transportation to erect suitable markers.

9 (1) That portion of Sunset Harbor Road between S.E. 105th
10 Avenue and S.E. 115th Avenue in Marion County is designated as
11 "Samuel B. Love Memorial Highway."

12 (2) The Department of Transportation is directed to erect
13 suitable markers designating Samuel B. Love Memorial Highway as
14 described in subsection (1).

15 Section 31. Ben G. Watts Highway designated; Department of
16 Transportation to erect suitable markers.-

17 (1) That portion of U.S. Highway 90/State Road 10 between the
18 Holmes County line and the Jackson County line in Washington
19 County is designated as "Ben G. Watts Highway."

COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB THSS 12-01 (2012)

Amendment No. 2

20 (2) The Department of Transportation is directed to erect
21 suitable markers designating Ben G. Watts Highway as described
22 in subsection (1).
23
24

