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# **Transportation & Economic Development Appropriations Subcommittee**

**Tuesday, April 9, 2013  
8:00 AM - 10:00 AM  
Reed Hall (102 HOB)**

**ACTION PACKET**

**Will Weatherford  
Speaker**

**Ed Hooper  
Chair**

# Committee Meeting Notice

## HOUSE OF REPRESENTATIVES

### Transportation & Economic Development Appropriations Subcommittee

**Start Date and Time:** Tuesday, April 09, 2013 08:00 am

**End Date and Time:** Tuesday, April 09, 2013 10:00 am

**Location:** Reed Hall (102 HOB)

**Duration:** 2.00 hrs

**Consideration of the following bill(s):**

CS/HB 71 Low-Speed Vehicles by Transportation & Highway Safety Subcommittee, Combee, O'Toole

CS/HB 879 Freight Logistics Zones by Transportation & Highway Safety Subcommittee, Ray

CS/HB 1299 Transportation by Transportation & Highway Safety Subcommittee, Goodson

HB 7125 Department of Highway Safety and Motor Vehicles by Transportation & Highway Safety Subcommittee, Raburn

HB 7127 Department of Transportation by Transportation & Highway Safety Subcommittee, Artiles

Pursuant to rule 7.12, the deadline for amendments to bills on the agenda by non-appointed members shall be 6:00 p.m., Monday, April 8, 2013.

By request of the chair, all committee members are asked to have amendments to bills on the agenda submitted to staff by 6:00 p.m., Monday, April 8, 2013.

**NOTICE FINALIZED on 04/05/2013 16:20 by MRI**

**COMMITTEE MEETING REPORT**  
**Transportation & Economic Development Appropriations Subcommittee**  
**4/9/2013 8:00:00AM**

**Location:** Reed Hall (102 HOB)

**Summary:**

**Transportation & Economic Development Appropriations Subcommittee**

*Tuesday April 09, 2013 08:00 am*

CS/HB 71	Favorable	Yeas: 10	Nays: 0
CS/HB 879	Favorable With Committee Substitute	Yeas: 13	Nays: 0
Amendment 333331	Adopted Without Objection		
CS/HB 1299	Favorable With Committee Substitute	Yeas: 13	Nays: 0
Amendment 076187	Adopted Without Objection		
Amendment 252341	Adopted Without Objection		
Amendment 545139	Adopted Without Objection		
Amendment 962315	Adopted Without Objection		
HB 7125	Favorable With Committee Substitute	Yeas: 10	Nays: 3
Amendment 161397	Adopted Without Objection		
Amendment 837179	Adopted Without Objection		
Amendment to Amendment 1 (161397)			
Amendment 870267	Adopted Without Objection		
Amendment 543585	Failed to Adopt	Yeas: 4	Nays: 9
HB 7127	Favorable With Committee Substitute	Yeas: 13	Nays: 0
Amendment 419883	Adopted Without Objection		
Amendment 040073	Adopted Without Objection		
Amendment 747479	Adopted Without Objection		
Amendment 009795	Adopted Without Objection		
Amendment 099739	Adopted Without Objection		
Amendment 374909	Adopted Without Objection		
Amendment 902523	Adopted Without Objection		

Committee meeting was reported out: Tuesday, April 09, 2013 1:02:21PM

**COMMITTEE MEETING REPORT**  
**Transportation & Economic Development Appropriations Subcommittee**  
**4/9/2013 8:00:00AM**

**Location:** Reed Hall (102 HOB)

**Attendance:**

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Ed Hooper (Chair)	X		
Bruce Antone	X		
Frank Artilles	X		
Daniel Davis	X		
Mike Fasano	X		
Reggie Fullwood	X		
Tom Goodson	X		
Jeanette Nuñez	X		
Elizabeth Porter	X		
Lake Ray	X		
David Richardson	X		
Hazelle Rogers	X		
Victor Torres, Jr.	X		
<b>Totals:</b>	<b>13</b>	<b>0</b>	<b>0</b>

Committee meeting was reported out: Tuesday, April 09, 2013 1:02:21PM

**COMMITTEE MEETING REPORT**  
**Transportation & Economic Development Appropriations Subcommittee**  
**4/9/2013 8:00:00AM**

**Location:** Reed Hall (102 HOB)

**CS/HB 71 : Low-Speed Vehicles**

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Bruce Antone	X				
Frank Artiles	X				
Daniel Davis	X				
Mike Fasano	X				
Reggie Fullwood			X		
Tom Goodson			X		
Jeanette Nuñez	X				
Elizabeth Porter				X	
Lake Ray	X				
David Richardson	X				
Hazelle Rogers	X				
Victor Torres, Jr.	X				
Ed Hooper (Chair)	X				
<b>Total Yeas: 10</b>		<b>Total Nays: 0</b>			

Committee meeting was reported out: Tuesday, April 09, 2013 1:02:21PM

# COMMITTEE MEETING REPORT

## Transportation & Economic Development Appropriations Subcommittee

4/9/2013 8:00:00AM

**Location:** Reed Hall (102 HOB)

**CS/HB 879 : Freight Logistics Zones**

*Favorable With Committee Substitute*

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Bruce Antone	X				
Frank Artiles	X				
Daniel Davis	X				
Mike Fasano	X				
Reggie Fullwood	X				
Tom Goodson	X				
Jeanette Nuñez	X				
Elizabeth Porter	X				
Lake Ray	X				
David Richardson	X				
Hazelle Rogers	X				
Victor Torres, Jr.	X				
Ed Hooper (Chair)	X				
<b>Total Yeas: 13</b>		<b>Total Nays: 0</b>			

### CS/HB 879 Amendments

#### Amendment 333331

*Adopted Without Objection*

### Appearances:

#### CS/HB 879

Pinsky, Richard (Lobbyist) - Waive In Support  
Port of Palm Beach  
106 E College Avenue  
Tallahassee FL

#### CS/HB 879

Rubin, Michael (Lobbyist) - Waive In Support  
Florida Ports Council  
502 E Jefferson St  
Tallahassee FL 32301  
Phone: (850)222-8028

#### CS/HB 879

Shiver, Stephen (Lobbyist) - Waive In Support  
Associated Industries of Florida  
215 South Monroe  
Tallahassee FL  
Phone: (850)222-8900

Committee meeting was reported out: Tuesday, April 09, 2013 1:02:21PM

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	—	

Adopted w/out  
objection  
4/9/13

1 Committee/Subcommittee hearing bill: Transportation & Economic  
 2 Development Appropriations Subcommittee  
 3 Representative Ray offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. Section 311.103, Florida Statutes, is created to read:

311.103 Designation of state freight logistics zones.—

(1) For purposes of this section, the term "freight logistics zone" means a grouping of activities and infrastructure dealing with freight transportation and related services within a defined area.

(2) A county, or two or more contiguous counties, may apply to the Department of Transportation for designation of a geographic area or areas within its jurisdiction as a freight logistics zone. The county or counties shall submit an application developed by the department that includes, but is not limited to:

## Amendment No. 1

20 (a) A map depicting the geographic area or areas to be  
21 included within the designation.

22 (b) Identification of the existing or planned freight  
23 facilities or logistics clusters located within the designated  
24 zone.

25 (c) Identification of existing transportation  
26 infrastructure, such as roads, rail, airports, and seaports,  
27 within or in close proximity to the proposed freight logistics  
28 zone.

29 (d) Identification of existing workforce availability  
30 within or in close proximity to the proposed zone.

31 (e) Identification of any local, state, or federal  
32 workforce training capabilities available for a business seeking  
33 to locate or expand within the proposed zone.

34 (f) Identification of any local, state, or federal plans,  
35 including transportation, seaport, or airport plans, concerning  
36 the movement of freight within or in close proximity to the  
37 proposed zone.

38 (g) Identification of financial or other local government  
39 incentives to encourage new development, expansion of existing  
40 development, or redevelopment within the proposed zone.

41 (h) Documentation that the plan is consistent with  
42 applicable local government comprehensive plans and adopted long  
43 range transportation plans of a Metropolitan Planning  
44 Organization, where applicable.

45 (3) Beginning July 1, 2013, the Secretary may designate up  
46 to four freight logistics zones in the state in consultation  
47 with the Department of Economic Opportunity, the Florida Seaport



Amendment No. 1

48 Transportation and Economic Development Council, and other  
49 public and private stakeholders. These zones may be eligible for  
50 priority in state funding and incentive programs relating to  
51 freight logistics zones, including applicable programs  
52 identified in parts I, III, and V of chapter 288 and s. 311.101.

53 (4) When evaluating projects for designation as a freight  
54 logistics zone, or for determining funding or incentive program  
55 eligibility under this section, consideration must be given to:

56 (a) The presence of an existing or planned intermodal  
57 logistics center within the freight logistics zone.

58 (b) The ability of the project to serve a strategic state  
59 interest.

60 (c) The ability of the project to facilitate the cost-  
61 effective and efficient movement of goods.

62 (d) The extent to which the project contributes to economic  
63 activity, including job creation, increased wages, and revenues.

64 (e) The extent to which the project efficiently interacts  
65 with and supports the transportation network.

66 (f) The amount of investment or commitments made by the  
67 owner or developer of the existing or proposed facility.

68 (g) The extent to which the county or counties have  
69 commitments with private sector businesses planning to locate  
70 operations within the freight logistics zone.

71 (h) Demonstrated local financial support and commitment to  
72 the project.

73 Section 2. This act shall take effect July 1, 2013.

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Amendment No. 1

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

Remove everything before the enacting clause and insert:  
An act relating to freight logistic zones; creating s.  
311.103, F.S.; defining freight logistics zones; providing  
application requirements for a local government to apply  
for the designation of a freight logistics zone;  
authorizing the Secretary of Transportation, in  
consultation with specified entities, to designate freight  
logistics zones; providing evaluation criteria for freight  
logistics zones; providing an effective date.

# COMMITTEE MEETING REPORT

## Transportation & Economic Development Appropriations Subcommittee

4/9/2013 8:00:00AM

**Location:** Reed Hall (102 HOB)

**CS/HB 1299 : Transportation**

*Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Bruce Antone	X				
Frank Artiles	X				
Daniel Davis	X				
Mike Fasano	X				
Reggie Fullwood	X				
Tom Goodson	X				
Jeanette Nuñez	X				
Elizabeth Porter	X				
Lake Ray	X				
David Richardson	X				
Hazelle Rogers	X				
Victor Torres, Jr.	X				
Ed Hooper (Chair)	X				
<b>Total Yeas: 13</b>		<b>Total Nays: 0</b>			

### CS/HB 1299 Amendments

#### Amendment 076187

*Adopted Without Objection*

#### Amendment 252341

*Adopted Without Objection*

#### Amendment 545139

*Adopted Without Objection*

#### Amendment 962315

*Adopted Without Objection*

Committee meeting was reported out: Tuesday, April 09, 2013 1:02:21PM

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<u>Y</u>	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

*Adopted w/out  
objection  
4/9/13*

1 Committee/Subcommittee hearing bill: Transportation & Economic  
 2 Development Appropriations Subcommittee  
 3 Representative Goodson offered the following:

**Amendment**

Remove lines 367-370 and insert:

(2) The determination as to the primary zoning by the local government for the parcel must meet the following criteria:

(a) The parcel is comprehensively zoned and includes commercial or industrial uses as allowable uses.

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

*Adopted w/out objection  
4/9/13*

1 Committee/Subcommittee hearing bill: Transportation & Economic  
 2 Development Appropriations Subcommittee  
 3 Representative Goodson offered the following:

**Amendment**

4  
 5  
 6 Remove lines 564-566 and insert:  
 7 quarter of the current year and fees for the succeeding year.  
 8

Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	<del>(Y)</del> (N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

*Adopted w/out  
objection  
4/9/13*

1 Committee/Subcommittee hearing bill: Transportation & Economic  
 2 Development Appropriations Subcommittee  
 3 Representative Goodson offered the following:

**Amendment**

6 Remove lines 704-734 and insert:

7 (c) Notwithstanding subparagraph (a)1., there is  
 8 established a pilot program in Orange, Hillsborough, and Osceola  
 9 Counties, and within the boundaries of the City of Miami, under  
 10 which the distance between permitted signs on the same side of  
 11 an interstate highway may be reduced to 1,000 feet if all other  
 12 requirements of this chapter are met and if:

13 1. The local government has adopted a plan, program,  
 14 resolution, ordinance, or other policy encouraging the voluntary  
 15 removal of signs in a downtown, historic, redevelopment, infill,  
 16 or other designated area which also provides for a new or  
 17 replacement sign to be erected on an interstate highway within  
 18 that jurisdiction if a sign in the designated area is removed;

19 2. The sign owner and the local government mutually agree  
 20 to the terms of the removal and replacement; and

Amendment No. 3

21 3. The local government notifies the department of its  
22 intention to allow such removal and replacement as agreed upon  
23 pursuant to subparagraph 2.

24 ~~4. The new or replacement sign to be erected on an~~  
25 ~~interstate highway within that jurisdiction is to be located on~~  
26 ~~a parcel of land specifically designated for commercial or~~  
27 ~~industrial use under both the future land use map of the~~  
28 ~~comprehensive plan and the land use development regulations~~  
29 ~~adopted pursuant to chapter 163, and such parcel shall not be~~  
30 ~~subject to an evaluation in accordance with the criteria set~~  
31 ~~forth in s. 479.01(26) to determine if the parcel can be~~  
32 ~~considered an unzoned commercial or industrial area.~~

33  
34 The department shall maintain statistics tracking the use of the  
35 provisions of this pilot program based on the notifications  
36 received by the department from local governments under this  
37 paragraph.

38  
39

Amendment No. 4

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	—	

*Adopted w/out  
objection  
2/9/13*

1 Committee/Subcommittee hearing bill: Transportation & Economic  
 2 Development Appropriations Subcommittee  
 3 Representative Goodson offered the following:

**Amendment (with title amendment)**

Remove lines 1399-1412

10 -----  
 11 **T I T L E A M E N D M E N T**

12 Remove lines 89-90 and insert:  
 13 businesses; providing an  
 14



# COMMITTEE MEETING REPORT

## Transportation & Economic Development Appropriations Subcommittee

4/9/2013 8:00:00AM

**Location:** Reed Hall (102 HOB)

**HB 7125 : Department of Highway Safety and Motor Vehicles**

*Favorable With Committee Substitute*

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Bruce Antone	X				
Frank Artiles	X				
Daniel Davis	X				
Mike Fasano	X				
Reggie Fullwood	X				
Tom Goodson		X			
Jeanette Nuñez	X				
Elizabeth Porter	X				
Lake Ray	X				
David Richardson		X			
Hazelle Rogers	X				
Victor Torres, Jr.		X			
Ed Hooper (Chair)	X				
<b>Total Yeas: 10</b>		<b>Total Nays: 3</b>			

**HB 7125 Amendments**

**Amendment 161397**

*Adopted Without Objection*

**Amendment 837179**

*Adopted Without Objection*

**Amendment 870267**

*Adopted Without Objection*

**Amendment 543585**

*Failed to Adopt*

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Bruce Antone		X			
Frank Artiles		X			
Daniel Davis		X			
Mike Fasano		X			
Reggie Fullwood	X				
Tom Goodson		X			
Jeanette Nuñez		X			
Elizabeth Porter		X			
Lake Ray		X			

Committee meeting was reported out: Tuesday, April 09, 2013 1:02:21PM

# COMMITTEE MEETING REPORT

## Transportation & Economic Development Appropriations Subcommittee

4/9/2013 8:00:00AM

Location: Reed Hall (102 HOB)

HB 7125 : Department of Highway Safety and Motor Vehicles (continued)

### Amendment 543585

Failed to Adopt

David Richardson	X	
Hazelle Rogers		X
Victor Torres, Jr.	X	
Ed Hooper (Chair)	X	
<b>Total Yays: 4</b>		<b>Total Nays: 9</b>

### Appearances:

HB 7125 Am1

Rajchel, Mary (Lobbyist) - Proponent  
Florida Trucking Association  
350 E College Ave  
Tallahassee FL  
Phone: 850-222-9900

HB 7125 Am 3 (543585)

Steward, Dawn - Proponent  
Florida PTA  
2130 Blossom Lane  
Winter Park FL 32789  
Phone: 407-645-0273

HB 7125 Am 3 (543585)

Milican, Jim - Proponent  
Suncoast Safe Kids  
4360-55 Ave N  
St. Petersburg FL 33714  
Phone: 727-481-2852

HB 7125 Am 3 (543585)

Cullen, Mary-Lynn (Lobbyist) - Proponent  
Advocacy Institute for Children  
1674 University Pky  
Sarasota FL 34243  
Phone: (941)928-0278

HB 7125

Fraser, Towson (Lobbyist) - Proponent  
Copart, Inc  
123 S. Adams  
Tallahassee Florida 32301  
Phone: (850)671-4401

Committee meeting was reported out: Tuesday, April 09, 2013 1:02:21PM

**COMMITTEE MEETING REPORT**  
**Transportation & Economic Development Appropriations Subcommittee**  
**4/9/2013 8:00:00AM**

**Location:** Reed Hall (102 HOB)

**HB 7125 : Department of Highway Safety and Motor Vehicles (continued)**

**Appearances: (continued)**

HB 7125

Conforme, Jorge - Opponent

LKQ Corporation

5975 N Federal Highway #130

Ft. Lauderdale Florida 33308

Phone: 954-492-9092

HB 7125

Lewis, Brad - Opponent

Suwannee Salvage Inc/FADRA

13396 76th Street

Live Oak Florida 32060

Phone: 386-362-5004

Committee meeting was reported out: Tuesday, April 09, 2013 1:02:21PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7125 (2013)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	<input checked="" type="radio"/> (Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

*Adopted w/out  
objection  
4/9/13*

1 Committee/Subcommittee hearing bill: Transportation & Economic  
 2 Development Appropriations Subcommittee  
 3 Representative Raburn offered the following:

**Amendment (with title amendment)**

Remove lines 563-585 and insert:

7 Section 8. Paragraph (b) of subsection (3) and subsection  
 8 (5) of section 316.3025, Florida Statutes, are amended,  
 9 subsections (6) and (7) are renumbered as subsections (7) and  
 10 (8), respectively, and a new subsection (6) is added to that  
 11 section, to read:

12 316.3025 Penalties.—

13 (3)

14 (b) A civil penalty of \$100 may be assessed for:

15 1. Each violation of the North American Uniform Driver  
 16 Out-of-Service Criteria;

17 2. A violation of s. 316.302(2)(b) or (c);

18 3. A violation of 49 C.F.R. s. 392.60; ~~or~~

19 4. A violation of the North American Standard Vehicle Out-  
 20 of-Service Criteria resulting from an inspection of a commercial

Amendment No. 1

21 motor vehicle involved in a crash; or

22 5. A violation of 49 C.F.R. s. 391.41.

23 (5) Whenever any person or motor carrier as defined in  
24 chapter 320 violates the provisions of this section and becomes  
25 indebted to the state because of such violation and refuses to  
26 pay the appropriate penalty, in addition to the provisions of s.  
27 316.3026, such penalty becomes a lien upon the property  
28 including the motor vehicles of such person or motor carrier and  
29 may be seized and foreclosed by the state in a civil action in  
30 any court of this state. It shall be presumed that the owner of  
31 the motor vehicle is liable for the sum, and the vehicle may be  
32 detained or impounded until the penalty is paid.

33 (6)(a) A driver who violates 49 C.F.R. s. 392.80, which  
34 prohibits texting while operating a commercial motor vehicle, or  
35 49 C.F.R. s. 392.82, which prohibits using a handheld mobile  
36 telephone while operating a commercial motor vehicle, shall be  
37 assessed a civil penalty and commercial driver license  
38 disqualification as follows:

39 1. First violation: \$500.

40 2. Second violation: \$1,000 and a 60-day commercial driver  
41 license disqualification pursuant to 49 C.F.R. part 383.

42 3. Third and subsequent violations: \$2,750 and a 120-day  
43 commercial driver license disqualification pursuant to 49 C.F.R.  
44 part 383.

45 (b) A company requiring or allowing a driver to violate 49  
46 C.F.R. s. 392.80, which prohibits texting while operating a  
47 commercial motor vehicle, or 49 C.F.R. s. 392.82, which  
48 prohibits using a handheld mobile telephone while operating a

Amendment No. 1

49 commercial motor vehicle, shall, in addition to any other  
50 penalty assessed, be assessed the following civil penalty. The  
51 driver shall not be charged for the first violation under this  
52 paragraph by the company.

- 53 1. First violation: \$2,750.  
54 2. Second violation: \$5,000.  
55 3. Third and subsequent violations: \$11,000.  
56  
57  
58  
59

60 -----  
61 **T I T L E A M E N D M E N T**

62 Remove line 33 and insert:

63 refusal to pay penalty; providing penalties for violation of  
64 specified federal regulations relating to commercial drivers and  
65 use of mobile telephones and texting while driving a commercial  
66 motor vehicle; amending s. 316.545, F.S.;

67

Amendment No. 1a

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	—	

*Adopted  
w/out objection  
4/9/13*

1 Committee/Subcommittee hearing bill: Transportation & Economic  
 2 Development Appropriations Subcommittee  
 3 Representative Hooper offered the following:

4  
 5 **Amendment to Amendment (161397) by Representative Raburn**

6 Remove line 36 of the amendment and insert:  
 7 telephone while operating a commercial motor vehicle, may be

8  
 9 Remove line 49 of the amendment and insert:  
 10 commercial motor vehicle, may, in addition to any other

11



Am to Am 1

HOUSE OF REPRESENTATIVES

Council/Committee on

Transportation & Economic Development  
Appropriations

Date 4/9/2013

Action Amendment

Adopted  
w/out  
objec

HOUSE AMENDMENT FOR DRAFTING PURPOSES ONLY  
(may be used in Council/Committee, but **not** on House Floor)

Amendment No. \_\_\_\_\_

Bill No. 7125

(For filing with the Clerk, Council, Committee and Member Amendments **must** be prepared by House Bill Drafting Services (Rule 12.1))

Representative(s)/The Council/Committee on

Rep. Raburn

offered the following amendment: Amendment to Amendment 161397

Amendment:

on page 2, line(s) 36, 49

line 36 telephone while operating a commercial motor vehicle,  
May be

line 49 commercial motor vehicle, may, in addition to any other

Copy to Council/Committee Administrative Assistant



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7125 (2013)

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

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

Adopted w/out  
objection  
4/9/13

1 Committee/Subcommittee hearing bill: Transportation & Economic  
2 Development Appropriations Subcommittee  
3 Representative Raburn offered the following:  
4

5 **Amendment (with title amendment)**

6 Between lines 902 and 903, insert:

7 Section 15. Section 319.225, Florida Statutes, is amended  
8 to read:

9 319.225 Transfer and reassignment forms; odometer  
10 disclosure statements.—

11 (1) Every certificate of title issued by the department  
12 must contain the following statement on its reverse side:

13 "Federal and state law require the completion of the odometer  
14 statement set out below. Failure to complete or providing false  
15 information may result in fines, imprisonment, or both."

16 (2) Each certificate of title issued by the department  
17 must contain on its front ~~reverse~~ side a form for transfer of  
18 title by the titleholder of record, which form must contain an  
19 odometer disclosure statement in the form required by 49 C.F.R.  
20 s. 580.5.

Amendment No. 2

21 (3) Each certificate of title issued by the department  
22 must contain on its reverse side as many forms as space allows  
23 for reassignment of title by a licensed dealer as permitted by  
24 s. 319.21(3), which form or forms shall contain an odometer  
25 disclosure statement in the form required by 49 C.F.R. s. 580.5.  
26 When all dealer reassignment forms provided on the back of the  
27 title certificate have been filled in, a dealer may reassign the  
28 title certificate by using a separate dealer reassignment form  
29 issued by the department in compliance with 49 C.F.R. ss. 580.4  
30 and 580.5, which form shall contain an original that ~~two carbon~~  
31 ~~copies one of which~~ shall be submitted ~~directly~~ to the  
32 department by the dealer ~~within 5 business days after the~~  
33 ~~transfer~~ and a copy that ~~one of which~~ shall be retained by the  
34 dealer in his or her records for 5 years. The provisions of this  
35 subsection shall also apply to vehicles not previously titled in  
36 this state and vehicles whose title certificates do not contain  
37 the forms required by this section.

38 (4) Upon transfer or reassignment of a certificate of  
39 title to a used motor vehicle, the transferor shall complete the  
40 odometer disclosure statement provided for by this section and  
41 the transferee shall acknowledge the disclosure by signing and  
42 printing his or her name in the spaces provided. This subsection  
43 does not apply to a vehicle that has a gross vehicle rating of  
44 more than 16,000 pounds, a vehicle that is not self-propelled,  
45 or a vehicle that is 10 years old or older. A lessor who  
46 transfers title to his or her vehicle without obtaining  
47 possession of the vehicle shall make odometer disclosure as  
48 provided by 49 C.F.R. s. 580.7. Any person who fails to complete

Amendment No. 2

49 or acknowledge a disclosure statement as required by this  
50 subsection is guilty of a misdemeanor of the second degree,  
51 punishable as provided in s. 775.082 or s. 775.083. The  
52 department may not issue a certificate of title unless this  
53 subsection has been complied with.

54 (5) The same person may not sign a disclosure statement as  
55 both the transferor and the transferee in the same transaction  
56 except as provided in subsection (6).

57 (6) (a) If the certificate of title is physically held by a  
58 lienholder, the transferor may give a power of attorney to his  
59 or her transferee for the purpose of odometer disclosure. The  
60 power of attorney must be on a form issued or authorized by the  
61 department, which form must be in compliance with 49 C.F.R. ss.  
62 580.4 and 580.13. The department shall not require the signature  
63 of the transferor to be notarized on the form; however, in lieu  
64 of notarization, the form shall include an affidavit with the  
65 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I  
66 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT  
67 ARE TRUE. The transferee shall sign the power of attorney form,  
68 print his or her name, and return a copy of the power of  
69 attorney form to the transferor. Upon receipt of a title  
70 certificate, the transferee shall complete the space for mileage  
71 disclosure on the title certificate exactly as the mileage was  
72 disclosed by the transferor on the power of attorney form. If  
73 the transferee is a licensed motor vehicle dealer who is  
74 transferring the vehicle to a retail purchaser, the dealer shall  
75 make application on behalf of the retail purchaser as provided  
76 in s. 319.23(6) and shall submit the original power of attorney

Amendment No. 2

77 | form to the department with the application for title and the  
78 | transferor's title certificate; otherwise, a dealer may reassign  
79 | the title certificate by using the dealer reassignment form in  
80 | the manner prescribed in subsection (3), and, at the time of  
81 | physical transfer of the vehicle, the original power of attorney  
82 | shall be delivered to the person designated as the transferee of  
83 | the dealer on the dealer reassignment form. ~~A copy of the  
84 | executed power of attorney shall be submitted to the department  
85 | with a copy of the executed dealer reassignment form within 5  
86 | business days after the certificate of title and dealer  
87 | reassignment form are delivered by the dealer to its transferee.~~

88 | (b) If the certificate of title is lost or otherwise  
89 | unavailable, the transferor may give a power of attorney to his  
90 | or her transferee for the purpose of odometer disclosure. The  
91 | power of attorney must be on a form issued or authorized by the  
92 | department, which form must be in compliance with 49 C.F.R. ss.  
93 | 580.4 and 580.13. The department shall not require the signature  
94 | of the transferor to be notarized on the form; however, in lieu  
95 | of notarization, the form shall include an affidavit with the  
96 | following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I  
97 | HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT  
98 | ARE TRUE. The transferee shall sign the power of attorney form,  
99 | print his or her name, and return a copy of the power of  
100 | attorney form to the transferor. Upon receipt of the title  
101 | certificate or a duplicate title certificate, the transferee  
102 | shall complete the space for mileage disclosure on the title  
103 | certificate exactly as the mileage was disclosed by the  
104 | transferor on the power of attorney form. If the transferee is a

## COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7125 (2013)

Amendment No. 2

105 licensed motor vehicle dealer who is transferring the vehicle to  
106 a retail purchaser, the dealer shall make application on behalf  
107 of the retail purchaser as provided in s. 319.23(6) and shall  
108 submit the original power of attorney form to the department  
109 with the application for title and the transferor's title  
110 certificate or duplicate title certificate; otherwise, a dealer  
111 may reassign the title certificate by using the dealer  
112 reassignment form in the manner prescribed in subsection (3),  
113 and, at the time of physical transfer of the vehicle, the  
114 original power of attorney shall be delivered to the person  
115 designated as the transferee of the dealer on the dealer  
116 reassignment form. If the dealer sells the vehicle to an out-of-  
117 state resident or an out-of-state dealer and the power of  
118 attorney form is applicable to the transaction, the dealer must  
119 photocopy the completed original of the form and mail directly  
120 to the department within 5 business days after the certificate  
121 of title and dealer reassignment form are delivered by the  
122 dealer to its purchaser. A copy of the executed power of  
123 attorney shall be submitted to the department with a copy of the  
124 executed dealer reassignment form within 5 business days after  
125 the duplicate certificate of title and dealer reassignment form  
126 are delivered by the dealer to its transferee.

127 (c) If the mechanics of the transfer of title to a motor  
128 vehicle in accordance with the provisions of paragraph (a) or  
129 paragraph (b) are determined to be incompatible with and  
130 unlawful under the provisions of 49 C.F.R. part 580, the  
131 transfer of title to a motor vehicle by operation of this  
132 subsection can be effected in any manner not inconsistent with

Amendment No. 2

133 49 C.F.R. part 580 and Florida law; provided, any power of  
134 attorney form issued or authorized by the department under this  
135 subsection shall contain an original that ~~two carbon copies, one~~  
136 ~~of which~~ shall be submitted ~~directly~~ to the department by the  
137 dealer ~~within 5 business days of use by the dealer~~ to effect  
138 transfer of a title certificate as provided in paragraphs (a)  
139 and (b) and a copy that ~~one of which~~ shall be retained by the  
140 dealer in its records for 5 years.

141 (d) Any person who fails to complete the information  
142 required by this subsection or to file with the department the  
143 forms required by this subsection is guilty of a misdemeanor of  
144 the second degree, punishable as provided in s. 775.082 or s.  
145 775.083. The department shall not issue a certificate of title  
146 unless this subsection has been complied with.

147 (7) If a title is held electronically and the transferee  
148 agrees to maintain the title electronically, the transferor and  
149 transferee shall complete a secure reassignment document which  
150 discloses the odometer reading and is signed by both the  
151 transferor and transferee at the tax collector office or license  
152 plate agency. Each certificate of title issued by the department  
153 must contain on its reverse side a minimum of ~~four~~ spaces for  
154 notation of the name and license number of any auction through  
155 which the vehicle is sold and the date the vehicle was  
156 auctioned. Each separate dealer reassignment form issued by the  
157 department must also have the space referred to in this section.  
158 When a transfer of title is made at a motor vehicle auction, the  
159 reassignment must note the name and address of the auction, but  
160 the auction shall not thereby be deemed to be the owner, seller,

Amendment No. 2

161 transferor, or assignor of title. A motor vehicle auction is  
162 required to execute a dealer reassignment only when it is the  
163 owner of a vehicle being sold.

164 (8) Upon transfer or reassignment of a used motor vehicle  
165 through the services of an auction, the auction shall complete  
166 the information in the space provided for by subsection (7). Any  
167 person who fails to complete the information as required by this  
168 subsection is guilty of a misdemeanor of the second degree,  
169 punishable as provided in s. 775.082 or s. 775.083. The  
170 department shall not issue a certificate of title unless this  
171 subsection has been complied with.

172 (9) This section shall be construed to conform to 49  
173 C.F.R. part 580.

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

179 Remove line 71 and insert:  
180 s. 319.225, F.S.; revising provisions for certificates of title,  
181 reassignment of title, and forms; revising procedures for  
182 transfer of title; amending s. 319.23, F.S.; revising  
183 requirements for content of  
184

185

Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	<input checked="" type="checkbox"/>	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

Failed  
4/9/13

1 Committee/Subcommittee hearing bill: Transportation & Economic  
 2 Development Appropriations Subcommittee  
 3 Representative Torres offered the following:

**Amendment (with title amendment)**

Between lines 517 and 518, insert:

Section 1. Subsection (2) of section 316.2015, Florida Statutes, is amended to read:

316.2015 Unlawful for person to ride on exterior of vehicle.-

(2) (a) No person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. This paragraph does not apply to an employee of a fire department, an employee of a governmentally operated solid waste disposal department or a waste disposal service operating pursuant to a contract with a governmental entity, or to a volunteer firefighter when the employee or firefighter is engaged in the necessary discharge of a duty, and does not apply to a person who is being transported in response to an emergency by a public agency or pursuant to the direction or authority of



Amendment No. 3

21 a public agency. This paragraph does not apply to an employee  
22 engaged in the necessary discharge of a duty or to a person or  
23 persons riding within truck bodies in space intended for  
24 merchandise.

25 (b) It is unlawful for any operator of a pickup truck or  
26 flatbed truck to permit a minor child who has not attained 18  
27 years of age to ride upon limited access facilities of the state  
28 within the open body of a pickup truck or flatbed truck unless  
29 the minor is restrained within the open body in the back of a  
30 truck that has been modified to include secure seating and  
31 safety restraints to prevent the passenger from being thrown,  
32 falling, or jumping from the truck. This paragraph does not  
33 apply in a medical emergency if the child is accompanied within  
34 the truck by an adult. A county is exempt from this paragraph if  
35 the governing body of the county, by majority vote, following a  
36 noticed public hearing, votes to exempt the county from this  
37 paragraph.

38 (c) It is unlawful for any operator of a pickup truck or  
39 flatbed truck to permit a minor child who has not attained 6  
40 years of age to ride within the open body of a pickup truck or  
41 flatbed truck unless the minor is restrained within the open  
42 body in the back of a truck that has been modified to include  
43 secure seating and safety restraints to prevent the minor from  
44 being thrown, falling, or jumping from the truck. This paragraph  
45 does not apply in a medical emergency if the child is  
46 accompanied within the truck by an adult, or on an unpaved road,  
47 or upon any street or highway with a posted speed limit of less  
48 than fifty five miles per hour which is maintained by the state,

Amendment No. 3

49 county, or municipality. A county is exempt from this paragraph  
50 if the governing body of the county, by majority vote, following  
51 a noticed public hearing, votes to exempt the county from this  
52 paragraph. An operator of a pickup truck is exempt from this  
53 paragraph if the pickup truck is the only vehicle owned by the  
54 operator or his or her immediate family.

55 (d) ~~(e)~~ Any person who violates this subsection shall be  
56 cited for a nonmoving violation, punishable as provided in  
57 chapter 318.

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**T I T L E   A M E N D M E N T**

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Remove line 17 and insert:

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devices; amending s. 316.2015, F.S.; prohibiting the

65

operator of a pickup truck or flatbed truck from

66

permitting a child who is younger than 6 years of age from

67

riding within the open body of the truck under certain

68

circumstances; amending s. 316.2397, F.S.;

69

# COMMITTEE MEETING REPORT

## Transportation & Economic Development Appropriations Subcommittee

4/9/2013 8:00:00AM

Location: Reed Hall (102 HOB)

HB 7127 : Department of Transportation

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Bruce Antone	X				
Frank Artiles	X				
Daniel Davis	X				
Mike Fasano	X				
Reggie Fullwood	X				
Tom Goodson	X				
Jeanette Nuñez	X				
Elizabeth Porter	X				
Lake Ray	X				
David Richardson	X				
Hazelle Rogers	X				
Victor Torres, Jr.	X				
Ed Hooper (Chair)	X				
<b>Total Yeas: 13</b>		<b>Total Nays: 0</b>			

### HB 7127 Amendments

#### Amendment 419883

Adopted Without Objection

#### Amendment 040073

Adopted Without Objection

#### Amendment 747479

Adopted Without Objection

#### Amendment 009795

Adopted Without Objection

#### Amendment 099739

Adopted Without Objection

#### Amendment 374909

Adopted Without Objection

Committee meeting was reported out: Tuesday, April 09, 2013 1:02:21PM

**COMMITTEE MEETING REPORT**  
**Transportation & Economic Development Appropriations Subcommittee**

**4/9/2013 8:00:00AM**

**Location:** Reed Hall (102 HOB)

**HB 7127 : Department of Transportation (continued)**

**Amendment 902523**

*Adopted Without Objection*

**Appearances:**

HB 7127 Am 2 040073

Moya, Chris (Lobbyist) - Proponent

Miami Parking Authority  
1400 Village Square Blvd  
Tallahassee Florida 32312  
Phone: 850-681-6692

HB 7127 Am 6

Gomez, Fausto (Lobbyist) - Information Only

MDX  
2350 Coral Way  
Miami FL 33145  
Phone: (305)860-0780

HB 7127

Padgett, Ryan (Lobbyist) - Proponent

Florida League of Cities  
PO Box 1757  
Tallahassee FL 32302  
Phone: 850)222-9684

HB 7127

Snow, Chris (Lobbyist) - Waive In Support

Director of Government Relations, Space Florida  
1580 Waldo Palmer Lane  
Tallahassee FL 32301  
Phone: 321-474-9754

HB 7127

Wooldridge, Vicki (Lobbyist) (State Employee) - Waive In Support

South Florida Regional Transportation Authority  
800 NW 33rd St  
Pompano Beach FL 33064  
Phone: (954)213-8690

Committee meeting was reported out: Tuesday, April 09, 2013 1:02:21PM

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	—	

Adopted w/out  
objection  
4/9/13

1 Committee/Subcommittee hearing bill: Transportation & Economic  
 2 Development Appropriations Subcommittee  
 3 Representative Artiles offered the following:

**Amendment**

4  
 5  
 6 Remove line 914 and insert:  
 7 section. The fee must be limited to the amount needed to pay the  
 8 anticipated costs  
 9

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 \_\_\_\_\_

*Adopted w/out  
objection  
4/9/13*

1 Committee/Subcommittee hearing bill: Transportation & Economic  
 2 Development Appropriations Subcommittee  
 3 Representative Artiles offered the following:

**Amendment (with title amendment)**

Remove lines 926-942 and insert:

7 Section 16. (1) The Florida Transportation Commission  
 8 shall conduct a study of the potential for the State to obtain  
 9 revenue from any parking meters or other parking time-limit  
 10 devices that regulate designated parking spaces located within  
 11 or along the right-of-way limits of a state road. The commission  
 12 may retain such experts as are reasonably necessary to complete  
 13 the study, and the department shall pay the expenses of such  
 14 experts. On or before August 31, 2013, each municipality and  
 15 county that receives revenue from any parking meters or other  
 16 parking time-limit devices that regulate designated parking  
 17 spaces located within or along the right-of-way limits of a  
 18 state road, shall provide the Florida Transportation Commission  
 19 a written inventory of the location of each such meter or device  
 20 and the total revenue collected from such locations during the

Amendment No. 2

21 last three fiscal years. Each municipality and county shall at  
22 the same time inform the commission of any pledge or commitment  
23 by the municipality or county of such revenues to the payment of  
24 debt service on any bonds or other debt issued by the  
25 municipality or county. The commission shall consider the  
26 information provided by the municipalities and counties,  
27 together with such other matters as it deems appropriate, and  
28 shall develop policy recommendations regarding the manner and  
29 extent that revenues generated by regulating parking within the  
30 right-of-way limits of a state road may be allocated between the  
31 department and municipalities and counties. The commission shall  
32 develop specific recommendations concerning the allocation of  
33 revenues generated by meters or devices regulating such parking  
34 that were installed prior to July 1, 2013, and the allocation of  
35 revenues that may be generated by meters or devices installed  
36 thereafter. The commission shall complete the study and provide  
37 a written report of its findings and conclusions to the  
38 Governor, the President of the Senate, the Speaker of the House  
39 of Representatives, and the chairs of each of the appropriations  
40 committees of the Legislature by October 31, 2013.

41 (2) The Legislature finds that preservation of the status  
42 quo pending the commission's study and the Legislature's review  
43 of the commission's report is appropriate and desirable. During  
44 the period beginning July 1, 2013, and continuing through July  
45 1, 2014, no county or municipality shall install any parking  
46 meters or other parking time-limit devices that regulate  
47 designated parking spaces located within or along the right-of-  
48 way limits of a state road. This provision does not prohibit the

Amendment No. 2

49 replacement of meters or similar devices installed before July  
 50 1, 2013, with new devices that regulate the same designated  
 51 parking spaces.

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**T I T L E   A M E N D M E N T**

Remove lines 88-94 and insert:  
 requiring the Florida Transportation Commission to  
 study the potential for state revenue from parking meters  
 and other parking time-limit devices; authorizing to  
 commission to retain experts; requiring the department to  
 pay for the experts; requiring certain information from  
 municipalities and counties; requiring certain information  
 to be considered in the study; requiring a written report;  
 providing for a moratorium on new parking meters of other  
 parking time limit devices on the state right-of-way;  
 providing an exception;



Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

*Adopted w/out  
objection  
4/9/13*

1 Committee/Subcommittee hearing bill: Transportation & Economic  
 2 Development Appropriations Subcommittee  
 3 Representative Artiles offered the following:

**Amendment (with title amendment)**

Remove lines 1033-1047

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

Remove lines 109-111 and insert:  
 amending s. 339.175, F.S.;

Amendment No. 4

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	_____	

*Adopted w/out  
objection  
4/9/13*

1 Committee/Subcommittee hearing bill: Transportation & Economic  
 2 Development Appropriations Subcommittee  
 3 Representative Artiles offered the following:  
 4

**Amendment**

6 Remove lines 1088-1092 and insert:

7 Governor as required by federal ~~rules and~~ regulations. The  
 8 voting membership of an M.P.O. that is redesignated after the  
 9 effective date of this act as a result of the expansion of the  
 10 M.P.O. to include a new urbanized area or the consolidation of  
 11 two or more M.P.O.s may consist of no more than 25 members. The  
 12

Amendment No. 5

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	—	

*Adopted w/out  
objection  
4/9/13*

1 Committee/Subcommittee hearing bill: Transportation & Economic  
 2 Development Appropriations Subcommittee  
 3 Representative Artiles offered the following:

**Amendment (with title amendment)**

Remove lines 1354-1400

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

Remove lines 151-157 and insert:  
funds; amending ss.

Amendment No. 6

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	—	

Adopted w/out  
objection  
4/9/13

1 Committee/Subcommittee hearing bill: Transportation & Economic  
2 Development Appropriations Subcommittee  
3 Representative Artiles offered the following:

**Amendment (with title amendment)**

6 Between lines 1433 and 1434, insert:

7 Section 29. Chapter 345, Florida Statutes, consisting of  
8 sections 345.0001, 345.0002, 345.003, 345.0004, 345.0005,  
9 345.0006, 345.0007, 345.0008, 345.0009, 345.0010, 345.0011,  
10 345.0012, 345.0013, and 345.0014, is created to read:

11 345.0001 Short title.--This chapter may be cited as the  
12 "Florida Regional Transportation Finance Authority Act."

13 345.0002 Definitions.--As used in this act, the following  
14 terms have the following meanings, except where the context  
15 clearly indicates otherwise:

16 (1) "Agency of the state" means and includes the state and  
17 any department of, or corporation, agency, or instrumentality  
18 heretofore or hereafter created, designated, or established by,  
19 the state.

Amendment No. 6

20       (2) "Area served" means the geographical area of the  
21 counties for which an authority is established.

22       (3) "Authority" means a regional transportation finance  
23 authority, a body politic and corporate and an agency of the  
24 state, established pursuant to the Florida Regional  
25 Transportation Finance Authority Act.

26       (4) "Bonds" means and includes the notes, bonds, refunding  
27 bonds, or other evidences of indebtedness or obligations, in  
28 either temporary or definitive form, which an authority is  
29 authorized to issue pursuant to this act.

30       (5) "Department" means the Department of Transportation of  
31 Florida and any successor thereto.

32       (6) "Division" means the Division of Bond Finance of the  
33 State Board of Administration.

34       (7) "Federal agency" means and includes the United States,  
35 the President of the United States, and any department of, or  
36 bureau, corporation, agency, or instrumentality heretofore or  
37 hereafter created, designated, or established by, the United  
38 States.

39       (8) "Members" means the governing body of an authority,  
40 and the term "member" means one of the individuals constituting  
41 such governing body.

42       (9) "Regional system" or "system" means, generally, a  
43 modern highway system of roads, bridges, causeways, and tunnels  
44 within any area of the authority, with access limited or  
45 unlimited as an authority may determine, and such buildings and  
46 structures and appurtenances and facilities related thereto,

Amendment No. 6

47 including all approaches, streets, roads, bridges, and avenues  
48 of access for such system.

49 (10) "Revenues" means all tolls, revenues, rates, fees,  
50 charges, receipts, rentals, contributions, and other income  
51 derived from or in connection with the operation or ownership of  
52 a regional system, including the proceeds of any use and  
53 occupancy insurance on any portion of the system but excluding  
54 any state funds available to an authority and any other city or  
55 county funds available to an authority under any agreement with  
56 a city or county.

57 (11) Words importing singular number include the plural  
58 number in each case and vice versa, and words importing persons  
59 include firms and corporations.

60 345.0003 Transportation finance authority; formation;  
61 membership.-

62 (1) Any county, or two or more contiguous counties, may,  
63 with the approval of the Legislature, form a regional  
64 transportation finance authority for the purposes of financing,  
65 constructing, maintaining, and operating transportation projects  
66 in a region of this state. An authority is governed in  
67 accordance with the provisions of this act. An authority may not  
68 be created without the approval of the Legislature and the  
69 approval of the county commission of each county that will be a  
70 part of the authority. An authority may not be created to serve  
71 a particular area of this state as provided above if a regional  
72 transportation finance authority has been created and is  
73 operating within all or a portion of the same area served  
74 pursuant to an act of the Legislature. Each authority shall be

Amendment No. 6

75 the only authority created and operating pursuant to this act  
76 within the area served by the authority.

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

79 (a) The county commission of each county in the area  
80 served by the authority shall each appoint a member who shall be  
81 a resident of the county from which he or she is appointed. The  
82 county commission of each county with a population of more than  
83 250,000 shall appoint a second member who must be a resident of  
84 the county. Insofar as possible, each member shall represent the  
85 business and civic interests of the community.

86 (b) The Governor shall appoint an equal number of members  
87 to the board as those appointed by the county commissions. The  
88 members appointed by the Governor shall be residents of the area  
89 served by the authority.

90 (c) The secretary of the Department of Transportation  
91 shall appoint one of the district secretaries, or his or her  
92 designee, for the districts within which the area served by the  
93 authority is located.

94 (3) Each such member's term of office shall be for 4 years  
95 or until his or her successor shall have been appointed and  
96 qualified.

97 (4) No member may hold an elected office.

98 (5) A vacancy occurring in the governing body before the  
99 expiration of the member's term shall be filled by the  
100 respective appointing authority in the same manner as the  
101 original appointment and only for the balance of the unexpired  
102 term.

Amendment No. 6

103 (6) Each member, before entering upon his or her official  
104 duties, shall take and subscribe to an oath before some official  
105 authorized by law to administer oaths that he or she will  
106 honestly, faithfully, and impartially perform the duties  
107 devolving upon him or her in office as a member of the governing  
108 body of the authority and that he or she will not neglect any  
109 duties imposed upon him or her by this act.

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

113 (8) The authority shall designate one of its members as  
114 chair.

115 (9) The members of the authority shall not be entitled to  
116 compensation but shall be entitled to receive their travel and  
117 other necessary expenses as provided in s. 112.061.

118 (10) A majority of the members of the authority shall  
119 constitute a quorum, and resolutions enacted or adopted by a  
120 vote of a majority of the members present and voting at any  
121 meeting shall become effective without publication, posting, or  
122 any further action of the authority.

123 345.0004 Powers and duties.—

124 (1) (a) An authority created and established by, or  
125 governed by, the Florida Regional Transportation Finance  
126 Authority Act shall have the authority to plan, develop,  
127 finance, construct, reconstruct, improve, own, operate, and  
128 maintain a regional system in the area served by the authority.

129 (b) No authority may exercise the powers in paragraph (a)  
130 with respect to an existing system for transporting people and



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131 goods by any means which is owned by another entity without the  
132 consent of that entity. Furthermore, if an authority acquires,  
133 purchases, or inherits an existing entity, the authority shall  
134 also inherit and assume all rights, assets, appropriations,  
135 privileges, and obligations of the existing entity.

136 (2) Each authority may exercise all powers necessary,  
137 appurtenant, convenient, or incidental to the carrying out of  
138 the aforesaid purposes, including, but not limited to, the  
139 following rights and powers:

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

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

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

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

149 (e) To sell, convey, exchange, lease, or otherwise dispose  
150 of any real or personal property acquired by the authority,  
151 which the authority and the department have determined is not  
152 needed for the construction, operation, and maintenance of the  
153 system, including air rights.

154 (f) To fix, alter, charge, establish, and collect rates,  
155 fees, rentals, and other charges for the use of any system owned  
156 or operated by the authority, which rates, fees, rentals and  
157 other charges shall always be sufficient to comply with any  
158 covenants made with the holders of any bonds issued pursuant to

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159 this act; provided, however, that such right and power may be  
160 assigned or delegated by the authority to the department.

161 (g) To borrow money, make and issue negotiable notes,  
162 bonds, refunding bonds, and other evidences of indebtedness or  
163 obligations, either in temporary or definitive form, for the  
164 purpose of financing all or part of the improvement of the  
165 authority's system and appurtenant facilities, including all  
166 approaches, streets, roads, bridges and avenues of access for  
167 said system and for any other purpose authorized by this act,  
168 said bonds to mature in not exceeding 30 years from the date of  
169 the issuance thereof, and to secure the payment of such bonds or  
170 any part thereof by a pledge of any or all of its revenues,  
171 rates, fees, rentals or other charges, including all or any city  
172 or county funds received by the authority pursuant to the terms  
173 of any agreement between the authority and a city or county; and  
174 in general to provide for the security of said bonds and the  
175 rights and remedies of the holders thereof. Provided, however,  
176 that no city or county funds shall be pledged for the  
177 construction of any project for which a toll is to be charged  
178 unless the anticipated tolls are reasonably estimated by the  
179 governing board of the city or county, at the date of its  
180 resolution pledging said funds, to be sufficient to cover the  
181 principal and interest of such obligations during the period  
182 when said pledge of funds shall be in effect. An authority shall  
183 reimburse any city or county for any sums expended from city or  
184 county funds used for the payment of such obligations.

185 (h) To make contracts of every name and nature, including,  
186 but not limited to, partnerships providing for participation in

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187 ownership and revenues, and to execute all instruments necessary  
188 or convenient for the carrying on of its business.

189 (i) Without limitation of the foregoing, to cooperate  
190 with, accept grants from, and to enter into contracts, or other  
191 transactions with any federal agency, the state, any agency of  
192 the state, or with any other public body of the state.

193 (j) To employ an executive director, attorney, staff, and  
194 consultants. Upon the request of an authority, the department  
195 shall furnish the services of a department employee to act as  
196 the executive director of the authority.

197 (k) To accept funds or other property from private  
198 donations.

199 (l) To do all acts and things necessary or convenient for  
200 the conduct of its business and the general welfare of the  
201 authority, in order to carry out the powers granted to it by  
202 this act or any other law.

203 (3) No authority shall have the power at any time or in  
204 any manner to pledge the credit or taxing power of the state or  
205 any political subdivision or agency thereof, nor shall any of an  
206 authority's obligations be deemed to be obligations of the state  
207 or of any other political subdivision or agency thereof, nor  
208 shall the state or any political subdivision or agency thereof,  
209 except the authority, be liable for the payment of the principal  
210 of or interest on such obligations.

211 (4) An authority shall have no power other than by consent  
212 of the affected county or any affected city, to enter into any  
213 agreement which would legally prohibit the construction of any  
214 road by the county or the city.

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215 (5) Any authority formed pursuant to this act shall comply  
216 with all statutory requirements of general application which  
217 relate to the filing of any report or documentation required by  
218 law, including the requirements of ss. 189.4085, 189.415,  
219 189.417, and 189.418.

220 345.0005 Bonds.-

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

223 (b) Alternatively, an authority shall have the power and  
224 is hereby authorized from time to time to issue bonds in such  
225 principal amount as, in the opinion of the authority, shall be  
226 necessary to provide sufficient moneys for achieving its  
227 corporate purposes, including construction, reconstruction,  
228 improvement, extension, and repair of the system, the cost of  
229 acquisition of all real property, interest on bonds during  
230 construction and for a reasonable period thereafter,  
231 establishment of reserves to secure bonds, and all other  
232 expenditures of the authority incident to and necessary or  
233 convenient to carry out its corporate purposes and powers.

234 (2) (a) Bonds issued by an authority pursuant to paragraph  
235 (1) (a) or paragraph (1) (b) shall be authorized by resolution of  
236 the members of the authority and shall bear such date or dates,  
237 mature at such time or times, not exceeding 30 years from their  
238 respective dates, bear interest at such rate or rates, not  
239 exceeding the maximum rate fixed by general law for authorities,  
240 be in such denominations, be in such form, either coupon or  
241 fully registered, carry such registration, exchangeability and  
242 interchangeability privileges, be payable in such medium of

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243 payment and at such place or places, be subject to such terms of  
244 redemption and be entitled to such priorities of lien on the  
245 revenues and other available moneys as such resolution or any  
246 resolution subsequent to the bonds' issuance may provide. The  
247 bonds shall be executed either by manual or facsimile signature  
248 by such officers as the authority shall determine, provided that  
249 such bonds shall bear at least one signature which is manually  
250 executed thereon. The coupons attached to such bonds shall bear  
251 the facsimile signature or signatures of such officer or  
252 officers as shall be designated by the authority. Such bonds  
253 shall have the seal of the authority affixed, imprinted,  
254 reproduced, or lithographed thereon.

255 (b) Bonds issued pursuant to paragraph (1)(a) or paragraph  
256 (1)(b) shall be sold at public sale in the same manner provided  
257 in the State Bond Act. Pending the preparation of definitive  
258 bonds, temporary bonds or interim certificates may be issued to  
259 the purchaser or purchasers of such bonds and may contain such  
260 terms and conditions as the authority may determine.

261 (3) Any such resolution or resolutions authorizing any  
262 bonds may contain provisions which shall be part of the contract  
263 with the holders of such bonds, as to:

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

267 (b) The construction, reconstruction, improvement,  
268 extension, repair, maintenance, and operation of the system, or  
269 any part or parts thereof, and the duties and obligations of the  
270 authority with reference thereto.

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271 (c) Limitations on the purposes to which the proceeds of  
272 the bonds, then or thereafter to be issued, or of any loan or  
273 grant by any federal agency or the state or any political  
274 subdivision thereof may be applied.

275 (d) The fixing, charging, establishing, revising,  
276 increasing, reducing and collecting of tolls, rates, fees,  
277 rentals, or other charges for use of the services and facilities  
278 of the system or any part thereof.

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

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

282 (g) The terms and provisions of any deed of trust or  
283 indenture securing the bonds, or under which the bonds may be  
284 issued.

285 (h) Any other or additional matters, of like or different  
286 character, which in any way affect the security or protection of  
287 the bonds.

288 (4) The authority may enter into any deeds of trust,  
289 indentures or other agreements with any bank or trust company  
290 within or without the state, as security for such bonds, and  
291 may, under such agreements, assign and pledge all or any of the  
292 revenues and other available moneys, including all or any  
293 available city or county funds, pursuant to the terms of this  
294 act. Such deed of trust, indenture or other agreement, may  
295 contain such provisions as are customary in such instruments or  
296 as the authority may authorize, including, but without  
297 limitation, provisions as to:

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298 (a) The pledging of all or any part of the revenues or  
299 other moneys lawfully available therefor.

300 (b) The application of funds and the safeguarding of funds  
301 on hand or on deposit.

302 (c) The rights and remedies of the trustee and the holders  
303 of the bonds.

304 (d) The terms and provisions of the bonds or the  
305 resolutions authorizing the issuance of the same.

306 (e) Any other or additional matters, of like or different  
307 character, which in any way affect the security or protection of  
308 the bonds.

309 (5) Any bonds issued pursuant to this act are, and are  
310 hereby declared to be, negotiable instruments, and shall have  
311 all the qualities and incidents of negotiable instruments under  
312 the law merchant and the negotiable instruments law of the  
313 state.

314 (6) Any resolution authorizing the issuance of authority  
315 bonds and pledging the revenues of the system shall require that  
316 revenues of the system be periodically deposited into  
317 appropriate accounts in such sums as will be sufficient to pay  
318 the costs of operation and maintenance of the system for the  
319 current fiscal year as set forth in the annual budget of the  
320 authority and to reimburse the department for any unreimbursed  
321 costs of operation and maintenance of the system from prior  
322 fiscal years before revenues of the system are deposited into  
323 accounts for the payment of interest or principal owing or that  
324 may become owing on such bonds.

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325 (7) No state funds shall be used or pledged to pay the  
326 principal or interest of any authority bonds, and all such bonds  
327 shall contain a statement on their face to this effect.

328 345.0006 Remedies of bondholders.-

329 (1) The rights and the remedies herein conferred upon or  
330 granted to authority bondholders shall be in addition to and not  
331 in limitation of any rights and remedies lawfully granted to  
332 such bondholders by the resolution or resolutions or indenture  
333 providing for the issuance of bonds, or by any deed of trust,  
334 indenture or other agreement under which the bonds may be issued  
335 or secured. In the event that an authority shall default in the  
336 payment of the principal of or interest on any of the bonds  
337 issued pursuant to the provisions of this act after such  
338 principal of or interest on the bonds shall have become due,  
339 whether at maturity or upon call for redemption, as provided in  
340 said resolution or indenture, and such default shall continue  
341 for a period of 30 days, or in the event that the authority  
342 shall fail or refuse to comply with the provisions of this act  
343 or any agreement made with, or for the benefit of, the holders  
344 of the bonds, the holders of 25 percent in aggregate principal  
345 amount of the bonds then outstanding shall be entitled as of  
346 right to the appointment of a trustee to represent such  
347 bondholders for the purposes hereof; provided, however, that  
348 such holders of 25 percent in aggregate principal amount of the  
349 bonds then outstanding shall have first given written notice of  
350 their intention to appoint a trustee, to the authority and to  
351 the department.



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352       (2) Such trustee, and any trustee under any deed of trust,  
353       indenture or other agreement, may, and upon written request of  
354       the holders of 25 percent, or such other percentages as may be  
355       specified in any deed of trust, indenture or other agreement  
356       aforesaid, in principal amount of the bonds then outstanding,  
357       shall, in any court of competent jurisdiction, in his, her, or  
358       its own name:

359       (a) By mandamus or other suit, action or proceeding at  
360       law, or in equity, enforce all rights of the bondholders,  
361       including the right to require the authority to fix, establish,  
362       maintain, collect and charge rates, fees, rentals, and other  
363       charges, adequate to carry out any agreement as to, or pledge  
364       of, the revenues, and to require the authority to carry out any  
365       other covenants and agreements with or for the benefit of the  
366       bondholders, and to perform its and their duties under this act.

367       (b) Bring suit upon the bonds.

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

371       (d) By action or suit in equity enjoin any acts or things  
372       which may be unlawful or in violation of the rights of the  
373       bondholders.

374       (3) Any trustee when appointed as aforesaid, or acting  
375       under a deed of trust, indenture or other agreement, and whether  
376       or not all bonds have been declared due and payable, shall be  
377       entitled as of right to the appointment of a receiver, who may  
378       enter upon and take possession of the system or the facilities  
379       or any part or parts thereof, the revenues and other pledged

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380 moneys, for and on behalf of and in the name of, the authority  
381 and the bondholders, and collect and receive all revenues and  
382 other pledged moneys in the same manner as the authority might  
383 do, and shall deposit all such revenues and moneys in a separate  
384 account and, apply all such revenues and moneys remaining after  
385 allowance for payment of all costs of operation and maintenance  
386 of the system in such manner as the court shall direct. In any  
387 suit, action or proceeding by the trustee, the fees, counsel  
388 fees, and expenses of the trustee, and said receiver, if any,  
389 and all costs and disbursements allowed by the court shall be a  
390 first charge on any revenues after payment of the costs of  
391 operation and maintenance of the system. Such trustee shall, in  
392 addition to the foregoing, have and possess all other powers  
393 necessary or appropriate for the exercise of any functions  
394 specifically set forth herein or incident to the representation  
395 of the bondholders in the enforcement and protection of their  
396 rights.

397 (4) Nothing in this section or any other section of this  
398 act shall authorize any receiver appointed pursuant hereto for  
399 the purpose of operating and maintaining the system or any  
400 facilities or part or parts thereof, to sell, assign, mortgage  
401 or otherwise dispose of any of the assets of whatever kind and  
402 character belonging to the authority. It is the intention of  
403 this act to limit the powers of such receiver to the operation  
404 and maintenance of the system, or any facility or part or parts  
405 thereof, and the collection and application of revenues and  
406 other monies due the authority, in the name and for and on  
407 behalf of the authority and the bondholders, and no holder of

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408 bonds nor any trustee, shall ever have the right in any suit,  
409 action or proceeding at law, or in equity, to compel a receiver,  
410 nor shall any receiver be authorized or any court be empowered  
411 to direct the receiver, to sell, assign, mortgage or otherwise  
412 dispose of any assets of whatever kind or character belonging to  
413 the authority.

414 345.0007 Department to construct, operate, and maintain  
415 facilities.-

416 (1) The department is the agent of each authority for the  
417 purpose of performing all phases of a project, including, but  
418 not limited to, constructing improvements and extensions to the  
419 system. The authority shall provide to the department complete  
420 copies of the documents, agreements, resolutions, contracts, and  
421 instruments relating thereto and shall request that the  
422 department perform such construction work, including the  
423 planning, surveying, design, and actual construction of the  
424 completion, extensions, and improvements to the system. After  
425 the issuance of bonds to finance construction of any  
426 improvements or additions to the system, the authority shall  
427 transfer to the credit of an account of the department in the  
428 State Treasury the necessary funds for construction. The  
429 department shall proceed with construction and use the funds for  
430 the purpose authorized and as otherwise provided by law for  
431 construction of roads and bridges. An authority may  
432 alternatively, with the consent and approval of the department,  
433 elect to appoint a local agency certified by the department to  
434 administer federal aid projects in accordance with federal law

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435 as its agent for the purpose of performing all phases of a  
436 project.

437 (2) Notwithstanding the provisions of subsection (1), the  
438 department is the agent of each authority for the purpose of  
439 operating and maintaining the system. The department shall  
440 operate and maintain the system, and the costs incurred by the  
441 department for operation and maintenance shall be reimbursed  
442 from revenues of the system. This appointment of the department  
443 as agent for each authority shall not be construed to create an  
444 independent obligation of the department to operate and maintain  
445 a system. Each authority shall remain obligated as principal to  
446 operate and maintain its system and an authority's bondholders  
447 shall have no independent right to compel the department to  
448 operate or maintain the authority's system.

449 (3) Each authority shall fix, alter, charge, establish,  
450 and collect tolls, rates, fees, rentals, and other charges for  
451 the authority's facilities, as otherwise provided in this act.

452 345.0008 Department contributions to authority projects.—

453 (1) The department may agree with an authority to provide  
454 for or contribute to the payment of costs of financial or  
455 engineering and traffic feasibility studies and the design,  
456 financing, acquisition, or construction of an authority project  
457 or system, included in the 10-year Strategic Intermodal Plan,  
458 subject to appropriation by the Legislature.

459 (a) In the manner required by chapter 216, the department  
460 shall include any issue or issues in its legislative budget  
461 request for funding the payment of costs of financial or  
462 engineering and traffic feasibility studies, and the design,

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463 financing, acquisition, or construction of an authority project  
464 or system. The request for funding may be included as part of  
465 the 5-year Tentative Work Program, however it will be decided  
466 upon separately as a distinct funding item for consideration by  
467 the Legislature. The department must include a financial  
468 feasibility test to accompany such legislative budget request  
469 for consideration of funding any authority project.

470 (b) As determined by the Legislature in the General  
471 Appropriations Act, funding provided for authority projects  
472 shall be appropriated in a specific Fixed Capital Outlay  
473 appropriation category that clearly identifies the authority  
474 project.

475 (c) The department may not request legislative approval of  
476 acquisition or construction of a proposed authority project  
477 unless the estimated net revenues of the proposed project will  
478 be sufficient to pay at least 50 percent of the annual debt  
479 service on the bonds associated with the project by the end of  
480 the 12th year of operation and to pay at least 100 percent of  
481 the debt service on the bonds by the end of the 30th year of  
482 operation.

483 (2) The department may use its engineering and other  
484 personnel, including consulting engineers and traffic engineers,  
485 to conduct feasibility studies under subsection (1). The  
486 department may participate in Regional Transportation Finance  
487 Authority funded projects that, at a minimum:

488 (a) Serve national, statewide, or regional functions and  
489 function as part of an integrated regional transportation  
490 system.

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491 (b) Are identified in the capital improvements element of  
492 a comprehensive plan that has been determined to be in  
493 compliance with part II of chapter 163. Further, the project  
494 shall be in compliance with local government comprehensive plan  
495 policies relative to corridor management.

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

498 (d) Have a commitment for local, regional, or private  
499 financial matching funds as a percentage of the overall project  
500 cost.

501 (3) Before approval, the department must determine that the  
502 proposed project:

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

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

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

510 (d) Would have adequate safeguards in place to ensure that  
511 the department and the Regional Transportation Finance Authority  
512 has the opportunity to add capacity to the proposed project and  
513 other transportation facilities serving similar origins and  
514 destinations.

515 (4) An obligation or expense incurred by the department  
516 under this section is a part of the cost of the authority  
517 project for which the obligation or expense was incurred. The  
518 department may require money contributed by the department under

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519 this section to be repaid from tolls of the project on which the  
520 money was spent, other revenue of the authority, or other  
521 sources of funds.

522 (5) The department shall receive from an authority a share  
523 of the authority's net revenues equal to the ratio of the  
524 department's total contributions to the authority under this  
525 section to the sum of: the department's total contributions  
526 under this section; contributions by any local government to the  
527 cost of revenue producing authority projects; and the sale  
528 proceeds of authority bonds after payment of costs of issuance.  
529 For the purpose of this subsection, net revenues are gross  
530 revenues of an authority after payment of debt service,  
531 administrative expenses, operations and maintenance expenses,  
532 and all reserves required to be established under any resolution  
533 under which authority bonds are issued.

534 345.0009 Acquisition of lands and property.-

535 (1) For the purposes of this act, an authority may acquire  
536 private or public property and property rights, including rights  
537 of access, air, view, and light, by gift, devise, purchase,  
538 condemnation by eminent domain proceedings, or transfer from  
539 another political subdivision of the state, as the authority may  
540 deem necessary for any of the purposes of this act, including,  
541 but not limited to, any lands reasonably necessary for securing  
542 applicable permits, areas necessary for management of access,  
543 borrow pits, drainage ditches, water retention areas, rest  
544 areas, replacement access for landowners whose access is  
545 impaired due to the construction of a facility, and replacement  
546 rights-of-way for relocated rail and utility facilities; for

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547 existing, proposed, or anticipated transportation facilities on  
548 the system or in a transportation corridor designated by the  
549 authority; or for the purposes of screening, relocation,  
550 removal, or disposal of junkyards and scrap metal processing  
551 facilities. Each authority shall also have the power to condemn  
552 any material and property necessary for such purposes.

553 (2) The right of eminent domain herein conferred shall be  
554 exercised by an authority in the manner provided by law.

555 (3) When an authority acquires property for a  
556 transportation facility or in a transportation corridor, it is  
557 not subject to any liability imposed by chapter 376 or chapter  
558 403 for preexisting soil or groundwater contamination due solely  
559 to its ownership. This section does not affect the rights or  
560 liabilities of any past or future owners of the acquired  
561 property nor does it affect the liability of any governmental  
562 entity for the results of its actions which create or exacerbate  
563 a pollution source. An authority and the Department of  
564 Environmental Protection may enter into interagency agreements  
565 for the performance, funding, and reimbursement of the  
566 investigative and remedial acts necessary for property acquired  
567 by the authority.

568 345.0010 Cooperation with other units, boards, agencies,  
569 and individuals. - Any county, municipality, drainage district,  
570 road and bridge district, school district or any other political  
571 subdivision, board, commission, or individual in, or of, the  
572 state may make and enter into with an authority, contracts,  
573 leases, conveyances, partnerships, or other agreements within  
574 the provisions and purposes of this act. Each authority is



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575 authorized to make and enter into contracts, leases,  
576 conveyances, partnerships, and other agreements with any  
577 political subdivision, agency, or instrumentality of the state  
578 and any and all federal agencies, corporations, and individuals,  
579 for the purpose of carrying out the provisions of this act.

580 345.0011 Covenant of the state.—The state pledges to, and  
581 agrees, with any person, firm or corporation, or federal or  
582 state agency subscribing to, or acquiring the bonds to be issued  
583 by an authority for the purposes of this act that the state will  
584 not limit or alter the rights vested by this act in the  
585 authority and the department until all bonds at any time issued,  
586 together with the interest thereon, are fully paid and  
587 discharged insofar as the same affects the rights of the holders  
588 of bonds issued hereunder. The state further pledges to, and  
589 agrees, with the United States that in the event any federal  
590 agency shall construct or contribute any funds for the  
591 completion, extension or improvement of the system, or any part  
592 or portion thereof, the state will not alter or limit the rights  
593 and powers of the authority and the department in any manner  
594 which would be inconsistent with the continued maintenance and  
595 operation of the system or the completion, extension or  
596 improvement thereof, or which would be inconsistent with the due  
597 performance of any agreements between the authority and any such  
598 federal agency, and the authority and the department shall  
599 continue to have and may exercise all powers herein granted, so  
600 long as the same shall be necessary or desirable for the  
601 carrying out of the purposes of this act and the purposes of the

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602 United States in the completion, extension or improvement of the  
603 system, or any part or portion thereof.

604 345.0012 Exemption from taxation.--The effectuation of the  
605 authorized purposes of an authority created under this act is,  
606 shall and will be, in all respects for the benefit of the people  
607 of the state, for the increase of their commerce and prosperity,  
608 and for the improvement of their health and living conditions,  
609 and because such authority will be performing essential  
610 governmental functions in effectuating such purposes, such  
611 authority shall not be required to pay any taxes or assessments  
612 of any kind or nature whatsoever upon any property acquired or  
613 used by it for such purposes, or upon any rates, fees, rentals,  
614 receipts, income or charges at any time received by it, and the  
615 bonds issued by the authority, their transfer and the income  
616 therefrom, including any profits made on the sale thereof shall  
617 at all times be free from taxation of any kind by the state, or  
618 by any political subdivision, or taxing agency or  
619 instrumentality thereof. The exemption granted by this section  
620 shall not be applicable to any tax imposed by chapter 220 on  
621 interest, income, or profits on debt obligations owned by  
622 corporations.

623 345.0013 Eligibility for investments and security.--Any  
624 bonds or other obligations issued pursuant to this act shall be  
625 and constitute legal investments for banks, savings banks,  
626 trustees, executors, administrators, and all other fiduciaries,  
627 and for all state, municipal and other public funds and shall  
628 also be and constitute securities eligible for deposit as  
629 security for all state, municipal or other public funds,

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630 notwithstanding the provisions of any other law or laws to the  
631 contrary.

632 345.0014 This chapter complete and additional authority.-

633 (1) The powers conferred by this act shall be in addition  
634 and supplemental to the powers conferred by other law, and this  
635 act shall not be construed as repealing any of the provisions of  
636 any other law, general, special or local, but to supersede such  
637 other laws in the exercise of the powers provided in this act,  
638 and to provide a complete method for the exercise of the powers  
639 granted in this act. The extension and improvement of a system,  
640 and the issuance of bonds hereunder to finance all or part of  
641 the cost thereof, may be accomplished upon compliance with the  
642 provisions of this act without regard to or necessity for  
643 compliance with the provisions, limitations, or restrictions  
644 contained in any other general, special or local law, including,  
645 but not limited to, s. 215.821, and no approval of any bonds  
646 issued under this act by the qualified electors or qualified  
647 electors who are freeholders in the state or in any political  
648 subdivision of the state, shall be required for the issuance of  
649 such bonds pursuant to this act.

650 (2) This act shall not be deemed to repeal, rescind, or  
651 modify any other law or laws relating to said State Board of  
652 Administration, said Department of Transportation, or the  
653 Division of Bond Finance of the State Board of Administration,  
654 but shall be deemed to and shall supersede such other law or  
655 laws as are inconsistent with the provisions of this act,  
656 including, but not limited to, s. 215.821.

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Amendment No. 6

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**T I T L E   A M E N D M E N T**

Remove line 161 and insert:  
authority; creating ch. 345, F.S., relating to the  
Florida Regional Transportation Finance Authority Act;  
creating s. 345.0001, F.S.; providing a short title;  
creating s. 345.0002, F.S.; providing definitions; creating  
s. 345.0003, F.S.; authorizing counties to form a regional  
tollway authority that can construct, maintain, or operate  
transportation projects in a region of the state; providing  
for governance of the authority; creating s. 345.0004,  
F.S.; providing for the powers and duties of a regional  
tollway authority; limiting an authority's power with  
respect to an existing system; prohibiting an authority  
from pledging the credit or taxing power of the state or  
any political subdivision or agency of the state; requiring  
that an authority comply with certain reporting and  
documentation requirements; creating s. 345.0005, F.S.;  
authorizing the authority to issue bonds; providing that  
the issued bonds must meet certain requirements; providing  
that the resolution that authorizes the issuance of bonds  
meet certain requirements; authorizing an authority to  
enter into security agreements for issued bonds with a bank  
or trust company; providing that the issued bonds are  
negotiable instruments and have certain qualities;

## Amendment No. 6

686 providing that a resolution authorizing the issuance of  
687 bonds and pledging of revenues of the system must contain  
688 certain requirements; prohibiting the use or pledge of  
689 state funds to pay principal or interest of an authority's  
690 bonds; creating s. 345.0006, F.S.; providing for the rights  
691 and remedies granted to certain bondholders; providing the  
692 actions a trustee may take on behalf of the bondholders;  
693 providing for the appointment of a receiver; providing for  
694 the authority of the receiver; providing limitations to the  
695 receiver's authority; creating s. 345.0007, F.S.; providing  
696 that the Department of Transportation is the agent of each  
697 authority for specified purposes; providing for the  
698 administration and management of projects by the  
699 department; providing limits on the department as an agent;  
700 providing for the fiscal responsibilities of the authority;  
701 creating s. 345.0008, F.S.; authorizing the department to  
702 provide for or commit its resources for an authority  
703 project or system if included in a specific plan and  
704 approved by the Legislature; providing for feasibility  
705 studies; requiring certain criteria to be met prior to  
706 department approval; providing for payment of expenses  
707 incurred by the department on behalf of an authority;  
708 requiring the department to receive a share of the revenue  
709 from the authority; providing calculations for disbursement  
710 of revenues; creating s. 345.0009, F.S.; authorizing the  
711 authority to acquire private or public property and  
712 property rights for a project or plan; authorizing the  
713 authority to exercise the right of eminent domain;

## Amendment No. 6

714 providing for the rights and liabilities and remedial  
715 actions relating to property acquired for a transportation  
716 project or corridor; creating s. 345.0010, F.S.; providing  
717 for contracts between governmental entities and an  
718 authority; creating s. 345.0011, F.S.; providing that the  
719 state will not limit or alter the vested rights of a  
720 bondholder with regard to any issued bonds or rights  
721 relating to the bonds under certain conditions; creating s.  
722 345.0012, F.S.; relieving the authority from the obligation  
723 of paying certain taxes or assessments for property  
724 acquired or used for certain public purposes or for  
725 revenues received relating to the issuance of bonds;  
726 providing exceptions; creating s. 345.0013, F.S.; providing  
727 that the bonds or obligations issued are legal investments  
728 of specified entities; creating s. 345.0014, F.S.;  
729 providing applicability; amending s. 348.754, F.S.;  
730 revising the  
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Amendment No. 7

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	—	

*Adopted  
w/out  
objection  
4/9/13*

1 Committee/Subcommittee hearing bill: Transportation & Economic  
 2 Development Appropriations Subcommittee  
 3 Representative Davis offered the following:

**Amendment (with title amendment)**

Remove lines 1872-2041

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

Remove lines 203-214 and insert:  
the election of one or more agencies; providing an  
effective date.