

Transportation & Highway Safety Subcommittee

MEETING PACKET

**Thursday, January 9, 2014
9:00 AM – 11:00 AM
Sumner Hall (404 HOB)**

**Will Weatherford
Speaker**

**Daniel Davis
Chair**



The Florida House of Representatives

Economic Affairs Committee

Transportation & Highway Safety Subcommittee

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Speaker

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Meeting Agenda
January 9, 2014
9:00 AM - 11:00 AM
Sumner Hall (404 HOB)

- I. Call to Order & Opening Remarks by Chair Davis**
- II. Consideration of the following bill(s):**
 - HB 3 Freight Logistics Zones by Rep. Ray**
- III. Consideration of the following proposed committee bill(s):**
 - PCB THSS 14-01 – Transportation**
 - PCB THSS 14-02 – Transportation Public Records Exemption/Toll-By-Plate**
- IV. Florida Department of Transportation Presentation:**
 - Florida Freight Mobility & Trade Plan-Policy Element**
- V. Closing Remarks and Adjournment by the Chairman**

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 3 Freight Logistics Zones
SPONSOR(S): Ray and others
TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 136

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Highway Safety Subcommittee		Johnson <i>JIS</i>	Miller <i>PM.</i>
2) Transportation & Economic Development Appropriations Subcommittee			
3) Economic Affairs Committee			

SUMMARY ANALYSIS

The bill creates s. 311.103, F.S., defining a freight logistics zone as a grouping of activities and infrastructure dealing with freight transportation and related services within a defined area, and allows a county, or two or more contiguous counties to designate a freight logistics zone. Projects within freight logistics zones, which are consistent with the Department of Transportation's (DOT) Freight Logistics and Trade plan, may be eligible for priority in state funding for certain incentive programs. Currently, freight logistics zones are not defined or designated.

Designated freight logistics zones may be eligible for priority state funding and incentives.

The bill does not have a direct fiscal impact on state government.

The bill has an indeterminate fiscal impact on local governments since incentives will vary from project to project.

The bill has an effective date of July 1, 2014.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Freight

The U.S. economy's success depends on a complex, interconnected transportation network comprised of highways, railways, seaports, and airports. The growing importance of freight movement in the overall economy is reflected in the recently enacted federal transportation authorization legislation, Moving Ahead for Progress in the 21st Century (MAP-21).¹ MAP 21 creates a streamlined, performance-based, and multimodal program to address the many challenges facing all modes of U.S. transportation. In terms of freight, MAP-21 policies and provisions outline the requirements for developing a 27,000 mile National Freight Network that is critical to the nation's long-term economic growth. Additionally, MAP-21 provides a number of new funding opportunities, including up to 95 percent match for certain freight-related projects.

In recent years, Florida has taken a number of steps to address freight mobility needs and diversify the state's economy. The Department of Transportation (DOT) is pursuing a goal to develop a coordinated multi-modal transportation system for freight movement in Florida. In furthering that goal, DOT established the Office of Freight Mobility and Passenger Operations.

In 2012, the Legislature enacted HB 599,² which created the Florida Freight Mobility and Trade Plan (FMTP).³ The FMTP will play an important role in transforming the state's economy to become a global hub of trade, logistics, and export oriented manufacturing activities. The four main objectives of the FMTP include:

- Increasing the flow of domestic and international trade through the state's seaports and airports, including specific policies and investments that will recapture cargo currently shipped through seaports and airports located outside the state;
- Increasing the development of intermodal logistic centers in the state, including specific strategies, policies, and investments that capitalize on the state's empty backhaul trucking and rail market;
- Increasing the development of manufacturing industries in the state, including specific policies and investments in transportation facilities that will promote the successful development and expansion of manufacturing facilities; and
- Increasing the implementation of compressed natural gas (CNG), liquefied natural gas (LNG), and propane energy policies that reduce transportation costs for businesses and residents located in the state.⁴

The FMTP is being developed in two phases. The Policy Element was adopted on June 19, 2013, and lays out the policy framework through the development of objectives, strategies, and action items.⁵ The Implementation Element will develop a collaborative and transparent project prioritization process to match funding for short-term and long-term investment.

¹ P.L. 112-141

² Ch. 2012-174, L.O.F.

³ Information on the development of the FMTP is available at <http://www.freightmovesflorida.com/freight-mobility-and-trade-plan/freight-mobility-and-trade-plan-overview> (Last visited October 28, 2013).

⁴ S. 334.044(4)(a), F.S.

⁵ A copy of the Policy Element of the FMTP is available at <http://www.freightmovesflorida.com/freight-mobility-and-trade-plan/policy-element> (Last visited October 28, 2013).

Another key element of Florida's freight mobility strategy is the establishment of intermodal logistics centers (ILCs). Section 311.101(2), F.S., defines an ILC as a facility or group of facilities serving as a point of intermodal transfer of freight in a specific area physically separated from a seaport where activities related to the transport, logistics, goods distribution, consolidation, or value-added activities are carried out and whose activities and services are designed to support or be supported by conveyance or shipping through one or more seaports listed in s. 311.09, F.S.⁶

Section 311.101, F.S., also establishes the ILC Infrastructure Support Program which provides \$5 million in funds annually to support projects that create or improve the movement of freight goods along all modes of transportation. This program is open to state, local, or private entities that have obtained local support and funding for their project. The eligibility of a project is determined by DOT and the Department of Economic Opportunity (DEO). Eligible projects must show a benefit to the community as well as demonstrate the improvement of freight movement within the affected region.

Finally in 2012, ILCs were added to the list of transportation facilities eligible to receive funding for transportation capacity improvements under the Strategic Intermodal System (SIS).⁷ Designation as part of the SIS requires review and approval by DOT. DOT is currently finalizing updated SIS eligibility criteria for ILCs.

Currently, freight logistics zones are not defined or designated.

Incentive Programs: Parts I, III, and V of ch. 288, F.S.

Current law provides a number of economic development incentives in various forms, including tax credits, tax refunds, tax exemptions, infrastructure funding, and cash grants.⁸

With respect to part I of ch. 288, F.S., the Quick Response Training Program is intended to meet the short-term, immediate, workforce-skill needs of certain "business and industries that support the state's economic development goals, particularly high value-added businesses or businesses that locate in and provide jobs the state's distressed urban areas."⁹

The Rural Infrastructure Fund facilitates "the planning, preparing, and financing of infrastructure projects in rural communities that will encourage job creation, capital investment, and the strengthening and diversification of rural economies by promoting tourism, trade, and economic development."¹⁰

Section 288.106, F.S., establishes a tax refund program for qualified, eligible target industry businesses for projects that create a new business or expand an existing business.

Part III of ch. 288, F.S., authorizes any corporation or government agency to apply to federal authorities for a grant of privilege of establishing, operating, and maintaining foreign trade zones and subzones in or adjacent to ports of entry of the United States pursuant to the Foreign Trade Zone Act of 1934. A grant includes authority to select and describe the location of zones or subzones and to make rules as may be necessary to comply with the rules and regulations made in accordance with the Act.

Part V of ch. 288, F.S., creates the Florida Export Finance Corporation as a not-for-profit corporation. The corporation's intended purpose is to assist small and medium-sized Florida businesses in the expansion of international trade and to expand job opportunities for Florida's workforce.

Each of the various programs under parts I, III, and V of ch. 288, F.S., has its own set of eligibility criteria and related requirements.

⁶ Section 311.09(1), F.S. lists the following seaports: Jacksonville, Port Canaveral, Port Citrus, Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key West, and Fernandina.

⁷ The SIS is created pursuant to ss. 339.61 through 339.65, F.S.

⁸ See ch. 288, F.S., relating to Commercial Development and Capital Improvements.

⁹ S. 288.047, F.S.

¹⁰ S. 288.0655, F.S.

Proposed Changes

The bill creates s. 311.103, F.S., defining a freight logistics zone as a grouping of activities and infrastructure associated with freight transportation and related services around an ILC. The bill allows a county, or two or more contiguous counties, to designate a geographic area or areas within its jurisdiction as a freight logistics zone. The plan must be accompanied by a strategic plan adopted by the county or counties. At a minimum, the strategic plan must include, but is not limited to:

- A map depicting the geographic area or areas to be included within the designation.
- Identification of existing or planned freight facilities or logistics clusters located within the zone.
- Identification of existing transportation infrastructure, such as roads, rail, airports, and seaports, within or in close proximity to the proposed freight logistics zone.
- Identification of existing workforce availability within or in close proximity to the proposed zone.
- Identification of any local, state, or federal workforce training capabilities available for a business seeking to expand or locate within the proposed zone.
- Identification of any local, state, or federal plans, including transportation, seaport, or airport plans, concerning the movement of freight within or in close proximity to the proposed zone.
- Identification of financial or other local government incentives to encourage new development, expansion of existing development, or redevelopment within the proposed zone.
- Documentation that the plan is consistent with applicable local government comprehensive plans and adopted long range transportation plans of a Metropolitan Planning Organization, where applicable.

The bill provides that projects within freight logistics zones, which are consistent with DOT's Freight Mobility and Trade Plan,¹¹ may be eligible for priority in state funding and incentive programs relating to freight logistics zones under applicable programs in parts I, III, and V of ch. 288, F.S.

The bill provides criteria for evaluating projects for designation as a freight logistics zone, or for determining funding or incentive program eligibility, which includes, but is not limited to:

- The presence of an existing or planned intermodal logistics center within the freight logistics zone.
- The ability of the project to serve a strategic state interest.
- The ability of the project to facilitate the cost-effective and efficient movement of goods.
- The extent to which the project contributes to economic activity, including job creation, increased wages, and revenues.
- The extent to which the project efficiently interacts with and supports the transportation network.
- The amount of investment or commitments made by the owner or developer of the existing or proposed facility.
- The extent to which the county or counties have commitments with private sector businesses planning to locate operations within the freight logistics zone.
- Demonstrated local financial support and commitment to the project.

The bill has an effective date of July 1, 2014.

B. SECTION DIRECTORY:

Section 1 Creates s. 311.103, F.S., relating to the designation of state freight logistics zones.

Section 2 Provides an effective date.

¹¹ DOT's Freight Mobility and Trade Plan is developed pursuant to s. 334.044(33), F.S.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Indeterminate. The growth of the freight industry and related businesses in the freight logistics zones may have a positive impact on revenues generated from local taxes and fees.

2. Expenditures:

Indeterminate. Financial or other local government incentives are to be identified in the strategic plan for a designated freight logistics zone and will vary from project to project.

Counties that choose to designate freight logistics zones will incur expenses, in unknown amounts, associated with creating strategic plans and designating freight logistics zones.

Local government financial support and commitment, in unknown amounts, are to be identified in the required strategic plans.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill may promote the growth of the freight industry and related businesses in freight logistics zones.

D. FISCAL COMMENTS:

There is no direct impact to DOT. Projects within freight logistic zones may be given priority consideration for funding during the development of the Five-Year Tentative Work Program.¹² The eligibility incentivizes coordination of local, regional and state planning of, and investment in, intermodal infrastructure.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

¹² DOT's work program is developed pursuant to s. 339.135, F.S.
STORAGE NAME: h0003.THSS.DOCX
DATE: 12/20/2013

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

On line 18, the catchline should be underlined. An amendment will be offered to correct this error.

On line 61, it begins “[w]hen evaluating projects for designation as a freight logistics zone, . . .” The bill does not authorize designation of projects as a freight logistics zone; rather, it authorizes the designation of a geographic area or areas within the jurisdiction of a county, or two or more contiguous counties, as a freight logistics zone.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to freight logistics zones; creating
 3 s. 311.103, F.S.; defining the term "freight logistics
 4 zone"; authorizing a county or two or more contiguous
 5 counties to designate a geographic area or areas
 6 within its jurisdiction as a freight logistics zone;
 7 requiring the adoption of a strategic plan which must
 8 include certain information; providing that certain
 9 projects within freight logistics zones may be
 10 eligible for priority in state funding and certain
 11 incentive programs; providing evaluation criteria for
 12 freight logistics zones; providing an effective date.

13

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

15

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

18 311.103 Designation of state freight logistics zones.—

19 (1) As used in this section, the term "freight logistics
 20 zone" means a grouping of activities and infrastructure
 21 associated with freight transportation and related services
 22 within a defined area around an intermodal logistics center as
 23 defined in s. 311.101(2).

24 (2) A county, or two or more contiguous counties, may
 25 designate a geographic area or areas within its jurisdiction as
 26 a freight logistics zone. The designation must be accompanied by
 27 a strategic plan adopted by the county or counties. At a
 28 minimum, the strategic plan must include, but is not limited to:

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

31 (b) Identification of the existing or planned freight
 32 facilities or logistics clusters located within the designated
 33 zone.

34 (c) Identification of existing transportation
 35 infrastructure, such as roads, rail, airports, and seaports,
 36 within or in close proximity to the proposed freight logistics
 37 zone.

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

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

43 (f) Identification of any local, state, or federal plans,
 44 including transportation, seaport, or airport plans, concerning
 45 the movement of freight within or in close proximity to the
 46 proposed zone.

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

50 (h) Documentation that the plan is consistent with
 51 applicable local government comprehensive plans and adopted
 52 long-range transportation plans of a Metropolitan Planning
 53 Organization, where applicable.

54 (3) Projects within freight logistics zones designated
 55 pursuant to this section, which are consistent with the Freight
 56 Mobility and Trade Plan developed in accordance with s.

57 334.044(33), may be eligible for priority in state funding and
 58 incentive programs relating to freight logistics zones,
 59 including applicable programs identified in parts I, III, and V
 60 of chapter 288.

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

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

66 (b) Whether the project serves a strategic state interest.

67 (c) Whether the project facilitates the cost-effective and
 68 efficient movement of goods.

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

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

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

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

79 (h) Demonstrated local financial support and commitment to
 80 the project.

81 Section 2. This act shall take effect July 1, 2014.



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Transportation & Highway
2 Safety Subcommittee

3 Representative Ray offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

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

9 311.103 Designation of state freight logistics zones.-

10 (1) As used in this section, the term "freight logistics
11 zone" means a grouping of activities and infrastructure
12 associated with freight transportation and related services
13 within a defined area around an intermodal logistics center as
14 defined in s. 311.101(2).

15 (2) A county, or two or more contiguous counties, may
16 designate a geographic area or areas within its jurisdiction as
17 a freight logistics zone. The designation must be accompanied by



Amendment No. 1

18 a strategic plan adopted by the county or counties. At a
19 minimum, the strategic plan must include, but is not limited to:

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 existing or planned local,
32 state, or federal workforce training capabilities available for
33 a business seeking 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
43 long-range transportation plans of a Metropolitan Planning



Amendment No. 1

44 Organization, where applicable.

45 (3) Projects within freight logistics zones designated
46 pursuant to this section, which are consistent with the Freight
47 Mobility and Trade Plan developed in accordance with s.
48 334.044(33), may be eligible for priority in state funding and
49 incentive programs relating to freight logistics zones,
50 including applicable programs identified in parts I, III, and V
51 of chapter 288.

52 (4) When evaluating projects within a designated freight
53 logistics zone to determine funding or incentive program
54 eligibility under this section, consideration must be given to:

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

57 (b) Whether the project serves a strategic state interest.

58 (c) Whether the project facilitates the cost-effective and
59 efficient movement of goods.

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

63 (e) The extent to which the project efficiently interacts
64 with and supports the existing or planned transportation
65 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



Amendment No. 1

70 | operations within the freight logistics zone.

71 | (h) Demonstrated local financial support and commitment to
72 | the project, including in-kind contributions.

73 | Section 2. This act shall take effect July 1, 2014.

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Remove everything before the enacting clause and insert:
An act relating to freight logistics zones; creating s. 311.103,
F.S.; defining the term "freight logistics zone"; authorizing a
county or two or more contiguous counties to designate a
geographic area or areas within its jurisdiction as a freight
logistics zone; requiring the adoption of a strategic plan which
must include certain information; providing that certain
projects within freight logistics zones may be eligible for
priority in state funding and certain incentive programs;
providing evaluation criteria for freight logistics zones;
providing an effective date.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB THSS 14-01 Department of Transportation
SPONSOR(S): Transportation & Highway Safety Subcommittee
TIED BILLS: IDEN./SIM. **BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Transportation & Highway Safety Subcommittee		Johnson <i>JS</i>	Miller <i>P.M.</i>

SUMMARY ANALYSIS

The bill is a comprehensive bill related to transportation. In summary, the bill:

- Extends the Florida Transportation Commission's (FTC) oversight of expressway and bridge authorities to the Mid-Bay Bridge Authority.
- Repeals the Florida Statewide Passenger Rail Commission.
- Removes the local government authorization to further install and enforce additional traffic infraction detectors, better known as red light cameras.
- Reduces the red light camera penalties by the amount local governments are allocated and revises the distribution of the remaining penalty amount.
- Authorizes local governments to impose a surcharge for red light camera infractions at intersections with existing cameras to fund existing contractual agreements.
- Modifies the terms and conditions under which the Department of Transportation (DOT) may sell or lease properties acquired for rights-of-way.
- Clarifies DOT's authority and responsibilities when DOT receives an unsolicited proposal to enter into a lease of DOT property for joint public-private development or commercial development by aligning the process for unsolicited proposals for such uses with the process for unsolicited proposals for public-private transportation projects.
- Clarifies DOT's authority to enter into agreements with public or private transportation facility owners for the use of DOT systems to collect and enforce tolls, fares, administrative fees, and other applicable charges due in connection with the use of the owner's facility.
- Revises provisions related to environmental mitigation for transportation projects.
- Allows toll revenues on the Pinellas Bayway to be used for maintenance.

The bill has an indeterminate fiscal impact on both state and local government revenues and expenditures. See the Fiscal Analysis & Economic Impact statement of this analysis for specific details.

The bill has an effective date of July 1, 2014.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

The bill is a comprehensive bill related to transportation. For ease of understanding, this analysis is arranged by topic.

Florida Transportation Commission (Section 1)

Current Situation

The Florida Transportation Commission (FTC) has long been charged with periodically reviewing the status of the state transportation system, including rail and other component modes, and with recommending system improvements to the Governor and the Legislature. Beginning in 2007, the Legislature also directed the FTC to:

Monitor the efficiency, productivity, and management of the authorities created under chapters 348 and 349, F.S.,¹ including any authority formed using the provisions of part I of ch. 348, F.S., and any authority formed under ch. 343, F.S., which is not monitored under subsection (3). The commission shall also conduct periodic reviews of each authority's operations and budget, acquisition of property, management of revenue and bond proceeds, and compliance with applicable laws and generally accepted accounting principles.²

There is no state entity currently charged with monitoring the Mid-Bay Bridge Authority, which was created by special law.³

Proposed Changes

The bill amends s. 20.23(2)(b)8., F.S., giving the FTC oversight authority over the Mid-Bay Bridge Authority.

Florida Statewide Passenger Rail Commission (Section 1)

Current Situation

In 2009, the Legislature provided a statutory framework for enhancing the consideration of passenger rail as a modal choice in the development and operation of Florida's transportation network.⁴ The Legislature created the Florida Rail Enterprise,⁵ modeled after the Florida Turnpike Enterprise, to coordinate the development and operation of passenger rail services statewide, and established the Florida Statewide Passenger Rail Commission (FSPRC) to monitor, advise, and review publicly-funded passenger rail systems.⁶

Specifically, and similar to the duty of the FTC, the Legislature charged the FSPRC with the function of:

¹ Chapter 343, F.S., entities include the South Florida Regional Transportation Authority, the Central Florida Regional Transportation Authority, the Northwest Florida Transportation Corridor Authority, and the Tampa Bay Area Regional Transportation Authority. Chapter 348, F.S., entities include the Miami-Dade Expressway Authority, the Tampa-Hillsborough County Expressway Authority, the Orlando-Orange County Expressway Authority, the Santa Rosa Bay Bridge Authority, and the Osceola County Expressway Authority. Chapter 349, F.S., establishes the Jacksonville Transportation Authority.

² S. 20.23(2)(b)8., F.S.

³ Ch. 2000-411, L.O.F.

⁴ Ch. 2009-271, L.O.F.

⁵ The Florida Rail Enterprise is created in ss. 341.8201 through 341.842, F.S.

⁶ The first phase (31 miles) of a commuter rail project, SunRail, – an eventual 61-mile stretch of existing rail freight tracks through Orange, Seminole, Volusia and Osceola counties and the City of Orlando -- is under construction, and service could begin as early as 2014.

Monitoring the efficiency, productivity, and management of all publicly funded passenger rail systems in the state, including, but not limited to, any authority created under chapters 343, 349, or 163, F.S., if the authority receives public funds for the provision of passenger rail service. The commission shall advise each monitored authority of its findings and recommendations. The commission shall also conduct periodic reviews of each monitored authority's passenger rail and associated transit operations and budget, acquisition of property, management of revenue and bond proceeds, and compliance with applicable laws and generally accepted accounting principles. The commission may seek the assistance of the Auditor General in conducting such reviews and shall report the findings of such reviews to the Legislature. This paragraph does not preclude the Florida Transportation Commission from conducting its performance and work program monitoring responsibilities.⁷

The only publicly funded passenger rail system in the state (Tri-Rail) then and now existing is operated by the South Florida Regional Transportation Authority, which is established in part II of ch. 343, F.S. No publicly-funded statewide passenger rail service has been built since the creation of the FSPRC nor is any type of service planned.⁸ In addition, the FTC provides most of the same roles as the FSPRC for all areas of transportation in the state.

DOT provides administrative support and service to the FSPRC. The commission last met in July 2012. Seven of the nine seats on the FSPRC are currently vacant.⁹

Proposed Changes

The bill repeals s. 20.23(3), F.S., eliminating the Florida Statewide Passenger Rail Commission.

Red Light Cameras (Sections 2 through 5)

Current Situation

Red Light Cameras Generally

Traffic infraction detectors¹⁰ or red light cameras enforce traffic laws by automatically photographing vehicles running red lights. The cameras are connected to the traffic signal and to sensors that monitor traffic flow at the crosswalk or stop line. The system photographs vehicles that enter the intersection above a pre-set minimum speed after the signal has turned red; a second photograph typically shows the driver in the intersection. In some cases, video cameras are used. Red light cameras also record the license plate number, the date and time of day, the time elapsed since the beginning of the red signal, and the vehicle's speed.

Red light cameras in Florida

In 2010, the Florida Legislature enacted ch. 2010-80, L.O.F.¹¹ The law expressly preempted to the state regulation of the use of cameras for enforcing the provisions of Ch. 316, F.S.¹² The law also

⁷ S. 20.23(3)(b)1., F.S.

⁸ All Aboard Florida is privately funded.

⁹ October 8, 2013 e-mail from DOT to House Transportation & Highway Safety Subcommittee Staff. Copy on file with subcommittee staff.

¹⁰ Section 316.003(87), F.S., defines "traffic infraction detector" as "[a] vehicle sensor installed to work in conjunction with a traffic control signal and a camera or cameras synchronized to automatically record two or more sequenced photographic or electronic images or streaming video of only the rear of a motor vehicle at the time the vehicle fails to stop behind the stop bar or clearly marked stop line when facing a traffic control signal steady red light. Any notification under s. 316.0083(1)(b) or traffic citation issued by the use of a traffic infraction detector must include a photograph or other recorded image showing both the license tag of the offending vehicle and the traffic control device being violated."

¹¹ House Bill 325 (2010).

¹² S. 316.0076, F.S.

authorized the Department of Highway Safety and Motor Vehicles (DHSMV), counties, and municipalities to employ red light camera programs.¹³

Jurisdiction, Installation, and Awareness

Every red light camera must meet requirements established by DOT and must be tested at regular intervals according to procedures prescribed by DOT.¹⁴ If DHSMV, a county, or a municipality installs a red light camera at an intersection, the respective governmental entity must notify the public that a camera is in use at that intersection, including specific notification of enforcement of right-on-red violations.¹⁵ Such signage must meet specifications adopted by DOT pursuant to s. 316.0745, F.S.¹⁶

Notifications and Citations

If a red light camera captures an image of a driver running a red light, the visual information is reviewed by a traffic infraction enforcement officer. A notice of violation must be issued to the registered owner of the vehicle within 30 days of the alleged violation.¹⁷ The notice must be accompanied by a photograph or other recorded image of the violation, and must include a statement of the vehicle owner's right to review images or video of the violation, and the time, place, and Internet location where the evidence may be reviewed.¹⁸ Violations may not be issued if the driver is making a right-hand turn in a "careful and prudent manner."¹⁹

A person who has been issued a notice of violation for a red light camera violation is authorized to elect to receive a hearing within 60 days following the date of the notice of violation. No payment or fee may be required in order to receive the hearing. Further, if a person elects to receive a hearing, the person waives his or her right to challenge delivery of the notice of violation.²⁰ If the notice of violation is upheld, the local hearing officer must require the petitioner to pay the \$158 penalty and may also require the petitioner to pay county or municipal costs, not to exceed \$250.²¹

If the registered owner of the vehicle does not pay the violation within 60 days of the notification described above, the traffic infraction enforcement officer must issue a uniform traffic citation (UTC) to the owner.²² The UTC must be mailed by certified mail, and must be issued no later than 60 days after the violation.²³ The UTC must also include the photograph and statements described above regarding review of the photographic or video evidence.²⁴ The report of an officer and images provided by a traffic infraction detector are admissible in court and provide a rebuttable presumption the vehicle was used to commit the violation.²⁵

A traffic infraction enforcement officer must provide by electronic transmission a replica of the citation data when issued under s. 316.0083, F.S., to the court having jurisdiction over the alleged offense or its traffic violations bureau within five days after the issuance date of a UTC to the violator.²⁶

Exemptions

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

¹³ S. 316.0083, F.S.

¹⁴ S. 316.0776, F.S.

¹⁵ S. 316.0776(2), F.S.

¹⁶ Id.

¹⁷ S. 316.0083(1)(b), F.S.

¹⁸ Id.

¹⁹ S. 316.0083(2), F.S.

²⁰ Id.

²¹ SS. 316.0083(5)(e), and 318.18(22), F.S.

²² S. 316.0083(1)(c), F.S.

²³ Id.

²⁴ Id.

²⁵ S. 316.0083(1)(e), F.S.

²⁶ S. 316.650(3)(c), F.S.

- Vehicle passed through the intersection to yield the right-of-way to an emergency vehicle or as part of a funeral procession;
- Vehicle passed through the intersection at the direction of a law enforcement officer;
- Vehicle was, at the time of the violation, in the care, custody, or control of another person;
- Driver received a UTC for the alleged violation issued by a law enforcement officer; or
- Vehicle owner was deceased on or before the date that the UTC was issued.²⁷

To establish any of these exemptions, the registered owner of the vehicle must furnish an affidavit to the appropriate governmental entity that provides detailed information supporting an exemption as provided above, including relevant documents such as a police report (if the car had been reported stolen) or a copy of the UTC, if issued.²⁸ If the registered owner submits an affidavit that another driver was behind the wheel, the affidavit must contain the name, address, date of birth, and if known, the driver's license number of the driver.²⁹ A UTC may be issued to the driver, and the affidavit from the registered owner may be used as evidence in a further proceeding regarding the driver's alleged violation of ss. 316.074(1) or 316.075(1)(c)1., F.S.³⁰ Submission of a false affidavit is a second degree misdemeanor.

If the vehicle is leased, the owner of the leased vehicle is not responsible for paying the UTC, nor required to submit an affidavit, if the motor vehicle is registered in the name of the lessee.³¹ If a person presents documentation from the appropriate governmental entity that a UTC was issued in error, the clerk of court may dismiss the UTC and may not charge for such service.³²

Penalties

Red light camera citations carry a \$158 penalty. When the \$158 penalty is the result of local government enforcement, \$75 is retained by the local government and \$83 is deposited with the Florida Department of Revenue (DOR).³³ DOR subsequently distributes the penalty by depositing \$70 in the General Revenue Fund, \$10 in the Department of Health (DOH) Administrative Trust Fund, and \$3 in the Brain and Spinal Cord Injury Trust Fund.³⁴

When the \$158 penalty is the result of enforcement by DHSMV, \$45 is retained by the local government and \$113 is deposited with the Department of Revenue (DOR).³⁵ DOR subsequently distributes the penalty by depositing \$100 in the General Revenue Fund, \$10 in the DOH Administrative Trust Fund, and \$3 in the Brain and Spinal Cord Injury Trust Fund.³⁶ DHSMV does not currently operate any red light cameras.³⁷

If a law enforcement officer cites a motorist for the same offense, the penalty is still \$158, but the revenue is distributed from the local clerk of court to DOR, where \$30 is distributed to the General Revenue Fund, \$65 is distributed to the Department of Health Administrative Trust Fund, and \$3 is distributed to the Brain and Spinal Cord Injury Trust Fund. The remaining \$60 is distributed in small percentages to a number of funds pursuant to s. 318.21, F.S.³⁸

²⁷ S. 316.0083(1)(d), F.S.

²⁸ Id.

²⁹ Id.

³⁰ Id.

³¹ Id.

³² S. 318.18(15), F.S.

³³ S. 318.18(15), F.S., s. 316.0083(1)(b)3., F.S.

³⁴ Id.

³⁵ Id.

³⁶ Id.

³⁷ December 6, 2013 e-mail from DHSMV to Transportation & Highway Safety Subcommittee Staff. Copy on file with the subcommittee.

³⁸ S. 318.18(15), F.S.

Red light camera citations may not result in points assessed against the driver's driver license and may not be used for the purpose of setting motor vehicle insurance rates.³⁹

Actual Revenue

In FY 2012 – 2013, there were 77 jurisdictions operating red light camera programs throughout the state. The following chart details the state portion of the penalties remitted from participating local governments to DOR as a result of red light camera programs in place for FY 2012 – 2013.⁴⁰

COCOA BEACH	Brevard	\$273,485
PALM BAY	Brevard	\$167,743
CORAL SPRINGS	Broward	\$206,919
DAVIE	Broward	\$422,350
FORT LAUDERDALE	Broward	\$1,347,417
HALLANDALE BEACH	Broward	\$122,840
HOLLYWOOD	Broward	\$1,756,529
MARGATE	Broward	\$444,299
PEMBROKE PINES	Broward	\$926,280
SUNRISE	Broward	\$747,041
WEST PARK	Broward	\$153,467
GREEN COVE SPRINGS	Clay	\$695,042
COLLIER COUNTY BOCC	Collier	\$471,268
PALM COAST	Flagler	\$590,047
CLEWISTON	Hendry	\$157,285
BROOKSVILLE	Hernando	\$1,233,546
HILLSBOROUGH COUNTY BOCC	Hillsborough	\$1,458,376
TAMPA	Hillsborough	\$3,083,943
TEMPLE TERRACE	Hillsborough	\$479,740
CAMPBELLTON	Jackson	\$36,668
GROVELAND	Lake	\$129,406
TALLAHASSEE	Leon	\$863,532
BRADENTON	Manatee	\$455,172
COUNTY OF MANATEE BOARD OF COUNTY COMMISSIONERS	Manatee	\$253,399
DUNNELLON	Marion	\$443,801
AVENTURA	Miami-Dade	\$1,574,925
BAL HARBOUR VILLAGE	Miami-Dade	\$1,056,731
CORAL GABLES	Miami-Dade	\$392,451
CUTLER BAY	Miami-Dade	\$222,855
DORAL	Miami-Dade	\$763,015
EL PORTAL	Miami-Dade	\$54,614
FLORIDA CITY	Miami-Dade	\$924,108
HIALEAH GARDENS	Miami-Dade	\$225,922
HOMESTEAD	Miami-Dade	\$419,482
KEY BISCAWAYNE	Miami-Dade	\$58,847
MEDLEY	Miami-Dade	\$450,690
MIAMI	Miami-Dade	\$6,464,870
MIAMI BEACH	Miami-Dade	\$227,088
MIAMI GARDENS	Miami-Dade	\$3,198,239

³⁹ S. 322.27(3)(d)6., F.S.

⁴⁰ The Department of Revenue makes its most-recent data available online at <http://dor.myflorida.com/dor/taxes/distributions.html>

(Last visited on November 25, 2013).

STORAGE NAME: pcb01.THSS.DOCX

DATE: 12/20/2013

MIAMI SPRINGS	Miami-Dade	\$586,477
NORTH BAY VILLAGE	Miami-Dade	\$534,105
NORTH MIAMI FLORIDA	Miami-Dade	\$2,016,729
OPA LOCKA	Miami-Dade	\$509,699
SURFSIDE	Miami-Dade	\$366,362
SWEETWATER	Miami-Dade	\$1,388,081
WEST MIAMI	Miami-Dade	\$750,113
APOPKA	Orange	\$2,031,425
EDGEWOOD	Orange	\$662,547
MAITLAND	Orange	\$1,116,516
OCOOE	Orange	\$487,542
ORANGE COUNTY BOCC	Orange	\$699,524
ORLANDO	Orange	\$1,909,332
WINTER PARK	Orange	\$1,055,511
KISSIMMEE	Osceola	\$1,450,591
BOCA RATON	Palm Beach	\$1,588,258
BOYNTON BEACH	Palm Beach	\$936,616
JUNO BEACH	Palm Beach	\$401,068
PALM BEACH COUNTY BOARD OF C	Palm Beach	\$299,213
PALM SPRINGS	Palm Beach	\$413,838
WEST PALM BEACH	Palm Beach	\$438,113
NEW PORT RICHEY	Pasco	\$931,924
PORT RICHEY	Pasco	\$542,943
CLEARWATER	Pinellas	\$542,737
GULFPORT	Pinellas	\$164,423
KENNETH CITY	Pinellas	\$486,712
OLDSMAR	Pinellas	\$440,082
SOUTH PASADENA	Pinellas	\$621,982
ST PETERSBURG	Pinellas	\$1,585,901
HAINES CITY	Polk	\$1,156,190
LAKELAND	Polk	\$511,730
PALATKA	Putnam	\$181,688
GULF BREEZE	Santa Rosa	\$388,523
MILTON	Santa Rosa	\$151,807
SARASOTA	Sarasota	\$1,135,108
WINTER SPRINGS	Seminole	\$0
DAYTONA BEACH	Volusia	\$797,464
HOLLY HILL	Volusia	\$220,614
Grand Total		\$62,454,920
\$70 General Revenue portion		\$52,663,609
\$10 Health Admin. Trust Fund		\$7,510,916
\$3 Brain & Spinal Cord Injury TF		\$2,257,262

Litigation

Preemption

Prior to passage of Ch. 2010-80, L.O.F., some cities in Florida implemented red light camera programs of their own through local ordinances, notwithstanding concerns stated by the Florida Attorney General's office. A 1997 Attorney General opinion concluded that nothing precludes the use of unmanned cameras to record violations of s. 316.075, F.S., but "a photographic record of a vehicle violating traffic control laws may not be used as the [sole] basis for issuing a citation for such

violations.”⁴¹ A 2005 Attorney General opinion reached the same conclusion, stating that, “legislative changes are necessary before local governments may issue traffic citations and penalize drivers who fail to obey red light indications on traffic signal devices” as collected from a photographic record from unmanned cameras monitoring intersections.⁴²

In at least some cases, lawsuits were successful in attacking pre-2010 red light camera ordinances on the grounds that a camera cannot “observe” a driver’s commission of a traffic infraction to the extent necessary to issue a citation. Other lawsuits were unsuccessful, on the grounds that the violation was merely a violation of a municipal ordinance, not a uniform traffic citation. The legality of the use of red light cameras prior to the 2010 legislative preemption is currently pending before the Florida Supreme Court.⁴³

Due Process

Courts have rejected claims that red light camera ordinances and statutes violate due process. A lawsuit filed in the 15th Judicial Circuit argues that as a result of ch. 2010-80 L.O.F., the “burden of proof” has been unconstitutionally shifted from the state to the motorist, because the statute provides that “if the state is able to prove that a vehicle registered to the Petitioner was involved in the commission of a red light camera violation, [the owner] is presumed to be guilty.”⁴⁴ The suit further asserts that “the State is not required to prove the identity of the driver who committed the red light camera violation.”⁴⁵ In a Motion for Summary Judgment (Motion), the state and city of West Palm Beach, among other defenses, argued that the law affords adequate due process to violators by creating a ‘rebuttable presumption’ that the owner was also the operator. The burden-shifting created by this rebuttable presumption, the state argued, is appropriate in “noncriminal situations... [that] contemplate reasonable notice and an opportunity to hear and be heard.”⁴⁶ The Motion was granted, and the Florida Fourth District Court of Appeal affirmed the circuit court’s decision.⁴⁷

Impacts

Insurance Institute for Highway Safety (IIHS) Analysis

In February 2011, the IIHS published an analysis titled, ‘Effects of Red Light Camera Enforcement on Fatal Crashes in Large US Cities.’⁴⁸ For the analysis, IIHS researchers studied 14 cities with red light camera programs (RLCs) and forty-eight cities without RLCs. The IIHS analysis concluded that the “average annual rate of fatal red light running crashes declined for both groups, but the decline was larger for cities with red light camera enforcement programs,” than those without, 35 percent versus 14 percent, respectively.⁴⁹ Further, “[a]fter controlling for population density and land area, the rate of fatal red light running crashes during 2004-2008 for RLC cities was an estimated 24 percent lower than what would have been expected without cameras.”⁵⁰

Florida Public Health Review Report

⁴¹ Attorney General Opinion AGO 97-06.

⁴² Attorney General Opinion AGO 2005-41.

⁴³ *City of Orlando v. Udowychenko*, 98 So. 3d 589 (Fla. Dist. Ct. App. 2011), review granted, 2012 WL 5991338 (Fla. Nov. 6, 2012) (No. SC12-1471).

⁴⁴ Action for Declaratory Judgment, *Salvatore Altimari vs. State of Florida; City of West Palm Beach*, 2010 CA 022083, (15th Cir.)

⁴⁵ *Id.* at 2.

⁴⁶ Defendant State of Florida’s Motion to Dismiss, *Salvatore Altimari vs. State of Florida; City of West Palm Beach*, 2010 CA 022083, (15th Cir.)

⁴⁷ *Altimari v. State of Florida; City of West Palm Beach*, 107 So.3d 552 (Fla. 4th DCA 2013).

⁴⁸ “Effects of Red Light Camera Enforcement on Fatal Crashes in Large US Cities.” Wen Hu, Anne T. McCartt and Eric R. Teoh. Insurance Institute for Highway Safety, February 2011. The IIHS press release on this analysis may be viewed at <http://www.iihs.org/news/rss/pr020111.html> (Last visited November 26, 2013). The IIHS study is on file with the Transportation and Highway Safety Subcommittee.

⁴⁹ *Id.*

⁵⁰ *Id.*

In a January 2012 report, University of South Florida (USF) researchers argued that the IIHS analysis (mentioned above) was “logically flawed” and violated “basic scientific methods.”⁵¹ Specifically, the USF report argued that the IIHS analysis actually found that RLCs had a 25 percent higher red light running fatality rate during the ‘after’ period than non-RLCs.⁵² In addition, USF researchers pointed out, but did not limit their concerns to the following, regarding the IIHS analysis:

- It analyzed city-wide data, not specific to camera sites.
- It excluded variables known to be associated with traffic fatalities, such as changes in public policy or engineering improvements made during or between the periods.
- It expressed its findings as a “percentage change in the rate of red light running fatalities,” instead of a “change in the number of fatalities.” In other words, USF researchers argued the results of the IIHS analysis are misleading because certain variables – namely those relating to population – are reported multiple times. For example, population is a denominator, “fatalities per 100,000,” as well as a numerator, “population per square mile.”
- It was biased in its selection of both RLCs and non-RLCs. Specifically, USF researchers argued “the authors of the IIHS study ignored the fact that the non-RLCs had substantially fewer red light running related fatalities in the ‘before’ period . . . [o]f even greater impact, 23 [percent] of the non-RLCs had two or fewer (including zero) red light running related accidents.” Essentially, USF researchers argued that the non-RLCs had very little room to reduce the total number – or percentage rate – of accidents during the ‘after’ period.
- It alleges the IIHS data is incorrect and the research suspect because IIHS is supported by insurers.⁵³

IIHS Response to Florida Public Health Review Report

In response to the USF study, IIHS provided that, generally, regarding the validity of its research, IIHS “...examined fatal crashes before and after the cities implemented red light camera programs, and then compared the results... The idea was to see how the rate of fatal crashes changed after the introduction of photo enforcement. The independent, peer-reviewed *Journal of Safety Research* published the study in August 2011.”⁵⁴

Regarding USF’s finding that RLCs had a 25 percent higher red light running fatality rate during the ‘after’ period than non-RLCs, IIHS rebuts that, “[i]t is true that crash rates were 25 percent higher, but...” the USF report, “...ignores the fact that they were 65 percent higher in the “before” period.”⁵⁵

Furthermore, IIHS provides that, “[t]he measure that matters is what happened to fatal crashes after photo enforcement was implemented, compared with what would have been expected without it.” The IIHS study stands by its claims that, “camera cities experienced a bigger drop in fatal crash rates. In the 14 cities that had cameras in 2004-08 but didn’t have them in an earlier comparison period, automated red light enforcement saved 159 lives.”⁵⁶

Regarding the USF claim that IIHS is biased because insurers benefit from photo enforcement by raising rates on ticketed drivers, IIHS rebuts, “in most jurisdictions, including Florida, there is no insurance consequence from photo enforcement. Florida law prohibits insurers from using the violations to set rates, and in most other states tickets from cameras don’t go on driver records, and no

⁵¹ “Counterpoint: The Insurance Institute for Highway Safety Study Actually Found Cities Using Red Light Cameras Had Higher Red Light Running Fatality Rates.” Barbara Langland-Orban, PhD, Etienne E. Pracht, PhD, and John T. Large, PhD. *Florida Public Health Review*, 2012, Volume 9. This study may be viewed at <http://health.usf.edu/publichealth/fphr/current.htm> (Last visited November 26, 2013).

⁵² Id.

⁵³ Id.

⁵⁴ “Institute responds to criticism of red light camera research.” Status Report, Vol. 47, No. 3; April 12, 2012. Insurance Institute for Highway Safety, February 2011. The IIHS status report on this analysis may be viewed at <http://www.iihs.org/iihs/sr/statusreport/article/47/3/4> (Last visited November 26, 2013).

⁵⁵ Id.

⁵⁶ Id.

points are assessed. Many studies have concluded that red light cameras are effective, and most of them were conducted by government agencies and other traffic safety experts not connected to the insurance industry.”^{57, 58}

DHSMV – 2013 Red Light Camera Program Analysis

Florida law requires each county or municipality operating a red light camera program to annually self-report data to DHSMV containing:

- Red light camera program results over the preceding fiscal year;
- The procedures for enforcement; and
- Other statistical data and information required by DHSMV.⁵⁹

Based on this data covering the period between July 1, 2012 and June 30, 2013 (survey period), DHSMV submitted a summary report to the Governor and Legislature containing the following findings:

- Seventy-five agencies reported that there are 922 approaches to intersections across the state with red light cameras installed.
- Historical traffic crash data was the most important factor considered when selecting red light camera locations (roughly 61 percent); however, roughly 39 percent did not consider historical traffic crash data as the most important factor. The next most important factors were law enforcement officer observations, and video evidence of red light violations. In addition to the choices provided, the agencies considered overall traffic volume.
- During the survey period, the agencies issued a total of 1,094,106 Notices of Violation.⁶⁰
- The number of Notices of Violation challenged was 36,063. Of those violations challenged, 24,285 were dismissed (nearly 70 percent).
- In calendar year 2012, 342,308 Uniform Traffic Citations (UTC) were issued to owners who failed to pay the red light camera fine or contest the Notice of Violation within 60 days.⁶¹
- Florida law states that “a notice of violation and a traffic citation may not be issued for failure to stop at a red light if the driver is making a right-hand turn in a careful and prudent manner at an intersection where right-hand turns are permissible.” Of the 75 agencies, 44 issue Notices of Violation and UTCs for right-on-red violations, but only 15 agencies have a policy defining ‘careful and prudent.’
- Effect on Crashes – According to DHSMV, At least one-fourth of the agencies are not tracking crash data at red light camera intersections and an additional 15 percent that do track overall crash data are not collecting data related to specific collision types (side impact, front to rear impact, etc.). Respondents who reported crash data indicated an overall decrease in crashes at intersections with red light cameras. However, crash data maintained by DHSMV indicates that crashes at all red light intersections typically increased, both statewide and in the surveyed jurisdictions.
- Agencies also reported that traffic safety improved throughout their jurisdictions. The most common improvements were reductions in drivers running red lights at intersections using

⁵⁷ Id.

⁵⁸ Section 322.27(3)(d)6., F.S., provides, “... no points shall be imposed for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to stop at a traffic signal and when enforced by a traffic infraction enforcement officer. In addition, a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to stop at a traffic signal and when enforced by a traffic infraction enforcement officer may not be used for purposes of setting motor vehicle insurance rates.”

⁵⁹ S. 316.0083(4), F.S. DHSMV uses an on-line questionnaire to facilitate data collection.

⁶⁰ According to DHSMV, 72,465 citations were issued to drivers who ran red lights by law enforcement officers in calendar year 2012.

⁶¹ While the reporting period for the DHMSV report was from July 1, 2012 through June 30, 2013, information regarding the number of UTCs issued was reported for calendar year 2012.

cameras, increased driver and public awareness, and a jurisdiction-wide increase in cautious driving.⁶²

Since its inception, Florida's red light camera program has been the topic of much debate – particularly with regard to the impact that red light cameras have on accidents. As stated in the report, surveyed jurisdictions reported an overall decrease in crashes in most cases; however, it must be noted that 25 percent of the agencies did not submit crash data. Further, 39 percent of the agencies did not consider historical traffic crash data as the most important factor when deciding on camera placement. Instead, these agencies may have considered video evidence of red light violations, law enforcement officer observations, citizen complaints, or historical traffic citation data as the most important factor.

To be clear, however, while there was a requirement that agencies self-report the details of the results of using red light cameras to DHSMV, there is no clear statutory requirement that this data include crash statistics.

Proposed Changes

The bill removes the local government authorization to further install and enforce additional red light camera systems. In addition, the bill reduces red light camera penalties by the amount that local governments are allocated, revises the distribution of the remaining penalty amounts, and allows local governments to impose a surcharge for violations in order to fund existing red light camera contractual agreements. To accomplish the installation and enforcement prohibition, the bill:

- Amends s. 316.0076, F.S., (the section of law that expressly preempts to the state regulation and use of red light cameras) expressly prohibiting counties and municipalities from using cameras for enforcing ch. 316, F.S., at any traffic control signal device location that did not have an active traffic infraction detector installed prior to July 1, 2014;
- Amends s. 316.0083(1)(a), F.S., (the section of law that provides criteria for when a notice of violation and citation can be sent) restricting counties and municipalities to only issue the notice and citation at intersections that had an active red light camera system installed prior to July 1, 2014;
- Amends s. 316.0776(1), F.S., (the section of law that provides engineering specifications for installation of red light cameras) including the requirement that county and municipal red light cameras are only allowed when installed and active prior to July 1, 2014; and
- Amends s. 316.0776(2)(b), F.S., removing the county and municipal requirement to make a public announcement and conduct a public awareness campaign before commencing a new red light camera enforcement program.

To reduce red light camera penalties by the amount that local governments are allocated and revise the distribution of the penalties, the bill:

- Amends s. 316.0083(1)(b)1.a., F.S., correcting a cross reference relating to the penalty amount specified in the notification to the registered owner of a motor vehicle involved in a violation;
- Amends s. 316.0083(1)(b)2., F.S., removing county and municipal authority to retain penalties from red light camera violations; and
- Amends s. 316.0083(1)(b)3., F.S., making the following changes:
 - When enforcement is by DHSMV, the bill:
 - Reduces the penalty from \$158 to \$83;
 - Removes the \$45 amount of the penalty that is distributed to counties and municipalities; and;
 - Reduces from \$100 to \$70 the amount of the penalty that the Department of Revenue (DOR) deposits in the General Revenue Fund.

⁶² See the Department of Highway Safety and Motor Vehicles' "Red Light Camera Program Analysis" on its website at <http://www.flhsmv.gov/html/safety.html> (Last visited December 18, 2013).

- When enforcement is by a county or municipality, the bill:
 - Reduces the penalty from \$158 to \$83; and
 - Removes the \$75 amount of the penalty that is distributed to counties and municipalities.

The bill also amends s. 318.18(15), F.S., making conforming changes regarding the amount of red light camera penalties and distributions required for noncriminal dispositions⁶³ and criminal offenses.⁶⁴

The bill amends ss. 316.0083(5)(e), and 318.18(22), F.S., reducing the amount of county and municipal costs that may be assessed and collected when a notice of violation is upheld by a local hearing officer, from \$250 to the current amount of the penalty, which will be \$83 if the bill becomes law.

The bill does not remove all authority for local governments to receive funds from red light camera penalties. The bill allows counties and municipalities to impose a \$25 surcharge for red light camera violations to fund existing camera systems. Specifically, a county or municipality may impose by ordinance at a public hearing and by majority vote, a surcharge not to exceed \$25 for violations of s. 316.074(1), F.S., or s. 316.075(1)(c)1., F.S. The surcharge is:

- Only valid for such violations that occur at intersections that had an active traffic infraction detector installed prior to July 1, 2014; and
- Solely purposed to fund contractual agreements with manufacturers and vendors of traffic infraction detectors.

The bill requires surcharge revenue to be distributed quarterly to the manufacturer or vendor in accordance with each respective contractual agreement. Surplus revenue must be sent to DOR for deposit in the General Revenue Fund.

The bill also provides a reporting requirement for local governments that enact a surcharge ordinance. No later than 30 days after the end of each quarter, each county or municipality is required to report in an electronic format to DOR the amount of surcharge funds collected during each quarter of the fiscal year. The bill also requires DOR to submit the report in an electronic format to the Governor, President of the Senate, and Speaker of the House of Representatives.

Surplus Property (Section 6)

Current Situation

Section 337.25, F.S., authorizes DOT to purchase, lease, exchange, or otherwise acquire any land, property interests, buildings or other improvements necessary for rights-of-way for existing or anticipated transportation facilities on the State Highway System, on the State Park Road System, or in a DOT designated rail or transportation corridor. DOT may also accept donations of land, building, or other improvements for transportation rights-of-way and may compensate an entity by providing replacement facilities when the land, building, or other improvements are needed for transportation purposes but are held by a federal, state, or local governmental entity and used for public purposes other than transportation.

DOT is required to conduct a complete inventory of all real or personal property immediately upon acquisition, including an itemized listing of all appliances, fixtures, and other severable items, a statement of the location or site of each piece of realty, structure, or severable item, and the serial number assigned to each. DOT must evaluate the inventory of real property which has been owned for at least 10 years and which is not within a transportation corridor or the right-of-way of a transportation

⁶³ S. 318.14, F.S.

⁶⁴ S. 318.17, F.S.

facility.⁶⁵ If the property is not located within a transportation corridor or is not needed for a transportation facility, DOT is authorized to dispose of the property. According to the DOT, 85 percent of its currently-owned surplus property is valued at under \$50,000.

Sale of Property

DOT is authorized to sell any land, building, or other real or personal property it acquired if the DOT determines the property is not needed for a transportation facility. DOT is required to first offer the property ("first right of refusal") to the local government in whose jurisdiction the property is located, with the following exceptions:

- DOT may negotiate the sale of property at no less than fair market value as determined by an independent appraisal, to the owner holding title to abutting property, if in DOT's discretion public sale would be inequitable.
- DOT may sell property acquired for use as a borrow pit, at no less than fair market value, to the owner of abutting land from which the pit was originally acquired, if the pit is no longer needed.
- DOT may convey to a county without consideration any property acquired by a county or by DOT using constitutional gas tax funds for a right-of-way or borrow pit for a road on the State Highway System, State Park Road System, or county road system if the property is no longer used or needed by DOT; and the county may sell the property on receipt of competitive bids.
- A governmental entity may authorize re-conveyance to the original donor of property donated to the state for transportation purposes if the facility has not been constructed for at least five years, no plans have been prepared for construction of the facility, and the property is not located within a transportation corridor.
- DOT may negotiate the sale of property as replacement housing if the property was originally acquired for persons displaced by transportation projects and if the state receives no less than its investment in such properties or fair market value, whichever is lower. This benefit extends only to persons actually displaced by a project, and dispositions to any other person must be for fair market value.

Once DOT determines the property is not needed for a transportation facility and has extended and received rejection of required first rights of refusal, DOT is also authorized to:

- Negotiate the sale of property if its value is \$10,000 or less as determined by DOT estimate;
- Sell the property to the highest bidder through "due advertisement" of receipt of sealed competitive bids or by public auction if its value exceeds \$10,000 as determined by the DOT estimate;
- Determine the fair market value of property through appraisal conducted by an DOT appraiser, if the DOT begins the process for disposing of property on its own initiative, either by authorized negotiation or by authorized receipt of sealed competitive bids or public auction;
- Convey the property without consideration to a governmental entity if the property is to be used for a public purpose; and
- Use the projected maintenance costs of the property over the next five years to offset the market value in establishing a value for disposal of the property, even if that value is zero, if the DOT determines that the property will require significant costs to be incurred or that continued ownership of the property exposes the DOT to significant liability risks.

Lease of Property

DOT is further authorized to convey a leasehold interest for commercial or other purposes to any acquired land, building, or other property, real or personal, subject to the following:

⁶⁵ Section 334.03(30), F.S., defines "transportation facility" as "any means for the transportation of people or property from place to place which is constructed, operated, or maintained in whole or in part from public funds. The term includes the property or property rights, both real and personal, which have been or may be established by public bodies for the transportation of people or property from place to place.

- DOT may negotiate a lease at the prevailing market value with the owner from whom the property was acquired, with the holders of leasehold estates existing at the time of DOT's acquisition, or, if public bidding would be inequitable, with the owner of privately owned abutting property, after reasonable notice to all other abutting property owners.
- All other leases must be by competitive bid, and limited to five years; however the DOT may renegotiate a lease for an additional five year term without rebidding.
- Each lease must require that any improvements made to the property during the lease term be removed at the lessee's expense.
- Property that is to be used for a public purpose, including a fair, art show, or other educational, cultural, or fundraising activity may be leased at no cost to a governmental entity or school board.
- DOT may enter into a long-term lease agreement without compensation with certain public ports for rail corridors used in the operation of a short-line railroad to the port.

The appraisals currently required under s. 337.25(4)(c) and (d), F.S., must be prepared in accordance with DOT guidelines and rules by an independent appraiser certified by DOT. When "due advertisement" is required, an advertisement in a newspaper of general circulation in the area of the improvements of not less than 14 calendar days prior to the date of the receipt of bids or the date on which a public auction is to be held satisfies the requirement.

Proposed Changes

The bill amends s. 337.25, F.S., revising the terms and conditions under which DOT may sell or lease properties acquired for transportation rights-of-way and authorizing DOT to contract for auction services used in the conveyance of real or personal property or leasehold interest⁶⁶ and authorizing such contracts to allow the contractor to retain a portion of the proceeds as compensation.

DOT is authorized to "convey" rather than "sell" land, buildings, or other real or personal property after determining the property isn't needed for a transportation facility and to dispose of property through negotiations, sealed competitive bids, auctions, or any other means deemed to be in DOT's best interest. Due advertisement is required for property valued at more than \$10,000, and no property may be sold at less than fair market value except as specified. DOT is authorized, rather than required, to afford the right of first refusal to a political subdivision, or local government in which the parcel is located, except in conveyances when the property has been donated to the state for transportation purposes and a facility has not been constructed for at least five years, the property was originally required for replacement housing for persons displaced by transportation projects, or property which DOT has determined a sale to anyone other than the abutting land owner would be inequitable.

DOT is prohibited from conveying a leasehold interest at a price less than DOT's current estimate of value and specifies that a lease may be created through negotiations, sealed competitive bids, auctions, or any other means deemed to be in the best interest by DOT. A lease shall not be for a period of more than five years; however, DOT may extend the lease for an additional five years without rebidding.

DOT's estimate of value must be prepared in accordance with DOT procedures, guidelines, and rules of valuation of real property, if the value of the property exceeds \$50,000; the sale will be negotiated at a price not less than fair market value as determined by an independent appraisal. If the estimate of value is \$50,000 or less, DOT may use a staff appraiser or obtain an independent appraisal.

The bill provides that s. 337.25, F.S., does not modify the requirements of s. 73.013, F.S.⁶⁷

Unsolicited Lease Proposals (Section 7)

⁶⁶ This is pursuant to s. 287.055, F.S.

⁶⁷ Chapter 73.013, F.S., relates to conveyance of property taken by eminent domain; preservation of government entity communications services eminent domain limitation; exception to restrictions on power of eminent domain.

Current Situation

Section 337.251, F.S., authorizes DOT to request proposals for the lease of DOT property for joint public-private development or commercial development. DOT may also receive and consider unsolicited proposals for such uses. If DOT receives an unsolicited proposal to negotiate a lease, the DOT must publish a notice in a newspaper of general circulation at least once a week for two weeks, stating that it has received the proposal and will accept, for 60 days after the date of publication, other proposals for use of the space. DOT must also mail a copy of the notice to each local government in the affected area.

Any unsolicited lease proposal must be selected based on competitive bidding, and DOT is authorized to consider such factors as the value of property exchanges, the cost of construction, and other recurring costs for the benefit of DOT by the lessee in lieu of direct revenue to DOT if such other factors are of equal value including innovative proposals to involve minority businesses. Before entering into any lease, DOT must determine that the property subject to the lease has a permanent transportation use related to DOT responsibilities, has the potential for such future transportation uses, or constitutes airspace or subsurface rights attached to property having such uses, and is therefore not available for sale as surplus property.

Section 334.30, F.S., authorizes DOT to lease certain toll facilities through public-private partnerships and also authorizes DOT to receive unsolicited proposals. That section directs DOT to establish by rule an application fee sufficient to pay the costs of evaluating a proposal. DOT is further authorized to engage the services of private consultants to assist in the evaluation.

Unlike s. 337.251, F.S., before approving a proposal, DOT must determine that the proposed project is in the public's best interest; would not require state funds to be used unless the project is on the State Highway System; would have adequate safeguards in place to ensure that no additional costs or service disruptions would be realized by the traveling public and residents of the state in the event of default or cancellation of the agreement by DOT; would have adequate safeguards in place to ensure that DOT or the private entity has the opportunity to add capacity to the proposed project and other transportation facilities serving similar origins and destinations; and would be owned by the DOT upon completion or termination of the agreement.⁶⁸ In addition, before awarding a contract for lease of an existing toll facility through a public-private partnership, DOT is required to provide an independent analysis of the proposed lease that demonstrates the cost-effectiveness and overall public benefit.

If DOT receives an unsolicited proposal for a lease through a public-private partnership, DOT must publish a notice in the Florida Administrative Register and a newspaper of general circulation at least once a week for two weeks stating that the DOT has received the proposal and will accept, for 120 days after the initial date of publication, other proposals for the same project purpose. DOT must also mail a copy of the notice to each local government in the affected area.

Proposed Changes

The bill amends s. 337.251(2), F.S., providing statutory guidance regarding unsolicited lease proposals. It changes the time period in which DOT will accept other proposals for the lease of a particular property from 60 days to 120 days. It requires DOT to establish an application fee for the submission of proposals by rule. The fee must be limited to the amount needed to pay for the anticipated costs of evaluating the proposals. DOT may engage the services of private consultants to assist in the evaluation. Before approval, DOT must determine that the proposed lease:

- Is in the public's best interest;
- Would not require state funds to be used;

⁶⁸ The ownership requirement in s. 334.30, F.S., would not, of course, apply to a lease arrangement under s. 337.251, F.S.

- Would have adequate safeguards in place to ensure that no additional costs or service disruptions would be realized by the traveling public and residents of the state in the event of default by the private lessee or upon termination or expiration of the lease.

Toll Interoperability (Section 8)

Current Situation

HB 599⁶⁹ and SB 1998⁷⁰ both passed in 2012 and both contained language relating to DOT's authority to enter into agreements with public or private transportation facility owners (whose systems become interoperable with DOT's systems) for the use of DOT systems to collect and enforce tolls, fares, administrative fees, and other applicable charges due in connection with use of the owner's facility. However, the bills were not identical. Language contained in the last passed bill, HB 599, is potentially ambiguous as to whether DOT is collecting tolls, fares, and fees on behalf of the facility owner or whether the facility owner would be collecting them on behalf of DOT, leading to more than one possible interpretation.

Proposed Changes

The bill amends s. 338.161(5), F.S., clarifying that DOT may collect and enforce tolls, fares, administrative fees, and other applicable charges due in connection with use of the public or private transportation facility.

Environmental Mitigation (Section 9)

Current Situation

Under existing law, DOT and participating transportation authorities offset adverse environmental impacts of transportation projects through the use of mitigation banks and other mitigation options, including the payment of funds to water management districts (WMDs) to develop and implement mitigation plans. The mitigation plan is developed by the WMDs and is ultimately approved by the Department of Environmental Protection (DEP). The ability to exclude a project from the mitigation plan is provided to DOT, a participating transportation authority, or a WMD.

More specifically s. 373.4137, F.S., enacted in 1996,⁷¹ created mitigation requirements for specified transportation projects. Historically, the statute directed DOT and transportation authorities⁷² to fund, and the WMD to develop and implement, mitigation plans to mitigate these impacts. In 2012, HB 599⁷³ modified the statute to reflect that adverse impacts be offset by the use of mitigation banks and any other option that satisfies state and federal requirements. "Other" mitigation options include DOT's payment of funds to develop and implement mitigation plans. The mitigation plan is based on an environmental impact inventory created by DOT reflecting habitats that would be adversely impacted by transportation projects listed in the next three years of DOT's tentative work program. DOT provides funding in its work program to DEP or WMDs for its mitigation requirements. To fund the programs, the statute directs DOT and the authorities to pay \$75,000, as adjusted by a calculation using the CPI, per impacted acre.⁷⁴

The statute provides that WMD developed mitigation plans should use sound ecosystem management to address significant water resource needs and focus on activities of DEP and WMDs in wetlands and surface waters, including preservation, restoration and enhancement, as well as control of invasive and exotic vegetation. WMDs must also consider the purchase of credits from public and private mitigation banks when such purchase provides equal benefit to water resources and is the most cost effective

⁶⁹ Ch. 2012-174, L.O.F.

⁷⁰ Ch. 2012-128, L.O.F.

⁷¹ Ch. 96-238, L.O.F.

⁷² The statute applies to transportation authorities created in ch. 348 or 349, F.S.

⁷³ Ch. 2012-174, L.O.F.

⁷⁴ The fiscal year 2014-2015 cost per acre is \$111,426.

option. Before each transportation project is added to the WMD mitigation plan, DOT must investigate the use of mitigation bank credits considering cost-effectiveness, time saved, transfer of liability and long-term maintenance. Final approval of the mitigation plan rests with DEP.

DOT and participating expressway authorities are required to transfer funds to pay for mitigation of that year's projected impact acreage resulting from projects identified in the inventory. Quarterly, the projected impact acreage and costs are reconciled with the actual impact acreage, and costs and the balances are adjusted.

Under existing law, the statute provides for exclusion of specific transportation projects from the mitigation plan at the discretion of DOT, participating transportation authorities and the WMDs.

Proposed Changes

The bill amends s. 373.4137, F.S., providing that mitigation take place in a manner that promotes efficiency, timeliness in project delivery, and cost-effectiveness. The bill requires the following for the development of environmental impact inventories for transportation projects proposed by DOT or a transportation authority:⁷⁵

- DOT must submit an environmental impact inventory of habitat impacts⁷⁶ and the anticipated amount of mitigation needed to offset the impacts to the WMDs by July 1, and may include in the inventory the habitat impacts and the anticipated amount of mitigation needed for future projects; and
- The environmental impact inventory must include the proposed amount of mitigation needed based on the Uniform Mitigation Assessment Method (UMAM)^{77, 78} and identification of the proposed mitigation option.

The bill requires DOT to consider using credits from a permitted mitigation bank before projects are identified for inclusion in a WMD plan, taking into account state and federal requirements, maintenance, and liability.

The bill allows DOT to implement the mitigation option identified in the environmental impact inventory by:

- Purchasing credits for current and future use directly from a mitigation bank;
- Purchasing mitigation services through the WMDs or the DEP;
- Conducting its own mitigation; or
- Using other mitigation options that meet state and federal requirements.

The bill requires funding for the identified mitigation option in the inventory to be included in DOT's work program,⁷⁹ and requires the amount programmed each year to correspond to an estimated cost of \$150,000 per mitigation credit, multiplied by the projected number of credits identified in the inventory. The estimated cost per credit will be adjusted every two years by DOT based on the average cost per UMAM credit.

⁷⁵ The statute applies to transportation authorities established pursuant to ch. 348 or ch. 349, F.S.

⁷⁶ The environmental impact inventory is based on the rules adopted pursuant to part IV of ch. 373, F.S., relating to the management of storage and surface waters and s. 404 of the Clean Water Act (33 U.S.C. s. 1344).

⁷⁷ UMAM is adopted in ch. 62-345, F.A.C. Information on UMAM is available at: <http://www.dep.state.fl.us/water/wetlands/mitigation/umam/index.htm> (Last visited November 7, 2013).

⁷⁸ Rule 62-345.100(1), F.A.C., implements s. 373.414(18), F.S. requiring "the establishment of a uniform mitigation assessment method to determine the amount of mitigation needed to offset adverse impacts to wetlands and other surface waters and to award and deduct mitigation bank credits." Rule 62-345.100(2), F.A.C., recites that the assessment method is "a standardized procedure for assessing the functions provided by wetlands and other surface waters, the amount that those functions are reduced by a proposed impact, and the amount of mitigation necessary to offset that loss."

⁷⁹ DOT's work program is developed pursuant to s. 339.135, F.S.

The bill specifies that for mitigation implemented by the WMDs or the DEP, the amount paid each year must be based on mitigation services provided by the WMD or the DEP pursuant to an approved WMD mitigation plan. The WMDs or the DEP may request payment no sooner than 30 days before the date the funds are needed.

The bill requires that each quarter, the projected amount of mitigation must be reconciled with the actual amount of mitigation needed for projects as permitted. The programming of funds must be adjusted to reflect the mitigation as permitted.

DOT may use the associated funds for the purchase of mitigation bank credits or any other mitigation option that satisfies the requirements, if the:

- WMD excludes a project from an approved WMD mitigation plan;
- WMD cannot timely permit a mitigation site to offset the impacts of a DOT project identified in the inventory; or
- Proposed mitigation does not meet state and federal requirements.

The bill specifies that the WMD or the DEP, as appropriate, has continuing responsibility for the mitigation project upon final payment for mitigation and DOT's or the participating transportation authority's obligation is satisfied.

The bill requires each WMD or the DEP to invoice DOT for mitigation services to offset only the impacts of a DOT project identified in the inventory, beginning with the March 2015 WMD plans. If the WMD identifies the use of mitigation bank credits to offset a DOT impact, the WMD must exclude that purchase from the mitigation plan and DOT must purchase the bank credits.

The bill requires that for mitigation activities occurring on existing WMD or DEP mitigation sites initiated with DOT mitigation funds prior to July 1, 2013, the WMD or the DEP is required to invoice DOT at \$75,000 per acre multiplied by the projected acres of impact. The cost per acre must be adjusted by a calculation using the CPI.

The WMD must maintain records of the costs incurred including:

- Planning;
- Land acquisition;
- Design and construction;
- Staff support, long-term maintenance and monitoring of the mitigation site; and
- Other costs necessary to meet federal requirements.⁸⁰

The bill requires the funds identified in DOT's work program or participating transportation authorities' escrow accounts, for preparing and implementing the mitigation plans, adopted by the WMDs on or before March 1, 2014, to correspond to \$75,000 per acre multiplied by the projected acres of impact, adjusted by the CPI. The WMD must maintain records of the costs incurred in implementing the mitigation. If monies paid to a WMD exceed the amount spent by the WMD to implement the mitigation, the funds must be refunded to FDOT or the participating transportation authority. This provision expires June 30, 2015.

The bill requires each WMD to develop a plan to offset only the impacts of transportation projects in the inventory for which a WMD is implementing mitigation. The WMD plan must identify the site where the WMD will mitigate, the scope of the mitigation activities at each mitigation site, and the functional gain at each mitigation site as determined using UMAM. The mitigation plan must be submitted to the WMD's governing board for review and approval. The bill requires that the WMD provide a copy of the draft mitigation plan to the DEP at least 14 days before governing board approval. The plan may not be

⁸⁰ The federal requirements are pursuant to 33 U.S.C. s. 1344 and 33 C.F.R. s. 332

implemented until it is subsequently approved by the DEP. The bill also requires the plan to describe how the mitigation offsets the impacts of each transportation project and provide a schedule for the mitigation services.

Pinellas Bayway (Section 10)

Current Situation

Opened in 1962, the Pinellas Bayway is a series of toll bridges on State Roads 682 and 679 in Pinellas County, which are owned and operated by DOT. All tolls collected on the Pinellas Bayway shall first be used for the payment of annual operating costs and second to discharge the current bond indebtedness. Thereafter, tolls collected shall be used, together with the interest earned, by DOT for the construction of Blind Pass Road, State Road 699 improvements, and for Phase II of the Pinellas Bayway improvements.⁸¹

Proposed Changes

The bill amends section 2 of ch. 85-364, L.O.F., as amended by ch. 95-382, L.O.F., providing that payment of maintenance costs will become an eligible use of Pinellas Bayway toll revenue before it is deposited into the toll construction account. Additionally, the bill removes references to Blind Pass Road and State Road 699 improvements which have been completed.

Conforming Changes (Section 11)

The bill amends ss. 110.205(2)(j) and (m)3., F.S., conforming cross-references.

Effective Date (Section 12)

The bill has an effective date of July 1, 2014.

B. SECTION DIRECTORY:

- Section 1 Amends s. 20.23, F.S., relating to the Department of Transportation.
- Section 2 Amends s. 316.0076, F.S., relating to the regulation and use of cameras.
- Section 3 Amends s. 316.0083, F.S., relating to the Mark Wandall Traffic Safety Program; administration; report.
- Section 4 Amends s. 316.0776, F.S., relating to traffic infraction detectors; placement and installation.
- Section 5 Amends s. 318.18, F.S., relating to the amount of penalties.
- Section 6 Amends s. 337.25, F.S., relating to the acquisition, lease, and disposal of real and personal property.
- Section 7 Amends s. 337.251, F.S., relating to the lease of property for joint public-private development and areas above or below department property.
- Section 8 Amends s. 338.161, F.S., relating to the authority of department or toll agencies to advertise and promote electronic toll collection; expanded uses of electronic toll collection system; authority of department to collect tolls, fares, and fees for private and public entities.
- Section 9 Amends s. 373.4137, F.S., relating to mitigation requirements for specified transportation projects.

⁸¹ Ch. 95-382, L.O.F., amending section 2 of ch. 85-364, L.O.F.

- Section 10 Amends s. 2 of ch. 85-386, L.O.F., as amended by ch. 95-382, L.O.F., relating to the Pinellas Bayway.
- Section 11 Amends s. 110.205, F.S., relating to career service; exemptions to conform.
- Section 12 Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

In FY 2012 – 2013, the state portion of the penalties collected from red light camera violations has resulted in \$62,454,920, of which \$52,663,609 was distributed to the General Revenue Fund; \$7,510,916 to the DOH Administrative Trust Fund; and \$2,257,262 to the Brain and Spinal Cord Injury Program Trust Fund.

The bill reduces from \$100 to \$70 the amount of the penalty that DOR deposits in the General Revenue Fund when the fine is the result of a DHSMV red light camera. However, DHSMV does not currently operate red light camera programs or enforce such violations. The bill does not change the \$70 amount of the penalty that DOR deposits in the General Revenue Fund when the fine is the result of a local government's red light camera. Also, revenue from penalties levied as a result of a law enforcement officer's citation, as opposed to a red light camera, would continue to be distributed to these funds.

State revenues could increase through the sale or lease of excess DOT properties.

Unsolicited lease proposals of DOT property for joint public-private development or commercial development may bring an indeterminate amount of revenue to DOT through fees DOT would be authorized to collect to defray the cost of reviewing such proposals.

2. Expenditures:

The Florida Transportation Commission may incur an indeterminate, but insignificant increase in expenses associated with its monitoring of the Mid-Bay Bridge Authority.

The changes to provisions relating to the disposal of DOT's surplus property would reduce the cost of sale and leasing; therefore, reducing state expenditures.

DOT may incur an indeterminate negative fiscal impact associated with reviewing unsolicited lease proposals for development of DOT property. However, the expenses should be offset by the fees DOT is authorized to collect.

DOT anticipates a reduction in costs associated with the change to the environmental mitigation provisions.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Current law requires local governments to retain up to \$75 out of each \$158 red light camera penalty. The bill would eliminate this source of revenue for local governments. The bill also removes the local government authorization to further install and enforce additional red light camera systems. This would effectively eliminate any potential revenue that would be generated from red

light camera infractions. However, the bill allows local governments to impose a \$25 surcharge for red light camera violations to fund existing camera systems.

Although the bill reduces the amount of county and municipal costs that may be assessed and collected from red light camera violations through the local hearing process from \$250 to the current amount of the penalty, this still would allow for local governments to assess and collect \$83 in such costs, which are in addition to the \$83 penalty amount.

If disposal of surplus DOT property becomes more efficient, there will likely be a positive impact to local governments as more of these parcels are returned to the property tax rolls. However, due to widely varying factors that could impact the amount, it is impossible to estimate a dollar amount.

2. Expenditures:

Expenditures from the \$25 red light camera surcharge are only to be used to fund contractual agreements with manufacturers and vendors of red light camera systems.

For those local governments that have implemented red light camera programs as a result of the 2010 legislation, the bill would eliminate the revenues currently expected by those governments, but would also reduce expenses related to enforcement, legal challenges, and initial costs of implementation, related to additional red light camera systems.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill reduces the possibility of motor vehicle operators being issued a \$158 penalty for violations occurring at additional red light cameras, and reduces the penalty amount to \$83 for violations occurring at existing red light cameras. The bill also reduces the amount of county and municipal costs that may be assessed and collected when a notice of violation is upheld by a local hearing officer, from \$250 to the current amount of the penalty, which will be \$83 if the bill is enacted into law.

Consequently, the bill will reduce the overall amount that motor vehicle operators would have to pay from \$158 (original penalty alone) to \$108 (reduced penalty + surcharge), and when an infraction is upheld through the local hearing process from a maximum of \$408 (original penalty + original county and municipal fee) to \$191 (reduced penalty + reduced county and municipal fee + surcharge).

D. FISCAL COMMENTS:

In Fiscal Year 2009-2010, DOT implemented the FSPRC without any additional resources or appropriations. Eliminating the FSPRC enables these resources to be directed back to their original purpose.

Although the bill reduces the red light camera penalty from \$158 to \$83, it does not change the \$158 penalty for when a law enforcement officer cites a motorist for a red light violation on the street. It is important to note the difference in costs between a red light citation that is issued on the street and one that is issued from photographic evidence. Procedurally, red light camera notices of violation may be contested and paid through a local hearing process before the violation becomes a more costly uniform traffic citation (additional costs include court costs and fees). From an enforcement standpoint, a red light camera violation does not require a law enforcement officer to make the traffic stop and issue the citation on the street. This would provide for cheaper enforcement, and additional officers to focus on other crimes.

DOT advised environmental mitigation projects are currently included in DOT's work program budget submitted annually for legislative approval, and the additional tracking and accounting requirements will have no fiscal impact.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill requires DOT to establish by rule an application fee for the submission of unsolicited lease proposals.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to the Department of Transportation;
 3 amending s. 20.23, F.S.; revising provisions relating
 4 to functions of the Florida Transportation Commission
 5 to add certain monitoring of the Mid-Bay Bridge
 6 Authority; repealing provisions for the Florida
 7 Statewide Passenger Rail Commission; amending s.
 8 316.0076, F.S.; prohibiting the use of cameras at
 9 certain locations to enforce the Florida Uniform
 10 Traffic Control Law; amending s. 316.0083, F.S.;
 11 revising provisions for enforcement by a traffic
 12 infraction enforcement officer of specified provisions
 13 requiring vehicular traffic facing a steady red signal
 14 to stop; reducing the penalty for notices of
 15 violations; restricting issuance by such officer of
 16 notices and citations to violations at certain
 17 locations; revising penalties and distribution of
 18 penalties collected; authorizing counties and
 19 municipalities to impose a surcharge for certain
 20 purposes; providing procedures and requirements for
 21 imposing the local surcharge; providing for the
 22 distribution and use of funds collected from the local
 23 surcharge; requiring counties and municipalities to
 24 make certain reports; revising limits on amounts that
 25 may be assessed for certain costs; amending s.
 26 316.0776, F.S.; revising provisions authorizing the

27 use of traffic infraction detectors; revising
 28 provisions for implementation of a traffic infraction
 29 detector program; amending s. 318.18, F.S.; conforming
 30 penalty provisions; conforming provisions for
 31 assessment of county and municipal costs; amending s.
 32 337.25, F.S.; revising provisions for disposition of
 33 property by the department; authorizing the department
 34 to contract for auction services for conveyance of
 35 property; revising requirements for an inventory of
 36 property; amending s. 337.251, F.S.; revising
 37 provisions for lease of property; requiring the
 38 department to publish a notice of receipt of a
 39 proposal for lease of particular department property
 40 and accept other proposals; revising notice
 41 procedures; requiring the department to establish by
 42 rule an application fee for lease proposals;
 43 authorizing the department to engage the services of
 44 private consultants to assist in evaluating proposals;
 45 requiring the department to make specified
 46 determinations before approving a proposed lease;
 47 amending s. 338.161, F.S.; revising provisions for the
 48 department to enter into agreements for certain
 49 purposes with public or private transportation
 50 facility owners whose systems become interoperable
 51 with the department's systems; amending s. 373.4137,
 52 F.S.; providing legislative intent that environmental

53 mitigation be implemented in a manner that promotes
 54 efficiency, timeliness, and cost-effectiveness in
 55 project delivery; revising the criteria of the
 56 environmental impact inventory; revising the criteria
 57 for mitigation of projected impacts identified in the
 58 environmental impact inventory; requiring the
 59 Department of Transportation to include funding for
 60 environmental mitigation for its projects in its work
 61 program; revising the process and criteria for the
 62 payment by the department or participating
 63 transportation authorities of mitigation implemented
 64 by water management districts or the Department of
 65 Environmental Protection; revising the requirements
 66 for the payment to a water management district or the
 67 Department of Environmental Protection of the costs of
 68 mitigation planning and implementation of the
 69 mitigation required by a permit; revising the payment
 70 criteria for preparing and implementing mitigation
 71 plans adopted by water management districts for
 72 transportation impacts based on the environmental
 73 impact inventory; adding federal requirements for the
 74 development of a mitigation plan; providing for
 75 transportation projects in the environmental
 76 mitigation plan for which mitigation has not been
 77 specified; revising a water management district's
 78 responsibilities relating to a mitigation plan;

79 amending s. 2 of ch. 85-364, Laws of Florida, as
 80 amended by ch. 95-382, Laws of Florida, relating to
 81 the Department of Transportation; authorizing tolls
 82 from the Pinellas Bayway to be used for maintenance
 83 costs; removing certain projects from the flow of
 84 funds; amending s. 110.205, F.S.; conforming cross-
 85 references; providing an effective date.
 86

87 Be It Enacted by the Legislature of the State of Florida:
 88

89 Section 1. Subsections (2) and (3) of section 20.23,
 90 Florida Statutes, are amended to read:

91 20.23 Department of Transportation.—There is created a
 92 Department of Transportation which shall be a decentralized
 93 agency.

94 (2)

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

96 1. Recommend major transportation policies for the
 97 Governor's approval, and assure that approved policies and any
 98 revisions thereto are properly executed.

99 2. Periodically review the status of the state
 100 transportation system including highway, transit, rail, seaport,
 101 intermodal development, and aviation components of the system
 102 and recommend improvements therein to the Governor and the
 103 Legislature.

104 3. Perform an in-depth evaluation of the annual department

105 budget request, the Florida Transportation Plan, and the
 106 tentative work program for compliance with all applicable laws
 107 and established departmental policies. Except as specifically
 108 provided in s. 339.135(4)(c)2., (d), and (f), the commission may
 109 not consider individual construction projects, but shall
 110 consider methods of accomplishing the goals of the department in
 111 the most effective, efficient, and businesslike manner.

112 4. Monitor the financial status of the department on a
 113 regular basis to assure that the department is managing revenue
 114 and bond proceeds responsibly and in accordance with law and
 115 established policy.

116 5. Monitor on at least a quarterly basis, the efficiency,
 117 productivity, and management of the department, using
 118 performance and production standards developed by the commission
 119 pursuant to s. 334.045.

120 6. Perform an in-depth evaluation of the factors causing
 121 disruption of project schedules in the adopted work program and
 122 recommend to the Legislature and the Governor methods to
 123 eliminate or reduce the disruptive effects of these factors.

124 7. Recommend to the Governor and the Legislature
 125 improvements to the department's organization in order to
 126 streamline and optimize the efficiency of the department. In
 127 reviewing the department's organization, the commission shall
 128 determine if the current district organizational structure is
 129 responsive to Florida's changing economic and demographic
 130 development patterns. The initial report by the commission must

131 be delivered to the Governor and Legislature by December 15,
 132 2000, and each year thereafter, as appropriate. The commission
 133 may retain such experts as are reasonably necessary to
 134 effectuate this subparagraph, and the department shall pay the
 135 expenses of such experts.

136 8. Monitor the efficiency, productivity, and management of
 137 the authorities created under chapters 348 and 349, including
 138 any authority formed using the provisions of part I of chapter
 139 348; the Mid-Bay Bridge Authority created pursuant to chapter
 140 2000-411, Laws of Florida; and any authority formed under
 141 chapter 343 ~~which is not monitored under subsection (3)~~. The
 142 commission shall also conduct periodic reviews of each
 143 authority's operations and budget, acquisition of property,
 144 management of revenue and bond proceeds, and compliance with
 145 applicable laws and generally accepted accounting principles.

146 ~~(3) There is created the Florida Statewide Passenger Rail~~
 147 ~~Commission.~~

148 ~~(a)1. The commission shall consist of nine voting members~~
 149 ~~appointed as follows:~~

150 ~~a. Three members shall be appointed by the Governor, one~~
 151 ~~of whom must have a background in the area of environmental~~
 152 ~~concerns, one of whom must have a legislative background, and~~
 153 ~~one of whom must have a general business background.~~

154 ~~b. Three members shall be appointed by the President of~~
 155 ~~the Senate, one of whom must have a background in civil~~
 156 ~~engineering, one of whom must have a background in~~

157 ~~transportation construction, and one of whom must have a general~~
 158 ~~business background.~~

159 ~~e. Three members shall be appointed by the Speaker of the~~
 160 ~~House of Representatives, one of whom must have a legal~~
 161 ~~background, one of whom must have a background in financial~~
 162 ~~matters, and one of whom must have a general business~~
 163 ~~background.~~

164 ~~2. The initial term of each member appointed by the~~
 165 ~~Governor shall be for 4 years. The initial term of each member~~
 166 ~~appointed by the President of the Senate shall be for 3 years.~~
 167 ~~The initial term of each member appointed by the Speaker of the~~
 168 ~~House of Representatives shall be for 2 years. Succeeding terms~~
 169 ~~for all members shall be for 4 years.~~

170 ~~3. A vacancy occurring during a term shall be filled by~~
 171 ~~the respective appointing authority in the same manner as the~~
 172 ~~original appointment and only for the balance of the unexpired~~
 173 ~~term. An appointment to fill a vacancy shall be made within 60~~
 174 ~~days after the occurrence of the vacancy.~~

175 ~~4. The commission shall elect one of its members as chair~~
 176 ~~of the commission. The chair shall hold office at the will of~~
 177 ~~the commission. Five members of the commission shall constitute~~
 178 ~~a quorum, and the vote of five members shall be necessary for~~
 179 ~~any action taken by the commission. The commission may meet upon~~
 180 ~~the constitution of a quorum. A vacancy in the commission does~~
 181 ~~not impair the right of a quorum to exercise all rights and~~
 182 ~~perform all duties of the commission.~~

183 ~~5. The members of the commission are not entitled to~~
 184 ~~compensation but are entitled to reimbursement for travel and~~
 185 ~~other necessary expenses as provided in s. 112.061.~~

186 ~~(b) The commission shall have the primary functions of:~~

187 ~~1. Monitoring the efficiency, productivity, and management~~
 188 ~~of all publicly funded passenger rail systems in the state,~~
 189 ~~including, but not limited to, any authority created under~~
 190 ~~chapter 343, chapter 349, or chapter 163 if the authority~~
 191 ~~receives public funds for the provision of passenger rail~~
 192 ~~service. The commission shall advise each monitored authority of~~
 193 ~~its findings and recommendations. The commission shall also~~
 194 ~~conduct periodic reviews of each monitored authority's passenger~~
 195 ~~rail and associated transit operations and budget, acquisition~~
 196 ~~of property, management of revenue and bond proceeds, and~~
 197 ~~compliance with applicable laws and generally accepted~~
 198 ~~accounting principles. The commission may seek the assistance of~~
 199 ~~the Auditor General in conducting such reviews and shall report~~
 200 ~~the findings of such reviews to the Legislature. This paragraph~~
 201 ~~does not preclude the Florida Transportation Commission from~~
 202 ~~conducting its performance and work program monitoring~~
 203 ~~responsibilities.~~

204 ~~2. Advising the department on policies and strategies used~~
 205 ~~in planning, designing, building, operating, financing, and~~
 206 ~~maintaining a coordinated statewide system of passenger rail~~
 207 ~~services.~~

208 ~~3. Evaluating passenger rail policies and providing advice~~

209 ~~and recommendations to the Legislature on passenger rail~~
 210 ~~operations in the state.~~

211 ~~(c) The commission or a member of the commission may not~~
 212 ~~enter into the day-to-day operation of the department or a~~
 213 ~~monitored authority and is specifically prohibited from taking~~
 214 ~~part in:~~

215 ~~1. The awarding of contracts.~~

216 ~~2. The selection of a consultant or contractor or the~~
 217 ~~prequalification of any individual consultant or contractor.~~

218 ~~However, the commission may recommend to the secretary standards~~
 219 ~~and policies governing the procedure for selection and~~
 220 ~~prequalification of consultants and contractors.~~

221 ~~3. The selection of a route for a specific project.~~

222 ~~4. The specific location of a transportation facility.~~

223 ~~5. The acquisition of rights-of-way.~~

224 ~~6. The employment, promotion, demotion, suspension,~~
 225 ~~transfer, or discharge of any department personnel.~~

226 ~~7. The granting, denial, suspension, or revocation of any~~
 227 ~~license or permit issued by the department.~~

228 ~~(d) The commission is assigned to the Office of the~~
 229 ~~Secretary of the Department of Transportation for administrative~~
 230 ~~and fiscal accountability purposes, but it shall otherwise~~
 231 ~~function independently of the control and direction of the~~
 232 ~~department except that reasonable expenses of the commission~~
 233 ~~shall be subject to approval by the Secretary of Transportation.~~
 234 ~~The department shall provide administrative support and service~~

235 ~~to the commission.~~

236 Section 2. Section 316.0076, Florida Statutes, is amended
 237 to read:

238 316.0076 Regulation and use of cameras.—Regulation of the
 239 use of cameras for enforcing the provisions of this chapter is
 240 expressly preempted to the state. Notwithstanding any other
 241 provision of law, a county or municipality may not use cameras
 242 for enforcing this chapter at any traffic control signal device
 243 location that did not have an active traffic infraction detector
 244 installed before July 1, 2014. The regulation of the use of
 245 cameras for enforcing the provisions of this chapter is not
 246 required to comply with provisions of chapter 493.

247 Section 3. Paragraphs (a) and (b) of subsection (1) and
 248 paragraph (e) of subsection (5) of section 316.0083, Florida
 249 Statutes, are amended to read:

250 316.0083 Mark Wandall Traffic Safety Program;
 251 administration; report.—

252 (1)(a) For purposes of administering this section, the
 253 department, a county, or a municipality may authorize a traffic
 254 infraction enforcement officer under s. 316.640 to issue a
 255 traffic citation for a violation of s. 316.074(1) or s.
 256 316.075(1)(c)1. A notice of violation and a traffic citation may
 257 not be issued for failure to stop at a red light if the driver
 258 is making a right-hand turn in a careful and prudent manner at
 259 an intersection where right-hand turns are permissible. A notice
 260 of violation and a traffic citation may not be issued under this

261 section if the driver of the vehicle came to a complete stop
 262 after crossing the stop line and before turning right if
 263 permissible at a red light, but failed to stop before crossing
 264 over the stop line or other point at which a stop is required. A
 265 notice of violation and a traffic citation may only be issued by
 266 a county or municipality under this section for violations at
 267 intersections that had an active traffic infraction detector
 268 installed before July 1, 2014. This paragraph does not prohibit
 269 a review of information from a traffic infraction detector by an
 270 authorized employee or agent of the department, a county, or a
 271 municipality before issuance of the traffic citation by the
 272 traffic infraction enforcement officer. This paragraph does not
 273 prohibit the department, a county, or a municipality from
 274 issuing notification as provided in paragraph (b) to the
 275 registered owner of the motor vehicle involved in the violation
 276 of s. 316.074(1) or s. 316.075(1)(c)1.

277 (b)1.a. Within 30 days after a violation, notification
 278 must be sent to the registered owner of the motor vehicle
 279 involved in the violation specifying the remedies available
 280 under s. 318.14 and that the violator must pay the penalty of
 281 \$83 ~~\$158~~ to the department, county, or municipality, or furnish
 282 an affidavit in accordance with paragraph (d), or request a
 283 hearing within 60 days following the date of the notification in
 284 order to avoid the issuance of a traffic citation. The
 285 notification must be sent by first-class mail. The mailing of
 286 the notice of violation constitutes notification.

287 b. Included with the notification to the registered owner
 288 of the motor vehicle involved in the infraction must be a notice
 289 that the owner has the right to review the photographic or
 290 electronic images or the streaming video evidence that
 291 constitutes a rebuttable presumption against the owner of the
 292 vehicle. The notice must state the time and place or Internet
 293 location where the evidence may be examined and observed.

294 c. Notwithstanding any other provision of law, a person
 295 who receives a notice of violation under this section may
 296 request a hearing within 60 days following the notification of
 297 violation or pay the penalty pursuant to the notice of
 298 violation, but a payment or fee may not be required before the
 299 hearing requested by the person. The notice of violation must be
 300 accompanied by, or direct the person to a website that provides,
 301 information on the person's right to request a hearing and on
 302 all court costs related thereto and a form to request a hearing.
 303 As used in this sub-subparagraph, the term "person" includes a
 304 natural person, registered owner or coowner of a motor vehicle,
 305 or person identified on an affidavit as having care, custody, or
 306 control of the motor vehicle at the time of the violation.

307 d. If the registered owner or coowner of the motor
 308 vehicle, or the person designated as having care, custody, or
 309 control of the motor vehicle at the time of the violation, or an
 310 authorized representative of the owner, coowner, or designated
 311 person, initiates a proceeding to challenge the violation
 312 pursuant to this paragraph, such person waives any challenge or

313 | dispute as to the delivery of the notice of violation.

314 | 2. Penalties assessed and collected by the department,
 315 | county, or municipality authorized to collect the funds provided
 316 | for in this paragraph, ~~less the amount retained by the county or~~
 317 | ~~municipality pursuant to subparagraph 3.,~~ shall be paid to the
 318 | Department of Revenue weekly. Payment by the department, county,
 319 | or municipality to the state shall be made by means of
 320 | electronic funds transfers. In addition to the payment, summary
 321 | detail of the penalties remitted shall be reported to the
 322 | Department of Revenue.

323 | 3. Penalties to be assessed and collected by the
 324 | department, county, or municipality are as follows:

325 | a. Eighty-three ~~One hundred fifty-eight~~ dollars for a
 326 | violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver
 327 | failed to stop at a traffic signal if enforcement is by the
 328 | department's traffic infraction enforcement officer. Seventy ~~One~~
 329 | ~~hundred~~ dollars shall be remitted to the Department of Revenue
 330 | for deposit into the General Revenue Fund, \$10 shall be remitted
 331 | to the Department of Revenue for deposit into the Department of
 332 | Health Emergency Medical Services Trust Fund, and \$3 shall be
 333 | remitted to the Department of Revenue for deposit into the Brain
 334 | and Spinal Cord Injury Trust Fund, ~~and \$45 shall be distributed~~
 335 | ~~to the municipality in which the violation occurred, or, if the~~
 336 | ~~violation occurred in an unincorporated area, to the county in~~
 337 | ~~which the violation occurred.~~ Funds deposited into the
 338 | Department of Health Emergency Medical Services Trust Fund under

339 this sub-subparagraph shall be distributed as provided in s.
 340 395.4036(1). Proceeds of the infractions in the Brain and Spinal
 341 Cord Injury Trust Fund shall be distributed quarterly to the
 342 Miami Project to Cure Paralysis and used for brain and spinal
 343 cord research.

344 b. Eighty-three ~~One hundred fifty-eight~~ dollars for a
 345 violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver
 346 failed to stop at a traffic signal if enforcement is by a county
 347 or municipal traffic infraction enforcement officer. Seventy
 348 dollars shall be remitted by the county or municipality to the
 349 Department of Revenue for deposit into the General Revenue Fund,
 350 \$10 shall be remitted to the Department of Revenue for deposit
 351 into the Department of Health Emergency Medical Services Trust
 352 Fund, and \$3 shall be remitted to the Department of Revenue for
 353 deposit into the Brain and Spinal Cord Injury Trust Fund, ~~and~~
 354 ~~\$75 shall be retained by the county or municipality enforcing~~
 355 ~~the ordinance enacted pursuant to this section.~~ Funds deposited
 356 into the Department of Health Emergency Medical Services Trust
 357 Fund under this sub-subparagraph shall be distributed as
 358 provided in s. 395.4036(1). Proceeds of the infractions in the
 359 Brain and Spinal Cord Injury Trust Fund shall be distributed
 360 quarterly to the Miami Project to Cure Paralysis and used for
 361 brain and spinal cord research.

362 4. A county or municipality, by majority vote of the
 363 governing board of the respective county or municipality, may
 364 impose a surcharge for violations of s. 316.074(1) or s.

365 316.075(1)(c)1. which occur at any intersection that had an
 366 active traffic infraction detector installed before July 1,
 367 2014, for the sole purpose of funding contractual agreements
 368 with manufacturers and vendors of traffic infraction detectors.
 369 The surcharge may not exceed \$25 and must be authorized by an
 370 ordinance requiring public hearings.

371 a. Revenue collected from the surcharge under this
 372 subparagraph must be distributed quarterly to the manufacturer
 373 or vendor in accordance with each respective contractual
 374 agreement.

375 b. Surplus revenue from the surcharge under this
 376 subparagraph shall be remitted to the Department of Revenue for
 377 deposit into the General Revenue Fund.

378 c. Each county or municipality shall, no later than 30
 379 days after the end of each quarter, report in an electronic
 380 format to the Department of Revenue the amount of funds
 381 collected under this subparagraph during each quarter of the
 382 fiscal year. The Department of Revenue shall submit the report
 383 annually in an electronic format to the Governor, the President
 384 of the Senate, and the Speaker of the House of Representatives.

385 5.4. An individual may not receive a commission from any
 386 revenue collected from violations detected through the use of a
 387 traffic infraction detector. A manufacturer or vendor may not
 388 receive a fee or remuneration based upon the number of
 389 violations detected through the use of a traffic infraction
 390 detector.

391 (5) Procedures for a hearing under this section are as
 392 follows:

393 (e) At the conclusion of the hearing, the local hearing
 394 officer shall determine whether a violation under this section
 395 has occurred, in which case the hearing officer shall uphold or
 396 dismiss the violation. The local hearing officer shall issue a
 397 final administrative order including the determination and, if
 398 the notice of violation is upheld, require the petitioner to pay
 399 the penalty previously assessed under paragraph (1)(b), and may
 400 also require the petitioner to pay county or municipal costs,
 401 not to exceed the amount of the penalty assessed and collected
 402 by the county or municipality \$250. The final administrative
 403 order shall be mailed to the petitioner by first-class mail.

404 Section 4. Section 316.0776, Florida Statutes, is amended
 405 to read:

406 316.0776 Traffic infraction detectors; placement and
 407 installation.—

408 (1) Traffic infraction detectors are allowed on state
 409 roads when permitted by the Department of Transportation and
 410 under placement and installation specifications developed by the
 411 Department of Transportation. Traffic infraction detectors are
 412 allowed on streets and highways under the jurisdiction of
 413 counties or municipalities in accordance with placement and
 414 installation specifications developed by the Department of
 415 Transportation, only if such traffic infraction detectors were
 416 installed and active before July 1, 2014.

417 (2)(a) If the department, county, or municipality installs
 418 a traffic infraction detector at an intersection, the
 419 department, county, or municipality shall notify the public that
 420 a traffic infraction device may be in use at that intersection
 421 and must specifically include notification of camera enforcement
 422 of violations concerning right turns. Such signage used to
 423 notify the public must meet the specifications for uniform
 424 signals and devices adopted by the Department of Transportation
 425 pursuant to s. 316.0745.

426 (b) If the department, ~~county, or municipality~~ begins a
 427 traffic infraction detector program in a county or municipality
 428 that has never conducted such a program, the ~~respective~~
 429 department, ~~county, or municipality~~ shall also make a public
 430 announcement and conduct a public awareness campaign of the
 431 proposed use of traffic infraction detectors at least 30 days
 432 before starting ~~commencing~~ the enforcement program.

433 Section 5. Subsections (15) and (22) of section 318.18,
 434 Florida Statutes, are amended to read:

435 318.18 Amount of penalties.—The penalties required for a
 436 noncriminal disposition pursuant to s. 318.14 or a criminal
 437 offense listed in s. 318.17 are as follows:

438 (15)(a)1. One hundred and fifty-eight dollars for a
 439 violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver
 440 has failed to stop at a traffic signal and when enforced by a
 441 law enforcement officer. Sixty dollars shall be distributed as
 442 provided in s. 318.21, \$30 shall be distributed to the General

443 Revenue Fund, \$3 shall be remitted to the Department of Revenue
 444 for deposit into the Brain and Spinal Cord Injury Trust Fund,
 445 and the remaining \$65 shall be remitted to the Department of
 446 Revenue for deposit into the Emergency Medical Services Trust
 447 Fund of the Department of Health.

448 2. Eighty-three ~~One hundred and fifty-eight~~ dollars for a
 449 violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver
 450 has failed to stop at a traffic signal and when enforced by the
 451 department's traffic infraction enforcement officer. Seventy One
 452 ~~hundred~~ dollars shall be remitted to the Department of Revenue
 453 for deposit into the General Revenue Fund, ~~\$45 shall be~~
 454 ~~distributed to the county for any violations occurring in any~~
 455 ~~unincorporated areas of the county or to the municipality for~~
 456 ~~any violations occurring in the incorporated boundaries of the~~
 457 ~~municipality in which the infraction occurred,~~ \$10 shall be
 458 remitted to the Department of Revenue for deposit into the
 459 Department of Health Emergency Medical Services Trust Fund for
 460 distribution as provided in s. 395.4036(1), and \$3 shall be
 461 remitted to the Department of Revenue for deposit into the Brain
 462 and Spinal Cord Injury Trust Fund.

463 3. Eighty-three ~~One hundred and fifty-eight~~ dollars for a
 464 violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver
 465 has failed to stop at a traffic signal and when enforced by a
 466 county's or municipality's traffic infraction enforcement
 467 officer. Seventy dollars ~~Seventy-five dollars shall be~~
 468 ~~distributed to the county or municipality issuing the traffic~~

469 ~~citation, \$70~~ shall be remitted to the Department of Revenue for
 470 deposit into the General Revenue Fund, \$10 shall be remitted to
 471 the Department of Revenue for deposit into the Department of
 472 Health Emergency Medical Services Trust Fund for distribution as
 473 provided in s. 395.4036(1), and \$3 shall be remitted to the
 474 Department of Revenue for deposit into the Brain and Spinal Cord
 475 Injury Trust Fund.

476 (b) Amounts deposited into the Brain and Spinal Cord
 477 Injury Trust Fund pursuant to this subsection shall be
 478 distributed quarterly to the Miami Project to Cure Paralysis and
 479 shall be used for brain and spinal cord research.

480 (c) If a person who is mailed a notice of violation or
 481 cited for a violation of s. 316.074(1) or s. 316.075(1)(c)1., as
 482 enforced by a traffic infraction enforcement officer under s.
 483 316.0083, presents documentation from the appropriate
 484 governmental entity that the notice of violation or traffic
 485 citation was in error, the clerk of court or clerk to the local
 486 hearing officer may dismiss the case. The clerk of court or
 487 clerk to the local hearing officer may not charge for this
 488 service.

489 (d) An individual may not receive a commission or per-
 490 ticket fee from any revenue collected from violations detected
 491 through the use of a traffic infraction detector. A manufacturer
 492 or vendor may not receive a fee or remuneration based upon the
 493 number of violations detected through the use of a traffic
 494 infraction detector.

495 (e) Funds deposited into the Department of Health
 496 Emergency Medical Services Trust Fund under this subsection
 497 shall be distributed as provided in s. 395.4036(1).

498 (22) In addition to the penalty prescribed under s.
 499 316.0083 for violations enforced under s. 316.0083 which are
 500 upheld, the local hearing officer may also order the payment of
 501 county or municipal costs, not to exceed the amount of the
 502 penalty assessed and collected by the county or municipality
 503 ~~\$250~~.

504 Section 6. Section 337.25, Florida Statutes, is amended to
 505 read:

506 337.25 Acquisition, lease, and disposal of real and
 507 personal property.—

508 (1)(a) The department may purchase, lease, exchange, or
 509 otherwise acquire any land, property interests, or buildings or
 510 other improvements, including personal property within such
 511 buildings or on such lands, necessary to secure or utilize
 512 transportation rights-of-way for existing, proposed, or
 513 anticipated transportation facilities on the State Highway
 514 System, on the State Park Road System, in a rail corridor, or in
 515 a transportation corridor designated by the department. Such
 516 property shall be held in the name of the state.

517 (b) The department may accept donations of any land or
 518 buildings or other improvements, including personal property
 519 within such buildings or on such lands with or without such
 520 conditions, reservations, or reverter provisions as are

521 acceptable to the department. Such donations may be used as
 522 transportation rights-of-way or to secure or utilize
 523 transportation rights-of-way for existing, proposed, or
 524 anticipated transportation facilities on the State Highway
 525 System, on the State Park Road System, or in a transportation
 526 corridor designated by the department.

527 (c) When lands, buildings, or other improvements are
 528 needed for transportation purposes, but are held by a federal,
 529 state, or local governmental entity and utilized for public
 530 purposes other than transportation, the department may
 531 compensate the entity for such properties by providing
 532 functionally equivalent replacement facilities. The providing of
 533 replacement facilities under this subsection may only be
 534 undertaken with the agreement of the governmental entity
 535 affected.

536 (d) The department may contract pursuant to s. 287.055 for
 537 auction services used in the conveyance of real or personal
 538 property or the conveyance of leasehold interests under the
 539 provisions of subsections (4) and (5). The contract may allow
 540 for the contractor to retain a portion of the proceeds as
 541 compensation for its services.

542 (2) A complete inventory shall be made of all real or
 543 personal property immediately upon possession or acquisition.
 544 Such inventory shall include ~~an itemized listing of all~~
 545 ~~appliances, fixtures, and other severable items;~~ a statement of
 546 the location or site of each piece of realty, structure, or

547 severable item; ~~and the serial number assigned to each.~~ Copies
 548 of each inventory shall be filed in the district office in which
 549 the property is located. Such inventory shall be carried forward
 550 to show the final disposition of each item of property, both
 551 real and personal.

552 (3) The inventory of real property which was acquired by
 553 the state after December 31, 1988, which has been owned by the
 554 state for 10 or more years, and which is not within a
 555 transportation corridor or within the right-of-way of a
 556 transportation facility shall be evaluated to determine the
 557 necessity for retaining the property. If the property is not
 558 needed for the construction, operation, and maintenance of a
 559 transportation facility, or is not located within a
 560 transportation corridor, the department may dispose of the
 561 property pursuant to subsection (4).

562 (4) The department may convey ~~sell~~, in the name of the
 563 state, any land, building, or other property, real or personal,
 564 which was acquired under the provisions of subsection (1) and
 565 which the department has determined is not needed for the
 566 construction, operation, and maintenance of a transportation
 567 facility. ~~With the exception of any parcel governed by paragraph~~
 568 ~~(e), paragraph (d), paragraph (f), paragraph (g), or paragraph~~
 569 ~~(i), the department shall afford first right of refusal to the~~
 570 ~~local government in the jurisdiction of which the parcel is~~
 571 ~~situated.~~ When such a determination has been made, property may
 572 be disposed of through negotiation, sealed competitive bid,

573 auction, or any other means that the department deems to be in
 574 its best interest, with due advertisement for property valued by
 575 the department at more than \$10,000. A sale may not occur at a
 576 price less than the department's current estimate of value
 577 except as provided in paragraphs (a)-(d). The department may
 578 afford the right of first refusal to the local government or
 579 other political subdivision in the jurisdiction in which the
 580 parcel is situated, except in conveyances transacted under
 581 paragraph (a), paragraph (c), or paragraph (e). in the following
 582 manner:

583 (a) If a the value of the property has been donated to the
 584 state for transportation purposes, the facility has not been
 585 constructed for a period of at least 5 years, no plans have been
 586 prepared for the construction of such facility, and the property
 587 is not located in a transportation corridor, the governmental
 588 entity may authorize reconveyance of the donated property
 589 without consideration to the original donor or the donor's
 590 heirs, successors, assigns, or representatives is \$10,000 or
 591 less as determined by department estimate, the department may
 592 negotiate the sale.

593 (b) If the value of the property is to be used for a
 594 public purpose, the property may be conveyed to a governmental
 595 entity without consideration exceeds \$10,000 as determined by
 596 department estimate, such property may be sold to the highest
 597 bidder through receipt of sealed competitive bids, after due

598 ~~advertisement, or by public auction held at the site of the~~
 599 ~~improvement which is being sold.~~

600 (c) If the property was originally acquired specifically
 601 to provide replacement housing for persons displaced by
 602 transportation projects, the department may negotiate for the
 603 sale of such property as replacement housing. As compensation,
 604 the state shall receive no less than its investment in such
 605 properties or the department's current estimate of value,
 606 whichever is lower. It is expressly intended that this benefit
 607 be extended only to those persons actually displaced by such
 608 project. Disposition to any other person must be for no less
 609 than the department's current estimate of value, in the
 610 ~~discretion of the department, public sale would be inequitable,~~
 611 ~~properties may be sold by negotiation to the owner holding title~~
 612 ~~to the property abutting the property to be sold, provided such~~
 613 ~~sale is at a negotiated price not less than fair market value as~~
 614 ~~determined by an independent appraisal, the cost of which shall~~
 615 ~~be paid by the owner of the abutting land. If negotiations do~~
 616 ~~not result in the sale of the property to the owner of the~~
 617 ~~abutting land and the property is sold to someone else, the cost~~
 618 ~~of the independent appraisal shall be borne by the purchaser,~~
 619 ~~and the owner of the abutting land shall have the cost of the~~
 620 ~~appraisal refunded to him or her. If, however, no purchase takes~~
 621 ~~place, the owner of the abutting land shall forfeit the sum paid~~
 622 ~~by him or her for the independent appraisal. If, due to action~~
 623 ~~of the department, the property is removed from eligibility for~~

624 ~~sale, the cost of any appraisal prepared shall be refunded to~~
 625 ~~the owner of the abutting land.~~

626 (d) If the department determines that the property will
 627 require significant costs to be incurred or that continued
 628 ownership of the property exposes the department to significant
 629 liability risks, the department may use the projected
 630 maintenance costs over the next 10 years to offset the
 631 property's value in establishing a value for disposal of the
 632 property, even if that value is zero ~~property acquired for use~~
 633 ~~as a borrow pit is no longer needed, the department may sell~~
 634 ~~such property to the owner of the parcel of abutting land from~~
 635 ~~which the borrow pit was originally acquired, provided the sale~~
 636 ~~is at a negotiated price not less than fair market value as~~
 637 ~~determined by an independent appraisal, the cost of which shall~~
 638 ~~be paid by the owner of such abutting land.~~

639 (e) If, in the discretion of the department, a sale to
 640 anyone other than an abutting property owner would be
 641 inequitable, the property may be sold to the abutting owner for
 642 the department's current estimate of value ~~the department begins~~
 643 ~~the process for disposing of the property on its own initiative,~~
 644 ~~either by negotiation under the provisions of paragraph (a),~~
 645 ~~paragraph (c), paragraph (d), or paragraph (i), or by receipt of~~
 646 ~~sealed competitive bids or public auction under the provisions~~
 647 ~~of paragraph (b) or paragraph (i), a department staff appraiser~~
 648 ~~may determine the fair market value of the property by an~~
 649 ~~appraisal.~~

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

658 ~~(g) If a property has been donated to the state for~~
 659 ~~transportation purposes and the facility has not been~~
 660 ~~constructed for a period of at least 5 years and no plans have~~
 661 ~~been prepared for the construction of such facility and the~~
 662 ~~property is not located in a transportation corridor, the~~
 663 ~~governmental entity may authorize reconveyance of the donated~~
 664 ~~property for no consideration to the original donor or the~~
 665 ~~donor's heirs, successors, assigns, or representatives.~~

666 ~~(h) If property is to be used for a public purpose, the~~
 667 ~~property may be conveyed without consideration to a governmental~~
 668 ~~entity.~~

669 ~~(i) If property was originally acquired specifically to~~
 670 ~~provide replacement housing for persons displaced by~~
 671 ~~transportation projects, the department may negotiate for the~~
 672 ~~sale of such property as replacement housing. As compensation,~~
 673 ~~the state shall receive no less than its investment in such~~
 674 ~~properties or fair market value, whichever is lower. It is~~
 675 ~~expressly intended that this benefit be extended only to those~~

676 ~~persons actually displaced by such project. Dispositions to any~~
 677 ~~other persons must be for fair market value.~~

678 ~~(j) If the department determines that the property will~~
 679 ~~require significant costs to be incurred or that continued~~
 680 ~~ownership of the property exposes the department to significant~~
 681 ~~liability risks, the department may use the projected~~
 682 ~~maintenance costs over the next 5 years to offset the market~~
 683 ~~value in establishing a value for disposal of the property, even~~
 684 ~~if that value is zero.~~

685 (5) The department may convey a leasehold interest for
 686 commercial or other purposes, in the name of the state, to any
 687 land, building, or other property, real or personal, which was
 688 acquired under the provisions of subsection (1). A lease may not
 689 occur at a price less than the department's current estimate of
 690 value. The department's estimate of value shall be prepared in
 691 accordance with department procedures, guidelines, and rules for
 692 valuation of real property, the cost of which shall be paid by
 693 the party seeking to lease the property.

694 (a) All leases shall be entered into by negotiation,
 695 sealed competitive bid, auction, or any other means that the
 696 department deems to be in its best interest. ~~The department may~~
 697 ~~negotiate such a lease at the prevailing market value with the~~
 698 ~~owner from whom the property was acquired; with the holders of~~
 699 ~~leasehold estates existing at the time of the department's~~
 700 ~~acquisition; or, if public bidding would be inequitable, with~~
 701 ~~the owner holding title to privately owned abutting property, if~~

702 ~~reasonable notice is provided to all other owners of abutting~~
 703 ~~property.~~ The department may allow an outdoor advertising sign
 704 to remain on the property acquired, or be relocated on
 705 department property, and such sign shall not be considered a
 706 nonconforming sign pursuant to chapter 479.

707 (b) If, in the discretion of the department, a lease to
 708 anyone other than an abutting property owner or a tenant with a
 709 leasehold interest in the abutting property would be
 710 inequitable, the property may be leased to the abutting owner or
 711 tenant for no less than the department's current estimate of
 712 value ~~All other leases shall be by competitive bid.~~

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

718 (d) Each lease shall provide that unless otherwise
 719 directed by the lessor, any improvements made to the property
 720 during the term of the lease shall be removed at the lessee's
 721 expense.

722 (e) If property is to be used for a public purpose,
 723 ~~including a fair, art show, or other educational, cultural, or~~
 724 ~~fundraising activity,~~ the property may be leased without
 725 consideration to a governmental entity ~~or school board.~~ Any
 726 public-purpose lease is exempt from the term limits provided in
 727 paragraph (c).

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

731 (g) A ~~No~~ lease executed under this subsection may not be
 732 used ~~utilized~~ by the lessee to establish the ~~4 years'~~ standing
 733 required by s. 73.071(3)(b) if the business had not been
 734 established for the specified number of 4 years on the date
 735 title passed to the department.

736 (h) The department may enter into a long-term lease
 737 without compensation with a public port listed in s.
 738 403.021(9)(b) for rail corridors used for the operation of a
 739 short-line railroad to the port.

740 (6) Nothing in this chapter prevents the joint use of
 741 right-of-way for alternative modes of transportation; provided
 742 that the joint use does not impair the integrity and safety of
 743 the transportation facility.

744 (7) The department's estimate of value, as required in
 745 subsection (4), shall be prepared in accordance with department
 746 procedures, guidelines, and rules for valuation of real
 747 property. If the value of the property exceeds \$50,000 as
 748 determined by department estimate, the sale will be at a
 749 negotiated price of not less than fair market value as
 750 determined by an independent appraisal prepared in accordance
 751 with department procedures, guidelines, and rules for valuation
 752 of real property, the cost of which shall be paid by the party
 753 seeking the purchase of the property. If the estimated value is

754 \$50,000 or less, the department may use a department staff
 755 appraiser or obtain an independent appraisal ~~required by~~
 756 ~~paragraphs (4)(c) and (d) shall be prepared in accordance with~~
 757 ~~department guidelines and rules by an independent appraiser who~~
 758 ~~has been certified by the department. If federal funds were used~~
 759 ~~in the acquisition of the property, the appraisal shall also be~~
 760 ~~subject to the approval of the Federal Highway Administration.~~

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

766 (9) The department, with the approval of the Chief
 767 Financial Officer, may ~~is authorized to~~ disburse state funds for
 768 real estate closings in a manner consistent with good business
 769 practices and in a manner minimizing costs and risks to the
 770 state.

771 (10) The department may ~~is authorized to~~ purchase title
 772 insurance in those instances where it is determined that such
 773 insurance is necessary to protect the public's investment in
 774 property being acquired for transportation purposes. The
 775 department shall adopt procedures to be followed in making the
 776 determination to purchase title insurance for a particular
 777 parcel or group of parcels which, at a minimum, shall set forth
 778 criteria which the parcels shall ~~must~~ meet.

779 (11) This section does not modify the requirements of s.

780 73.013.

781 Section 7. Subsection (2) of section 337.251, Florida
782 Statutes, is amended to read:

783 337.251 Lease of property for joint public-private
784 development and areas above or below department property.-

785 (2) The department may request proposals for the lease of
786 such property or, if the department receives a proposal for to
787 ~~negotiate~~ a lease of particular department property that the
788 department desires to consider, it shall publish a notice in a
789 newspaper of general circulation at least once a week for 2
790 weeks, stating that it has received the proposal and will
791 accept, for 120 ~~60~~ days after the date of publication, other
792 proposals for lease of the particular property ~~use of the space~~.
793 A copy of the notice must be mailed to each local government in
794 the affected area. The department shall adopt rules establishing
795 an application fee for the submission of proposals under this
796 section. The fee must be limited to the amount needed to pay the
797 anticipated costs of evaluating the proposals. The department
798 may engage the services of private consultants to assist in the
799 evaluation. Before approval, the department must determine that
800 the proposed lease:

- 801 (a) Is in the public's best interest;
- 802 (b) Would not require state funds to be used; and
- 803 (c) Would have adequate safeguards in place to ensure that
804 no additional costs or service disruptions would be realized by
805 the traveling public and residents of the state in the event of

806 default by the private lessee or upon termination or expiration
 807 of the lease.

808 Section 8. Subsection (5) of section 338.161, Florida
 809 Statutes, is amended to read:

810 338.161 Authority of department or toll agencies to
 811 advertise and promote electronic toll collection; expanded uses
 812 of electronic toll collection system; authority of department to
 813 collect tolls, fares, and fees for private and public entities.—

814 (5) If the department finds that it can increase nontoll
 815 revenues or add convenience or other value for its customers,
 816 and if a public or private transportation facility owner agrees
 817 that its facility will become interoperable with the
 818 department's electronic toll collection and video billing
 819 systems, the department may ~~is authorized to~~ enter into an
 820 agreement with the owner of such facility under which the
 821 department uses private or public entities for the department's
 822 ~~use of~~ its electronic toll collection and video billing systems
 823 to collect and enforce for the owner tolls, fares,
 824 administrative fees, and other applicable charges due ~~imposed~~ in
 825 connection with use of the owner's facility ~~transportation~~
 826 ~~facilities of the private or public entities that become~~
 827 ~~interoperable with the department's electronic toll collection~~
 828 ~~system.~~ The department may modify its rules regarding toll
 829 collection procedures and the imposition of administrative
 830 charges to be applicable to toll facilities that are not part of
 831 the turnpike system or otherwise owned by the department. This

832 subsection may not be construed to limit the authority of the
 833 department under any other provision of law or under any
 834 agreement entered into before ~~prior to~~ July 1, 2012.

835 Section 9. Section 373.4137, Florida Statutes, is amended
 836 to read:

837 373.4137 Mitigation requirements for specified
 838 transportation projects.—

839 (1) The Legislature finds that environmental mitigation
 840 for the impact of transportation projects proposed by the
 841 Department of Transportation or a transportation authority
 842 established pursuant to chapter 348 or chapter 349 can be more
 843 effectively achieved by regional, long-range mitigation planning
 844 rather than on a project-by-project basis. It is the intent of
 845 the Legislature that mitigation to offset the adverse effects of
 846 these transportation projects be funded by the Department of
 847 Transportation and be carried out by the use of mitigation banks
 848 and any other mitigation options that satisfy state and federal
 849 requirements in a manner that promotes efficiency, timeliness in
 850 project delivery, and cost-effectiveness.

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

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

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858 participate in the program, shall submit to the water management
 859 districts a list of its projects in the adopted work program and
 860 an environmental impact inventory of habitat impacts and the
 861 anticipated amount of mitigation needed to offset impacts as
 862 described in paragraph (b). The environmental impact inventory
 863 must be based on habitats addressed in the rules adopted
 864 pursuant to this part, ~~and~~ s. 404 of the Clean Water Act, 33
 865 U.S.C. s. 1344, and the Department of Transportation's ~~which may~~
 866 ~~be impacted by its~~ plan of construction for transportation
 867 projects in the next 3 years of the tentative work program. The
 868 Department of Transportation or a transportation authority
 869 established pursuant to chapter 348 or chapter 349 may also
 870 include in its environmental impact inventory the habitat
 871 impacts and the anticipated amount of mitigation needed for ~~of~~
 872 any future transportation project. The Department of
 873 Transportation and each transportation authority established
 874 pursuant to chapter 348 or chapter 349 may fund any mitigation
 875 activities for future projects using current year funds.

876 (b) The environmental impact inventory must ~~shall~~ include
 877 a description of ~~these~~ habitat impacts, including ~~their~~
 878 location, acreage, and type; the anticipated amount of
 879 mitigation needed based on the functional loss as determined
 880 through the uniform mitigation assessment method (UMAM) adopted
 881 by rule of the Department of Environmental Protection pursuant
 882 to s. 373.414(18); identification of the proposed mitigation
 883 option; state water quality classification of impacted wetlands

884 and other surface waters; any other state or regional
 885 designations for these habitats; and a list of threatened
 886 species, endangered species, and species of special concern
 887 affected by the proposed project.

888 (c) Before projects are identified for inclusion in a
 889 water management district mitigation plan as described in
 890 subsection (4), the Department of Transportation must consider
 891 using credits from a permitted mitigation bank. The Department
 892 of Transportation must consider the availability of suitable and
 893 sufficient mitigation bank credits within the transportation
 894 project's area, the ability to satisfy commitments to regulatory
 895 and resource agencies, the availability of suitable and
 896 sufficient mitigation purchased or developed through this
 897 section, the ability to complete existing water management
 898 district or Department of Environmental Protection suitable
 899 mitigation sites initiated with Department of Transportation
 900 mitigation funds, and the ability to satisfy state and federal
 901 requirements including long-term maintenance and liability.

902 (3) (a) To implement the mitigation option ~~fund development~~
 903 ~~and implementation of the mitigation plan for the projected~~
 904 ~~impacts~~ identified in the environmental impact inventory
 905 described in subsection (2), the Department of Transportation
 906 may purchase credits for current and future use directly from a
 907 mitigation bank, purchase mitigation services through the water
 908 management districts or the Department of Environmental
 909 Protection, conduct its own mitigation, or use other mitigation

910 | options that meet state and federal requirements. Funding for
 911 | the identified mitigation option as described in the
 912 | environmental impact inventory must be included in shall
 913 | ~~identify funds quarterly in an escrow account within the State~~
 914 | ~~Transportation Trust Fund for the environmental mitigation phase~~
 915 | ~~of projects budgeted by the Department of Transportation's work~~
 916 | program developed pursuant to s. 339.135. The amount programmed
 917 | each year by the Department of Transportation and participating
 918 | transportation authorities established pursuant to chapter 348
 919 | or chapter 349 must correspond to an estimated cost per credit
 920 | of \$150,000 multiplied by the projected number of credits
 921 | identified in the environmental impact inventory described in
 922 | subsection (2). This estimated cost per credit will be adjusted
 923 | every 2 years by the Department of Transportation based on the
 924 | average cost per UMAM credit paid through this section.
 925 | ~~Transportation for the current fiscal year. The escrow account~~
 926 | ~~shall be maintained by the Department of Transportation for the~~
 927 | ~~benefit of the water management districts. Any interest earnings~~
 928 | ~~from the escrow account shall remain with the Department of~~
 929 | ~~Transportation.~~

930 | (b) Each transportation authority established pursuant to
 931 | chapter 348 or chapter 349 that chooses to participate in this
 932 | program shall create an escrow account within its financial
 933 | structure and deposit funds in the account to pay for the
 934 | environmental mitigation phase of projects budgeted for the
 935 | current fiscal year. The escrow account shall be maintained by

936 the authority for the benefit of the water management districts.
 937 Any interest earnings from the escrow account shall remain with
 938 the authority.

939 (c) For mitigation implemented by the water management
 940 district or the Department of Environmental Protection, as
 941 appropriate, the amount paid each year must be based on
 942 mitigation services provided by the water management districts
 943 or Department of Environmental Protection pursuant to an
 944 approved water management district plan, as described in
 945 subsection (4). ~~Except for current mitigation projects in the~~
 946 ~~monitoring and maintenance phase and except as allowed by~~
 947 ~~paragraph (d),~~ The water management districts or the Department
 948 of Environmental Protection, as appropriate, may request payment
 949 ~~a transfer of funds from an escrow account~~ no sooner than 30
 950 days before the date the funds are needed to pay for activities
 951 associated with development or implementation of permitted
 952 mitigation meeting the requirements pursuant to this part, 33
 953 U.S.C. s. 1344, and 33 C.F.R. part 332 in the approved
 954 mitigation plan described in subsection (4) for the current
 955 fiscal year, ~~including, but not limited to, design, engineering,~~
 956 ~~production, and staff support.~~ ~~Actual conceptual plan~~
 957 ~~preparation costs incurred before plan approval may be submitted~~
 958 ~~to the Department of Transportation or the appropriate~~
 959 ~~transportation authority each year with the plan.~~ ~~The conceptual~~
 960 ~~plan preparation costs of each water management district will be~~
 961 ~~paid from mitigation funds associated with the environmental~~

962 ~~impact inventory for the current year. The amount transferred to~~
 963 ~~the escrow accounts each year by the Department of~~
 964 ~~Transportation and participating transportation authorities~~
 965 ~~established pursuant to chapter 348 or chapter 349 shall~~
 966 ~~correspond to a cost per acre of \$75,000 multiplied by the~~
 967 ~~projected acres of impact identified in the environmental impact~~
 968 ~~inventory described in subsection (2). However, the \$75,000 cost~~
 969 ~~per acre does not constitute an admission against interest by~~
 970 ~~the state or its subdivisions and is not admissible as evidence~~
 971 ~~of full compensation for any property acquired by eminent domain~~
 972 ~~or through inverse condemnation. Each July 1, the cost per acre~~
 973 ~~shall be adjusted by the percentage change in the average of the~~
 974 ~~Consumer Price Index issued by the United States Department of~~
 975 ~~Labor for the most recent 12-month period ending September 30,~~
 976 ~~compared to the base year average, which is the average for the~~
 977 ~~12-month period ending September 30, 1996. Each quarter, the~~
 978 ~~projected amount of mitigation must ~~acreage of impact shall be~~~~
 979 ~~reconciled with the actual amount of mitigation needed for~~
 980 ~~acreage of impact of projects as permitted, including permit~~
 981 ~~modifications, pursuant to this part and s. 404 of the Clean~~
 982 ~~Water Act, 33 U.S.C. s. 1344. The subject year's programming~~
 983 ~~transfer of funds shall be adjusted ~~accordingly~~ to reflect the~~
 984 ~~mitigation acreage of impacts as permitted. If the water~~
 985 ~~management district excludes a project from an approved water~~
 986 ~~management district mitigation plan, if the water management~~
 987 ~~district cannot timely permit a mitigation site to offset the~~

988 impacts of a Department of Transportation project identified in
 989 the environmental impact inventory, or if the proposed
 990 mitigation does not meet state and federal requirements, the
 991 Department of Transportation may use the associated funds for
 992 the purchase of mitigation bank credits or any other mitigation
 993 option that satisfies state and federal requirements. The
 994 ~~Department of Transportation and participating transportation~~
 995 ~~authorities established pursuant to chapter 348 or chapter 349~~
 996 ~~are authorized to transfer such funds from the escrow accounts~~
 997 ~~to the water management districts to carry out the mitigation~~
 998 ~~programs. Environmental mitigation funds that are identified for~~
 999 ~~or maintained in an escrow account for the benefit of a water~~
 1000 ~~management district may be released if the associated~~
 1001 ~~transportation project is excluded in whole or part from the~~
 1002 ~~mitigation plan. For a mitigation project that is in the~~
 1003 ~~maintenance and monitoring phase, the water management district~~
 1004 ~~may request and receive a one-time payment based on the~~
 1005 ~~project's expected future maintenance and monitoring costs. Upon~~
 1006 final disbursement of the final maintenance and monitoring
 1007 payment for mitigation of a transportation project as permitted,
 1008 the obligation of the Department of Transportation or the
 1009 participating transportation authority is satisfied and the
 1010 water management district or the Department of Environmental
 1011 Protection, as appropriate, will have continuing responsibility
 1012 for the mitigation project, the escrow account for the project
 1013 ~~established by the Department of Transportation or the~~

1014 ~~participating transportation authority may be closed. Any~~
 1015 ~~interest earned on these disbursed funds shall remain with the~~
 1016 ~~water management district and must be used as authorized under~~
 1017 ~~this section.~~

1018 (d) Beginning with the March 2015 water management
 1019 district mitigation plans in the 2005-2006 fiscal year, each
 1020 water management district or the Department of Environmental
 1021 Protection, as appropriate, shall invoice the Department of
 1022 Transportation for mitigation services to offset only the
 1023 impacts of a Department of Transportation project identified in
 1024 the environmental impact inventory, including planning, design,
 1025 construction, maintenance, monitoring, and other costs necessary
 1026 to meet requirements under this section, 33 U.S.C. s. 1344, and
 1027 33 C.F.R. part 332. If the water management district identifies
 1028 the use of mitigation bank credits to offset a Department of
 1029 Transportation impact, the water management district shall
 1030 exclude that purchase from the mitigation plan, and the
 1031 Department of Transportation must purchase the bank credits. be
 1032 ~~paid a lump-sum amount of \$75,000 per acre, adjusted as provided~~
 1033 ~~under paragraph (c), for federally funded transportation~~
 1034 ~~projects that are included on the environmental impact inventory~~
 1035 ~~and that have an approved mitigation plan. Beginning in the~~
 1036 ~~2009-2010 fiscal year, each water management district shall be~~
 1037 ~~paid a lump-sum amount of \$75,000 per acre, adjusted as provided~~
 1038 ~~under paragraph (c), for federally funded and nonfederally~~
 1039 ~~funded transportation projects that have an approved mitigation~~

1040 ~~plan. All mitigation costs, including, but not limited to, the~~
 1041 ~~costs of preparing conceptual plans and the costs of design,~~
 1042 ~~construction, staff support, future maintenance, and monitoring~~
 1043 ~~the mitigated acres shall be funded through these lump-sum~~
 1044 ~~amounts.~~

1045 (e) For mitigation activities occurring on existing water
 1046 management district or Department of Environmental Protection
 1047 mitigation sites initiated with Department of Transportation
 1048 mitigation funds before July 1, 2013, the water management
 1049 district or the Department of Environmental Protection shall
 1050 invoice the Department of Transportation or a participating
 1051 transportation authority at a cost per acre of \$75,000
 1052 multiplied by the projected acres of impact as identified in the
 1053 environmental impact inventory. The cost per acre must be
 1054 adjusted by the percentage change in the average of the Consumer
 1055 Price Index issued by the United States Department of Labor for
 1056 the most recent 12-month period ending September 30, compared to
 1057 the base year average, which is the average for the 12-month
 1058 period ending September 30, 1996. When implementing the
 1059 mitigation activities necessary to offset the permitted impacts
 1060 as provided in the approved mitigation plan, the water
 1061 management district shall maintain records of the costs incurred
 1062 in implementing the mitigation. The records must include, but
 1063 are not limited to, costs for planning, land acquisition,
 1064 design, construction, staff support, long-term maintenance and
 1065 monitoring of the mitigation site, and other costs necessary to

1066 meet the requirements of 33 U.S.C. s. 1344 and 33 C.F.R. part
 1067 332.

1068 (f) For purposes of preparing and implementing the
 1069 mitigation plans to be adopted by the water management districts
 1070 on or before March 1, 2014, for impacts based on the July 1,
 1071 2013, environmental impact inventory, the funds identified in
 1072 the Department of Transportation's work program or participating
 1073 transportation authorities' escrow accounts must correspond to a
 1074 cost per acre of \$75,000 multiplied by the projected acres of
 1075 impact as identified in the environmental impact inventory. The
 1076 cost per acre shall be adjusted by the percentage change in the
 1077 average of the Consumer Price Index issued by the United States
 1078 Department of Labor for the most recent 12-month period ending
 1079 September 30, compared to the base year average, which is the
 1080 average for the 12-month period ending September 30, 1996.
 1081 Payment as provided under this paragraph is limited to those
 1082 mitigation activities that are identified in the first year of
 1083 the 2013 mitigation plan and for which the transportation
 1084 project is permitted and is in the Department of
 1085 Transportation's adopted work program, or equivalent for a
 1086 transportation authority. When implementing the mitigation
 1087 activities necessary to offset the permitted impacts as provided
 1088 in the approved mitigation plan, the water management district
 1089 shall maintain records of the costs incurred in implementing the
 1090 mitigation. The records must include, but are not limited to,
 1091 costs for planning, land acquisition, design, construction,

1092 staff support, long-term maintenance and monitoring of the
 1093 mitigation site, and other costs necessary to meet the
 1094 requirements of 33 U.S.C. s. 1344 and 33 C.F.R. part 332. To the
 1095 extent moneys paid to a water management district by the
 1096 Department of Transportation or a participating transportation
 1097 authority exceed the amount expended by the water management
 1098 districts in implementing the mitigation to offset the permitted
 1099 impacts, these funds must be refunded to the Department of
 1100 Transportation or participating transportation authority. This
 1101 paragraph expires June 30, 2015.

1102 (4) Before March 1 of each year, each water management
 1103 district shall develop a mitigation plan to offset only the
 1104 impacts of transportation projects in the environmental impact
 1105 inventory for which a water management district is implementing
 1106 mitigation that meets the requirements of this section, 33
 1107 U.S.C. s. 1344, and 33 C.F.R. part 332. The water management
 1108 district mitigation plan must be developed, in consultation with
 1109 the Department of Environmental Protection, the United States
 1110 Army Corps of Engineers, the Department of Transportation,
 1111 participating transportation authorities established pursuant to
 1112 chapter 348 or chapter 349, and other appropriate federal,
 1113 state, and local governments, and other interested parties,
 1114 including entities operating mitigation banks, ~~shall develop a~~
 1115 ~~plan for the primary purpose of complying with the mitigation~~
 1116 ~~requirements adopted pursuant to this part and 33 U.S.C. s.~~
 1117 ~~1344.~~ In developing such plans, the water management districts

1118 shall use sound ecosystem management practices to address
 1119 significant water resource needs and consider ~~shall focus on~~
 1120 activities of the Department of Environmental Protection and the
 1121 water management districts, such as surface water improvement
 1122 and management (SWIM) projects and lands identified for
 1123 potential acquisition for preservation, restoration, or
 1124 enhancement, and the control of invasive and exotic plants in
 1125 wetlands and other surface waters, to the extent that the
 1126 activities comply with the mitigation requirements adopted under
 1127 this part, ~~and~~ 33 U.S.C. s. 1344, and 33 C.F.R. part 332. The
 1128 water management district mitigation plan must identify each
 1129 site where the water management district will mitigate for a
 1130 transportation project. For each mitigation site, the water
 1131 management district shall provide the scope of the mitigation
 1132 services, provide the functional gain as determined through the
 1133 UMAM adopted by rule of the Department of Environmental
 1134 Protection pursuant to s. 373.414(18), describe how the
 1135 mitigation offsets the impacts of each transportation project as
 1136 permitted, and provide a schedule for the mitigation services.
 1137 The water management districts shall maintain records of costs
 1138 incurred and payments received for providing these services.
 1139 Records must include, but are not limited to, planning, land
 1140 acquisition, design, construction, staff support, long-term
 1141 maintenance and monitoring of the mitigation site, and other
 1142 costs necessary to meet the requirements of 33 U.S.C. s. 1344
 1143 and 33 C.F.R. part 332. To the extent moneys paid to a water

1144 management district by the Department of Transportation or a
 1145 participating transportation authority exceed the amount
 1146 expended by the water management districts in providing the
 1147 mitigation services to offset the permitted transportation
 1148 project impacts, these moneys must be refunded to the Department
 1149 of Transportation or participating transportation authority. In
 1150 ~~determining the activities to be included in the plans, the~~
 1151 ~~districts shall consider the purchase of credits from public or~~
 1152 ~~private mitigation banks permitted under s. 373.4136 and~~
 1153 ~~associated federal authorization and shall include the purchase~~
 1154 ~~as a part of the mitigation plan when the purchase would offset~~
 1155 ~~the impact of the transportation project, provide equal benefits~~
 1156 ~~to the water resources than other mitigation options being~~
 1157 ~~considered, and provide the most cost-effective mitigation~~
 1158 ~~option.~~ The mitigation plan shall be submitted to the water
 1159 management district governing board, or its designee, for review
 1160 and approval. At least 14 days before approval by the governing
 1161 board, the water management district shall provide a copy of the
 1162 draft mitigation plan to the Department of Environmental
 1163 Protection and any person who has requested a copy. The
 1164 mitigation plan, after governing board approval, must be
 1165 submitted to the Department of Environmental Protection for
 1166 approval. The plan may not be implemented until it is submitted
 1167 to and approved, in part or in its entirety, by the Department
 1168 of Environmental Protection.

1169 ~~(a) For each transportation project with a funding request~~
 1170 ~~for the next fiscal year, the mitigation plan must include a~~
 1171 ~~brief explanation of why a mitigation bank was or was not chosen~~
 1172 ~~as a mitigation option, including an estimation of identifiable~~
 1173 ~~costs of the mitigation bank and nonbank options and other~~
 1174 ~~factors such as time saved, liability for success of the~~
 1175 ~~mitigation, and long-term maintenance.~~

1176 (a)(b) Specific projects may be excluded from the
 1177 mitigation plan, in whole or in part, and are not subject to
 1178 this section upon the election of the Department of
 1179 Transportation, a transportation authority if applicable, or the
 1180 appropriate water management district. The Department of
 1181 Transportation or a participating transportation authority may
 1182 not exclude a transportation project from the mitigation plan
 1183 when mitigation is scheduled for implementation by the water
 1184 management district in the current fiscal year, except when the
 1185 transportation project is removed from the Department of
 1186 Transportation's work program or transportation authority
 1187 funding plan, the mitigation cannot be timely permitted to
 1188 offset the impacts of a Department of Transportation project
 1189 identified in the environmental impact inventory, or the
 1190 proposed mitigation does not meet state and federal
 1191 requirements. If a project is removed from the work program or
 1192 the mitigation plan, costs expended by the water management
 1193 district before removal are eligible for reimbursement by the

1194 Department of Transportation or participating transportation
 1195 authority.

1196 (b)~~(e)~~ When determining which projects to include in or
 1197 exclude from the mitigation plan, the Department of
 1198 Transportation shall investigate using credits from a permitted
 1199 mitigation bank before those projects are submitted for
 1200 inclusion in a water management district mitigation ~~the~~ plan.
 1201 The Department of Transportation shall exclude a project from
 1202 the mitigation plan if the investigation undertaken pursuant to
 1203 this paragraph results in the conclusion that the use of credits
 1204 from a permitted mitigation bank promotes efficiency, timeliness
 1205 in project delivery, cost-effectiveness, and transfer of
 1206 liability for success and long-term maintenance. The
 1207 ~~investigation shall consider the cost-effectiveness of~~
 1208 ~~mitigation bank credits, including, but not limited to, factors~~
 1209 ~~such as time saved, transfer of liability for success of the~~
 1210 ~~mitigation, and long-term maintenance.~~

1211 (5) The water management district shall ensure that
 1212 mitigation requirements pursuant to 33 U.S.C. s. 1344 and 33
 1213 C.F.R. part 332 are met for the impacts identified in the
 1214 environmental impact inventory for which the water management
 1215 district will implement mitigation described in subsection (2),
 1216 by implementation of the approved mitigation plan described in
 1217 subsection (4) to the extent funding is provided by the
 1218 Department of Transportation, or a transportation authority
 1219 established pursuant to chapter 348 or chapter 349, if

1220 applicable. In developing and implementing the mitigation plan,
 1221 the water management district shall comply with federal
 1222 permitting requirements pursuant to 33 U.S.C. s. 1344 and 33
 1223 C.F.R. part 332. During the federal permitting process, the
 1224 water management district may deviate from the approved
 1225 mitigation plan in order to comply with federal permitting
 1226 requirements upon notice and coordination with the Department of
 1227 Transportation or participating transportation authority.

1228 (6) The water management district mitigation plans shall
 1229 be updated annually to reflect the most current Department of
 1230 Transportation work program and project list of a transportation
 1231 authority established pursuant to chapter 348 or chapter 349, if
 1232 applicable, and may be amended throughout the year to anticipate
 1233 schedule changes or additional projects which may arise. Before
 1234 amending the mitigation plan to include new projects, the
 1235 Department of Transportation shall consider mitigation banks and
 1236 other available mitigation options that meet state and federal
 1237 requirements. Each update and amendment of the mitigation plan
 1238 shall be submitted to the governing board of the water
 1239 management district or its designee for approval. However, such
 1240 approval shall not be applicable to a deviation as described in
 1241 subsection (5).

1242 (7) Upon approval by the governing board of the water
 1243 management district and the Department of Environmental
 1244 Protection ~~or its designee~~, the mitigation plan shall be deemed
 1245 to satisfy the mitigation requirements under this part for

1246 impacts specifically identified in the environmental impact
 1247 inventory described in subsection (2) and any other mitigation
 1248 requirements imposed by local, regional, and state agencies for
 1249 these same impacts. The approval of the governing board of the
 1250 water management district and the Department of Environmental
 1251 Protection ~~or its designee~~ shall authorize the activities
 1252 proposed in the mitigation plan, and no other state, regional,
 1253 or local permit or approval shall be necessary.

1254 (8) This section shall not be construed to eliminate the
 1255 need for the Department of Transportation or a transportation
 1256 authority established pursuant to chapter 348 or chapter 349 to
 1257 comply with the requirement to implement practicable design
 1258 modifications, including realignment of transportation projects,
 1259 to reduce or eliminate the impacts of its transportation
 1260 projects on wetlands and other surface waters as required by
 1261 rules adopted pursuant to this part, or to diminish the
 1262 authority under this part to regulate other impacts, including
 1263 water quantity or water quality impacts, or impacts regulated
 1264 under this part that are not identified in the environmental
 1265 impact inventory described in subsection (2).

1266 ~~(9) The process for environmental mitigation for the~~
 1267 ~~impact of transportation projects under this section shall be~~
 1268 ~~available to an expressway, bridge, or transportation authority~~
 1269 ~~established under chapter 348 or chapter 349. Use of this~~
 1270 ~~process may be initiated by an authority depositing the~~
 1271 ~~requisite funds into an escrow account set up by the authority~~

1272 ~~and filing an environmental impact inventory with the~~
 1273 ~~appropriate water management district. An authority that~~
 1274 ~~initiates the environmental mitigation process established by~~
 1275 ~~this section shall comply with subsection (6) by timely~~
 1276 ~~providing the appropriate water management district with the~~
 1277 ~~requisite work program information. A water management district~~
 1278 ~~may draw down funds from the escrow account as provided in this~~
 1279 ~~section.~~

1280 Section 10. Section 2 of chapter 85-364, Laws of Florida,
 1281 as amended by chapter 95-382, Laws of Florida, is amended to
 1282 read:

1283 Section 2. All tolls collected shall first be used for the
 1284 payment of annual operating and maintenance costs and second to
 1285 discharge the current bond indebtedness related to the Pinellas
 1286 Bayway. Thereafter, tolls collected shall be used to establish a
 1287 reserve construction account to be used, together with interest
 1288 earned thereon, by the department ~~for the construction of Blind~~
 1289 ~~Pass Road, State Road 699 improvements, and for Phase II of the~~
 1290 ~~Pinellas Bayway improvements. A portion of the tolls collected~~
 1291 ~~shall first be used specifically for the construction of the~~
 1292 ~~Blind Pass Road improvements, which improvements consist of~~
 1293 ~~widening to four lanes the Blind Pass Road, State Road 699, from~~
 1294 ~~75th Avenue north to the approach of the Blind Pass Bridge,~~
 1295 ~~including necessary right-of-way acquisition along said portion~~
 1296 ~~of Blind Pass Road, and intersection improvements at 75th Avenue~~
 1297 ~~and Blind Pass Road in Pinellas County. Said improvements shall~~

1298 ~~be included in the department's current 5-year work program.~~
 1299 ~~Upon completion of the Blind Pass Road improvements, the tolls~~
 1300 ~~collected shall be used, together with interest earned thereon,~~
 1301 ~~by the department for~~ Phase II of the Pinellas Bayway
 1302 ~~improvements, which improvements~~ consists of widening to four
 1303 lanes the Pinellas Bayway from State Road 679 west to Gulf
 1304 Boulevard, including necessary approaches, bridges, and avenues
 1305 of access. Upon completion of the Phase II improvements, the
 1306 department shall continue to collect tolls on the Pinellas
 1307 Bayway for purposes of reimbursing the department for all
 1308 accrued maintenance costs for the Pinellas Bayway.

1309 Section 11. Paragraphs (j) and (m) of subsection (2) of
 1310 section 110.205, Florida Statutes, are amended to read:

1311 110.205 Career service; exemptions.—

1312 (2) EXEMPT POSITIONS.—The exempt positions that are not
 1313 covered by this part include the following:

1314 (j) The appointed secretaries and the State Surgeon
 1315 General, assistant secretaries, deputy secretaries, and deputy
 1316 assistant secretaries of all departments; the executive
 1317 directors, assistant executive directors, deputy executive
 1318 directors, and deputy assistant executive directors of all
 1319 departments; the directors of all divisions and those positions
 1320 determined by the department to have managerial responsibilities
 1321 comparable to such positions, which positions include, but are
 1322 not limited to, program directors, assistant program directors,
 1323 district administrators, deputy district administrators, the

1324 Director of Central Operations Services of the Department of
 1325 Children and Family Services, the State Transportation
 1326 Development Administrator, State Public Transportation and Modal
 1327 Administrator, district secretaries, district directors of
 1328 transportation development, transportation operations,
 1329 transportation support, and the managers of the offices
 1330 specified in s. 20.23(3)(b) ~~s. 20.23(4)(b)~~, of the Department of
 1331 Transportation. Unless otherwise fixed by law, the department
 1332 shall set the salary and benefits of these positions in
 1333 accordance with the rules of the Senior Management Service; and
 1334 the county health department directors and county health
 1335 department administrators of the Department of Health.

1336 (m) All assistant division director, deputy division
 1337 director, and bureau chief positions in any department, and
 1338 those positions determined by the department to have managerial
 1339 responsibilities comparable to such positions, which include,
 1340 but are not limited to:

1341 1. Positions in the Department of Health and the
 1342 Department of Children and Family Services that are assigned
 1343 primary duties of serving as the superintendent or assistant
 1344 superintendent of an institution.

1345 2. Positions in the Department of Corrections that are
 1346 assigned primary duties of serving as the warden, assistant
 1347 warden, colonel, or major of an institution or that are assigned
 1348 primary duties of serving as the circuit administrator or deputy
 1349 circuit administrator.

1350 3. Positions in the Department of Transportation that are
 1351 assigned primary duties of serving as regional toll managers and
 1352 managers of offices, as defined in s. 20.23(3)(b) and (4)(c) ~~s.~~
 1353 ~~20.23(4)(b) and (5)(c)~~.

1354 4. Positions in the Department of Environmental Protection
 1355 that are assigned the duty of an Environmental Administrator or
 1356 program administrator.

1357 5. Positions in the Department of Health that are assigned
 1358 the duties of Environmental Administrator, Assistant County
 1359 Health Department Director, and County Health Department
 1360 Financial Administrator.

1361 6. Positions in the Department of Highway Safety and Motor
 1362 Vehicles that are assigned primary duties of serving as captains
 1363 in the Florida Highway Patrol.

1364
 1365 Unless otherwise fixed by law, the department shall set the
 1366 salary and benefits of the positions listed in this paragraph in
 1367 accordance with the rules established for the Selected Exempt
 1368 Service.

1369 Section 12. This act shall take effect July 1, 2014.



Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing PCB: Transportation & Highway
 2 Safety Subcommittee

3 Representative Artiles offered the following:

4
 5 **Amendment (with title amendment)**

6 Between lines 503 and 504, insert:

7 Section 6. Subsection (4) is added to section 335.10,
 8 Florida Statutes, to read:

9 335.10 State Highway System; vehicle regulation;
 10 prohibited use and traffic; liability for damage; parking.-

11 (4) No charge may be imposed for public parking within
 12 designated parking spaces located within the right-of-way limits
 13 of a road on the State Highway System.



Amendment No.

18
19
20
21
22
23



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

Between lines 31 and 32, insert:

335.10, F.S.; prohibiting charging for public parking in certain
parking spaces; amending s.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB THSS 14-02 Pub. Rec./Toll-by-Plate
SPONSOR(S): Transportation & Highway Safety Subcommittee
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Transportation & Highway Safety Subcommittee		Thompson 	Miller 

SUMMARY ANALYSIS

Current law provides a public records exemption for personal identifying information provided to, acquired by, or in the possession of the Department of Transportation (DOT), a county, or an expressway authority for the purpose of using a credit card, charge card, or check for the prepayment of electronic toll facilities. This prepayment system is the electronic transponder method of toll payment otherwise known as "SunPass."

The bill expands the current public record exemption to include personal identifying information held by DOT, a county, or an expressway authority for the purpose of paying, prepaying, or collecting tolls and other amounts due. This would include personal identifying information of customers who use the post-payment method of toll payment otherwise known as "Toll-By-Plate."

The bill provides for repeal of the exemption on October 2, 2019, unless reviewed and saved from repeal by the Legislature. It also provides a statement of public necessity as required by the State Constitution.

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a newly created or expanded public record or public meeting exemption. The bill expands a current public record exemption; thus, it requires a two-thirds vote for final passage.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Public Records

Article I, s. 24(a) of the State Constitution sets forth the state's public policy regarding access to government records. The section guarantees every person a right to inspect or copy any public record of the legislative, executive, and judicial branches of government. The Legislature, however, may provide by general law for the exemption of records from the requirements of Article I, s. 24(a) of the State Constitution. The general law must state with specificity the public necessity justifying the exemption (public necessity statement) and must be no broader than necessary to accomplish its purpose.¹

Public policy regarding access to government records is addressed further in the Florida Statutes. Section 119.07(1), F.S., guarantees every person the right to inspect and copy any state, county, or municipal record. Furthermore, the Open Government Sunset Review Act² provides that a public record or public meeting exemption may be created or maintained only if it serves an identifiable public purpose. In addition, it may be no broader than is necessary to meet one of the following purposes:

- Allows the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption.
- Protects sensitive personal information that, if released, would be defamatory or would jeopardize an individual's safety; however, only the identity of an individual may be exempted under this provision.
- Protects trade or business secrets.

Electronic Toll Payment

Subject to limited exemptions, current law prohibits persons from using any toll facility without payment.³ The Department of Transportation (DOT) is authorized to adopt rules relating to the payment, collection, and enforcement of tolls, including, but not limited to, rules for the implementation of video or other image billing and variable pricing.⁴ DOT has implemented two electronic toll collection programs, SunPass and Toll-By-Plate.

SunPass⁵ is a prepaid system of electronic toll collection that is accepted on all Florida toll roads and nearly all toll bridges. SunPass utilizes a prepaid account system and electronic devices called transponders that attach to the inside of a car's windshield. When a car equipped with SunPass goes through a tolling location, the transponder sends a signal and the toll is deducted from the customer's prepaid account. SunPass account information includes the license plate number, address, and credit card information.⁶

¹ Section 24(c), Art. I of the State Constitution.

² See s. 119.15, F.S.

³ See s. 338.155(1), F.S. The exemptions generally include toll employees on official state business, state military personnel on official military business, persons authorizing resolution for bonds to finance the facility, persons using the toll facility as a required detour route, law enforcement officers or persons operating a fire or rescue vehicle when on official business, funeral processions of law enforcement officers killed in the line of duty, and handicapped persons.

⁴ Section 338.155(1), F.S.

⁵ Rule 14-15.0081, F.A.C.

⁶ Information on SunPass is available at, <http://www.floridasturnpike.com/all-electronictolling/SunPass.cfm> (last visited Dec. 9, 2013).

The Toll-By-Plate⁷ program, established by DOT in 2010, is an image-based system of toll collection available on the southern 47 miles of Florida's Turnpike in Miami-Dade. The Miami-Dade Expressway Authority (MDX) and the Tampa-Hillsborough Expressway Authority (THEA) have their own toll-by-plate programs. Toll-By-Plate takes a photo of a license plate as a vehicle travels through a Turnpike tolling location and mails a monthly bill for the tolls, including an administrative charge, to the registered owner of the vehicle. Accounts can be set up as pre-paid or post-paid.⁸ Accounts may require name, address, email, driver's license number, day time phone number, and credit and debit card numbers.⁹

Public Records Exemption: Electronic Payment of Tolls

Section 338.155(6), F.S., provides that personal identifying information provided to, acquired by, or in the possession of DOT, a county, or an expressway authority for the purpose of using a credit card, charge card, or check for the prepayment of electronic toll facilities charges is exempt¹⁰ from public records requirements. This provision was first adopted in 1996.¹¹

Recently, DOT has expanded its use of electronic toll collection with the Toll-By-Plate video billing. As a consequence, the current public records exemption does not protect personal identifying information related to the method of post-payment of electronic toll facilities by Toll-By-Plate customers.

Proposed Changes

The bill amends s. 338.155(6), F.S., to expand the current public records exemption to include personal identifying information held by DOT, a county, or an expressway authority for the purpose of paying, prepaying, or collecting tolls and associated administrative charges due for the use of toll facilities. This would include personal identifying information of Toll-By-Plate customers.

The bill provides for the repeal of the exemption on October 2, 2019, unless reviewed and saved from repeal by the Legislature. It also provides a statement of public necessity as required by the State Constitution.

B. SECTION DIRECTORY:

- Section 1. Amends s. 338.155, F.S., related to the payment of tolls on toll facilities.
- Section 2. Provides a finding of public necessity.
- Section 3. Provides that the bill is effective upon becoming a law.

⁷ Rule 14-100.005, F.A.C.

⁸ Information on toll-by-plate is available at, <http://www.floridasturnpike.com/all-electronic tolling/TOLL-BY-PLATE.cfm> (Last visited Dec. 9, 2013).

⁹ Information on toll-by-plate accounts can be found at,

<https://www.tollbyplate.com/displaySelectCustomerTypeRegisterAccountNewAccount> (Last visited Dec. 10, 2013).

¹⁰ There is a difference between records the Legislature designates as exempt from public record requirements and those the Legislature deems confidential and exempt. A record classified as exempt from public disclosure may be disclosed under certain circumstances. See *WFTV, Inc. v. The School Board of Seminole*, 874 So.2d 48, 53 (Fla. 5th DCA 2004), review denied 892 So.2d 1015 (Fla. 2004); *City of Riviera Beach v. Barfield*, 642 So.2d 1135 (Fla. 4th DCA 1994); *Williams v. City of Minneola*, 575 So.2d 687 (Fla. 5th DCA 1991). If the Legislature designates a record as confidential and exempt from public disclosure, such record may not be released, by the custodian of public records, to anyone other than the persons or entities specifically designated in the statutory exemption. See Attorney General Opinion 85-62 (August 1, 1985).

¹¹ Chapter 96-178, L.O.F.; codified as s. 338.155(6), F.S.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill could create a minimal fiscal impact on state and local agencies with staff responsible for complying with public records requests as staff could require training related to the expansion of the public record exemption. In addition, an agency could incur costs associated with redacting the exempt information prior to releasing a record. The costs, however, would be absorbed, as they are part of the day-to-day responsibilities of the agency.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

Vote Requirement

Article I, s. 24(c) of the State Constitution, requires a two-thirds vote of the members present and voting for final passage of a newly created or expanded public record or public meeting exemption. The bill expands a public record exemption; thus, it requires a two-thirds vote for final passage.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution, requires a public necessity statement for a newly created or expanded public record or public meeting exemption. The bill expands a public record exemption; thus, it includes a public necessity statement.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires a newly created or expanded public record or public meeting exemption to be no broader than necessary to accomplish the stated purpose of the law. The bill expands the public record exemption to include personal identifying information held by DOT, a county, or an expressway authority for the purpose of paying tolls by any means of payment. The exemption does not appear to be in conflict with the constitutional requirement that the exemption be no broader than necessary to accomplish its purpose.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Other Comments: Retroactive Application

The Supreme Court of Florida ruled that a public record exemption is not to be applied retroactively unless the legislation clearly expresses intent that such exemption is to be applied retroactively.¹² The bill does not contain a provision requiring retroactive application. As such, the public record exemption would apply prospectively; however, the Toll-By-Plate program began operating as early as 2010.¹³

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

¹² *Memorial Hospital-West Volusia, Inc. v. News-Journal Corporation*, 729 So.2d. 373 (Fla. 2001).

¹³ Information received from the Florida Department of Transportation, March 13, 2013 (email on file with the Transportation and Highway Safety Subcommittee).

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 338.155, F.S., relating to the payment of tolls and
 4 associated charges; providing an exemption from public
 5 records requirements for personal identifying
 6 information; providing for future legislative review
 7 and repeal of the exemption; providing a statement of
 8 public necessity; providing an effective date.

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

11
 12 Section 1. Subsection (6) of section 338.155, Florida
 13 Statutes, is amended to read:

14 338.155 Payment of toll on toll facilities required;
 15 exemptions.—

16 (6) (a) Personal identifying information held by ~~provided~~
 17 ~~to, acquired by, or in the possession of~~ the Department of
 18 Transportation, a county, or an expressway authority for the
 19 purpose of paying, prepaying, or collecting tolls and associated
 20 administrative charges due for the use of ~~using a credit card,~~
 21 ~~charge card, or check for the prepayment of electronic toll~~
 22 ~~facilities charges to the department, a county, or an expressway~~
 23 ~~authority~~ is exempt from s. 119.07(1) and s. 24(a), Art. I of
 24 the State Constitution.

25 (b) This subsection is subject to the Open Government
 26 Sunset Review Act in accordance with s. 119.15 and shall stand

27 repealed on October 2, 2019, unless reviewed and saved from
 28 repeal through reenactment by the Legislature.

29 Section 2. The Legislature finds that it is a public
 30 necessity to exempt from s. 119.07(1), Florida Statutes, and s.
 31 24(a), Article I of the State Constitution personal identifying
 32 information about individuals held by the Department of
 33 Transportation, a county, or an expressway authority for the
 34 purpose of paying, prepaying, or collecting tolls and associated
 35 administrative charges due for the use of toll facilities. The
 36 exemption puts individuals who pay for tolls by TOLL-BY-PLATE,
 37 which is video billed, on equal footing with individuals who pay
 38 for tolls by check, debit card, or credit card, or who pay cash
 39 at the toll booth. The exemption protects the health and safety
 40 of the public by making exempt information regarding the
 41 location of individuals as they use the toll road system. The
 42 exemption promotes the use of the electronic toll collection
 43 system, which is a more efficient and effective government
 44 collection system for tolls, because paying for tolls by TOLL-
 45 BY-PLATE, which is video billed, or paying for tolls by check,
 46 debit card, or credit card not only saves individuals time when
 47 passing through the toll facilities, compared to individuals who
 48 pay for tolls with cash, but also costs much less to administer.
 49 Further, the exemption protects the privacy of individuals and
 50 promotes their right to be let alone from unreasonable
 51 government intrusion by prohibiting the public disclosure of
 52 private information about the finances and location of the

PCB THSS 14-02

ORIGINAL

2014

53 | individual using the toll road system.

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



Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

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

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

Amendment

Remove lines 40-42 and insert:

7 of the public by making exempt information regarding the
 8 locations, travel patterns, and travel activity of individuals
 9 as they use the toll road system. The exemption protects the
 10 anonymity of all travelers on toll roads, not just cash
 11 customers, regardless of method of payment of tolls. The
 12 exemption also thereby promotes the use of the electronic toll
 13 collection



Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

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

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

4
 5 **Amendment**
 6 Remove line 18 and insert:
 7 Transportation, a county, a municipality, or an expressway
 8 authority for the
 9

FLORIDA

Freight Mobility & Trade Plan



FLORIDA DEPARTMENT OF TRANSPORTATION

HOUSE TRANSPORTATION & HIGHWAY SAFETY
SUBCOMMITTEE

January 9, 2014 | TALLAHASSEE



Tell the Freight Story

- Communicate with understandable terms
 - No mixed signals
 - PhD & GED
- Paint a picture of Freight
 - Effect on our daily lives
 - Economic Development
 - Jobs & health of our Economy
 - A transitioning FDOT



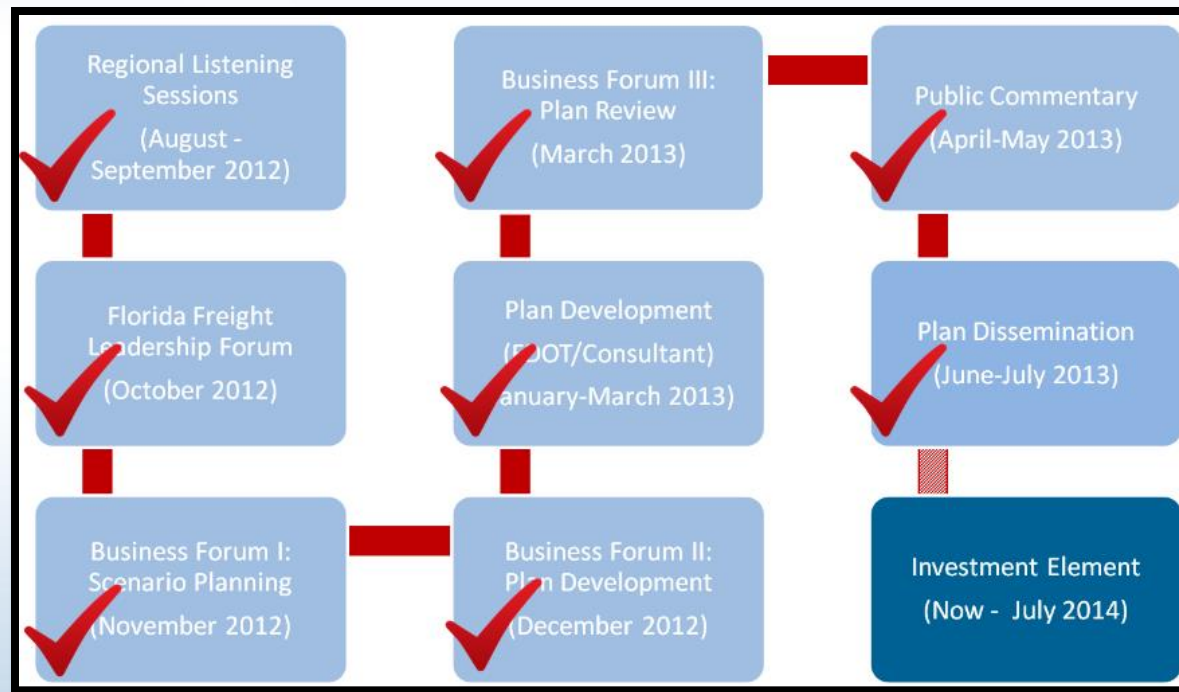
Freight Mobility and Trade Plan

- Must address various legal mandates
- Being developed in 2 elements
- Stakeholder involvement is critical, not something to sit on the shelf



Freight Mobility and Trade Plan Policy Element

- Developed with the help of Florida Stakeholders
 - 6 regional listening sessions
 - 3 business forums
 - 1st annual Florida Freight Leadership Forum



Extensive Partner Involvement

Over 750 Floridians Participated



6 Regional Listening Forums

- Miami
- Orlando
- Jacksonville
- Panama City
- Fort Myers
- Tampa

1st Florida Freight Leadership Forum

3 Business Forums

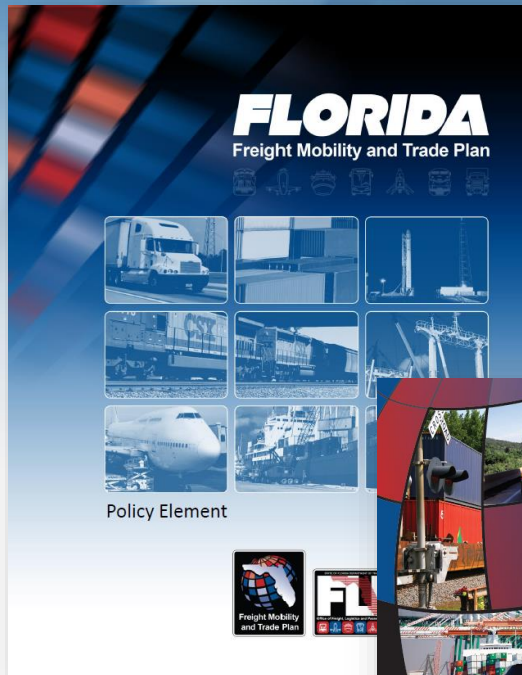
- Scenario Planning
- Plan Development
- Plan Review

- The FMTP was developed with the participation of public and private sector representatives **from all regions of the state, and included many MPO/TPOs.**
- The strategies developed will help guide future freight investments and allow the state to select freight projects strategically.

Objectives & Strategies

- 1** Capitalize on the Freight Transportation Advantages of Florida Through Collaboration on Economic Development, Trade, and Logistics Programs
- 2** Increase Operational Efficiency of Goods Movement
- 3** Minimize Costs in the Supply Chain
- 4** Align Public and Private Efforts for Trade and Logistics
- 5** Raise Awareness and Support for Freight Movement Investments
- 6** Develop a Balanced Transportation Planning and Investment Model That Considers and Integrates All Forms of Transportation
- 7** Transform the FDOT's Organizational Culture to Include Consideration of Supply Chain and Freight Movement Issues

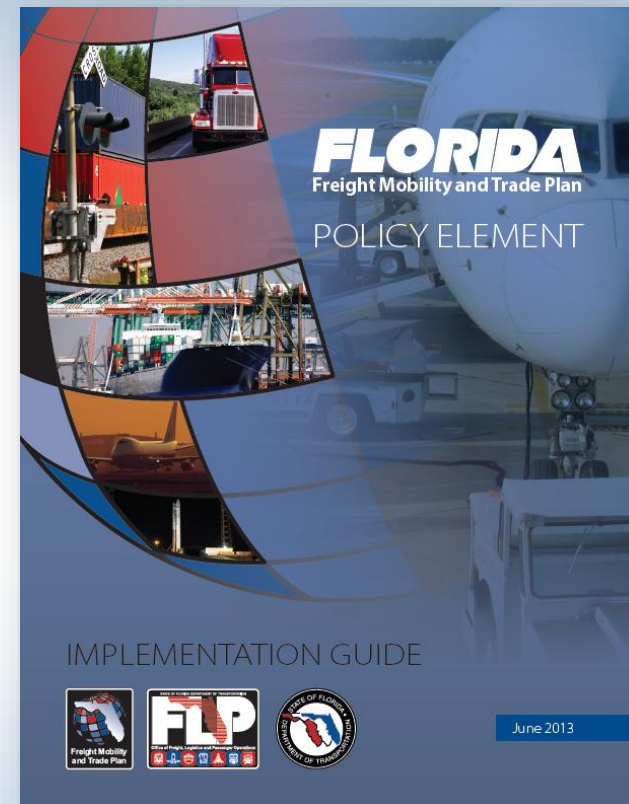
Freight Mobility & Trade Plan Policy Element



Complete

Implementation Responsibilities

- Who is responsible for each one of the strategies?
 - FDOT Offices
 - Partners
 - *Enterprise Florida*
 - *Workforce Florida*
 - *Florida Dept. of Agriculture & Consumer Services*
 - *MPOs*
 - *Institute for Trade & Transportation Studies*
 - *Florida Chamber of Commerce*
 - *Florida Dept. of Economic Opportunity*



Freight Mobility and Trade Plan Investment Element

Investment Element

– *Summer 2014*

- Identify freight needs
- Identify criteria for investment in freight
- Prioritize freight investments across modes
- Meet requirements of MAP-21
 - Making Florida eligible for more funding



Plan's Path- Investment Element



FMTP Timeline



Florida House
Bill (HB) 599



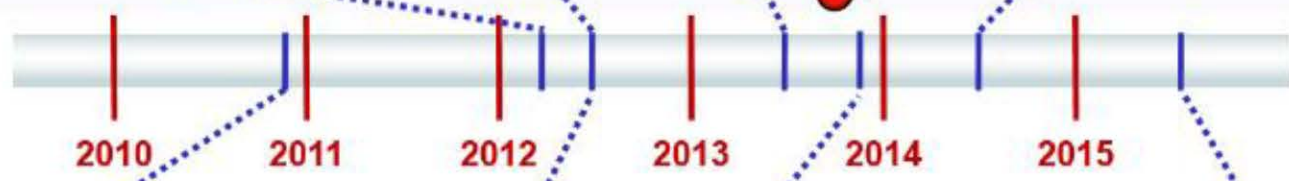
Freight Mobility
and Trade Plan
kickoff



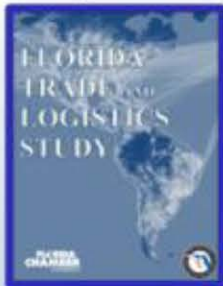
Freight Mobility
and Trade Plan
Policy Element
completion



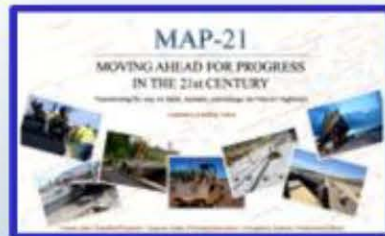
Freight Mobility
and Trade Plan
Investment Element
completion



Florida Chamber
Trade and Logistics
Study



Moving Ahead for
Progress in the 21st
Century (MAP-21)



Florida Chamber
Trade and Logistics
Study 2.0



Panama Canal
Expansion
completion

Investment Element Business Forum 1

- October 3, 2013 in Orlando
- Met with stakeholders & Gained feedback on:
 - Proposed Florida Freight Network
 - Proposed Florida Freight Project Definition
 - Proposed Florida Freight Project Prioritization



Investment Element

2nd Annual Leadership Forum

- November 18-19, 2013 -Tampa, FL
- **Objectives:**
 - Review how FDOT and agency partners responded to input from the 1st Annual Freight Leadership Forum
 - Review statewide freight planning initiatives
 - Continue developing a vision for FDOT to refine its business practices and be responsive to the needs of Florida's business community

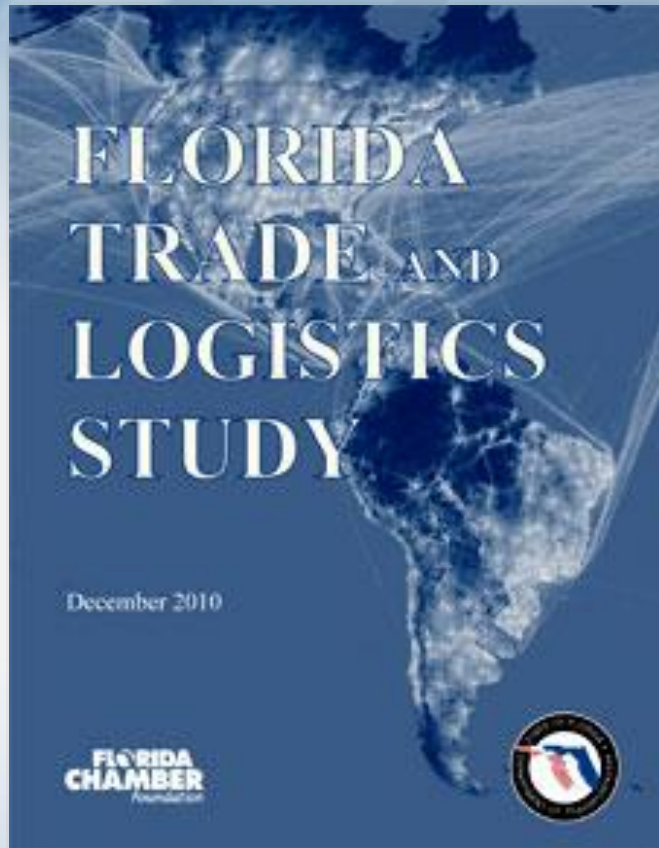


Intermodal Logistics Center Forums

- Provide stakeholders and partners with an overview of Florida's opportunities to enhance its freight and logistics system.
- 1st Annual ILC Forum
 - Port Everglades, February 2013
- 2nd Annual ILC Forum
 - JaxPort, February 28 – 29, 2014

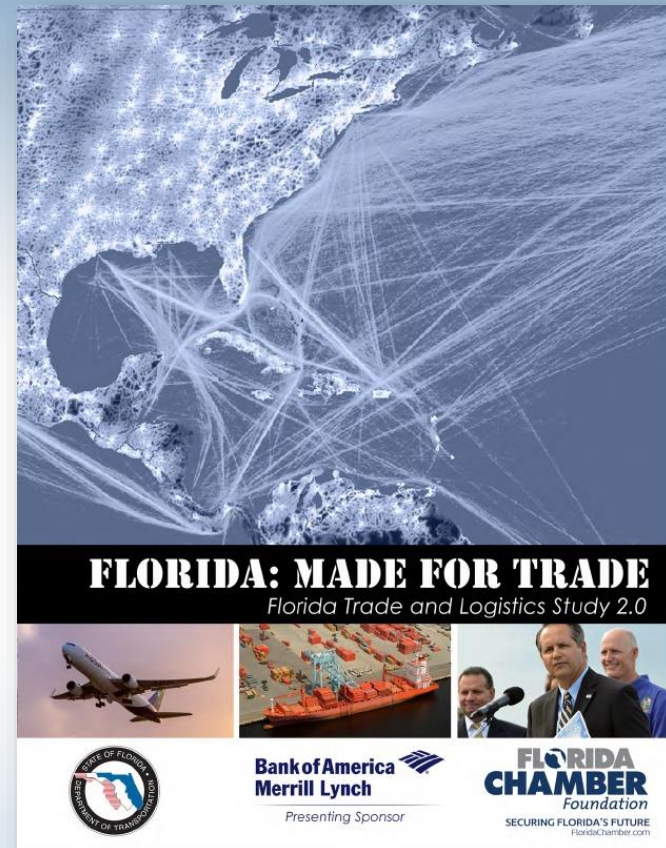


Florida Trade and Logistics *Then and Now*



2010

Source: Florida Chamber of Commerce



2013

FLORIDA FREIGHT MOBILITY & TRADE PLAN

Questions?

FLORIDA

Freight Mobility & Trade Plan



Assistant Secretary Rich Biter
Intermodal Systems
Development

FLORIDA DEPARTMENT OF TRANSPORTATION

HOUSE TRANSPORTATION & HIGHWAY SAFETY
SUBCOMMITTEE
January 9, 2014 | TALLAHASSEE

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