

ECONOMIC AFFAIRS COMMITTEE

MEETING PACKET

**Thursday, April 2, 2015
8:00 AM – 10:30 AM
Reed Hall (102 HOB)**

**Steve Crisafulli
Speaker**

**Jose Oliva
Chair**

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Economic Affairs Committee

Start Date and Time: Thursday, April 02, 2015 08:00 am
End Date and Time: Thursday, April 02, 2015 10:30 am
Location: Reed Hall (102 HOB)
Duration: 2.50 hrs

Consideration of the following bill(s):

HB 553 Public Libraries by Perry
HB 989 Expressway Authorities by Nuñez
CS/HB 1043 Housing Authorities by Economic Development & Tourism Subcommittee, Eagle
CS/HB 1101 Central Florida Expressway Authority by Transportation & Ports Subcommittee, Miller
CS/HB 7075 Transportation by Transportation & Economic Development Appropriations Subcommittee,
Transportation & Ports Subcommittee, Rooney
HB 7093 Transportation Facility Designations by Transportation & Ports Subcommittee, Passidomo


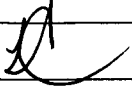
Pursuant to rule 7.12, the filing deadline for amendments to bills on the agenda by a member who is not a member of the committee or subcommittee considering the bill is 6:00 p.m., Wednesday, April 1, 2015.

By request of the Chair, all Subcommittee members are asked to have amendments to bills on the agenda submitted to staff by 6:00 p.m., Wednesday, April 1, 2015.

NOTICE FINALIZED on 03/31/2015 15:43 by Manning.Karen

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 553 Public Libraries
SPONSOR(S): Perry
TIED BILLS: IDEN./SIM. **BILLS:** SB 434

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Economic Development & Tourism Subcommittee	13 Y, 0 N	Purnell	Duncan
2) Transportation & Economic Development Appropriations Subcommittee	13 Y, 0 N	Cobb	Davis
3) Economic Affairs Committee		Purnell 	Creamer 

SUMMARY ANALYSIS

The Department of State's Division of Library and Information Services (Division) provides library, records management, and archival services to the state and local governments. The Division also provides direct library services to state government, management services, technical assistance, education, financial aid, and cooperative services. Working in partnership with archivists, librarians, records managers, government officials, and citizens, the division seeks to ensure access to materials and information of past, present and future value to enable state agencies, educational institutions, and local libraries to provide effective information services for the benefit of the citizens of Florida.

The bill revises the powers and duties of the Division and removes outdated and burdensome practices required for the submission and collection of documents. The bill establishes the State Publications Program requiring each state official, department, court, or agency to designate a state publications liaison; and defines the terms "depository library" and "state publication."

The bill also restructures the composition of the State Library Council and specifies that the Council's purpose is to assist the Division with planning, policy, and priorities related to the development of statewide information services. The Division is directed to coordinate with the Department of Education's Division of Blind Services to provide services to the blind and physically handicapped persons. The bill amends other sections of law to reflect the changes in the bill.

The bill appears to have a minimal, positive fiscal impact on state expenditures. See fiscal section for detail.

The bill provides an effective date of July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

The Division of Library and Information Services

The Florida Department of State's Division of Library and Information Services (Division)¹ manages the State Library and Archives, supports public libraries, directs record management services, and is the designated information resource provider for the state.²

The Division may receive gifts of money, books, or other property and may purchase books, periodicals, furniture, and equipment it deems necessary to carry out its mission. The Division may also give aid and assistance to all school, state, academic, free, and public libraries, and to all communities in the state which may establish libraries. The Division is required to maintain a library for state officials and employees and provide research and informational services for all state agencies. The Division must also provide library services to blind and physically handicapped persons within the state.³

The Florida State Library Council

The Florida State Library Council, (Council)⁴, created in 1970,⁵ is directed to advise and assist the Division with its programs and activities.⁶ The Library Council is composed of nine members who are appointed by the Secretary of State to four year terms. The composition of the board must contain:

- at least one member who represents a Florida library professional association;
- at least one member who represents a Florida archive professional association;
- at least one member who represents a Florida records management professional association; and
- at least one member who is not, and has never been, employed in a library or in teaching library science courses.⁷

Public Documents Depository Program

"Public document" means any document, report, directory, bibliography, rule, newsletter, pamphlet, brochure, periodical, or other publication, whether in print or nonprint format, that is paid for in whole or in part by funds appropriated by the Legislature and may be subject to distribution to the public. The term does not include publications for internal use by an executive agency.⁸

The Division's State Documents Depository Program, established in 1967, was formed to meet the needs of researchers and the general public throughout the state to access information by and about state government.⁹ State law requires the Division to designate university, college, and public libraries

¹ See Chapter 257, F.S., public libraries and state archives; see also s. 20.10(2), F.S., Department of State.

² Florida Department of State, Division of Library and Information Services, *About the State Library of Florida*, can be accessed at: <http://dos.myflorida.com/library-archives/about-us/about-the-state-library-of-florida/>, (last viewed on Mar. 10, 2015).

³ See s. 257.04, F.S.

⁴ Section 257.02, F.S.

⁵ Florida Department of State, Division of Library and Information Services, About Us, State Library Council, available at <http://dos.myflorida.com/library-archives/about-us/state-library-council/> (last visited March 12, 2015).

⁶ Section 257.02(1), F.S.

⁷ *Id.*

⁸ Section 257.05(1), F.S.

⁹ Department of State, *2015 Agency Analysis for SB 434, (Similar to HB 553)* on file with Economic Development & Tourism Subcommittee staff.

as depositories for public documents and to designate certain depositories as regional centers for full collections of public documents.¹⁰ By placing public documents in designated depository libraries throughout the state, the program makes state documents more readily available.

The collection of state documents at the State Library is comprised of publications by state agencies, dating from the territorial period to today. Documents published by state agencies and provided to the State Library are listed in the State Library's online catalog, which is searchable by author, title, subject, and keyword.¹¹

State law requires state officials and state entities such as departments, boards, or courts to provide 35 copies of public documents to the Division.¹² The law also stipulates the number of additional copies that must be provided under certain circumstances.¹³ The State Library keeps at least two paper copies of state documents for its collections and distributes the others to libraries throughout the state. State entities issue approximately 22.5% of the publications in digital form and the State Library makes the full text of such documents available online through the library's searchable catalog.¹⁴

The Division of Blind Services

The Division of Blind Services¹⁵ (DBS), which serves Floridians of all ages, offers a coordinated program of services to Floridians whose visual impairments significantly affect their ability to participate in daily activities. DBS programs must be designed to maximize employment opportunities for individuals with visual impairments, and to increase their independence and self-sufficiency.¹⁶ DBS provides services to individuals who are blind or visually impaired through 10 district offices, the Rehabilitation Center for the Blind, the Braille and Talking Books Library, and local community rehabilitation programs.¹⁷

Effect of Proposed Changes

The bill revises the Division's process for collecting and distributing public documents to remove antiquated requirements, update terms, and revise the membership and role of the State Library Council.

Definitions

The bill defines the term "depository library" as a library that has been designated as a depository for receiving state publications.

The bill replaces "public document" with "state publication," which means a publication created under the authority of or at the total or partial expense of a state official, state department, state board, state court, or state agency, or that is required to be publicly distributed pursuant to state law. The term includes any publication containing information about the state and its government, which is culturally and historically significant to researchers and the general public. It does not include publications created only for internal use by state officials, state departments, state boards, state courts, or state agencies.

¹⁰ Section 257.05(3)(a), F.S.

¹¹ See *supra* note 9.

¹² See s. 257.05(2), F.S.

¹³ *Id.*

¹⁴ See *supra* note 9.

¹⁵ Section 413.011, F.S.

¹⁶ Section 413.011(2), F.S.

¹⁷ Florida Division of Blind Services, *About Us*, can be accessed at: <http://dbs.myflorida.com/About%20Blind%20Services/index.html> (last viewed on Mar. 10, 2015).

The Library Council

The bill restructures the Council by adding and removing key requirements of Council composition and specifying that the purpose of the Council is to assist the Division with planning, policy, and priorities related to the development of statewide information services. The Council composition must include:

- three members must represent Florida public libraries;
- two members must represent the Florida Academic Library Services Cooperative;
- one member must represent a multitype library cooperative;
- one member must represent a school library media center;
- one member must represent the Independent Colleges and Universities of Florida; and
- one member must represent a Florida library professional association.

Coordination with the Division of Blind Services

The bill requires the Division to coordinate with DBS to provide library services to the blind and physically handicapped persons.

State Publications Program and Liaison

The bill significantly rewrites s. 257.05, F.S., creating the State Publications Program, removing existing public document submittal requirements, and giving discretion to the Division to request how many copies of the required documents they would like to have submitted to record. State entities are no longer required to provide 35 copies of each public document it produces to the Division. The Division may issue both print and electronic copies of state publications.

Similar to the provisions related to the Florida State Archives record management, which requires each state agency to designate a records management liaison officer,¹⁸ each state official, department, court, or agency is required to designate a state publications liaison with contact information. Each liaison must maintain a list of the state publications produced by the state entity they represent, and furnish an updated list to the Division by December 31 of each year.

The bill clarifies that depository libraries are required to maintain state publications in a form that is convenient and accessible to the public.

The bill deletes the provision that requires the Division provide a centralized program for microfilming documents. The bill also makes conforming changes to other sections of law.

B. SECTION DIRECTORY:

Section 1: Amends s. 257.015, F.S., defining the terms “depository library” and “state publication.”

Section 2: Amends s. 257.02, F.S., revising the composition and duties of the State Library Council.

Section 3: Amends s. 257.04, F.S., revising the powers and duties of the Division of Library and Information Services of the Department of State.

Section 4: Amends s. 257.05, F.S., relating to public documents.

Section 5: Amends s. 257.36, F.S., removing a provision related to a centralized microfilming program for state agencies.

According to the Department of State:

The state agencies, other governmental bodies and the depositories themselves are making the transition from print publication to e-documents. State agencies currently upload full-text publications to the State Library. E-documents allow better access to this information via the Internet.

As more e-documents are published, there is less need in statute for designating the number of print copies of a publication an entity must send to the State Library. Designating the number of print copies in rule will enable the State Library to change the number when it is needed or eventually eliminate print copies altogether.

To foster better communication between state agencies and the Division regarding state publications, each state agency will be asked to appoint an agency publications liaison to work with the State Library.

The Division of Library and Information Services will coordinate with the Division of Blind Services of the Department of Education to provide library services to the blind and physically handicapped persons of the state.

These changes will result in a stronger and more relevant approach to the State Publications Program. The Division of Library and Information Services will save about \$1,000.00 postage and a savings in staff time for the Florida Documents Librarian. State agencies will also see a savings in postage and shipping costs and staff costs.¹⁹

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

¹⁹ See *supra* note 9.

1 A bill to be entitled
2 An act relating to public libraries; amending s.
3 257.015, F.S.; defining the terms "depository library"
4 and "state publication"; amending s. 257.02, F.S.;
5 revising the composition and duties of the State
6 Library Council; amending s. 257.04, F.S.; revising
7 the powers and duties of the Division of Library and
8 Information Services of the Department of State;
9 requiring the division to coordinate with the Division
10 of Blind Services of the Department of Education to
11 provide certain services; authorizing the division to
12 issue electronic information; amending s. 257.05,
13 F.S.; providing legislative findings; revising
14 provisions regarding the delivery and distribution of
15 publications; requiring specified entities in state
16 government to designate a state publications liaison;
17 removing the definition of the term "public document";
18 revising the duties of the division with respect to
19 the management of the State Publications Program;
20 amending s. 257.36, F.S.; removing a provision
21 requiring the division to provide a centralized
22 microfilming program for state agencies; amending ss.
23 257.105, 283.31, and 286.001, F.S.; conforming
24 provisions to changes made by the act; providing an
25 effective date.
26

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

28

29 Section 1. Section 257.015, Florida Statutes, is amended
30 to read:

31 257.015 Definitions.—As used in this chapter, the term:

32 (1) "Department" means the Department of State.

33 (2) "Depository library" means a library that has been
34 designated as a depository for receiving state publications in
35 accordance with s. 257.05(3).

36 (3)~~(2)~~ "Division" means the Division of Library and
37 Information Services of the Department of State.

38 (4)~~(3)~~ "Secretary" means the Secretary of State.

39 (5)~~(4)~~ "State Librarian" means the person appointed by the
40 secretary as the director of the Division of Library and
41 Information Services pursuant to s. 257.031.

42 (6) "State publication" means a publication created under
43 the authority of or at the total or partial expense of a state
44 official, state department, state board, state court, or state
45 agency, or that is required to be publicly distributed pursuant
46 to state law. The term includes a publication containing
47 information about the state and its government which is
48 culturally and historically significant to researchers and the
49 general public. The term does not include a publication that is
50 created only for internal use of a state official, state
51 department, state board, state court, or state agency.

52 Section 2. Section 257.02, Florida Statutes, is amended to

53 read:

54 257.02 State Library Council.—

55 (1) There shall be a State Library Council to advise and
 56 assist the division with planning, policy, and priorities
 57 related to the development of statewide information services ~~of~~
 58 ~~Library and Information Services on its programs and activities.~~
 59 The council shall consist of nine members who shall be appointed
 60 by the Secretary of State. Of the nine members, three members
 61 must represent Florida public libraries, two members must
 62 represent the Florida Academic Library Services Cooperative, one
 63 member must represent a multitype library cooperative, one
 64 member must represent a school library media center, one member
 65 must represent the Independent Colleges and Universities of
 66 Florida, and at least one member must represent a Florida
 67 library professional association, ~~at least one must represent a~~
 68 ~~Florida archive professional association, at least one must~~
 69 ~~represent a Florida records management professional association,~~
 70 ~~and at least one must be a person who is not, and has never~~
 71 ~~been, employed in a library or in teaching library science~~
 72 ~~courses.~~ Members shall be appointed for 4-year terms. A vacancy
 73 on the council shall be filled for the period of the unexpired
 74 term. A ~~No~~ person may not be appointed to serve more than two
 75 consecutive terms as a member of the council. The secretary ~~of~~
 76 ~~State~~ may remove from office any council member for malfeasance,
 77 misfeasance, neglect of duty, incompetence, permanent inability
 78 to perform official duties, or pleading guilty or nolo

79 | contendere to, or being found guilty of, a felony.

80 | (2) Members of the council shall serve without
 81 | compensation or honorarium but are ~~shall be~~ entitled to receive
 82 | reimbursement for per diem and travel expenses as provided in s.
 83 | 112.061. The council shall meet at the call of its chair, at the
 84 | request of a majority of its membership, at the request of the
 85 | division, or at such times as may be prescribed by its rules.

86 | ~~(3) The Secretary of State may, in making appointments,
 87 | consult Florida's library, archival, or records management
 88 | community and related statewide associations and organizations
 89 | for suggestions as to persons having special knowledge and
 90 | interest concerning libraries.~~

91 | (3)~~(4)~~ The officers of the State Library Council shall be
 92 | a chair, elected from the members thereof, and the State
 93 | Librarian, who shall serve without voting rights as secretary of
 94 | the council.

95 | Section 3. Section 257.04, Florida Statutes, is amended to
 96 | read:

97 | 257.04 Publications, pictures, and other documents
 98 | received to constitute part of State Library; powers and duties
 99 | of Division of Library and Information Services.—

100 | (1) All books, pictures, documents, publications, and
 101 | manuscripts received through gifts, purchase, or exchange, or on
 102 | deposit from any source for the use of the state, shall
 103 | constitute a part of the State Library and shall be placed
 104 | therein for the use of the public under the control of the

105 | ~~division of Library and Information Services of the Department~~
 106 | ~~of State.~~ The division may receive gifts of money, books, or
 107 | other property which may be used or held for the ~~purpose or~~
 108 | purposes given; and it may purchase books, periodicals,
 109 | furniture, and equipment as ~~it deems~~ necessary to promote the
 110 | efficient operation of the service it is expected to render to
 111 | state officials, employees, and the public.

112 | (2) The division may, upon request, give aid and
 113 | assistance, financial, advisory, or otherwise, to all school,
 114 | state institutional, academic, free, and public libraries, and
 115 | to all communities in the state which may propose to establish
 116 | libraries, as to the best means of establishing and
 117 | administering libraries, selecting and cataloging books, and
 118 | other facets of library management.

119 | (3) The division shall maintain a library for state
 120 | officials and employees, especially of informational material
 121 | pertaining to ~~the phases of their work, and provide for them~~
 122 | ~~material for general reading and study.~~

123 | (4) The division shall maintain and provide research and
 124 | information services for ~~all~~ state agencies.

125 | (5) The division shall make all necessary arrangements to
 126 | coordinate with the Division of Blind Services of the Department
 127 | of Education to provide library services to the blind and
 128 | physically handicapped persons of the state.

129 | (6) The division may issue printed material and electronic
 130 | information, such as lists and circulars of information, and in

131 the publication thereof may cooperate with state library
 132 commissions and libraries of other states in order to secure the
 133 more economical administration of the work for which it is
 134 formed. The division ~~It~~ may conduct courses of library
 135 instruction and hold librarians' institutes in various parts of
 136 the state.

137 (7) The division shall perform such other services and
 138 engage in any other activity, not contrary to law, ~~that it may~~
 139 ~~think~~ appropriate in the development of library service to state
 140 government, to the libraries and library profession of the
 141 state, and to the citizens of the state.

142 Section 4. Section 257.05, Florida Statutes, is amended to
 143 read:

144 257.05 State Publications Program ~~Public documents,~~
 145 ~~delivery to, and distribution by, division.-~~

146 (1) The Legislature finds that the State Publications
 147 Program increases accessibility to culturally and historically
 148 significant information about the state and its government for
 149 researchers and the general public through the distribution of
 150 state publications to depository libraries throughout the state.

151 (2) Each state official, state department, state board,
 152 state court, or state agency:

153 (a) Shall furnish its state publications to the division
 154 for distribution to depository libraries throughout the state
 155 upon the publication's release in accordance with division rule.

156 (b) Shall designate a state publications liaison. Upon

157 designation of a liaison, a state official, state department,
 158 state board, state court, or state agency shall provide the
 159 division with the liaison's name and contact information. Each
 160 state publications liaison shall maintain a list of his or her
 161 respective entity's state publications and furnish the list to
 162 the division as updated or by December 31 of each year ~~The term~~
 163 ~~"public document" as used in this section means any document,~~
 164 ~~report, directory, bibliography, rule, newsletter, pamphlet,~~
 165 ~~brochure, periodical, or other publication, whether in print or~~
 166 ~~nonprint format, that is paid for in whole or in part by funds~~
 167 ~~appropriated by the Legislature and may be subject to~~
 168 ~~distribution to the public; however, the term excludes~~
 169 ~~publications for internal use by an executive agency as defined~~
 170 ~~in s. 283.30.~~

171 ~~(2)(a) Each state official, state department, state board,~~
 172 ~~state court, or state agency issuing public documents shall~~
 173 ~~furnish the Division of Library and Information Services of the~~
 174 ~~Department of State 35 copies of each of those public documents,~~
 175 ~~as issued, for deposit in and distribution by the division.~~
 176 ~~However, if the division so requests, as many as 15 additional~~
 177 ~~copies of each public document shall be supplied to it.~~

178 ~~(b) If any state official, state department, state board,~~
 179 ~~state court, or state agency has fewer than 40 copies of any~~
 180 ~~public document, it shall supply the division with 2 copies of~~
 181 ~~each such public document for deposit in the State Library.~~

182 ~~(c) By December 31 of each year, any state official, state~~

183 ~~department, state board, state court, or state agency issuing~~
 184 ~~public documents shall furnish to the division a list of all~~
 185 ~~public documents, including each publication that is on the~~
 186 ~~agency's website, issued by the official, department, board,~~
 187 ~~court, or agency during that calendar year.~~

188 (c) ~~(d)~~ Shall, if having charge of their distribution,
 189 furnish the division with ~~As issued,~~ daily journals and bound
 190 journals of each house of the Legislature, as issued; slip laws
 191 and bound session laws, both general and special; and Florida
 192 Statutes and supplements thereto ~~shall be furnished to the~~
 193 ~~division by the state official, department, or agency having~~
 194 ~~charge of their distribution.~~ The number of copies furnished
 195 shall be determined by requests of the division, ~~which number in~~
 196 ~~no case may exceed 35 copies of the particular publication.~~

197 (3) It is the duty of the division to:

198 (a) Manage the State Publications Program.

199 (b) Designate university, college, and public libraries as
 200 depository libraries for state publications ~~depositories for~~
 201 ~~public documents and to designate certain of these depositories~~
 202 ~~as regional centers for full collections of public documents. A~~
 203 depository library must maintain state publications in a form
 204 that is convenient and accessible to the public. The division
 205 shall be the official repository for state publications.

206 (c) ~~(b)~~ Create a distribution ~~Provide a system to provide~~
 207 ~~of distribution of the copies of state publications to~~
 208 depository libraries ~~furnished to it under subsection (2) to~~

209 ~~such depositories.~~

210 (d) ~~(e)~~ Create ~~Publish~~ a periodic bibliography for the
 211 State Publications Program ~~of the publications of the state.~~

212

213 The division may exchange copies of state publications ~~public~~
 214 ~~documents~~ for those of other states, territories, and countries.
 215 ~~Depositories receiving public documents under this section shall~~
 216 ~~keep them in a convenient form accessible to the public.~~

217 Section 5. Paragraph (h) of subsection (1) of section
 218 257.36, Florida Statutes, is amended, and present paragraphs (i)
 219 through (l) of subsection (1) are redesignated as paragraphs (h)
 220 through (k), respectively, to read:

221 257.36 Records and information management.—

222 (1) There is created within the Division of Library and
 223 Information Services of the Department of State a records and
 224 information management program. It is the duty and
 225 responsibility of the division to:

226 ~~(h) Provide a centralized program of microfilming for the~~
 227 ~~benefit of all agencies.~~

228 Section 6. Section 257.105, Florida Statutes, is amended
 229 to read:

230 257.105 State publications ~~Public documents~~; copies to
 231 Library of Congress.—Any state official or state agency, board,
 232 commission, or institution having charge of state publications
 233 hereinafter named is authorized and directed to furnish the
 234 Library of Congress in Washington, D.C., upon requisition from

235 the Library of Congress, up to three copies of the journals of
 236 both houses of the Legislature; volumes of the Supreme Court
 237 Reports; volumes of periodic reports of Cabinet officers; and
 238 copies of reports, studies, maps, or other publications by
 239 official boards or institutions of the state, from time to time,
 240 as such are published and are available for public distribution.

241 Section 7. Section 283.31, Florida Statutes, is amended to
 242 read:

243 283.31 Records of executive agency publications.—Each
 244 agency shall maintain a record of any state publication, as
 245 defined in s. 257.015 ~~s. 257.05~~, the printing of which costs in
 246 excess of the threshold amount provided in s. 287.017 for
 247 CATEGORY THREE, at least part of which is paid for by state
 248 funds appropriated by the Legislature. Such record shall also
 249 contain the following: written justification of the need for
 250 such publication, purpose of such publication, legislative or
 251 administrative authority, sources of funding, frequency and
 252 number of issues, and reasons for deciding to have the
 253 publication printed in-house, by another agency or the
 254 Legislature, or purchased on bid. In addition, such record shall
 255 contain the comparative costs of alternative printing methods
 256 when such costs were a factor in deciding upon a method. The
 257 record of the corporation operating the correctional industry
 258 printing program shall include the cost of materials used, the
 259 cost of labor, the cost of overhead, the amount of profit made
 260 by the corporation for such printing, and whether the state

261 agencies that contract with the corporation for printing are
 262 prudently determining the price paid for such printing.

263 Section 8. Subsections (2) and (4) of section 286.001,
 264 Florida Statutes, are amended to read:

265 286.001 Reports statutorily required; filing, maintenance,
 266 retrieval, and provision of copies.-

267 (2) With respect to reports statutorily required of
 268 agencies or officers within the executive, legislative, or
 269 judicial branches of state government, the State Board of
 270 Education, the Board of Governors of the State University
 271 System, or the Public Service Commission, it is the duty of the
 272 division, in addition to its duties under s. 257.05, to:

273 (a) Regularly compile and update bibliographic information
 274 on such reports for distribution as provided in paragraph (b).
 275 Such bibliographic information may be included in the
 276 bibliographies prepared by the division pursuant to s. 257.05(3)
 277 ~~s. 257.05(3)(c)~~.

278 (b) Provide for at least quarterly distribution of
 279 bibliographic information on reports to:

280 1. Agencies and officers within the executive,
 281 legislative, and judicial branches of state government, the
 282 State Board of Education, the Board of Governors of the State
 283 University System, and the Public Service Commission, free of
 284 charge; and

285 2. Other interested parties upon request properly made and
 286 upon payment of the actual cost of duplication pursuant to s.

HB 553

2015


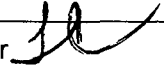
287 119.07(1).

288 (4) ~~Nothing in~~ This section may not shall be construed to
289 waive or modify the requirement in s. 257.05(2) pertaining to
290 the provision of copies of state publications ~~public documents~~
291 to the division.

292 Section 9. This act shall take effect July 1, 2015.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 989 Expressway Authorities
SPONSOR(S): Nuñez
TIED BILLS: IDEN./SIM. **BILLS:** SB 1276

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Ports Subcommittee	11 Y, 1 N	Johnson	Vickers
2) Transportation & Economic Development Appropriations Subcommittee	10 Y, 0 N	Davis	Davis
3) Economic Affairs Committee		Johnson 	Creamer 

SUMMARY ANALYSIS

The Miami-Dade County Expressway Authority (MDX) is an agency of the state created pursuant to the Florida Expressway Authority Act. Its board currently consists of 13 members, seven of whom are appointed by the Miami-Dade County Commission, five of whom are appointed by the Governor, and a Department of Transportation (DOT) district secretary, who is an ex officio voting member.

Current law prohibits lobbyists from being appointed to and serving on MDX's board.

The bill changes the makeup of MDX's board to nine members, with four appointed by the Miami-Dade County Commission, four appointed by the Governor, and a DOT district secretary as an ex officio voting member.

The bill prohibits a person from being appointed to or serving on MDX's board if that person currently represents or has in the previous 10 years represented a client for compensation before any state or municipal governmental body.

The bill prohibits a person from being appointed to or serving on MDX's board if that person currently represents or has in the previous 10 years represented any person or entity that is doing business with or has previously 10 years has done business with any state or municipal governmental body or agency.

The bill provides that a finding of a violation of the MDX ethics or laws relating to public officers or employees, or failure to comply with financial disclosure requirements results in the immediate termination from the board.

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

The bill is effective upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Miami-Dade County

Section 125.011(1), F.S. defines a county as:

[A]ny county operating under a home rule charter adopted pursuant to ss. 10, 11, and 24, Art. VIII of the Constitution of 1885, as preserved by Art. VIII, s. 6(e) of the Constitution of 1968, which county, by resolution of its board of county commissioners, elects to exercise the powers herein conferred. Use of the word "county" within the above provisions shall include "board of county commissioners" of such county.

The local governments authorized to operate under a home rule charter by the State Constitutions of 1885 and 1968 are the City of Key West and Monroe County,¹ Dade County,² and Hillsborough County.³ Of these, only Miami-Dade County operates under a home-rule charter, which was adopted on May 21, 1957, under this constitutional provision.⁴ Therefore, Miami-Dade County is the only county that meets the definition in s. 125.011(1), F.S.

Miami-Dade County Expressway Authority

The Florida Expressway Authority Act (Act), codified in part I of Ch. 348, F.S.,⁵ authorizes any county or two or more contiguous counties within a single Department of Transportation (DOT) district to, by resolution adopted by the board of county commissioners, form an expressway authority which shall be an agency of the state.⁶ The Miami-Dade County Expressway Authority (MDX) is the only expressway authority created under the Act.⁷

MDX is an agency of the state created pursuant to the Act. It was created by the Miami-Dade County Commission, in 1994, pursuant to Chapter 2 Article XVIII of the Miami-Dade County Code of Ordinances.⁸

MDX's system consists of the following roadways in Miami-Dade County:

- Airport Expressway (SR 112);
- Dolphin Expressway (SR 836);
- Don Shula Expressway (SR 874);
- Snapper Creek Expressway (SR 878); and
- Gratigny Parkway (SR 924).

MDX's board consists of 13 members, seven of whom are appointed by the Miami-Dade County Commission and five of whom are appointed by the Governor. The 13th member is DOT's district six secretary, who is an ex-officio voting member.⁹

¹ Art. VIII, s. 6, n. 2, Fla. Const.

² Art. VIII, s. 6, n. 3, Fla. Const.

³ Art. VIII, s. 6, n. 4, Fla. Const.

⁴ Florida Association of Counties, *Charter County Information*, <http://www.fl-counties.com/about-floridas-counties/charter-county-information> (last visited May 2, 2014).

⁵ Part I of ch. 348, F.S., consists of ss. 348.0001 through 348.0012, F.S.

⁶ S. 348.0003(1), F.S.

⁷ While MDX is the only authority created pursuant to the Act, Part V of ch. 348, F.S., creating the Osceola County Expressway Authority contains numerous references to the Act.

⁸ A copy of the ordinance is available at <http://mdxway.com/about/history> (Last visited December 2, 2013).

⁹ S. 348.0003(2)(d), F.S.

In 2014, CS/CS/CS/SB 846,¹⁰ applied several ethics provisions to MDX in addition to those currently required by the Code of Ethics. Specifically the bill:

- Required MDX's general counsel to serve as its ethics officer;
- Required the code of ethics policy to be reviewed and updated by the ethics officer and presented for board approval at least once every two years;
- Required that employees be adequately informed and trained on the code of ethics and continually participate in ongoing ethics education;
- Prohibited a lobbyist¹¹ from being appointed to or serving as a member of the authority;
- Prohibited a member or the executive director of the authority from personally representing another person or entity for compensation before the authority for a period of two years after vacation of his or her position;
- Prohibited a member or the executive director, after retirement or termination, from having an employment or contractual relationship with a business entity other than an agency, in connection with a contract in which the member or executive director personally and substantially participated through decision, approval, disapproval, recommendation, rendering of advice, or investigation while he or she was a member or employee of the authority;
- Prohibited board members, employees, and consultants who hold positions that may influence authority decisions from engaging in any relationship that may adversely affect their judgment in carrying out authority business;
- Required the general counsel to review an annual conflict of interest disclosure that includes any relationship that a board member, employee, or consultant has which affords a current or future financial benefit to such board member, employee, or consultant or to a relative, or business associate of such board member, employee, or consultant, and which a reasonable person would conclude has the potential to create a prohibited conflict of interest, and whether a relative is a registered lobbyist, and, if so, the names of such lobbyist's clients; interests in real property the board member, employee, or consultant has, or that an immediate family member has, if such real property is located in, or within ½-mile radius of, any actual or prospective authority roadway project; and
- Required the conflict of interest process to be outlined in the authority's code of ethics.¹²

Proposed Changes

The bill amends s. 348.0003(2)(d), F.S., revising the membership of MDX. The number of board members is reduced from 13 to nine. Four members are appointed by the governing body of the county. Four members are appointed by the Governor. The ninth member is DOT's district six secretary.

The bill creates s. 348.0003(5)(a)2., F.S., providing that a person may not be appointed to or serve as a member of MDX's governing body if that person currently represents or in the previous 10 years represented any client for compensation before any municipal or state governmental body. This

¹⁰ Ch. 2014-183, L.O.F.

¹¹ Section 112.3215, F.S., defines "lobbyist" as "a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity. "Lobbyist" does not include a person who is:

1. An attorney, or any person, who represents a client in a judicial proceeding or in a formal administrative proceeding conducted pursuant to chapter 120 or any other formal hearing before an agency, board, commission, or authority of this state.
2. An employee of an agency or of a legislative or judicial branch entity acting in the normal course of his or her duties.
3. A confidential informant who is providing, or wishes to provide, confidential information to be used for law enforcement purposes.
4. A person who lobbies to procure a contract pursuant to chapter 287 which contract is less than the threshold for CATEGORY ONE as provided in s. 287.017."

¹² Similar provisions were passed for the Central Florida Expressway Authority in CS/CS/SB 230 (Ch. 2014-195, L.O.F.)

includes any agency, quasi-governmental entity, or body staffed by public employees, or entity that has its operations paid for by public dollars.

The bill creates s. 348.0003(5)(a)3., F.S., providing that a person may not be appointed to serve as a member of the governing body of MDX if that person currently represents or has in the previous 10 years represented any person or entity that is doing business, or within the previous 10 years, has done business with any state or municipal governmental agency.

The bill creates s. 348.0003(5)(l), F.S., providing that a finding of violation of s. 348.0003(5), F.S. or Ch. 112, F.S.¹³ or failure to comply within 90 days after receiving a notice of failure to comply with financial disclosure requirements¹⁴ results in immediate termination from MDX's governing body.

The bill is effective upon becoming a law.

B. SECTION DIRECTORY:

Section 1 Amends s. 348.0003, F.S., relating to expressway authority; formation; membership.

Section 2 Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

¹³ Chapter 112, F.S., relates to public officers and employees.

¹⁴ Section 348.0003(4)(c), F.S., requires members of expressway authorities to file the detailed Form 6 financial disclosure form with the Commission on Ethics.

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The title of the bill may need to be amended to reflect that the bill revises the membership of MDX.

Lines 41 through 48 of the bill contains language in s. 348.0003(2)(d), F.S., which appears to be an obsolete provision transitioning some nonvoting members of MDX to members being appointed by the Governor. This language may no longer be needed and could possibly be repealed.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

1 A bill to be entitled
 2 An act relating to expressway authorities; amending s.
 3 348.0003, F.S.; revising qualifications for membership
 4 on the governing body of certain expressway
 5 authorities; providing for termination from an
 6 authority's governing body upon a finding of a
 7 violation of specified ethical conduct provisions or
 8 failure to comply with a notice of failure to comply
 9 with financial disclosure requirements; providing an
 10 effective date.

11
 12 Be It Enacted by the Legislature of the State of Florida:

13
 14 Section 1. Paragraph (d) of subsection (2) and paragraph
 15 (a) of subsection (5) of section 348.0003, Florida Statutes, are
 16 amended, and paragraph (1) is added to subsection (5) of that
 17 section, to read:

18 348.0003 Expressway authority; formation; membership.—

19 (2) The governing body of an authority shall consist of
 20 not fewer than five nor more than nine voting members. The
 21 district secretary of the affected department district shall
 22 serve as a nonvoting member of the governing body of each
 23 authority located within the district. Each member of the
 24 governing body must at all times during his or her term of
 25 office be a permanent resident of the county which he or she is
 26 appointed to represent.

27 (d) Notwithstanding any provision to the contrary in this
 28 subsection, in any county as defined in s. 125.011(1), the
 29 governing body of an authority shall consist of up to 9 ~~13~~
 30 members, and the following provisions of this paragraph shall
 31 apply specifically to such authority. Except for the district
 32 secretary of the department, the members must be residents of
 33 the county. Four ~~Seven~~ voting members shall be appointed by the
 34 governing body of the county. At the discretion of the governing
 35 body of the county, up to two of the members appointed by the
 36 governing body of the county may be elected officials residing
 37 in the county. Four ~~Five~~ voting members of the authority shall
 38 be appointed by the Governor. One member shall be the district
 39 secretary of the department serving in the district that
 40 contains such county. This member shall be an ex officio voting
 41 member of the authority. If the governing body ~~board~~ of an
 42 authority includes any member originally appointed by the
 43 governing body of the county as a nonvoting member, when the
 44 term of such member expires, that member shall be replaced by a
 45 member appointed by the Governor until the governing body of the
 46 authority is composed of four ~~seven~~ members appointed by the
 47 governing body of the county and four ~~five~~ members appointed by
 48 the Governor. Except as provided in subsection (5), the
 49 qualifications, terms of office, and obligations and rights of
 50 members of the authority shall be determined by resolution or
 51 ordinance of the governing body of the county in a manner that
 52 is consistent with subsections (3) and (4).

53 (5) In a county as defined in s. 125.011(1):
 54 (a)1. A lobbyist, as defined in s. 112.3215, may not be
 55 appointed or serve as a member of the governing body of an
 56 authority.
 57 2. A person may not be appointed to or serve as a member
 58 of the governing body of an authority if that person currently
 59 represents or has in the previous 10 years represented any
 60 client for compensation before any state or municipal
 61 governmental body, including any agency, quasi-governmental
 62 entity, or body staffed by public employees, or entity that has
 63 its operations paid for by public dollars.
 64 3. A person may not be appointed to or serve as a member
 65 of the governing body of an authority if that person currently
 66 represents or has in the previous 10 years represented any
 67 person or entity that is doing business, or within the previous
 68 10 years has done business, with any state or municipal
 69 governmental agency or body.
 70 (1) A finding of a violation of this subsection or chapter
 71 112, or failure to comply within 90 days after receiving a
 72 notice of failure to comply with financial disclosure
 73 requirements, results in immediate termination from the
 74 governing body of the authority.
 75 Section 2. This act shall take effect upon becoming a law.



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: Economic Affairs Committee
 2 Representative Nuñez offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

3
 4
 5
 6 Section 1. Paragraph (d) of subsection (2) and paragraph
 7 (a) of subsection (5) of section 348.0003, Florida Statutes, are
 8 amended, and paragraphs (l), (m), and (n) are added to
 9 subsection (5) of that section, to read:

10 348.0003 Expressway authority; formation; membership.-

11 (2) The governing body of an authority shall consist of
 12 not fewer than five nor more than nine voting members. The
 13 district secretary of the affected department district shall
 14 serve as a nonvoting member of the governing body of each
 15 authority located within the district. Each member of the
 16 governing body must at all times during his or her term of
 17 office be a permanent resident of the county which he or she is



Amendment No. 1

18 appointed to represent.

19 (d) Notwithstanding any provision to the contrary in this
20 subsection, in any county as defined in s. 125.011(1), the
21 governing body of an authority shall consist of up to nine ~~13~~
22 members, and the following provisions of this paragraph shall
23 apply specifically to such authority. Except for the district
24 secretary of the department, the members must be residents of
25 the county. Five ~~Seven~~ voting members shall be appointed by the
26 governing body of the county. At the discretion of the governing
27 body of the county, up to two of the members appointed by the
28 governing body of the county may be elected officials residing
29 in the county. Three ~~Five~~ voting members of the authority shall
30 be appointed by the Governor. One member shall be the district
31 secretary of the department serving in the district that
32 contains such county. This member shall be an ex officio voting
33 member of the authority. ~~If the governing board of an authority~~
34 ~~includes any member originally appointed by the governing body~~
35 ~~of the county as a nonvoting member, when the term of such~~
36 ~~member expires, that member shall be replaced by a member~~
37 ~~appointed by the Governor until the governing body of the~~
38 ~~authority is composed of seven members appointed by the~~
39 ~~governing body of the county and five members appointed by the~~
40 ~~Governor. Except as provided in subsection (5), the~~
41 qualifications, terms of office, and obligations and rights of
42 members of the authority shall be determined by resolution or
43 ordinance of the governing body of the county in a manner that

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Amendment No. 1

44 is consistent with subsections (3) and (4).

45 (5) In a county as defined in s. 125.011(1):

46 (a)1. A lobbyist, as defined in s. 112.3215, may not be
47 appointed or serve as a member of the governing body of an
48 authority.

49 2. A person may not be appointed to or serve as a member
50 of the governing body of an authority if that person or any
51 member of that person's immediate family currently represents or
52 has in the previous 4 years represented any client for
53 compensation before the expressway authority to which that
54 person may be appointed.

55 3. A person may not be appointed to or serve as a member
56 of the governing body of an authority if that person or any
57 member of that person's immediate family currently represents,
58 is employed by, or acts as an agent for, or has in the previous
59 4 years represented, been employed by, or acted as an agent for,
60 any person or entity that is performing construction,
61 engineering, and inspection services or construction and design-
62 build services, or within the previous 4 years has performed
63 construction, engineering, and inspection services or
64 construction and design-build services, with the expressway
65 authority to which that person may be appointed.

66 (1) A finding of a violation of this subsection or chapter
67 112, or failure to comply within 90 days after receiving a
68 notice of failure to comply with financial disclosure
69 requirements, results in immediate termination from the



Amendment No. 1

70 governing body of the authority.

71 (m) To ensure transparency, accountability, and uniform
72 standards throughout the state, actions and decisions rendered
73 by an authority or its duly constituted committees in connection
74 with a procurement in excess of \$20 million is subject to the
75 administrative review provisions of chapter 120.

76 (n) For purposes of this subsection, the term "immediate
77 family" means any parent, spouse, child, or sibling of the
78 person serving or seeking appointment to serve as a member of
79 the governing body of an authority.

80 Section 2. Vacancies on the governing body of an
81 expressway authority subject to s. 348.0003(2)(d), Florida
82 Statutes, shall not be filled until the reduction in the number
83 of members specified by s. 348.0003(2)(d), Florida Statutes, as
84 amended by this act, is achieved. Within 60 days after this act
85 takes effect, the Governor and the governing body of the county
86 shall choose which members of the authority who have been
87 appointed by each respective entity will be removed from the
88 authority to achieve the composition of the governing body of
89 the authority specified in s. 348.0003(2)(d), Florida Statutes,
90 as amended by this act.

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

92

93

94

95

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

Remove everything before the enacting clause and insert:



Amendment No. 1

96 A bill to be entitled
97 An act relating to expressway authorities; amending s.
98 348.0003, F.S.; revising membership and qualifications
99 for membership on the governing body of certain
100 expressway authorities; providing for termination from
101 an authority's governing body upon a finding of a
102 violation of specified ethical conduct provisions or
103 failure to comply with a notice of failure to comply
104 with financial disclosure requirements; providing a
105 definition; providing for reorganization of such
106 authorities within a specified timeframe; providing an
107 effective date.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1043 Housing Authorities
SPONSOR(S): Economic Development & Tourism Subcommittee; Eagle
TIED BILLS: IDEN./SIM. **BILLS:** SB 1520

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Economic Development & Tourism Subcommittee	11 Y, 0 N	Collins	Duncan
2) Economic Affairs Committee		Collins <i>DC</i>	Creamer <i>JC</i>

SUMMARY ANALYSIS

Current law provides for the creation of city, county, and regional housing authorities pursuant to part I, chapter 421, F.S., the Housing Authorities Law. Regional housing authorities are created by the merging of two or more contiguous county housing authorities. However, no such process is authorized by law which would allow a city housing authority and a county housing authority to merge.

The bill creates a process by which a city and county housing authority, two city housing authorities and a county housing authority, or three city housing authorities may merge to form a consolidated housing authority. The bill also establishes provisions relating to a consolidated housing authority's area of operation; and the appointment, powers, and duties of commissioners. Housing authorities that merge to form a consolidated housing authority must be located within the same county.

The bill has no impact on state or local funds.

The bill provides an effective date of July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

State Government and Public Housing

Florida law provides that the role of state government in housing and urban development required by part I of ch. 421, F.S., (Housing Authorities Law), ch. 422, F.S., (Housing Cooperation Law), and ch. 423, F.S., (Tax Exemption of Housing Authorities) is the responsibility of the Department of Economic Opportunity (DEO).¹ Florida law recognizes that there is a shortage of safe or sanitary dwelling accommodations available at rents which persons of low income can afford. Providing accommodations, including the acquisition by a housing authority of property to be used for or in connection with housing projects, are deemed exclusively public uses and purposes for which public money may be spent and private properties acquired and are governmental functions of public concern.² DEO does not monitor, evaluate, or have oversight of housing authorities to ensure that housing authorities are in compliance with federal law.

Local and Regional Housing Authorities

Florida law authorizes the creation of city, county and regional housing authorities.³ Of the 106 housing authorities in Florida,⁴ 91 are special districts.⁵ A city's governing body may, by resolution, make a determination that there is a need for a housing authority. The determination of the need for a city housing authority may be initiated by the city's governing body or upon the filing of a petition signed by 25 city residents requesting the governing body to make such determination.⁶ The mayor, with the approval of the governing body, appoints no fewer than five and no more than seven persons as commissioners of the authority.⁷ The powers of each housing authority are vested in the commissioners and action may be taken upon a majority vote of the commissioners.⁸

The creation and powers of county housing authorities are similar to the creation and powers of city housing authorities. However, in counties, petitions must be signed by 25 county residents and the Governor appoints the commissioners.⁹ A county housing authority's area of operation includes all of the county except that portion which lies within the territorial boundaries of any city as defined in the Housing Authorities Law. A regional housing authority may be created by two or more contiguous counties if a regional entity would be a more economically or administratively efficient unit. In the case of regional housing authorities, the Governor also appoints the commissioners.¹⁰ The powers of a regional housing authority are analogous to those of a city or county housing authority.

No commissioner or employee of an authority may acquire any interest in any housing project or in any property included or planned to be included in any project, nor in any contract or proposed contract for materials or services to be furnished or used in connection with any housing project. If a commissioner or employee of a housing authority owns or controls an interest, direct or indirect, in any property

¹ Section 421.001, F.S.

² Section 421.02, F.S.

³ See ss. 421.04, 421.27, and 421.28, F.S.

⁴ U.S. Department of Housing and Urban Development, Public & Indian Housing, Florida, available at <http://www.hud.gov/offices/pih/pha/contacts/states/fl.cfm> (last accessed Mar. 19, 2015).

⁵ Department of Economic Opportunity, Division of Community Development, Special District Information Program, available at, <http://dca.deo.myflorida.com/fhcd/sdip/OfficialListdeo/report.cfm> (last accessed Mar. 19, 2015).

⁶ Section 421.04, F.S.

⁷ Section 421.05, F.S.

⁸ *Id.*

⁹ Section 421.27, F.S.

¹⁰ See s. 421.28, F.S.

included or planned to be included in any housing project, he or she must immediately disclose such interest in writing to the authority. Failure to disclose such interest constitutes misconduct in office.¹¹

Housing authorities have the power to:¹²

- Sue and be sued.
- Acquire, lease, and operate housing projects.
- Provide for the construction, reconstruction, improvement, alteration, or repair of any housing project.
- Lease or rent any dwellings, houses, accommodations, lands, buildings, structures, or facilities embraced in any housing project.
- Own, hold, and improve real or personal property.
- Acquire by the exercise of the power of eminent domain any real property.
- Invest any funds held in reserves or sinking funds.
- Organize for the purpose of creating a for-profit or not-for-profit corporation, limited liability company, or other similar business entity pursuant to all applicable laws of the state in which the housing authority may hold an ownership interest or participate in its governance in order to develop, acquire, lease, construct, rehabilitate, manage, or operate multifamily or single-family residential projects. These projects may include nonresidential uses and may use public and private funds to serve individuals or families who meet the applicable income requirements of the state or federal program involved.

A housing authority has the right to acquire by the exercise of the power of eminent domain any real property which it may deem necessary for its purposes. Property already devoted to a public use may be acquired in like manner, provided that no real property belonging to the city, the county, the state or any political subdivision may be acquired without its consent.¹³

A housing authority is authorized to borrow money or accept grants or other financial assistance from the Federal Government for or in aid of any housing projects within its area of operation. A housing authority is also empowered to take over or lease or manage any housing project or undertaking constructed or owned by the Federal Government. In addition, an authority is authorized "to do any and all things necessary or desirable to secure the financial aid or cooperation of the Federal Government in the undertaking, construction, maintenance or operation of any housing project by such authority."¹⁴

Effect of Proposed Changes

The bill creates a process by which a city and county housing authority, two city housing authorities and a county housing authority, or three city housing authorities may merge to form a consolidated housing authority.

Creation

The bill authorizes housing authority commissioners from at least two, but no more than three city or county housing authorities of neighboring areas of operation within the same county to merge. Such authorities must declare by identical resolution, after a dedicated public hearing and two consecutive meetings where the resolution is heard, that there is a need for the merger and that the merger serves the best interest of tenants and communities.

¹¹ Section 421.06, F.S.

¹² Section 421.08, F.S.

¹³ Section 421.12, F.S. *See* chapters 73 and ch. 74, F.S.

¹⁴ Section 421.21, F.S.

Following the creation of the consolidated housing authority, each housing authority which participated in the merger will cease to exist except for the purpose of winding up its affairs and executing a deed to the consolidated housing authority if:

- all obliges of the merged housing authorities and parties to the contracts, bonds, notes, and other obligations agree to the substitution of the consolidated housing authority; and
- the commissioners of the merged housing authorities adopt a resolution consenting to the transfer of all of the rights, contracts, obligations, and property, real and personal, to the consolidated housing authority.

When any real property of a merged housing authority vests in a consolidated housing authority, the merged housing authority must execute a deed of property to the consolidated housing authority which will then file the deed with the county in which the property is located.

In any suit, action, or proceeding involving the validity or enforcement of or relating to any contract of the consolidated housing authority, the authority must be conclusively deemed to have become created, established, and authorized to transact business and exercise its powers upon proof of the adoption of a resolution by the commissioners of each of the merged housing authorities creating the consolidated housing authority.

Area of Operation

The area of operation of a consolidated housing authority includes the combined areas of operation of the merged housing authorities.

Governing bodies of counties or municipalities located within the area of operation of a consolidated housing authority must take into consideration, when determining whether dwelling accommodations are unsafe or insanitary, the safety and sanitation of the dwellings, the light and airspace available to residents, the degree of overcrowding, the size and arrangement of the rooms, and the extent to which conditions exist in buildings which endanger life or property by fire or other causes.

In connection with the issuance of bonds or the incurring of other obligations, a consolidated housing authority may covenant as to limitations on its right to adopt resolutions relating to the increase of its area of operations.

No governing body of a county or municipality is permitted to adopt any resolution unless a public hearing has first been held.

Commissioners

When two housing authorities merge to form a consolidated housing authority:

- three commissioners are appointed by the Governor, all of whom must be qualified electors in the area of operation of the newly consolidated housing authority;
- one commissioner is appointed by the mayor of the municipality in which a merged city housing authority is located; and
- one commissioner is appointed by either the mayor of the municipality in which a second merged city housing authority is located; or the chairman of the commission of the county in which a merged county authority is located.

When three housing authorities merge to form a consolidated housing authority:

- four commissioners are appointed by the Governor, all of whom must be qualified electors in the area of operation of the newly consolidated housing authority;

- two commissioners are appointed by the mayors of each of the municipalities in which two of the merged city housing authorities are located; and
- one commissioner is appointed by either the mayor of the municipality in which a third merged city housing authority is located; or the chairman of the commission of the county in which the merged county housing authority is located.

All commissioners appointed by a mayor, or county commission chairman must be qualified electors within the area of operation of the merged housing authority in which they are appointed from.

Three of the commissioners appointed by the Governor are designated to serve one, two, and three year terms respectively. The remaining commissioners are designated to serve for terms of four years each. Thereafter, all appointed commissioners serve four year terms.

The commissioners of a consolidated housing authority must elect a chairman and have the authority to hire employees and select officers.

Powers and Duties

A consolidated housing authority and its commissioners are granted the same functions, rights, powers, duties, privileges and immunities provided for housing authorities created for counties or municipalities. The commissioners of a consolidated housing authority also have the authority to select any appropriate corporate name.

The bill also amends ss. 421.32 and 421.321, F.S., making conforming changes.

B. SECTION DIRECTORY:

- Section 1: Creates s. 421.281, F.S., relating to the creation of consolidated housing authorities.
- Section 2: Amends s. 421.32, F.S., conforming a cross-reference.
- Section 3: Amends s. 421.321, F.S., conforming a cross-reference.
- Section 4: Provides an effective date of July 1, 2015.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

- 1. Revenues:
None.
- 2. Expenditures:
None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

- 1. Revenues:
None.
- 2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to require counties or municipalities to spend funds or take any action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to housing authorities; creating s.
 3 421.281, F.S.; providing for the creation of
 4 consolidated housing authorities under certain
 5 conditions; providing requirements; providing the area
 6 of operation of a consolidated housing authority;
 7 providing duties of a governing body of a county or
 8 municipality included in the area of operation;
 9 providing public hearing requirements; providing for
 10 the appointment of commissioners; providing powers and
 11 duties of a consolidated housing authority and its
 12 commissioners; amending s. 421.32, F.S.; authorizing a
 13 consolidated housing authority to borrow money, accept
 14 grants, and exercise its other powers for certain
 15 purposes; amending s. 421.321, F.S.; authorizing a
 16 consolidated housing authority to execute mortgages
 17 encumbering real property for certain purposes;
 18 providing an effective date.

19
 20 Be It Enacted by the Legislature of the State of Florida:

21
 22 Section 1. Section 421.281, Florida Statutes, is created
 23 to read:

- 24 421.281 Consolidated housing authorities.—
 25 (1) CREATION.—
 26 (a) If the commissioners of at least two, but no more than

27 | three, municipal or municipal and county housing authorities of
 28 | neighboring areas of operation within the same county that are
 29 | not under federal receivership declare by identical resolution,
 30 | after a public hearing and two consecutive meetings at which
 31 | such resolution is heard, that there is a need for merging their
 32 | authorities which serves the best interest of their respective
 33 | tenants and communities, one housing authority shall be created
 34 | for all of such authorities to exercise powers and other
 35 | functions herein prescribed in such areas of operation through a
 36 | public body corporate and politic to be known as a consolidated
 37 | housing authority.

38 | (b) After the consolidation, each housing authority
 39 | created by s. 421.04 or s. 421.27 for each of the areas shall
 40 | cease to exist except for the purpose of winding up its affairs
 41 | and executing a deed to the consolidated housing authority as
 42 | hereafter provided, if:

43 | 1. All obligees of such housing authorities and parties to
 44 | the contracts, bonds, notes, and other obligations of such
 45 | housing authorities agree to the substitution of the
 46 | consolidated housing authority; and

47 | 2. The commissioners of such housing authorities adopt a
 48 | resolution consenting to the transfer of all of the rights,
 49 | contracts, obligations, and property, real and personal, to the
 50 | consolidated housing authority.

51 | (c) When any real property of a housing authority vests in
 52 | a consolidated housing authority as provided in subsection (2),

53 | the housing authority shall execute a deed of such property to
 54 | the consolidated housing authority which thereupon shall file
 55 | such deed with the recorder of deeds of the county where such
 56 | real property is located.

57 | (d) In any suit, action, or proceeding involving the
 58 | validity or enforcement of or relating to any contract of the
 59 | consolidated housing authority, the consolidated housing
 60 | authority shall be conclusively deemed to have become created,
 61 | established, and authorized to transact business and exercise
 62 | its powers hereunder upon proof of the adoption of a resolution
 63 | by the commissioners of each of the authorities creating the
 64 | consolidated housing authority.

65 | (2) AREA OF OPERATION.-

66 | (a) The area of operation of a consolidated housing
 67 | authority shall include the combined areas of operation of the
 68 | housing authorities which merged to form the consolidated
 69 | housing authority.

70 | (b) In determining whether dwelling accommodations are
 71 | unsafe or insanitary under this section, the governing body of a
 72 | county or municipality included in the area of operation of the
 73 | consolidated housing authority shall take into consideration the
 74 | safety and sanitation of the dwellings, the light and airspace
 75 | available to the inhabitants of such dwellings, the degree of
 76 | overcrowding, the size and arrangement of the rooms, and the
 77 | extent to which conditions exist in such buildings which
 78 | endanger life or property by fire or other causes.

79 (c) In connection with the issuance of bonds or the
 80 incurring of other obligations, a consolidated housing authority
 81 may covenant as to limitations on its right to adopt resolutions
 82 relating to the increase of its area of operation.

83 (d) A governing body of a county or municipality may not
 84 adopt any resolution authorized by this section unless a public
 85 hearing has first been held. The clerk of such county or
 86 municipality shall give notice of the time, place, and purpose
 87 of the public hearing at least 10 days before the day on which
 88 the hearing is to be held, in a newspaper published in such
 89 county and in a newspaper published in the county in which such
 90 municipality is located, or, if there is no newspaper published
 91 in such locations, then in a newspaper published in the state
 92 and having a general circulation in such locations. Upon the
 93 date fixed for such public hearing, an opportunity to be heard
 94 shall be granted to all residents of such county or municipality
 95 and to all other interested persons.

96 (3) COMMISSIONERS.—

97 (a) If a consolidated housing authority consisting of two
 98 merged housing authorities is created as provided in this
 99 section, five commissioners shall be appointed in the following
 100 manner:

101 1. Three commissioners who are qualified electors within
 102 the area of operation of the consolidated housing authority,
 103 appointed by the Governor.

104 2. One commissioner who is a qualified elector within one

105 of the areas of operation merged to form the consolidated
 106 housing authority, appointed by the mayor of the municipality in
 107 which the merged area of operation is located or appointed by
 108 the chair of the commission of the county in which the merged
 109 area of operation is located, if the merged area of operation is
 110 not located within the boundaries of a municipality.

111 3. One commissioner who is a qualified elector within the
 112 other area of operation merged to form the consolidated housing
 113 authority, appointed by the mayor of the municipality in which
 114 the merged area of operation is located.

115 (b) If a consolidated housing authority consisting of
 116 three merged housing authorities is created as provided in this
 117 section, seven commissioners shall be appointed in the following
 118 manner:

119 1. Four commissioners who are qualified electors within
 120 the area of operation of the consolidated housing authority,
 121 appointed by the Governor.

122 2. One commissioner who is a qualified elector within one
 123 of the areas of operation merged to form the consolidated
 124 housing authority, appointed by the mayor of the municipality in
 125 which the merged area of operation is located or appointed by
 126 the chair of the commission of the county in which the merged
 127 area of operation is located, if the merged area of operation is
 128 not located within the boundaries of a municipality.

129 3. One commissioner who is a qualified elector within the
 130 other area of operation merged to form the consolidated housing

131 authority, appointed by the mayor of the municipality in which
 132 the merged area of operation is located.

133 4. One commissioner who is a qualified elector within the
 134 third area of operation merged to form the consolidated housing
 135 authority, appointed by the mayor of the municipality in which
 136 the merged area of operation is located.

137 (c) Three of the commissioners appointed by the Governor
 138 shall serve for terms of 1, 2, and 3 years, respectively. The
 139 remaining commissioners shall serve for terms of 4 years each
 140 beginning on the date of their appointment. Thereafter, the
 141 commissioners of a consolidated housing authority shall serve 4-
 142 year terms, except that all vacancies shall be filled for the
 143 unexpired terms. Each commissioner shall hold office until a
 144 successor has been appointed and has qualified, except as
 145 otherwise provided in this section.

146 (d) A certificate of appointment of any commissioner of a
 147 consolidated housing authority shall be filed with the county
 148 clerk of the county in which the commissioner resides. Such
 149 certificate shall be conclusive evidence of the due and proper
 150 appointment of such commissioner.

151 (e) The commissioners appointed pursuant to this section
 152 constitute the consolidated housing authority, and the powers of
 153 such authority shall be vested in such commissioners in office
 154 from time to time.

155 (f) The commissioners of a consolidated housing authority
 156 shall elect a chair from among the commissioners and shall have

157 the power to select or employ such other officers and employees
 158 as the consolidated housing authority may require. A majority of
 159 the commissioners of a consolidated housing authority shall
 160 constitute a quorum for conducting business and exercising its
 161 powers and for all other purposes.

162 (4) POWERS AND DUTIES.—

163 (a) Except as otherwise provided in this section, a
 164 consolidated housing authority and the commissioners of such
 165 authority shall, within the area of operation of such authority,
 166 have the same functions, rights, powers, duties, privileges, and
 167 immunities provided for housing authorities created for counties
 168 or municipalities and the commissioners of such housing
 169 authorities in the same manner as though all the provisions of
 170 law applicable to housing authorities created for counties or
 171 municipalities were applicable to consolidated housing
 172 authorities. For purposes of this section, the term "mayor" has
 173 the same meaning as the term "Governor" and the term "clerk" has
 174 the same meaning as the term "county or municipal clerk," unless
 175 a different meaning clearly appears from the context. The
 176 Governor may appoint any person as commissioner of a
 177 consolidated housing authority who resides in the area of
 178 operation of the consolidated housing authority and any
 179 commissioner of a consolidated housing authority may be removed
 180 or suspended in the same manner and for the same reason as other
 181 officers appointed by the Governor.

182 (b) The commissioners of a consolidated housing authority

183 may select an appropriate corporate name.

184 Section 2. Section 421.32, Florida Statutes, is amended to
 185 read:

186 421.32 Rural housing projects.—County housing authorities,
 187 consolidated housing authorities, and regional housing
 188 authorities are specifically empowered and authorized to borrow
 189 money, accept grants, and exercise their other powers to provide
 190 housing for farmers of low income and domestic farm labor as
 191 defined in s. 514 of the Federal Housing Act of 1949. In
 192 connection with such projects, any such housing authority may
 193 enter into such leases or purchase agreements, accept such
 194 conveyances and rent or sell dwellings forming part of such
 195 projects to or for farmers of low income, as such housing
 196 authority deems necessary in order to assure the achievement of
 197 the objectives of this law. Such leases, agreements or
 198 conveyances may include such covenants as the housing authority
 199 deems appropriate regarding such dwellings and the tracts of
 200 land described in any such instrument, which covenants shall be
 201 deemed to run with the land where the housing authority deems it
 202 necessary and the parties to such instrument so stipulate. In
 203 providing housing for farmers of low income, county housing
 204 authorities and regional housing authorities shall not be
 205 subject to the limitations provided in ss. 421.08(3) and
 206 421.10(3). Nothing contained in this section shall be construed
 207 as limiting any other powers of any housing authority.

208 Section 3. Section 421.321, Florida Statutes, is amended



209 | to read:

210 | 421.321 Execution of mortgages.—County housing
 211 | authorities, consolidated housing authorities, and regional
 212 | housing authorities organized under this chapter are authorized
 213 | to execute mortgages encumbering real property as security for
 214 | loans made for providing facilities for domestic farm labor
 215 | pursuant to s. 514 of the Federal Housing Act of 1949.

216 | Section 4. This act shall take effect July 1, 2015.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1101 Central Florida Expressway Authority
SPONSOR(S): Miller
TIED BILLS: IDEN./SIM. **BILLS:** CS/SB 1024

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Ports Subcommittee	12 Y, 0 N, As CS	Johnson	Vickers
2) Transportation & Economic Development Appropriations Subcommittee	13 Y, 0 N	Davis	Davis
3) Economic Affairs Committee		Johnson 	Creamer 

SUMMARY ANALYSIS

The bill relates to the Central Florida Expressway Authority (CFX). In summary, the bill:

- Retitles Part III of Ch. 348, F.S., to reflect that the part relates to CFX instead of the former Orlando-Orange County Expressway Authority (OOCEA).
- Clarifies that authority members from Seminole, Lake, and Osceola Counties must be a county commission member, chair, or county mayor from their respective counties.
- Provides that the terms of authority members appointed by the Governor end on December 31 of the last year of service.
- Repeals an obsolete provision regarding the term ending dates of the board members of the former OOCEA.
- Removes the requirement that one of the authority members serve as the authority's secretary.
- Clarifies that CFX is a party to a 1985 lease purchase agreement between OOCEA and the Department of Transportation (DOT).
- Removes a requirement that the former OOCEA system be transferred to the state upon the completion and performance of a lease-purchase agreement.

The bill does not appear to have a fiscal impact on state and local governments.

The bill has an effective date of July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

The Orlando Orange County Expressway Authority (OOCEA), was created in part III of Ch. 348, F.S.,¹ and served Orange County. It was authorized to construct, operate, and maintain roads, bridges, avenues of access, thoroughfares, and boulevards in the county, as well as outside the jurisdictional boundaries of Orange County with the consent of the county within whose jurisdiction the activities occur.²

In 2014, CS/CS/SB 230 changed OOCEA to the Central Florida Expressway Authority (CFX).³ In summary, the bill:

- Created CFX and provides for the transfer of governance and control, legal rights and powers, responsibilities, terms and obligations of OOCEA to CFX.
- Provided for the composition of the governing body of CFX and the appointment of its officers.
- Provided ethics and accountability requirements of CFX board members and employees.
- Provided that the area served by CFX is within the geographical boundaries of Orange, Seminole, Lake, and Osceola Counties.
- Removed the existing OOCEA requirement that the route of a project be approved by a municipality before the right-of-way can be acquired.
- Required that CFX encourage the inclusion of local-, small-, minority-, and women-owned businesses in its procurement and contracting opportunities.
- Removed the existing OOCEA authority to waive payment and performance bonds for certain public works projects awarded pursuant to an economic development program.
- Provided that upon termination of the lease-purchase agreement of the Central Florida Expressway System, title will be retained by the state, and extends the terms of lease-purchase agreements from 40 to 99 years.
- Provided for the transfer of the Osceola County Expressway System to CFX and provides for the repeal of the Osceola County Expressway Authority Act⁴ when the Osceola County Expressway System is transferred to CFX.

Section 348.757, F.S., authorizes CFX to enter into a lease-purchase agreement with DOT relating to and covering the former OOCEA system.⁵ Current law requires the lease purchase agreement to provide for the leasing of the former OOCEA system, by CFX, as lessor, to DOT, as lessee must prescribe the term of such lease and rentals to be paid, and must provide that upon the completion of the faithful performance and termination of the lease purchase agreement, title in fee simple absolute to the former OOCEA system as then constituted shall be transferred in accordance with law by CFX, to the state and CFX shall deliver to DOT such deeds and conveyances as shall be necessary or convenient to vest title in fee simple absolute in the state.

In 2012, DOT and the former OOCEA entered into a Memorandum of Understanding regarding the Wekiva Parkway. As part of the negotiations, OOCEA and DOT agreed that the provisions of the lease-purchase agreement to transfer the expressway system to DOT upon satisfaction of the bonds would be deleted, and that OOCEA would retain title to the system. However, s. 348.757(2), F.S., which

¹ Part III of Ch. 348, F.S., consists of ss. 348.751 through 348.765, F.S.

² S. 348.754(2)(n), F.S.

³ Ch. 2014-171, L.O.F.

⁴ Part V of Ch. 348, F.S.

⁵ S. 348.757(1), F.S.

requires OOCEA to transfer its system to the state, has been superseded by s. 348.757(9), F.S., which reflects the 2012 Memorandum of Understanding.

CFX currently owns and operates 105 centerline miles of roadway in Orange County, which includes:

- 22 miles of the Spessard L. Holland East-West Expressway (SR 408);
- 23 miles of the Martin Andersen Beachline Expressway (SR 528);
- 33 miles of the Central Florida GreeneWay (SR 417);
- 22 miles of the Daniel Webster Western Beltway (SR 429); and
- 5 miles of the John Land Apopka Expressway (SR 414).

Proposed Changes

The bill changes the title of Part III of Ch. 348, F.S., from Orlando-Orange County Expressway Authority to Central Florida Expressway Authority to reflect the new name of the authority.

The bill amends s. 348.753(3), F.S., providing that the chairs of the boards of county commission from Seminole, Lake, and Osceola Counties appoint one member of the board from their respective counties, who *must* be a county commission member, chair, or county mayor.⁶ The bill also provides that members appointed by the Governor have their terms end on December 31 of his or her last year of service. This change is intended to accommodate the January 2015 election of CFX officers. The bill also removes an obsolete provision regarding the terms of standing board members from when the make-up of the board changed in the 2014 law.

The bill amends s. 348.753(4)(a), F.S., removing the requirement that one of the members of the board serve as the authority's secretary.

The bill amends s. 348.754(2)(e), F.S., clarifying that CFX is a party to a December 23, 1985, lease purchase agreement between OOCEA and DOT.

The bill amends s. 348.757(2), F.S., removing the provision that upon completion and termination of the lease-purchase agreement that title in fee simple absolute of the former OOCEA system is transferred by the authority to the state. This reflects the 2012 Memorandum of Understanding between OOCEA and DOT, and the provisions enacted by ch. 2012-128, Laws of Florida.

The bill has an effective date of July 1, 2015.

B. SECTION DIRECTORY:

- | | |
|-----------|--|
| Section 1 | Retitles Part III of Ch. 348, F.S. |
| Section 2 | Amends s. 348.753, F.S., relating to the governing body of the Central Florida Expressway Authority. |
| Section 3 | Amends s. 348.754, F.S., relating to the purpose and power of CFX. |
| Section 4 | Amends s. 348.757, F.S., relating to a lease-purchase agreement. |
| Section 5 | Provides an effective date. |

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

⁶ Currently, s. 348.753(3), F.S., provides that appointees *may* be a county commission member or chair.

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 17, 2015, the Transportation & Ports Subcommittee adopted a strike-all amendment and reported the bill favorably as a committee substitute. In summary the amendment:

- Corrected the title in part III of Ch. 348, F.S., to reflect 2014 change in the name from Orlando-Orange County Expressway Authority to Central Florida Expressway Authority.
- Removed a provision repealing a requirement that CFX obtain consent from the Secretary of DOT prior to expanding into Lake County. The provision will remain in statutes.
- Clarified that the Central Florida Expressway Authority is a party to an agreement between the Department of Transportation and the former Orlando-Orange County Expressway Authority.

This analysis is written to the committee substitute.

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DATE: 3/31/2015

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1 A bill to be entitled
 2 An act relating to the Central Florida Expressway
 3 Authority; revising the title of part III of chapter
 4 348, F.S.; amending s. 348.753, F.S.; requiring the
 5 chairs of the boards of specified county commissions
 6 to appoint one member from their respective counties
 7 who is a commission member or chair or a county mayor
 8 to serve on the governing body of the authority;
 9 specifying that the terms of members appointed by the
 10 Governor end on a specified date; removing the
 11 requirement that the authority elect one of its
 12 members as secretary; amending s. 348.754, F.S.;
 13 specifying that the Central Florida Expressway
 14 Authority is a party to a certain lease-purchase
 15 agreement between the department and the Orlando-
 16 Orange County Expressway Authority; amending s.
 17 348.757, F.S.; removing the requirement that title in
 18 fee simple absolute to the former Orlando-Orange
 19 County Expressway System be transferred to the state
 20 upon the completion of the faithful performance and
 21 termination of a specified lease-purchase agreement;
 22 providing an effective date.

23
 24 Be It Enacted by the Legislature of the State of Florida:

25
 26 Section 1. Part III of chapter 348, Florida Statutes,

27 consisting of sections 348.751-348.765, is retitled "Central
 28 Florida Expressway Authority."

29 Section 2. Subsection (3) and paragraph (a) of subsection
 30 (4) of section 348.753, Florida Statutes, are amended to read:

31 348.753 Central Florida Expressway Authority.—

32 (3) The governing body of the authority shall consist of
 33 nine members. The chairs of the boards of the county commissions
 34 of Seminole, Lake, and Osceola Counties shall each appoint one
 35 member from its respective county, who must ~~may~~ be a commission
 36 member or chair or a county mayor. The Mayor of Orange County
 37 shall appoint a member from the Orange County Commission. The
 38 Governor shall appoint three citizen members, each of whom must
 39 be a citizen of either Orange County, Seminole County, Lake
 40 County, or Osceola County. ~~The eighth member must be the Mayor~~
 41 ~~of Orange County and. The ninth member must be the Mayor of the~~
 42 ~~City of Orlando~~ shall also serve as members. The executive
 43 director of the Florida Turnpike Enterprise shall serve as a
 44 nonvoting advisor to the governing body of the authority. Each
 45 member appointed by the Governor shall serve for 4 years, with
 46 the member's term ending on December 31 of his or her last year
 47 of service. Each county-appointed member shall serve for 2
 48 ~~years. The terms of standing board members expire June 20, 2014.~~
 49 Each appointed member shall hold office until his or her
 50 successor has been appointed and has qualified. A vacancy
 51 occurring during a term must be filled only for the balance of
 52 the unexpired term. Each appointed member of the authority shall

53 be a person of outstanding reputation for integrity,
 54 responsibility, and business ability, but, except as provided in
 55 this subsection, a person who is an officer or employee of a
 56 municipality or county may not be an appointed member of the
 57 authority. Any member of the authority is eligible for
 58 reappointment.

59 (4)(a) The authority shall elect one of its members as
 60 chair of the authority. The authority shall also elect one of
 61 its members as vice chair, ~~one of its members as secretary,~~ and
 62 one of its members as treasurer. The chair, vice chair,
 63 ~~secretary,~~ and treasurer shall hold such offices at the will of
 64 the authority. Five members of the authority constitute a
 65 quorum, and the vote of five members is necessary for any action
 66 taken by the authority. A vacancy in the authority does not
 67 impair the right of a quorum of the authority to exercise all of
 68 the rights and perform all of the duties of the authority.

69 Section 3. Paragraph (e) of subsection (2) of section
 70 348.754, Florida Statutes, is amended to read:

71 348.754 Purposes and powers.—

72 (2) The authority may exercise all powers necessary,
 73 appurtenant, convenient, or incidental to the implementation of
 74 the stated purposes, including, but not limited to, the
 75 following rights and powers:

76 (e) To enter into and make lease-purchase agreements with
 77 the department for terms not exceeding 99 years, or until any
 78 bonds secured by a pledge of rentals pursuant to the agreement,

79 and any refundings pursuant to the agreement, are fully paid as
 80 to both principal and interest, whichever is longer. The
 81 authority is a party to a lease-purchase agreement between the
 82 department and the Orlando-Orange County Expressway Authority
 83 dated December 23, 1985, as supplemented by a first supplement
 84 to the lease-purchase agreement dated November 25, 1986, and a
 85 second supplement to the lease-purchase agreement dated October
 86 27, 1988. The authority may not enter into other lease-purchase
 87 agreements with the department and may not amend the existing
 88 agreement in a manner that expands or increases the department's
 89 obligations unless the department determines that the agreement
 90 or amendment is necessary to permit the refunding of bonds
 91 issued before July 1, 2013.

92 Section 4. Subsection (2) of section 348.757, Florida
 93 Statutes, is amended to read:

94 348.757 Lease-purchase agreement.—

95 (2) The lease-purchase agreement must provide for the
 96 leasing of the former Orlando-Orange County Expressway System,
 97 by the authority, as lessor, to the department, as lessee, and
 98 must prescribe the term of such lease and the rentals to be
 99 paid, ~~and must provide that upon the completion of the faithful~~
 100 ~~performance and the termination of the lease-purchase agreement,~~
 101 ~~title in fee simple absolute to the former Orlando-Orange County~~
 102 ~~Expressway System as then constituted shall be transferred in~~
 103 ~~accordance with law by the authority, to the state and the~~
 104 ~~authority shall deliver to the department such deeds and~~

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105 | ~~conveyances as shall be necessary or convenient to vest title in~~
106 | ~~fee simple absolute in the state.~~

107 | Section 5. This act shall take effect July 1, 2015.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 7075 PCB TPS 15-02 Transportation
SPONSOR(S): Transportation & Economic Development Subcommittee; Transportation & Ports Subcommittee, Rooney, Jr.
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Transportation & Ports Subcommittee	9 Y, 0 N	Johnson	Vickers
1) Transportation & Economic Development Appropriations Subcommittee	10 Y, 0 N, As CS	Davis	Davis
2) Economic Affairs Committee		Johnson <i>AS</i>	Creamer <i>JA</i>

SUMMARY ANALYSIS

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

- Requires agencies to consider certain criteria when procuring transportation services related to cargo, freight, and package delivery.
- Separates the definition of "autonomous technology" from "autonomous vehicle."
- Authorizes television receivers to be located so the screen is visible from the driver's seat for autonomous vehicles.
- Reclassifies a second, noncriminal traffic infraction as a first degree misdemeanor under specific circumstances.
- Extends the allowable length of a trailer transporting multiple sections or single units of a manufactured building under a special permit.
- Requires metropolitan planning organizations to consider advances in vehicle technology, including autonomous vehicles, when developing their long-range transportation plans.
- Requires the Department of Transportation (DOT) to consider advances in vehicle technology, including autonomous vehicles, when developing its Strategic Intermodal System (SIS) plan.
- Revises the appointment of membership of independent special districts regulating vehicles for hire.
- Repeals an obsolete reference to bonds issued through the Broward County Expressway Authority.
- Repeals Florida Statewide Transportation Corridors, which is duplicative of the SIS.
- Provides that certain members of the Central Florida Expressway Authority's (CFX) board must be elected officials from their respective counties.
- Provides a date for terms to end for members of CFX's board appointed by the Governor.
- Provides that the Secretary of CFX is not required to be a member of its board.
- Makes technical corrections to the Central Florida Expressway Authority Act.

The bill has an indeterminate fiscal impact on state and local governments. The bill creates a first degree misdemeanor offense which could have an impact on local jail beds. Please see the fiscal analysis section for additional details.

The bill has an effective date of July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

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

Sustainable Transportation Services Procurement

Current Situation

Florida currently has a Natural Gas Vehicle Rebate Program, which provides eligible applicants a rebate for the cost of conversion or the incremental cost incurred by an applicant associated with converting, purchasing, or leasing a natural gas fleet vehicle placed into service on or after July 1, 2013. The maximum rebate under the program is \$25,000 per vehicle, not to exceed 50 percent of eligible costs. Each applicant may receive up to \$250,000 per fiscal year on a first-come, first serve basis. The Legislature appropriated \$6 million for each state fiscal year from FY 2013-2014 through FY 2017-2018 to support the rebate program.¹

Part I of Ch. 287, F.S., relates to the procurement of commodities, insurance, and contractual service. However, there currently is no mention of the use of natural gas and fuel efficient vehicles.

Proposed Changes

The bill creates s. 287.0836, F.S., relating to sustainable transportation services procurement. The bill provides that an agency² must consider the following criteria when evaluating a proposal or reply received pursuant to a request for proposal or invitation to negotiate for services related to cargo, freight, or package delivery:

- Whether the vendor uses alternative fuels, including natural gas fuel.³
- The fuel efficiency of the vehicles use by the vendor.

While the bill requires agencies to consider the use of natural gas and fuel efficient vehicles in the procurement of specified transportation services, it does not mandate their use.

Autonomous Vehicles

Current Situation

Background

Autonomous vehicles are any vehicle equipped with advanced sensors and computing abilities to perceive its surroundings and activate steering, braking, and acceleration without operator input. While they are currently not in widespread use, they can potentially provide several distinct advantages when compared to conventional vehicles, including reduced fuel consumption, increased safety, reduced

¹ <http://www.freshfromflorida.com/Divisions-Offices/Energy/Natural-Gas-Fuel-Fleet-Vehicle-Rebate> (Last visited March 5, 2015).

² Section 287.012(1), F.S., defines "agency" as "any of the various state officers, departments, boards, commissions, divisions, bureaus, and councils and any other unit of organization, however designated, of the executive branch of state government. "Agency" does not include the university and college boards of trustees or the state universities and colleges."

³ Section 377.810(2)(f), F.S., defines "natural gas fuel" as "any liquefied petroleum gas product, compressed natural gas product, or combination thereof used in a motor vehicle as defined in s. 206.01(23). This term includes, but is not limited to, all forms of fuel commonly or commercially known or sold as natural gasoline, butane gas, propane gas, or any other form of liquefied petroleum gas, compressed natural gas, or liquefied natural gas. This term does not include natural gas or liquefied petroleum placed in a separate tank of a motor vehicle for cooking, heating, water heating, or electric generation."

traffic congestion and improved traffic flow, increased speed limits and reduced need for parking spaces.

In 2012, the Legislature passed CS/CS/CS/HB 599,⁴ which contained provisions relating to autonomous vehicle technology. Florida became one of the few states in the nation to authorize the use of autonomous vehicles. Specifically, the bill:

- Defined “autonomous technology” and “autonomous vehicle.”
- Provided legislative intent regarding vehicles with autonomous technology.
- Authorized the operation of autonomous vehicles under specified conditions.
- Provided requirements for autonomous vehicles.
- Provided guidelines for testing autonomous vehicles.
- Provided a framework for liability for autonomous vehicles.
- Required the Department of Highway Safety and Motor Vehicles (DHSMV) to submit a report by February 12, 2014.

DHSMV Report

On February 12, 2014, the Department of Highway Safety and Motor Vehicles (DHSMV) issued its report on autonomous vehicles.⁵ DHSMV’s report noted that autonomous technology has potential to significantly improve highway safety by reducing crashes and saving lives. Similarly, the report found that autonomous technology offers business and economic opportunities for Florida, including technology and policy research, and testing, monitoring, and evaluating the technology. While Florida law allows the testing of autonomous vehicles on public roadways, there is limited regulatory oversight.

The report continued that technology is rapidly advancing and multiple industries are involved with many different approaches to autonomous vehicle technology development. In addition, there are currently no national safety standards and many unknowns relating to the deployment of autonomous vehicles. The report noted that policy-making at this juncture is difficult, at best. When DHSMV issued its report, it proposed no changes to existing Florida law and rules in order to encourage innovation and foster a positive business environment.

2014 Legislation

In 2014, the Legislature passed CS/CS/HB 7005,⁶ which expanded the entities authorized to conduct autonomous vehicle testing to include research organizations associated with accredited educational institutions.

Additionally, the bill provided that the Office of Insurance Regulation may approve a premium discount to any rates, rating schedules, or rating manuals for a liability, personal injury protection, and collision coverage of a motor vehicle insurance policy if the insured vehicle is equipped with autonomous driving technology or electronic vehicle collision avoidance technology that is factory installed or a retrofitted system that complies with federal standards.

Testing of Autonomous Vehicles

In January 2014, the Tampa-Hillsborough Expressway Authority designated the Lee Roy Selmon Expressway as a testing site for autonomous vehicles. The Volkswagen Group contacted DHMSV regarding limited testing on an Audi-brand autonomous vehicle on a closed course in Hillsborough County. The one day event took place on the Selmon Expressway on July 28, 2014.⁷

⁴ Ch. 2012-174, L.O.F.

⁵ A copy of DHSMV’s report on autonomous vehicles is available at: <http://www.flhsmv.gov/html/safety.html> (Last visited February 18, 2015).

⁶ Ch. 2014-216, L.O.F.

⁷ E-Mail from the Department of Highway Safety and Motor Vehicles to Transportation & Ports Subcommittee Staff. November 6, 2014. Copy on file with Transportation & Ports Subcommittee Staff.

Department of Transportation Work on Autonomous Vehicles

The Department of Transportation (DOT) has also been working on numerous initiatives related to autonomous vehicles.⁸ It currently has several autonomous vehicle stakeholder working groups. In November 2013, DOT held its first ever autonomous vehicle summit. A second summit was held in December 2014.

DOT has collaborated with state universities and engineering consulting firms to gain a better understanding of some of the implications associated with planning for and integrating automated and connected vehicle technologies into the state's infrastructure. The research projects:

- Address the policy implications as it relates to federal, state, and local transportation plans;
- Explore how these technologies could assist the transportation disadvantaged remain mobile even as they age; and
- Assess the viability of various transit applications, particularly Bus Rapid Transit solutions.

Use of Television Receivers in Vehicles

Generally, current law prohibits motor vehicles from being equipped with television-type receivers located where the viewer or screen can be seen from the driver's seat. The statute provides exceptions for safety or law enforcement purposes and does not prohibit electronic displays used in conjunction with a vehicle navigation system. A violation is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in Ch. 318, F.S.⁹

Metropolitan Planning Organizations

Based on census data, the U.S. Bureau of the Census designates urbanized areas throughout the state. Federal law and rule¹⁰ require a metropolitan planning organization (MPO) to be designated for each urbanized area¹¹ or group of contiguous urbanized areas. In addition, federal law and rules specify the requirements for a MPO transportation planning and programming activities. These requirements are updated after each federal transportation reauthorization bill enacted by Congress. State law also includes provisions governing MPO activities. Section 339.175, F.S., paraphrases or restates some key federal requirements. In addition, state law includes provisions that go beyond the federal requirements. For example, federal requirements regarding MPO membership are very general, while state law is more specific.

Current law requires each MPO to develop a long-range plan that addresses at least a 20 year planning horizon. The long-range transportation plan must, at a minimum:

- Identify transportation facilities that will function as an integrated metropolitan transportation system.
- Include a financial plan.
- Assess capital investment and other measures necessary to:
 - Ensure the preservation of the existing metropolitan transportation system.
 - Make the most efficient use of existing transportation facilities.
- Indicate, as appropriate, proposed transportation enhancement activities.
- In certain metropolitan areas,¹² coordinate the development of the long-range transportation plan with the State Implementation Plan developed pursuant to the federal Clean Air Act.¹³

Strategic Intermodal System

Sections 339.61 through 339.65, F.S., create the Florida Strategic Intermodal System (SIS). The SIS consists of specified components, including:

⁸ Information on DOT's work on autonomous vehicles is available at: <http://www.automatedfl.com/> (Last visited February 11, 2015).

⁹ S. 316.303, F.S.

¹⁰ 23 U.S.C. 134 and 23 C.F.R 450 Part C

¹¹ An urbanized area is defined by the U.S. Bureau of the Census and has a population of 50,000 or more.

¹² This only applies to metropolitan areas classified as nonattainment areas for ozone or carbon monoxide.

¹³ S. 339.175(7), F.S.

- Highway Corridors.¹⁴
- The National Highway System.
- Airport, seaport, and spaceport facilities.
- Rail lines and rail facilities.
- Selected intermodal facilities that serve as existing or planned connectors between the components listed above.
- Other existing or planned corridors that serve a statewide or interregional purpose.¹⁵

Current law requires DOT to develop a Strategic Intermodal System Plan, to be consistent with the Florida Transportation Plan,¹⁶ and to update it at least once every five years, subsequent to Florida Transportation Plan updates.¹⁷ DOT is currently in the process of updating its SIS plan and the Florida Transportation Plan.

The SIS plan is required to include the following:

- A needs assessment.
- A project prioritization process.
- A map of facilities designated as SIS facilities; facilities that are emerging in importance and are likely to become part of the system in the future; and planned facilities that will meet the established criteria.
- A finance plan based on reasonable projections of anticipated revenues, including both 10-year and at least 20-year cost feasible components.
- An assessment of impacts of proposed improvements to SIS corridors on military installations that are either located directly on the SIS or located on the Strategic Highway Network or Strategic Rail Corridor Network.¹⁸

Proposed Changes

The bill amends s. 316.003(91), F.S., removing the definition of autonomous technology, which is embedded in the definition for autonomous vehicle. The bill creates a new s. 316.003(92), F.S., providing a definition for autonomous technology. The actual definitions do not change.

The bill amends s. 316.303(1), F.S., providing that television-type receiving equipment may be located so that the viewer or screen is visible from the driver's seat if the vehicle is equipped with autonomous technology and is being operated in autonomous mode.¹⁹ The bill amends s. 316.303(3), F.S., providing that s. 316.303, F.S., does not prohibit the use of electronic display by the operator of a vehicle equipped with autonomous technology while the vehicle is being operated in autonomous mode. This will allow the operator of an autonomous vehicle in autonomous mode to view an electronic display, which may be integrated into the autonomous vehicle.

The bill amends s. 339.175(7)(c)2., F.S., which currently requires the MPOs long-range transportation plan to make the most efficient use of existing transportation facilities to relieve vehicular congestion and maximize the mobility of people and goods. The bill adds improve safety to the list of required considerations and requires such efforts to include, but not be limited to, consideration of infrastructure and technological improvements necessary to accommodate advances in vehicle technology, such as autonomous vehicle technology and other developments.

¹⁴ Highway corridors are established under s. 339.65, F.S.

¹⁵ S. 339.62, F.S.

¹⁶ The Florida Transportation Plan is developed pursuant to s. 339.155, F.S.

¹⁷ S. 339.64(1), F.S.

¹⁸ S. 339.64(4), F.S.

¹⁹ The operation of a vehicle in autonomous mode is provided for in s. 318.85(2), F.S.

The bill creates s. 339.64(3)(c), F.S., requiring DOT in preparing its SIS plan to coordinate with federal, regional, and local partners, as well as industry representatives, to consider infrastructure and technological improvements necessary to accommodate advances in vehicle technology, such as autonomous technology and other developments in SIS facilities.

The bill amends s. 339.64(4)(a), F.S., providing that the needs assessment within the SIS plan shall include, but not be limited to, consideration of infrastructure and technological improvements necessary to accommodate advances in vehicle technology, such as autonomous vehicle technology and other developments.

Nonmoving Violations

Current Situation

In Florida, traffic infractions are classified as non-criminal or criminal. Examples of non-criminal traffic infractions are speeding, running a red light, improper passing or lane change, child restraint violations and toll violations. Examples of criminal traffic infractions include driving under the influence, reckless driving, fleeing, and driving with a suspended license.²⁰ Penalties for non-criminal traffic infractions include fines and points assessed on driver licenses. Penalties for criminal traffic infractions include fines, license suspension or revocation, and possible imprisonment.²¹

Current law provides for penalties for traffic infractions where death or serious bodily injury occurs²² based on the circumstances for which the accident occurred based on the circumstances surrounding the accident and the actions taken afterwards to provide care to the injured.²³

There recently was a case in Jacksonville where an individual hit a six year old girl in 2009, but was not charged.²⁴ In 2013, the same driver struck a mother and daughter, killing the mother and seriously injuring the daughter. He was not charged criminally in that case, but pled no contest to multiple civil citations including fines and a six month driver license suspension for careless driving.²⁵

Proposed Changes

The bill creates s. 316.0275, F.S., providing that notwithstanding any other provision of law, if an individual commits a noncriminal traffic infraction under Ch. 316, F.S. which causes serious bodily injury or death to a person and within five years after the violation, commits another noncriminal traffic infraction under Ch. 316, F.S., which causes serious bodily injury or death, the second violation is to be reclassified as a misdemeanor of the first degree, punishable as provided in ss. 775.082 or 775.083, F.S., which is a term of imprisonment not to exceed one year²⁶ or a fine of up to \$1,000. The bill also requires the revocation of one's driver license, but the bill is not clear for how long.

The bill defines "serious bodily injury" as an injury to a person, excluding the at fault driver, which consists of a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ.²⁷

²⁰ Florida Department of Highway Safety and Motor Vehicles, Annual Uniform Traffic Citation Report, reports are available at: <https://services.flhsmv.gov/SpecialtyPlates/UniformTrafficCitationReport> (Last visited March 25, 2015).

²¹ Florida Department of Highway Safety and Motor Vehicles, Appendix C. Available at: www.flhsmv.gov/ddl/utc/appendix_c.pdf (Last visited March 25, 2015). See also Ch. 316, F.S.

²² S. 316.027, F.S.

²³ Section 316.062, F.S., provides for the duty to render aid.

²⁴ *2 crosswalks on San Jose, 2 fatalities, 1 driver*. <http://jacksonville.com/news/crime/2013-09-15/story/2-crosswalks-san-jose-2-fatalities-1-driver> September 15, 2013. (Last visited March 25, 2015).

²⁵ *Jacksonville driver who ran over mother and daughter on San Jose in second fatal accident won't get jail time*.

<http://jacksonville.com/news/crime/2014-06-19/story/jacksonville-driver-who-ran-over-mother-and-daughter-san-jose-second> June 19, 2014 (Last visited March 25, 2015).

²⁶ S. 775.082(4)(a), F.S.

²⁷ S. 775.083(1)(d), F.S.

The bill creates s. 322.26(10), F.S., providing that a conviction pursuant to s. 316.0275, F.S., results in the mandatory revocation of a driver license by the Department of Highway Safety and Motor Vehicles. It appears to be a permanent revocation of the driver license.

Commercial Motor Vehicles/Manufactured Building/Special Permits

Current Situation

DHSMV's Office of Commercial Vehicle Enforcement administers a Weight Enforcement program. Protection of the public's investment in the highway system is the primary purpose of the program. To prevent heavy trucks from causing unreasonable damage to roads and bridges, maximum weight and size limits are established in Ch. 316, F.S.²⁸ Section 316.515, F.S., sets out the maximum width, height, and length limitations, and s. 316.545, F.S., addresses unlawful weight.

DOT or a local authority, with respect to roads under their respective jurisdiction, may issue a special permit to operate or move a vehicle or combination of a size or weight exceeding the maximums specified. Issuance of such a permit must not be contrary to the public interest and is not required; i.e., permit issuance is within the discretion of DOT or the local authority.²⁹ Significant penalties can result from failure to obtain a special permit or failure to comply with the specific terms of the permit.³⁰

Generally, as to truck tractor-semitrailer combinations and length, the extreme overall outside dimension of the combination may not exceed 48 feet, measured from the front of the unit to the rear of the unit and the load carried.³¹ However, the DOT is authorized, if not contrary to the public interest and within its discretion, to issue a special permit for a combination if the total number of over-width deliveries of manufactured buildings may be reduced by permitting the use of an over-length trailer not exceeding 54 feet.³² Issuance of this type of over-length special permit does not exempt the combination vehicle from existing weight limitations or special permit requirements if the weight of the combination exceeds the maximums specified in Ch. 316, F.S.

Proposed Changes

The bill amends s. 316.515(4), F.S., to insert "multiple sections or single units" with reference to manufactured buildings transported on permitted, over-length trailers, and to increase the allowable trailer over-length from 54 to 80 feet.

Transporters of manufactured buildings on truck tractor-semitrailer combinations will continue to be required to obtain a permit for such combinations, even with a trailer length of 80 feet. Overweight permits also continue to be required when applicable. Issuance of such permits remains within the discretion of DOT.

Independent Special Districts Regulating Vehicles For Hire

Current Situation

The Hillsborough County Public Transportation Commission (HPTC) is a legislatively-created independent special district regulating vehicles for hire. The HPTC regulates such vehicles in that county pursuant to authority granted to counties in s. 125.01(1)(n), F.S., to license and regulate taxis, jitneys, limousines for hire, rental cars, and other passenger vehicles for hire that operate in the unincorporated areas of the county. The Commission appears to be the only independent special district with such responsibilities.³³

²⁸ See the DHSMV website: <http://www.flhsmv.gov/flhp/cve/WeightEnforcement.htm> (Last visited March 10, 2015)

²⁹ S. 316.550, F.S.

³⁰ S. 316.550(10), F.S.

³¹ S. 316.550(3)(b)1., F.S.

³² S. 316.515(14), F.S.

³³ The HPTC is an independent special district first created in 1983. Ch. 83-423, Laws of Florida.

The HPTC currently has seven members.³⁴ The Board of County Commissioners appoints three members from the board, the City Council of Tampa appoints two members, and the City Commission of Plant City and the City Council of Temple Terrace appoint one member each. Each member serves a two-year term.

Proposed Changes

The bill creates s. 335.21, F.S., revising the appointment of membership to the HPTC, notwithstanding any provision of local law. The bill stipulates that the Governor appoints four members, the Tampa City Council appoints one member, and the Hillsborough County Board of Commissioners appoints two members. All seven members must be Hillsborough County residents.

Broward County Expressway Authority Bonds

Current Situation

Florida expressway authorities are formed either under the Florida Expressway Authority Act³⁵ or by special act of the Legislature. Most existing expressway authorities were created prior to the Florida Expressway Authority Act being enacted in 1990 and, therefore, are not subject to most of its provisions. The Miami-Dade Expressway Authority is the only authority currently created and governed by the Florida Expressway Authority Act.

The purpose of Florida's expressway authorities is to construct, maintain, and operate tolled transportation facilities complementing the State Highway System and the Florida Turnpike Enterprise. The expressway authorities have boards of directors that typically include a combination of local-government officials and Governor appointees who decide on projects and expenditure of funds.

In 1983, the Broward County Expressway Authority was created.³⁶ The authority built the Sawgrass Expressway, which opened in 1986. In December 1990, the Sawgrass Expressway was acquired by DOT and became part of Florida's Turnpike System.³⁷ The Broward County Expressway Authority was repealed in 2011.³⁸

While the Broward County Expressway Act was repealed in 2011, s. 338.231(5), F.S., continues to address issue related to series 1984 and series 1986 A bonds originally issued through the authority. Because the bonds have been retired and are no longer outstanding this subsection is now obsolete.

Proposed Changes

The bill repeals s. 338.231(5), F.S., relating to retired bonds issued through the abolished Broward County Expressway Authority.

Statewide Transportation Corridors

Current Situation

In 2003, the Legislature created s. 341.0532, F.S., relating to statewide transportation corridors.³⁹ Section 341.0532, F.S., designates a number of "statewide transportation corridors" that include railways, highways connecting to transportation terminals, and intermodal service centers. The specified corridors are:

1. The Atlantic Coast Corridor, including I-95, and linking Jacksonville to Miami.

³⁴ Ch. 2001-299, L.O.F.

³⁵ Part I of Ch. 348, F.S.

³⁶ Ch. 83-289, L.O.F.

³⁷ http://www.floridasturnpike.com/about_system.cfm (Last visited February 5, 2015).

³⁸ Ch. 2011-64, L.O.F.

³⁹ Ch. 2003-286, L.O.F.

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

With very limited exceptions these corridors are also in the Strategic Intermodal System (SIS) which is a statewide network of high-priority transportation facilities, including the state's largest and most significant commercial service airports, spaceports, deepwater seaports, freight rail terminals, passenger rail and intercity bus terminals, rail corridors, waterways and highways. The facilities on SIS are designated by the DOT based on criteria provided in ss. 339.61 through 339.64, F.S.

Section 341.0532, F.S., is not linked to any other section of statute nor is it linked to any transportation funding and is not being used for any purpose. DOT also now has a Future Corridors Program⁴⁰ and there may be confusion between the Statewide Transportation Corridors and Future Corridors.

Proposed Changes

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

Central Florida Expressway Authority

Current Situation

The Orlando Orange County Expressway Authority (OOCEA), was created in part III of Ch. 348, F.S.,⁴¹ and served Orange County. It was authorized to construct, operate, and maintain roads, bridges, avenues of access, thoroughfares, and boulevards in the county, as well as outside the jurisdictional boundaries of Orange County with the consent of the county within whose jurisdiction the activities occur.⁴²

In 2014, CS/CS/SB 230 changed OOCEA to the Central Florida Expressway Authority (CFX).⁴³ In summary, the bill:

- Created CFX and provides for the transfer of governance and control, legal rights and powers, responsibilities, terms and obligations of OOCEA to CFX.
- Provided for the composition of the governing body of CFX and the appointment of its officers.
- Provided ethics and accountability requirements of CFX board members and employees.
- Provided that the area served by CFX is within the geographical boundaries of Orange, Seminole, Lake, and Osceola Counties.
- Removed the existing OOCEA requirement that the route of a project be approved by a municipality before the right-of-way can be acquired.
- Required that CFX encourage the inclusion of local-, small-, minority-, and women-owned businesses in its procurement and contracting opportunities.

⁴⁰ Information on DOT's Future Corridors Program is available at: <http://www.dot.state.fl.us/planning/policy/corridors/about.shtml> (Last visited March 5, 2015).

⁴¹ Part III of Ch. 348, F.S., consists of ss. 348.751 through 348.765, F.S.

⁴² S. 348.754(2)(n), F.S.

⁴³ Ch, 2014-171-L.O.F.

- Removed the existing OOCEA authority to waive payment and performance bonds for certain public works projects awarded pursuant to an economic development program.
- Provided that upon termination of the lease-purchase agreement of the Central Florida Expressway System, title will be retained by the state, and extends the terms of lease-purchase agreements from 40 to 99 years.
- Provided for the transfer of the Osceola County Expressway System to CFX and provides for the repeal of the Osceola County Expressway Authority Act⁴⁴ when the Osceola County Expressway System is transferred to CFX.

CFX currently owns and operates 105 centerline miles of roadway in Orange County, which includes:

- 22 miles of the Spessard L. Holland East-West Expressway (SR 408);
- 23 miles of the Martin Andersen Beachline Expressway (SR 528);
- 33 miles of the Central Florida GreeneWay (SR 417);
- 22 miles of the Daniel Webster Western Beltway (SR 429); and
- 5 miles of the John Land Apopka Expressway (SR 414).

Proposed Changes

The bill changes the title of Part III of Ch. 348, F.S., from Orlando-Orange County Expressway Authority to Central Florida Expressway Authority to reflect the new name of the authority.

The bill also addresses several issues relating to the make-up of the CFX governing body. The bill amends s. 348.753(3), F.S., providing that the chairs of the boards of county commission from Seminole, Lake, and Osceola Counties appoint one member of the board from their respective counties, who must be a county commission member, chair, or county mayor. The bill also provides that members appointed by the Governor have their terms end on December 31 of his or her last year of service. The bill also removes an obsolete provisions regarding the terms of standing board members from when the make-up of the board changed in the 2014 law.

The bill amends s. 348.753(4)(a), F.S., removing the requirement that one of the members of the board serve as the authority's secretary.

The bill amends s. 348.754(2)(e), F.S., clarifying that CFX is a party to a December 23, 1989, lease purchase agreement between OOCEA and DOT.

Effective Date

The bill has an effective date of July 1, 2015.

B. SECTION DIRECTORY:

- | | |
|-----------|--|
| Section 1 | Creates s. 287.0836, F.S., relating to sustainable transportation services procurement. |
| Section 2 | Amends s. 316.003, F.S., relating to definitions. |
| Section 3 | Creates s. 316.0275, F.S., relating to noncriminal traffic infractions. |
| Section 4 | Amends s. 316.303, F.S., relating to television receivers. |
| Section 5 | Amends s. 315.515, F.S., relating to maximum width, height, and length requirements for commercial motor vehicles. |
| Section 6 | Amends s. 322.26, F.S., relating to driver license revocation. |

- Section 7 Creates s. 335.21, F.S., relating to governing bodies of independent special districts.
- Section 8 Amends s. 338.231, F.S., relating to turnpike tolls, fixing, pledge of tolls and other revenues.
- Section 9 Amends s. 339.175, F.S., relating to metropolitan planning organizations.
- Section 10 Amends s. 339.64, F.S., relating to the strategic intermodal system plan.
- Section 11 Repeals s. 341.0532, F.S., relating to Florida statewide transportation corridors.
- Section 12 Retitles Part III of Ch. 348, F.S.
- Section 13 Amends s. 348.753, F.S., relating to the Central Florida Expressway Authority.
- Section 14 Amends s. 348.754, F.S., relating to the purposes and powers of the Central Florida Expressway Authority.
- Section 15 Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

Indeterminate. DOT could collect additional revenues if there is an increase in the issuance of special permits from the provision which increases the allowable trailer length used to transport manufactured buildings.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

Indeterminate. See fiscal comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

MPOs may experience minimal costs associated with considering autonomous vehicles in their long-range transportation plans.

The bill makes it a first degree misdemeanor for a person committing a noncriminal traffic infraction which causes serious bodily injury or death to a person, twice within five years. This provision will have an indeterminate, negative impact on local jail beds.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 10, 2015, the Transportation & Ports Subcommittee adopted the PCB with one amendment. The amendment extended the allowable length of a trailer transporting multiple sections or single units of manufactured buildings under a special permit from 54 to 80 feet. This analysis is written to the PCB as amended.

On March 24, 2015, the Transportation & Economic Development Appropriations Subcommittee adopted three amendments:

- Removing a required Commission for Transportation Disadvantaged (CTD) pilot program to assess the cost effectiveness of using transportation network companies as transportation operators.
- Removing a required DOT study on the viability of implementing a vehicle miles traveled system as a mechanism for funding transportation infrastructure.
- Reclassifying a second, noncriminal traffic infraction as a first degree misdemeanor under specific circumstances.

The analysis is drafted to the bill as amended.

1 A bill to be entitled
 2 An act relating to transportation; creating s.
 3 287.0836, F.S.; requiring an agency to consider
 4 specified criteria when evaluating a proposal or reply
 5 received for procurement of specified transportation
 6 services; amending s. 316.003, F.S.; reorganizing
 7 certain definition provisions relating to autonomous
 8 vehicles; creating s. 316.0275, F.S.; providing
 9 criminal penalties for certain noncriminal traffic
 10 infractions that cause serious bodily injury or death
 11 to a person; amending s. 316.303, F.S.; providing
 12 exceptions to a prohibition of a viewer or screen
 13 visible from the driver's seat of a motor vehicle;
 14 amending s. 316.515, F.S.; revising provisions that
 15 authorize the Department of Transportation to issue
 16 special permits for certain overwidth deliveries of
 17 manufactured buildings by truck tractor-semitrailer
 18 combinations; revising maximum trailer length for such
 19 deliveries; amending s. 322.26, F.S.; providing for
 20 mandatory revocation of a driver license for a
 21 specified conviction; creating s. 335.21, F.S.;
 22 requiring the governing body of an independent special
 23 district created to regulate the operation of public
 24 vehicles on public highways to consist of certain
 25 members; amending s. 338.231, F.S., relating to
 26 turnpike revenue; removing a provision authorizing the

27 use of such revenue for payment of principal and
 28 interest of certain bonds and certain expenses of the
 29 Sawgrass Expressway; amending s. 339.175, F.S.;
 30 revising requirements for long-range transportation
 31 plans developed by metropolitan planning
 32 organizations; amending s. 339.64, F.S., relating to
 33 the Strategic Intermodal System Plan; requiring the
 34 department to coordinate with certain partners and
 35 industry representatives to consider infrastructure
 36 and technological improvements necessary to
 37 accommodate advances in vehicle technology; revising
 38 requirements for a needs assessment; repealing s.
 39 341.0532, F.S., relating to transportation corridors;
 40 removing provisions that specify certain
 41 transportation facilities as statewide transportation
 42 corridors; revising the title of part III of chapter
 43 348, F.S.; amending s. 348.753, F.S.; revising
 44 requirements for appointments to the governing body of
 45 the Central Florida Expressway Authority; specifying
 46 that terms of members appointed by the Governor end on
 47 a specified date; removing a requirement that the
 48 authority elect one of its members as secretary;
 49 amending s. 348.754, F.S.; specifying that the Central
 50 Florida Expressway Authority is a party to a certain
 51 lease-purchase agreement between the department and
 52 the Orlando-Orange County Expressway Authority;

53 providing an effective date.

54

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

56

57 Section 1. Section 287.0836, Florida Statutes, is created
58 to read:

59 287.0836 Sustainable transportation services procurement.—
60 An agency must consider the following criteria when evaluating a
61 proposal or reply received pursuant to a request for proposals
62 or an invitation to negotiate for services related to cargo,
63 freight, or package delivery:

64 (1) Whether the vendor uses alternative fuels, including
65 natural gas fuel as defined in s. 377.810.

66 (2) The fuel efficiency of the vehicles used by the
67 vendor.

68 Section 2. Subsection (90) of section 316.003, Florida
69 Statutes, is amended, subsections (91), (92), and (93) are
70 renumbered as subsections (92), (93), and (94), respectively,
71 and a new subsection (91) is added to that section, to read:

72 316.003 Definitions.—The following words and phrases, when
73 used in this chapter, shall have the meanings respectively
74 ascribed to them in this section, except where the context
75 otherwise requires:

76 (90) AUTONOMOUS VEHICLE.—Any vehicle equipped with
77 autonomous technology. ~~The term "autonomous technology" means~~
78 ~~technology installed on a motor vehicle that has the capability~~

79 ~~to drive the vehicle on which the technology is installed~~
 80 ~~without the active control or monitoring by a human operator.~~

81 The term excludes a motor vehicle enabled with active safety
 82 systems or driver assistance systems, including, without
 83 limitation, a system to provide electronic blind spot
 84 assistance, crash avoidance, emergency braking, parking
 85 assistance, adaptive cruise control, lane keep assistance, lane
 86 departure warning, or traffic jam and queuing assistant, unless
 87 any such system alone or in combination with other systems
 88 enables the vehicle on which the technology is installed to
 89 drive without the active control or monitoring by a human
 90 operator.

91 (91) AUTONOMOUS TECHNOLOGY.—Technology installed on a
 92 motor vehicle that has the capability to drive the vehicle on
 93 which the technology is installed without the active control or
 94 monitoring by a human operator.

95 Section 3. Section 316.0275, Florida Statutes, is created
 96 to read:

97 316.0275 Noncriminal traffic infractions leading to
 98 serious bodily injury or death; reclassification.—

99 (1) Notwithstanding any other provision of law, if an
 100 individual commits a noncriminal traffic infraction under this
 101 chapter which causes serious bodily injury or death to a person
 102 and, within 5 years after that violation, commits another
 103 noncriminal traffic infraction under this chapter which causes
 104 serious bodily injury or death to a person, the second such

105 violation shall be reclassified as a misdemeanor of the first
 106 degree, punishable as provided in s. 775.082 or s. 775.083, and
 107 the individual's driver license shall be revoked pursuant to s.
 108 322.26(10).

109 (2) As used in this section, the term "serious bodily
 110 injury" means an injury to a person, excluding the at-fault
 111 driver, which consists of a physical condition that creates a
 112 substantial risk of death, serious personal disfigurement, or
 113 protracted loss or impairment of the function of any bodily
 114 member or organ.

115 Section 4. Subsections (1) and (3) of section 316.303,
 116 Florida Statutes, are amended to read:

117 316.303 Television receivers.—

118 (1) A ~~No~~ motor vehicle operated on the highways of this
 119 state shall not be equipped with television-type receiving
 120 equipment so located that the viewer or screen is visible from
 121 the driver's seat unless the vehicle is equipped with autonomous
 122 technology and is being operated in autonomous mode as provided
 123 in s. 316.85(2).

124 (3) This section does not prohibit the use of an
 125 electronic display used in conjunction with a vehicle navigation
 126 system or an electronic display used by an operator of a vehicle
 127 equipped with autonomous technology while the vehicle is being
 128 operated in autonomous mode as provided in s. 316.85(2).

129 Section 5. Subsection (14) of section 316.515, Florida
 130 Statutes, is amended to read:

131 316.515 Maximum width, height, length.—

132 (14) MANUFACTURED BUILDINGS.—The Department of
 133 Transportation may, in its discretion and upon application and
 134 good cause shown therefor that the same is not contrary to the
 135 public interest, issue a special permit for truck tractor-
 136 semitrailer combinations where the total number of overwidth
 137 deliveries of manufactured buildings, as defined in s.
 138 553.36(13), may be reduced by permitting the use of multiple
 139 sections or single units on an overlength trailer of no more
 140 than 80 ~~54~~ feet.

141 Section 6. Subsection (10) is added to section 322.26,
 142 Florida Statutes, to read:

143 322.26 Mandatory revocation of license by department.—The
 144 department shall forthwith revoke the license or driving
 145 privilege of any person upon receiving a record of such person's
 146 conviction of any of the following offenses:

147 (10) Conviction in any court having jurisdiction over
 148 offenses committed under s. 316.0275.

149 Section 7. Section 335.21, Florida Statutes, is created to
 150 read:

151 335.21 Governing bodies of independent special districts
 152 regulating operation of public vehicles on public highways.—
 153 Notwithstanding any provision of local law, the membership of
 154 the governing body of an independent special district created
 155 for the purpose of regulating the operation of public vehicles
 156 upon the public highways under the jurisdiction of the

157 independent special district shall consist of seven members.
 158 Four members shall be appointed by the Governor, one member
 159 shall be appointed by the governing body of the largest
 160 municipality situated within the jurisdiction of the independent
 161 special district, and two members shall be appointed by the
 162 governing body of the county in which the independent special
 163 district has jurisdiction. All appointees must be residents of
 164 the county in which the independent special district has
 165 jurisdiction.

166 Section 8. Subsection (5) of section 338.231, Florida
 167 Statutes, is amended to read:

168 338.231 Turnpike tolls, fixing; pledge of tolls and other
 169 revenues.—The department shall at all times fix, adjust, charge,
 170 and collect such tolls and amounts for the use of the turnpike
 171 system as are required in order to provide a fund sufficient
 172 with other revenues of the turnpike system to pay the cost of
 173 maintaining, improving, repairing, and operating such turnpike
 174 system; to pay the principal of and interest on all bonds issued
 175 to finance or refinance any portion of the turnpike system as
 176 the same become due and payable; and to create reserves for all
 177 such purposes.

178 ~~(5) In each fiscal year while any of the bonds of the~~
 179 ~~Broward County Expressway Authority series 1984 and series 1986~~
 180 ~~remain outstanding, the department is authorized to pledge~~
 181 ~~revenues from the turnpike system to the payment of principal~~
 182 ~~and interest of such series of bonds and the operation and~~

183 ~~maintenance expenses of the Sawgrass Expressway, to the extent~~
 184 ~~gross toll revenues of the Sawgrass Expressway are insufficient~~
 185 ~~to make such payments. The terms of an agreement relative to the~~
 186 ~~pledge of turnpike system revenue will be negotiated with the~~
 187 ~~parties of the 1984 and 1986 Broward County Expressway Authority~~
 188 ~~lease-purchase agreements, and subject to the covenants of those~~
 189 ~~agreements. The agreement must establish that the Sawgrass~~
 190 ~~Expressway is subject to the planning, management, and operating~~
 191 ~~control of the department limited only by the terms of the~~
 192 ~~lease-purchase agreements. The department shall provide for the~~
 193 ~~payment of operation and maintenance expenses of the Sawgrass~~
 194 ~~Expressway until such agreement is in effect. This pledge of~~
 195 ~~turnpike system revenues is subordinate to the debt service~~
 196 ~~requirements of any future issue of turnpike bonds, the payment~~
 197 ~~of turnpike system operation and maintenance expenses, and~~
 198 ~~subject to any subsequent resolution or trust indenture relating~~
 199 ~~to the issuance of such turnpike bonds.~~

200 Section 9. Paragraph (c) of subsection (7) of section
 201 339.175, Florida Statutes, is amended to read:

202 339.175 Metropolitan planning organization.—

203 (7) LONG-RANGE TRANSPORTATION PLAN.—Each M.P.O. must
 204 develop a long-range transportation plan that addresses at least
 205 a 20-year planning horizon. The plan must include both long-
 206 range and short-range strategies and must comply with all other
 207 state and federal requirements. The prevailing principles to be
 208 considered in the long-range transportation plan are: preserving

209 the existing transportation infrastructure; enhancing Florida's
 210 economic competitiveness; and improving travel choices to ensure
 211 mobility. The long-range transportation plan must be consistent,
 212 to the maximum extent feasible, with future land use elements
 213 and the goals, objectives, and policies of the approved local
 214 government comprehensive plans of the units of local government
 215 located within the jurisdiction of the M.P.O. Each M.P.O. is
 216 encouraged to consider strategies that integrate transportation
 217 and land use planning to provide for sustainable development and
 218 reduce greenhouse gas emissions. The approved long-range
 219 transportation plan must be considered by local governments in
 220 the development of the transportation elements in local
 221 government comprehensive plans and any amendments thereto. The
 222 long-range transportation plan must, at a minimum:

223 (c) Assess capital investment and other measures necessary
 224 to:

225 1. Ensure the preservation of the existing metropolitan
 226 transportation system including requirements for the operation,
 227 resurfacing, restoration, and rehabilitation of major roadways
 228 and requirements for the operation, maintenance, modernization,
 229 and rehabilitation of public transportation facilities; and

230 2. Make the most efficient use of existing transportation
 231 facilities to relieve vehicular congestion, improve safety, and
 232 maximize the mobility of people and goods. Such efforts shall
 233 include, but not be limited to, consideration of infrastructure
 234 and technological improvements necessary to accommodate advances

235 in vehicle technology, such as autonomous vehicle technology and
 236 other developments.

237

238 In the development of its long-range transportation plan, each
 239 M.P.O. must provide the public, affected public agencies,
 240 representatives of transportation agency employees, freight
 241 shippers, providers of freight transportation services, private
 242 providers of transportation, representatives of users of public
 243 transit, and other interested parties with a reasonable
 244 opportunity to comment on the long-range transportation plan.
 245 The long-range transportation plan must be approved by the
 246 M.P.O.

247 Section 10. Paragraph (a) of subsection (4) of section
 248 339.64, Florida Statutes, is amended, and paragraph (c) is added
 249 to subsection (3) of that section, to read:

250 339.64 Strategic Intermodal System Plan.—

251 (3)

252 (c) The department shall also coordinate with federal,
 253 regional, and local partners, as well as industry
 254 representatives, to consider infrastructure and technological
 255 improvements necessary to accommodate advances in vehicle
 256 technology, such as autonomous vehicle technology and other
 257 developments, in Strategic Intermodal System facilities.

258 (4) The Strategic Intermodal System Plan shall include the
 259 following:

260 (a) A needs assessment. Such assessment shall include, but

261 not be limited to, consideration of infrastructure and
 262 technological improvements necessary to accommodate advances in
 263 vehicle technology, such as autonomous vehicle technology and
 264 other developments.

265 Section 11. Section 341.0532, Florida Statutes, is
 266 repealed.

267 Section 12. Part III of chapter 348, Florida Statutes,
 268 consisting of ss. 348.751-348.765, Florida Statutes, is retitled
 269 "Central Florida Expressway Authority."

270 Section 13. Subsection (3) and paragraph (a) of subsection
 271 (4) of section 348.753, Florida Statutes, are amended to read:

272 348.753 Central Florida Expressway Authority.—

273 (3) The governing body of the authority shall consist of
 274 nine members. The chairs of the boards of the county commissions
 275 of Seminole, Lake, and Osceola Counties shall each appoint one
 276 member from its respective county, who must ~~may~~ be a commission
 277 member or chair or a county mayor. The Mayor of Orange County
 278 shall appoint a member from the Orange County Commission. The
 279 Governor shall appoint three citizen members, each of whom must
 280 be a citizen of either Orange County, Seminole County, Lake
 281 County, or Osceola County. ~~The eighth member must be the Mayor~~
 282 ~~of Orange County and. The ninth member must be the Mayor of the~~
 283 City of Orlando shall also serve as members. The executive
 284 director of the Florida Turnpike Enterprise shall serve as a
 285 nonvoting advisor to the governing body of the authority. Each
 286 member appointed by the Governor shall serve for 4 years, with

287 his or her term ending on December 31 of his or her last year of
 288 service. Each county-appointed member shall serve for 2 years.
 289 ~~The terms of standing board members expire June 20, 2014.~~ Each
 290 appointed member shall hold office until his or her successor
 291 has been appointed and has qualified. A vacancy occurring during
 292 a term must be filled only for the balance of the unexpired
 293 term. Each appointed member of the authority shall be a person
 294 of outstanding reputation for integrity, responsibility, and
 295 business ability, but, except as provided in this subsection, a
 296 person who is an officer or employee of a municipality or county
 297 may not be an appointed member of the authority. Any member of
 298 the authority is eligible for reappointment.

299 (4)(a) The authority shall elect one of its members as
 300 chair of the authority. The authority shall also elect one of
 301 its members as vice chair, ~~one of its members as secretary,~~ and
 302 one of its members as treasurer. The chair, vice chair,
 303 ~~secretary,~~ and treasurer shall hold such offices at the will of
 304 the authority. Five members of the authority constitute a
 305 quorum, and the vote of five members is necessary for any action
 306 taken by the authority. A vacancy in the authority does not
 307 impair the right of a quorum of the authority to exercise all of
 308 the rights and perform all of the duties of the authority.

309 Section 14. Paragraph (e) of subsection (2) of section
 310 348.754, Florida Statutes, is amended to read:

311 343.754 Purposes and powers.—

312 (2) The authority may exercise all powers necessary,

313 appurtenant, convenient, or incidental to the implementation of
 314 the stated purposes, including, but not limited to, the
 315 following rights and powers:

316 (e) To enter into and make lease-purchase agreements with
 317 the department for terms not exceeding 99 years, or until any
 318 bonds secured by a pledge of rentals pursuant to the agreement,
 319 and any refundings pursuant to the agreement, are fully paid as
 320 to both principal and interest, whichever is longer. The
 321 authority is a party to a lease-purchase agreement between the
 322 department and the Orlando-Orange County Expressway Authority
 323 dated December 23, 1985, as supplemented by a first supplement
 324 to the lease-purchase agreement dated November 25, 1986, and a
 325 second supplement to the lease-purchase agreement dated October
 326 27, 1988. The authority may not enter into other lease-purchase
 327 agreements with the department and may not amend the existing
 328 agreement in a manner that expands or increases the department's
 329 obligations unless the department determines that the agreement
 330 or amendment is necessary to permit the refunding of bonds
 331 issued before July 1, 2013.

332 Section 15. This act shall take effect July 1, 2015.



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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: Economic Affairs Committee
 2 Representative Rooney offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Section 287.0836, Florida Statutes, is created
to read:

287.0836 Sustainable transportation services procurement.-

An agency must consider the following criteria when evaluating a
proposal or reply received pursuant to a request for proposals
or an invitation to negotiate for services related to cargo,
freight, or package delivery:

(1) Whether the vendor uses alternative fuels, including
natural gas fuel as defined in s. 377.810.

(2) The fuel efficiency of the vehicles used by the
vendor.

Section 2. Subsection (90) of section 316.003, Florida



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18 Statutes, is amended, subsections (91), (92), and (93) are
19 renumbered as subsections (92), (93), and (94), respectively,
20 and new subsections (91) and (95) are added to that section, to
21 read:

22 316.003 Definitions.—The following words and phrases, when
23 used in this chapter, shall have the meanings respectively
24 ascribed to them in this section, except where the context
25 otherwise requires:

26 (90) AUTONOMOUS VEHICLE.—Any vehicle equipped with
27 autonomous technology. ~~The term "autonomous technology" means~~
28 ~~technology installed on a motor vehicle that has the capability~~
29 ~~to drive the vehicle on which the technology is installed~~
30 ~~without the active control or monitoring by a human operator.~~
31 The term excludes a motor vehicle enabled with active safety
32 systems or driver assistance systems, including, without
33 limitation, a system to provide electronic blind spot
34 assistance, crash avoidance, emergency braking, parking
35 assistance, adaptive cruise control, lane keep assistance, lane
36 departure warning, or traffic jam and queuing assistant, unless
37 any such system alone or in combination with other systems
38 enables the vehicle on which the technology is installed to
39 drive without the active control or monitoring by a human
40 operator.

41 (91) AUTONOMOUS TECHNOLOGY.—Technology installed on a
42 motor vehicle that has the capability to drive the vehicle on
43 which the technology is installed without the active control or



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44 monitoring by a human operator.

45 (95) DRIVER-ASSISTIVE TRUCK PLATOONING TECHNOLOGY.—Vehicle
46 automation technology that integrates sensor array, wireless
47 communications, vehicle controls, and specialized software to
48 synchronize acceleration and braking between up to two truck
49 tractor-semitrailer combinations, while leaving each vehicle's
50 steering control and systems command in the control of the
51 vehicle's driver.

52 Section 3. Section 316.0275, Florida Statutes, is created
53 to read:

54 316.0275 Noncriminal traffic infractions leading to
55 serious bodily injury or death; reclassification.—

56 (1) Notwithstanding any other provision of law, if an
57 individual commits a noncriminal traffic infraction under this
58 chapter which causes serious bodily injury or death to a person
59 and, within 5 years after that violation, commits another
60 noncriminal traffic infraction under this chapter which causes
61 serious bodily injury or death to a person, the second such
62 violation shall be reclassified as a misdemeanor of the first
63 degree, punishable as provided in s. 775.082 or s. 775.083, and
64 the individual's driver license shall be revoked for a period of
65 one year pursuant to s. 322.26(10).

66 (2) As used in this section, the term "serious bodily
67 injury" means an injury to a person, excluding the at-fault
68 driver, which consists of a physical condition that creates a
69 substantial risk of death, serious personal disfigurement, or



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70 protracted loss or impairment of the function of any bodily
71 member or organ.

72 Section 4. Subsection (2) of section 316.0895, Florida
73 Statutes, is amended to read:

74 316.0895 Following too closely.—

75 (2) It is unlawful for the driver of any motor truck,
76 motor truck drawing another vehicle, or vehicle towing another
77 vehicle or trailer, when traveling upon a roadway outside of a
78 business or residence district, to follow within 300 feet of
79 another motor truck, motor truck drawing another vehicle, or
80 vehicle towing another vehicle or trailer. The provisions of
81 this subsection shall not be construed to prevent overtaking and
82 passing nor shall the same apply upon any lane specially
83 designated for use by motor trucks or other slow-moving
84 vehicles. This subsection does not apply to two truck tractor-
85 semitrailer combinations equipped and connected with driver-
86 assistive truck-platooning technology, as defined in s. 316.003,
87 and operating on a multilane limited access facility, if the
88 owner or operator complies with the financial responsibility
89 requirement of s. 316.86.

90 Section 5. Subsections (1) and (3) of section 316.303,
91 Florida Statutes, are amended to read:

92 316.303 Television receivers.—

93 (1) No motor vehicle operated on the highways of this
94 state shall be equipped with television-type receiving equipment
95 so located that the viewer or screen is visible from the



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96 driver's seat, unless the vehicle is equipped with autonomous
97 technology and is being operated in autonomous mode, as provided
98 in s. 316.85(2); or unless the vehicle is equipped and operating
99 with driver-assistive truck-platooning technology.

100 (3) This section does not prohibit the use of an
101 electronic display used in conjunction with a vehicle navigation
102 system; or an electronic display used by an operator of a
103 vehicle equipped with autonomous technology, while the vehicle
104 is being operated in autonomous mode, as provided in s.
105 316.85(2); or an electronic display used by the operator of a
106 vehicle equipped and operating with driver-assistive truck
107 platooning technology.

108 Section 6. Paragraph (b) of subsection (3) and subsection
109 (14) of section 316.515, Florida Statutes, are amended to read:
110 316.515 Maximum width, height, length.—

111 (3) LENGTH LIMITATION.—Except as otherwise provided in
112 this section, length limitations apply solely to a semitrailer
113 or trailer, and not to a truck tractor or to the overall length
114 of a combination of vehicles. No combination of commercial motor
115 vehicles coupled together and operating on the public roads may
116 consist of more than one truck tractor and two trailing units.
117 Unless otherwise specifically provided for in this section, a
118 combination of vehicles not qualifying as commercial motor
119 vehicles may consist of no more than two units coupled together;
120 such nonqualifying combination of vehicles may not exceed a
121 total length of 65 feet, inclusive of the load carried thereon,



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122 but exclusive of safety and energy conservation devices approved
123 by the department for use on vehicles using public roads.
124 Notwithstanding any other provision of this section, a truck
125 tractor-semitrailer combination engaged in the transportation of
126 automobiles or boats may transport motor vehicles or boats on
127 part of the power unit; and, except as may otherwise be mandated
128 under federal law, an automobile or boat transporter semitrailer
129 may not exceed 50 feet in length, exclusive of the load;
130 however, the load may extend up to an additional 6 feet beyond
131 the rear of the trailer. The 50-foot length limitation does not
132 apply to non-stinger-steered automobile or boat transporters
133 that are 65 feet or less in overall length, exclusive of the
134 load carried thereon, or to stinger-steered automobile or boat
135 transporters that are 75 feet or less in overall length,
136 exclusive of the load carried thereon. For purposes of this
137 subsection, a "stinger-steered automobile or boat transporter"
138 is an automobile or boat transporter configured as a semitrailer
139 combination wherein the fifth wheel is located on a drop frame
140 located behind and below the rearmost axle of the power unit.
141 Notwithstanding paragraphs (a) and (b), any straight truck or
142 truck tractor-semitrailer combination engaged in the
143 transportation of horticultural trees may allow the load to
144 extend up to an additional 10 feet beyond the rear of the
145 vehicle, provided said trees are resting against a retaining bar
146 mounted above the truck bed so that the root balls of the trees
147 rest on the floor and to the front of the truck bed and the tops



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148 of the trees extend up over and to the rear of the truck bed,
149 and provided the overhanging portion of the load is covered with
150 protective fabric.

151 (b) *Semitrailers.*—

152 1. A semitrailer operating in a truck tractor-semitrailer
153 combination may not exceed 48 feet in extreme overall outside
154 dimension, measured from the front of the unit to the rear of
155 the unit and the load carried thereon, exclusive of safety and
156 energy conservation devices approved by the department for use
157 on vehicles using public roads, unless it complies with
158 subparagraph 2. A semitrailer which exceeds 48 feet in length
159 and is used to transport divisible loads may operate in this
160 state only if issued a permit under s. 316.550 and if such
161 trailer meets the requirements of this chapter relating to
162 vehicle equipment and safety. Except for highways on the tandem
163 trailer truck highway network, public roads deemed unsafe for
164 longer semitrailer vehicles or those roads on which such longer
165 vehicles are determined not to be in the interest of public
166 convenience shall, in conformance with s. 316.006, be restricted
167 by the Department of Transportation or by the local authority to
168 use by semitrailers not exceeding a length of 48 feet, inclusive
169 of the load carried thereon but exclusive of safety and energy
170 conservation devices approved by the department for use on
171 vehicles using public roads. Truck tractor-semitrailer
172 combinations shall be afforded reasonable access to terminals;



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173 facilities for food, fuel, repairs, and rest; and points of
174 loading and unloading.

175 2. A semitrailer which is more than 48 feet but not more
176 than 57 ~~53~~ feet in extreme overall outside dimension, as
177 measured pursuant to subparagraph 1., may operate on public
178 roads, except roads on the State Highway System which are
179 restricted by the Department of Transportation or other roads
180 restricted by local authorities, if:

181 a. The distance between the kingpin or other peg that
182 locks into the fifth wheel of a truck tractor and the center of
183 the rear axle or rear group of axles does not exceed 41 feet,
184 or, in the case of a semitrailer used exclusively or primarily
185 to transport vehicles in connection with motorsports competition
186 events, the distance does not exceed 46 feet from the kingpin to
187 the center of the rear axles; and

188 b. It is equipped with a substantial rear-end underride
189 protection device meeting the requirements of 49 C.F.R. s.
190 393.86, "Rear End Protection."

191 (14) MANUFACTURED BUILDINGS.—The Department of
192 Transportation may, in its discretion and upon application and
193 good cause shown therefor that the same is not contrary to the
194 public interest, issue a special permit for truck tractor-
195 semitrailer combinations where the total number of overwidth
196 deliveries of manufactured buildings, as defined in s.
197 553.36(13), may be reduced by permitting the use of multiple



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198 sections or single units on an overlength trailer of no more
199 than 80 ~~54~~ feet.

200 Section 7. Subsection (1) of section 320.525, Florida
201 Statutes, is amended to read:

202 320.525 Port vehicles and equipment; definition;
203 exemption.—

204 (1) As used in this section, the term "port vehicles and
205 equipment" means trucks, tractors, trailers, truck cranes, top
206 loaders, fork lifts, hostling tractors, chassis, or other
207 vehicles or equipment used for transporting cargo, containers,
208 or other equipment. The term also includes motor vehicles being
209 relocated within a port facility or via designated port district
210 roads.

211 Section 8. Subsection (10) is added to section 322.26,
212 Florida Statutes, to read:

213 322.26 Mandatory revocation of license by department.—The
214 department shall forthwith revoke the license or driving
215 privilege of any person upon receiving a record of such person's
216 conviction of any of the following offenses:

217 (10) Conviction in any court having jurisdiction over
218 offenses committed under s. 316.0275.

219 Section 9. Subsection (34) is added to section 334.044,
220 Florida Statutes, to read:

221 334.044 Department; powers and duties.—The department
222 shall have the following general powers and duties:

223 (34) The department may assume responsibilities of the



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224 United States Department of Transportation with respect to
225 highway projects within the state under the National
226 Environmental Policy Act of 1969 (42 U.S.C. s. 4321 et seq.) and
227 with respect to related responsibilities for environmental
228 review, consultation, or other action required under any federal
229 environmental law pertaining to review or approval of a highway
230 project within the state. The department may assume
231 responsibilities under 23 U.S.C. s. 327 and enter into one or
232 more agreements, including memoranda of understanding, with the
233 United States Secretary of Transportation related to the federal
234 surface transportation project delivery program for the delivery
235 of highway projects, as provided by 23 U.S.C. s. 327. The
236 department may adopt rules to implement this subsection and may
237 adopt relevant federal environmental standards as the standards
238 for this state for a program described in this subsection.
239 Sovereign immunity to civil suit in federal court is waived
240 consistent with 23 U.S.C. s. 327 and limited to the compliance,
241 discharge, or enforcement of a responsibility assumed by the
242 department under this subsection.

243 Section 10. Subsection (5) of section 338.231, Florida
244 Statutes, is amended to read:

245 338.231 Turnpike tolls, fixing; pledge of tolls and other
246 revenues.—The department shall at all times fix, adjust, charge,
247 and collect such tolls and amounts for the use of the turnpike
248 system as are required in order to provide a fund sufficient
249 with other revenues of the turnpike system to pay the cost of



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250 maintaining, improving, repairing, and operating such turnpike
251 system; to pay the principal of and interest on all bonds issued
252 to finance or refinance any portion of the turnpike system as
253 the same become due and payable; and to create reserves for all
254 such purposes.

255 ~~(5) In each fiscal year while any of the bonds of the~~
256 ~~Broward County Expressway Authority series 1984 and series 1986~~
257 ~~remain outstanding, the department is authorized to pledge~~
258 ~~revenues from the turnpike system to the payment of principal~~
259 ~~and interest of such series of bonds and the operation and~~
260 ~~maintenance expenses of the Sawgrass Expressway, to the extent~~
261 ~~gross toll revenues of the Sawgrass Expressway are insufficient~~
262 ~~to make such payments. The terms of an agreement relative to the~~
263 ~~pledge of turnpike system revenue will be negotiated with the~~
264 ~~parties of the 1984 and 1986 Broward County Expressway Authority~~
265 ~~lease-purchase agreements, and subject to the covenants of those~~
266 ~~agreements. The agreement must establish that the Sawgrass~~
267 ~~Expressway is subject to the planning, management, and operating~~
268 ~~control of the department limited only by the terms of the~~
269 ~~lease-purchase agreements. The department shall provide for the~~
270 ~~payment of operation and maintenance expenses of the Sawgrass~~
271 ~~Expressway until such agreement is in effect. This pledge of~~
272 ~~turnpike system revenues is subordinate to the debt service~~
273 ~~requirements of any future issue of turnpike bonds, the payment~~
274 ~~of turnpike system operation and maintenance expenses, and~~
275 ~~subject to any subsequent resolution or trust indenture relating~~



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276 ~~to the issuance of such turnpike bonds.~~

277 Section 11. Paragraph (g) of subsection (7) of section
278 339.135, Florida Statutes, is amended, and paragraph (h) is
279 added to that subsection, to read:

280 339.135 Work program; legislative budget request;
281 definitions; preparation, adoption, execution, and amendment.-

282 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.-

283 (g) Any work program amendment which also requires the
284 transfer of fixed capital outlay appropriations between
285 categories within the department or the increase of an
286 appropriation category is subject to the approval of the
287 Legislative Budget Commission. ~~If a meeting of the Legislative
288 Budget Commission cannot be held within 30 days of the
289 department submitting an amendment to the Legislative Budget
290 Commission, then the chair and vice chair of the Legislative
291 Budget Commission may authorize such amendment to be approved
292 pursuant to the provisions of s. 216.177.~~

293 (h) Any work program amendment which also adds a new
294 project, or phase thereof, to the adopted work program in excess
295 of \$3 million is subject to the approval of the Legislative
296 Budget Commission. Any work program amendment submitted under
297 this paragraph must include, as supplemental information, a list
298 of projects, or phases thereof, in the current 5-year adopted
299 work program that are eligible for the funds within the
300 appropriation category being utilized for the proposed
301 amendment. The department shall provide narrative with the



Amendment No. 1.

302 rationale for not advancing an existing project, or phase
303 thereof, in lieu of the proposed amendment.

304 Section 12. Paragraph (c) of subsection (7) of section
305 339.175, Florida Statutes, is amended to read:

306 339.175 Metropolitan planning organization.—

307 (7) LONG-RANGE TRANSPORTATION PLAN.—Each M.P.O. must
308 develop a long-range transportation plan that addresses at least
309 a 20-year planning horizon. The plan must include both long-
310 range and short-range strategies and must comply with all other
311 state and federal requirements. The prevailing principles to be
312 considered in the long-range transportation plan are: preserving
313 the existing transportation infrastructure; enhancing Florida's
314 economic competitiveness; and improving travel choices to ensure
315 mobility. The long-range transportation plan must be consistent,
316 to the maximum extent feasible, with future land use elements
317 and the goals, objectives, and policies of the approved local
318 government comprehensive plans of the units of local government
319 located within the jurisdiction of the M.P.O. Each M.P.O. is
320 encouraged to consider strategies that integrate transportation
321 and land use planning to provide for sustainable development and
322 reduce greenhouse gas emissions. The approved long-range
323 transportation plan must be considered by local governments in
324 the development of the transportation elements in local
325 government comprehensive plans and any amendments thereto. The
326 long-range transportation plan must, at a minimum:

327 (c) Assess capital investment and other measures necessary



Amendment No. 1.

328 to:

329 1. Ensure the preservation of the existing metropolitan
330 transportation system including requirements for the operation,
331 resurfacing, restoration, and rehabilitation of major roadways
332 and requirements for the operation, maintenance, modernization,
333 and rehabilitation of public transportation facilities; and

334 2. Make the most efficient use of existing transportation
335 facilities to relieve vehicular congestion, improve safety, and
336 maximize the mobility of people and goods. Such efforts shall
337 include, but not be limited to, consideration of infrastructure
338 and technological improvements necessary to accommodate advances
339 in vehicle technology, such as autonomous vehicle technology and
340 other developments.

341

342 In the development of its long-range transportation plan, each
343 M.P.O. must provide the public, affected public agencies,
344 representatives of transportation agency employees, freight
345 shippers, providers of freight transportation services, private
346 providers of transportation, representatives of users of public
347 transit, and other interested parties with a reasonable
348 opportunity to comment on the long-range transportation plan.
349 The long-range transportation plan must be approved by the
350 M.P.O.

351 Section 13. Subsection (2) of section 339.2818, Florida
352 Statutes, is amended to read:

353 339.2818 Small County Outreach Program.—



Amendment No. 1.

354 (2) For the purposes of this section, the term "small
355 county" means any county that has a population of 165,000
356 ~~150,000~~ or less as determined by the most recent official
357 estimate pursuant to s. 186.901.

358 Section 14. Paragraph (a) of subsection (4) of section
359 339.64, Florida Statutes, is amended, and paragraph (c) is added
360 to subsection (3) of that section, to read:

361 339.64 Strategic Intermodal System Plan.—

362 (3)

363 (c) The department shall also coordinate with federal,
364 regional, and local partners, as well as industry
365 representatives, to consider infrastructure and technological
366 improvements necessary to accommodate advances in vehicle
367 technology, such as autonomous vehicle technology and other
368 developments, in Strategic Intermodal System facilities.

369 (4) The Strategic Intermodal System Plan shall include the
370 following:

371 (a) A needs assessment. Such assessment shall include, but
372 not be limited to, consideration of infrastructure and
373 technological improvements necessary to accommodate advances in
374 vehicle technology, such as autonomous vehicle technology and
375 other developments.

376 Section 15. Section 341.0532, Florida Statutes, is
377 repealed.

378 Section 16. Part III of chapter 348, Florida Statutes,
379 consisting of ss. 348.751-348.765, Florida Statutes, is retitled



Amendment No. 1.

380 "Central Florida Expressway Authority."381 Section 17. Subsection (3) and paragraph (a) of subsection
382 (4) of section 348.753, Florida Statutes, are amended to read:

383 348.753 Central Florida Expressway Authority.-

384 (3) The governing body of the authority shall consist of
385 nine members. The chairs of the boards of the county commissions
386 of Seminole, Lake, and Osceola Counties shall each appoint one
387 member from its respective county, who must ~~may~~ be a commission
388 member or chair or a county mayor. The Mayor of Orange County
389 shall appoint a member from the Orange County Commission. The
390 Governor shall appoint three citizen members, each of whom must
391 be a citizen of either Orange County, Seminole County, Lake
392 County, or Osceola County. ~~The eighth member must be the Mayor~~
393 ~~of Orange County and. The ninth member must be the Mayor of the~~
394 City of Orlando shall also serve as members. The executive
395 director of the Florida Turnpike Enterprise shall serve as a
396 nonvoting advisor to the governing body of the authority. Each
397 member appointed by the Governor shall serve for 4 years, with
398 his or her term ending on December 31 of his or her last year of
399 service. Each county-appointed member shall serve for 2 years.
400 ~~The terms of standing board members expire June 20, 2014.~~ Each
401 appointed member shall hold office until his or her successor
402 has been appointed and has qualified. A vacancy occurring during
403 a term must be filled only for the balance of the unexpired
404 term. Each appointed member of the authority shall be a person
405 of outstanding reputation for integrity, responsibility, and



Amendment No. 1.

406 business ability, but, except as provided in this subsection, a
407 person who is an officer or employee of a municipality or county
408 may not be an appointed member of the authority. Any member of
409 the authority is eligible for reappointment.

410 (4) (a) The authority shall elect one of its members as
411 chair of the authority. The authority shall also elect one of
412 its members as vice chair, ~~one of its members as secretary,~~ and
413 one of its members as treasurer. The chair, vice chair,
414 ~~secretary,~~ and treasurer shall hold such offices at the will of
415 the authority. Five members of the authority constitute a
416 quorum, and the vote of five members is necessary for any action
417 taken by the authority. A vacancy in the authority does not
418 impair the right of a quorum of the authority to exercise all of
419 the rights and perform all of the duties of the authority.

420 Section 18. Paragraph (e) of subsection (2) of section
421 348.754, Florida Statutes, is amended to read:

422 348.754 Purposes and powers.—

423 (2) The authority may exercise all powers necessary,
424 appurtenant, convenient, or incidental to the implementation of
425 the stated purposes, including, but not limited to, the
426 following rights and powers:

427 (e) To enter into and make lease-purchase agreements with
428 the department for terms not exceeding 99 years, or until any
429 bonds secured by a pledge of rentals pursuant to the agreement,
430 and any refundings pursuant to the agreement, are fully paid as
431 to both principal and interest, whichever is longer. The



Amendment No. 1.

432 authority is a party to a lease-purchase agreement between the
433 department and the Orlando-Orange County Expressway Authority
434 dated December 23, 1985, as supplemented by a first supplement
435 to the lease-purchase agreement dated November 25, 1986, and a
436 second supplement to the lease-purchase agreement dated October
437 27, 1988. The authority may not enter into other lease-purchase
438 agreements with the department and may not amend the existing
439 agreement in a manner that expands or increases the department's
440 obligations unless the department determines that the agreement
441 or amendment is necessary to permit the refunding of bonds
442 issued before July 1, 2013.

443 Section 19. This act shall take effect July 1, 2015.

444
445
446 -----
447 **T I T L E A M E N D M E N T**

448 Remove everything before the enacting clause and insert:
449 An act relating to transportation; creating s.
450 287.0836, F.S.; requiring an agency to consider
451 specified criteria when evaluating a proposal or reply
452 received for procurement of specified transportation
453 services; amending s. 316.003, F.S.; reorganizing
454 certain definition provisions relating to autonomous
455 vehicles; defining "driver-assistive truck platooning
456 technology"; creating s. 316.0275, F.S.; providing
457 criminal penalties for certain noncriminal traffic



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458 infractions that cause serious bodily injury or death
459 to a person; amending s. 316.0895, F.S.; providing
460 that provisions prohibiting a driver from following
461 certain vehicles within a certain distance do not
462 apply to truck tractor-semitrailer combinations under
463 certain conditions; providing for financial
464 responsibility; amending s. 316.303, F.S.; providing
465 exceptions to a prohibition of a viewer or screen
466 visible from the driver's seat of a motor vehicle;
467 amending s. 316.515, F.S.; extending the allowable
468 length of certain semitrailers authorized to operate
469 on public roads under certain conditions; revising
470 provisions that authorize the Department of
471 Transportation to issue special permits for certain
472 overwidth deliveries of manufactured buildings by
473 truck tractor-semitrailer combinations; revising
474 maximum trailer length for such deliveries; amending
475 s. 320.525, F.S., revising the definition of "port
476 vehicles and equipment;" amending s. 322.26, F.S.;
477 amending s. 322.26, F.S.; providing for mandatory
478 revocation of a driver license for a specified
479 conviction; amending s. 334.044, F.S.; authorizing the
480 department to assume certain responsibilities under
481 the National Environmental Policy Act with respect to
482 highway projects within the state and certain related
483 responsibilities relating to review or approval of a



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484 highway project; authorizing the department to enter
485 into certain agreements related to the federal surface
486 transportation project delivery program under certain
487 federal law; authorizing the department to adopt
488 implementing rules; authorizing the department to
489 adopt certain relevant federal environmental
490 standards; providing a limited waiver of sovereign
491 immunity to civil suit in federal court consistent
492 with certain federal law; amending s. 338.231, F.S.,
493 relating to turnpike revenue; removing a provision
494 authorizing the use of such revenue for payment of
495 principal and interest of certain bonds and certain
496 expenses of the Sawgrass Expressway; amending s.
497 339.135, F.S.; revising requirements for amendments to
498 the department's adopted work program to be submitted
499 to the Legislative Budget Commission; amending s.
500 339.175, F.S.; revising requirements for long-range
501 transportation plans developed by metropolitan
502 planning organizations; amending s. 339.2818, F.S.;
503 increasing the population in the definition of "small
504 county" for the purposes of the Small County Outreach
505 Program; amending s. 339.64, F.S., relating to the
506 Strategic Intermodal System Plan; requiring the
507 department to coordinate with certain partners and
508 industry representatives to consider infrastructure
509 and technological improvements necessary to



Amendment No. 1.

510 accommodate advances in vehicle technology; revising
511 requirements for a needs assessment; repealing s.
512 341.0532, F.S., relating to transportation corridors;
513 removing provisions that specify certain
514 transportation facilities as statewide transportation
515 corridors; revising the title of part III of chapter
516 348, F.S.; amending s. 348.753, F.S.; revising
517 requirements for appointments to the governing body of
518 the Central Florida Expressway Authority; specifying
519 that terms of members appointed by the Governor end on
520 a specified date; removing a requirement that the
521 authority elect one of its members as secretary;
522 amending s. 348.754, F.S.; specifying that the Central
523 Florida Expressway Authority is a party to a certain
524 lease-purchase agreement between the department and
525 the Orlando-Orange County Expressway Authority;
526 providing an effective date.

527



Amendment No. 1a

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
 2 Representative Artiles offered the following:

3
 4 **Amendment to Amendment (674989) by Representative Rooney**
 5 **(with title amendment)**

6 Between lines 242 and 243 of the amendment, insert:

7 Section 10. Paragraph (a) of subsection (1) of section
 8 337.18, Florida Statutes, is amended to read:

9 337.18 Surety bonds for construction or maintenance
 10 contracts; requirement with respect to contract award; bond
 11 requirements; defaults; damage assessments.-

12 (1)(a) A surety bond shall be required of the successful
 13 bidder in an amount equal to the awarded contract price.
 14 However, the department may choose, in its discretion and
 15 applicable only to multiyear maintenance contracts, to allow for
 16 incremental annual contract bonds that cumulatively total the
 17 full, awarded, multiyear contract price.



Amendment No. 1a

18 1. The department may waive the requirement for all or a
19 portion of a surety bond if:

20 a. ~~For a project for which~~ The contract price is \$250,000
21 or less and the department, ~~the department may waive the~~
22 ~~requirement for all or a portion of a surety bond if it~~
23 determines the project is of a noncritical nature and
24 nonperformance will not endanger public health, safety, or
25 property;

26 b. The prime contractor is a qualified nonprofit agency
27 for the blind or for the other severely handicapped under s.
28 413.036(2); or

29 c. The prime contractor is using a subcontractor that is a
30 qualified nonprofit agency for the blind or for the other
31 severely handicapped under s. 413.036(2) but may not waive more
32 than the amount of the subcontract.

33 2. If the Secretary of Transportation or the secretary's
34 designee determines that it is in the best interests of the
35 department to reduce the bonding requirement for a project and
36 that to do so will not endanger public health, safety, or
37 property, the department may waive the requirement of a surety
38 bond in an amount equal to the awarded contract price for a
39 project having a contract price of \$250 million or more and, in
40 its place, may set a surety bond amount that is a portion of the
41 total contract price and provide an alternate means of security
42 for the balance of the contract amount that is not covered by
43 the surety bond or provide for incremental surety bonding and



Amendment No. 1a

44 provide an alternate means of security for the balance of the
45 contract amount that is not covered by the surety bond. Such
46 alternative means of security may include letters of credit,
47 United States bonds and notes, parent company guarantees, and
48 cash collateral. The department may require alternate means of
49 security if a surety bond is waived. The surety on such bond
50 shall be a surety company authorized to do business in the
51 state. All bonds shall be payable to the department and
52 conditioned for the prompt, faithful, and efficient performance
53 of the contract according to plans and specifications and within
54 the time period specified, and for the prompt payment of all
55 persons defined in s. 713.01 furnishing labor, material,
56 equipment, and supplies for work provided in the contract;
57 however, whenever an improvement, demolition, or removal
58 contract price is \$25,000 or less, the security may, in the
59 discretion of the bidder, be in the form of a cashier's check,
60 bank money order of any state or national bank, certified check,
61 or postal money order. The department shall adopt rules to
62 implement this subsection. Such rules shall include provisions
63 under which the department shall refuse to accept bonds on
64 contracts when a surety wrongfully fails or refuses to settle or
65 provide a defense for claims or actions arising under a contract
66 for which the surety previously furnished a bond.

67

68

69

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



Amendment No. 1a

70 Remove line 492 of the amendment and insert:
71 with certain federal law; amending s. 337.18, F.S.;
72 authorizing the department to waive a surety bond on
73 certain contracts with specified contractors; amending
74 s. 338.231, F.S., relating to

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7093 PCB TPS 15-03 Transportation Facility Designations
SPONSOR(S): Transportation & Ports Subcommittee, Passidomo
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Transportation & Ports Subcommittee	12 Y, 0 N	Johnson	Vickers
1) Economic Affairs Committee		Johnson <i>AS</i>	Creamer <i>se</i>

SUMMARY ANALYSIS

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

The bill makes the following designations and directs the Department of Transportation (DOT) to erect suitable markers:

- Broward County-Candice Ellize Francois Street.
- Collier County-Mary Ellen Hawkins Street.
- Escambia County-Lance Corporal Steven A. Brown Memorial Highway.
- Escambia and Santa Rosa Counties-State Representative C. V. "Clay" Ford Memorial Bridge.
- Hendry County-Sam Jones Trail.
- Hillsborough County-Lieutenant Benedict J. Thomas Memorial Highway, Pepin Memorial Road, Gonzmart Memorial Road, Judge E.J. Salcines Way, Barkett Memorial Road, and Nick Capitano Memorial Road.
- Lee County-Corporal Joseph R. Betrand Memorial Highway and Caloosahatchee Bridge.
- Levy County-Deputy Sheriff Atticus Haygood Ellzey Memorial Highway.
- Marion County-Elizabeth Inez and Elijah Davis Highway.
- Miami-Dade County-Trooper Patrick Ambroise Memorial Highway, Georgia Jones-Ayers Street, Dr. Clifford Garfield O'Connor Road, Lee Klein Way, and Virginia Gardens Boulevard.
- Nassau County-Emmitt G. Coakley Memorial Highway
- Orange County-Borinqueneer Boulevard
- Pinellas County-Officer Charles "Charlie K." Kondek Memorial Highway.
- Polk County-Maria Isabel Barajas-Martinez Memorial Highway.
- Taylor County-Private First Class Joey Moody Bridge.
- Volusia County-David G. Ledgerwood Memorial Highway and John Jacob "JJ" Curry Memorial Highway.

The bill has an estimated negative fiscal impact of approximately \$27,000 on the State Transportation Trust Fund which is the cost to DOT to erect the markers specified in the bill.

The bill has an effective date of July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

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

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

Proposed Changes

The bill creates numerous honorary designations for various transportation facilities.

Subsection 1 designates that portion of State Road 655/Lake Shipp Drive between State Road 620 and U.S. 17/State Road 55 in Polk County as "Maria Isabel Barajas-Martinez Memorial Highway."

Maria Isabel Barajas-Martinez was the founder of the Young American Dreamers Group and an activist in numerous organizations advocating for immigrant rights, community service, youth scholarships, food pantries, and many other contributions to central Florida communities. She passed away in a weather related traffic accident on June 24, 2012, at the age of 21.

Subsection 2 designates that portion of State Road 436/Semorán Boulevard between Lake Underhill Road and Hoffner Avenue in Orange County as "Borinqueneer Boulevard."

The 65th Infantry Regiment, nicknamed the "Borinqueneers, from the original Taíno name of the island (Borinquen), is a Puerto Rican Regiment of the United States Army. The 65th Infantry Regiment participated in World War I, World War II, the Korean War, and in the War on Terror. The 65th Infantry Regiment was awarded the Congressional Gold Medal in 2014.

Subsection 3 designates that portion of U.S. 1/State Road 15 between 5th Avenue and Old Dixie Highway as "Emmitt G. Coakley Memorial Highway."

Emmitt G. Coakley was a long-time educator in Nassau County and member of the Nassau County Planning and Zoning Board. He also served two years in the United States Army and graduated from Bethune-Cookman College. He passed away on March 6, 2014.

Subsection 4 designates that portion State Road 80 between Hickey Creek Road and Carter Lane in Lee County as "Corporal Joseph R. Bertrand Memorial Highway."

Corporal Joseph R. Bertrand was member of the Florida Highway Patrol killed in the line of duty. On December 22, 1967, Corporal Bertrand was shot and killed by a violator while conducting a driving under the influence investigation on State Road 80 in Fort Myers. Corporal Bertrand had served the citizens of Florida, with the Florida Highway Patrol, for 16 years and was 46 years of age at the time of his death.

Subsection 5 designates that portion of Interstate 75/State Road 93A between the Fowler Avenue and the Fletcher Avenue in Hillsborough County as "Lieutenant Benedict J. Thomas Memorial Highway."

Lieutenant Benedict J. Thomas was a member of the Florida Highway Patrol killed in the line of duty. On June 9, 1989, Lieutenant Thomas was struck by a passing car while walking back to his vehicle after investigating an abandoned vehicle on Interstate 75 in Tampa. Lieutenant Thomas had served the citizens of Florida, with the Florida Highway Patrol, for 11 years and was 32 years of age at the time of his death.

Subsection 6 designates that portion of the Homestead Extension of Florida's Turnpike/State Road 821 between Milepost 34 and Milepost 36 in Miami-Dade County as "Trooper Patrick Ambroise Memorial Highway."

Trooper Patrick Ambroise was a member of the Florida Highway Patrol killed in the line of duty. On May 15, 2010, at 8:34 p.m., Trooper Ambroise was occupying his patrol vehicle which was parked on the shoulder of northbound State Road 821. A passing vehicle veered to the right onto the paved emergency shoulder and impacted the left rear section of Trooper Ambroise's patrol vehicle; Trooper Ambroise was killed as a result. Trooper Ambroise served the citizens of Florida, with the Florida Highway Patrol for four years and was 35 years old at the time of his death.

Subsection 7 designates that portion of U.S. 19/98/State Road 55 between North Otter Creek Avenue and S.E. 1st Avenue in Levy County as "Deputy Sheriff Atticus Haygood Ellzey Memorial Highway."

Deputy Sheriff Atticus Haygood Ellzey was a Levy County deputy sheriff who was shot and killed in the line of duty on January 28, 1945. In 1953, the Senate introduced SB 1953 to honor his death and to provide relief for his wife and 13 children.

Subsection 8 designates upon completion of replacement construction, bridge number 380096 on U.S. 221/State Road 55 over the Econfina River in Taylor County as "Private First Class Joey Moody Bridge."

Private First Class Joey Moody grew up in Taylor County and was killed in Korea on June 21, 1952, when he was sent to repair a communications line. He was posthumously awarded the National Defense Medal, Korean Combat Medal, Korean Battle Medal, and the Purple Heart.

Subsection 9 designates that portion of State Road 415 between Acorn Lake Road and Reed Ellis Road in Volusia County is designated as "David G. Ledgerwood Memorial Highway"

David G Ledgerwood was killed in Vietnam on April 29, 1968. He was posthumously promoted to the rank of sergeant and awarded the Bronze Star. He is buried in Arlington National Cemetery.

Subsection 10 designates that portion of State Road 35/NE 58th Avenue between County Road 314/NE 7th Street and SE 20th Street in Marion County as "Elizabeth Inez and Elijah Davis Highway."

Elizabeth Inez Davis was a devoted children's advocate and community leader in the Ocala area. She founded the Mount Canaan Community Youth Center. She passed away on December 6, 2002.

Elijah Davis volunteered for over 60 years at the Mount Canaan Community Youth Center and still volunteers at the age of 101.

Subsection 11 designates upon completion of construction, the bridge replacing bridge number 480035 between Gulf Breeze and Pensacola on U.S. 98/State Road 30 in Santa Rosa and Escambia Counties as "State Representative C.V. 'Clay' Ford Memorial Bridge."

State Representative C.V. "Clay" Ford served in the United States Army as an infantry officer and retired as a full Colonel. He served in the Arkansas House of Representatives in the 1970s. From 1990 through 2006 he was a councilman for the City of Gulf Breeze, and Mayor Pro Tem from 2001 through

2006. He also served in the Florida House of Representatives from February 27, 2007, until his death on March 18, 2013.

Subsection 12 designates that portion of U.S. 90/State Road 10A between State Road 742/Creighton Road and Summit Boulevard in Escambia County as “Lance Corporal Steven A. Brown Memorial Highway.”

Lance Corporal Steven A. Brown grew up in Pensacola. He voluntarily joined the Marines in 1966 and served two tours in Vietnam. He died in Vietnam on July 4, 1967. He received numerous military honors including the Purple Heart.

Subsection 13 designates that portion of County Road 833 between State Road 80 and the entrance to the Big Cypress Seminole Indian Reservation in Hendry County as “Sam Jones Trail.”

Sam Jones was a medicine man and a major leader of the Seminole Tribe of Florida through the three Seminole Wars.

Subsection 14 designates that portion of Golden Gate Parkway between U.S. 41/State Road 45/Tamiami Trail and County Road 851 in Collier County as “Mary Ellen Hawkins Street.”

Mary Ellen Hawkins was Collier County’s first female state representative. She served in the Florida House of Representatives from 1974 to 1994, and subsequently remained active in promoting and improving her community.

Subsection 15 designates that portion of Palm Avenue between Pembroke Road and Miramar Parkway in Broward County as “Candice Ellize Francois Street.”

Candice Ellize Francois was born on March 10, 1994 in Miami. She was in the International Baccalaureate Program in high school where she was involved in multiple school activities. Shortly after graduating from high school, she was diagnosed with a rare cancer of the jawbone. She passed away on October 26, 2014, at the age of 20.

Subsection 16 designates that portion of State Road 9/N.W. 27th Avenue between State Road 924/N.W. 119th Street and N.W. 106th Street as “Georgia Jones-Ayers Street.”

Georgia Jones-Ayers was a civil rights activist known for her efforts to rehabilitate young criminal offenders through a program she co-founded in the 1980s. She passed away on February 17, 2015.

Subsection 17 designates that portion of U.S. 19A/State Road 595 between Tarpon Avenue and the Pasco County line in Pinellas County as “Officer Charles ‘Charlie K.’ Kondek Memorial Highway.

Officer Charles “Charlie K.” Kondek served on the Tarpon Springs Police Department for 17 years. He previously served on the New York City Police Department for five years. He was killed in the line of duty on December 21, 2014.

Subsection 18 designates that portion of State Road 583/56th Street between State Road 574/East Dr. Martin Luther King Boulevard and Harney Road in Hillsborough County as “Pepin Memorial Road.”

Arthur Pepin founded Pepin Distributing Company and was a major philanthropist in Tampa. He passed away in 2000. His wife, Polly, passed away in 2012.

Subsection 19 designates that portion of County Road 574/7th Avenue between North 20th Street and 22nd Street in Hillsborough County as “Gonzmart Memorial Road.”

The Gonzmart's are descendants of the Hernandez family, which founded the Columbia Restaurant in Tampa in 1905, which is Florida's oldest restaurant. Members of the Gonzmart family currently own the Columbia Restaurant Group.

Subsection 20 designates that portion of Howard Avenue between West Main Street and West Columbus Drive in Hillsborough County as "Judge E.J. Salcines Way."

Judge E.J. Salcines was a career federal and state prosecutor for 22 years and in private practice for 13 years before being appointed as a judge on the appellate court in 1998, where he served until his retirement in 2008.

Subsection 21 designates that portion of Old Water Street between South Franklin Street and Channelside Drive in Hillsborough County as "Barkett Memorial Road."

The Barkett family is prominent in the petroleum industry and currently owns an oil blending and packaging facility in Tampa. Its Amalie Oil Company is the largest independently owned lubricant marketer, manufacturer, and packaging company in the United States.

Subsection 22 designates that portion of East 9th Avenue between North 13th Street and North 14th Street as "Nick Capitano Memorial Road."

Nick Capitano was a prominent Tampa business man who founded Radiant Oil Co. in 1931. He was also involved in charitable causes in the Tampa community. He passed away in May 2014 at the age of 98.

Subsection 23 designated bridge no. 120002 over the Caloosahatchee River on U.S. 41/State Road 45/Cleveland Avenue in Lee County as "Caloosahatchee Bridge."

The Caloosahatchee River is a river on the southwest Gulf Coast of Florida in the United States, approximately 67 miles long. It drains rural areas on the northern edge of the Everglades, east of Fort Myers. An important link in the Okeechobee Waterway, a manmade inland waterway system of southern Florida, the river forms a tidal estuary along most of its course and has recently become the subject of efforts to restore and preserve the Everglades.

Subsection 24 designates that portion of U.S. 17/State Road 15 between Golden Hills Boulevard and Lake Winona Road in Volusia County as "John Jacob 'JJ' Curry Memorial Highway."

John Jacob "JJ" Curry was a Volusia County firefighter who was killed during a training exercise on November 27, 2007.

Subsection 25 designates that portion of N.W. 32nd Avenue between N.W. 87th Street and N.W. 83rd Street as "Dr. Clifford Garfield O'Connor Street,"

Dr. Clifford Garfield O'Connor was a podiatrist who also assisted in training new physicians. He also participated in several medical missions to Jamaica and Haiti. He passed away on February 23, 2015, at the age of 50.

Subsection 26 designates that portion of State Road 973/87th Avenue between State Road 94/Kendell Drive and S.W. 92nd Street as "Lee Klein Way."

Lee Klein began her career as a volunteer charity worker for children's causes in 1956. In 1965, she founded what is now known as the Children's Cancer Caring Center. She remains its Chairman and Chief Executive Officer.

Subsection 27 designates State Road 948/N.W. 36th Street between Curtiss Parkway/N.W. 57th Avenue and N.W. 67th Avenue in Miami-Dade County as "Virginia Gardens Boulevard."

Virginia Gardens Boulevard is designated for the portion of State Road 948 which runs adjacent to the Village of Virginia Gardens.

Subsection 28 directs DOT to erect suitable markers designating each of the above designations.

The bill provides an effective date of July 1, 2015.

B. SECTION DIRECTORY:

Section 1 Creates transportation facility designations and directs DOT to erect suitable markers.

Section 2 Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

DOT will incur costs of approximately \$27,000 from the State Transportation Trust Fund for erecting markers for the designations. This is based on the assumption that two markers for each designation will be erected at a cost of \$500 per marker. DOT will also incur the recurring costs of maintaining these signs over time, and for future replacement of the signs as necessary

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The following designations are not on the State Highway System:

- Sam Jones Trail
- Mary Ellen Hawkins Street
- Candice Ellize Francois Street
- Gonzmart Memorial Road
- Judge E.J. Salcines Way
- Barkett Memorial Road
- Nick Capitano Memorial Road
- Dr. Clifford Garfield O'Connor Road.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 17, 2015, the Transportation & Ports Subcommittee adopted one amendment to the PCB. The amendment clarified the locations of some of the road designations and added an additional designation for Virginia Gardens Boulevard.

The analysis is drafted to the PCB as amended.

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

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

10
 11 Section 1. Transportation facility designations;
 12 Department of Transportation to erect suitable markers.-

13 (1) That portion of S.R. 655/Lake Shipp Drive between S.R.
 14 620 and U.S. 17/S.R. 55 in Polk County is designated as "Maria
 15 Isabel Barajas-Martinez Memorial Highway."

16 (2) That portion of S.R. 436/Semorán Boulevard between
 17 Lake Underhill Road and Hoffner Avenue in Orange County is
 18 designated as "Borinqueneer Boulevard."

19 (3) That portion of U.S. 1/S.R. 15 between 5th Avenue and
 20 Old Dixie Highway in Nassau County is designated as "Emmitt G.
 21 Coakley Memorial Highway."

22 (4) That portion of S.R. 80 between Hickey Creek Road and
 23 Carter Lane in Lee County is designated as "Corporal Joseph R.
 24 Bertrand Memorial Highway."

25 (5) That portion of Interstate 75/S.R. 93A between Fowler
 26 Avenue and Fletcher Avenue in Hillsborough County is designated

27 | as "Lieutenant Benedict J. Thomas Memorial Highway."

28 | (6) That portion of the Homestead extension of the Florida
 29 | Turnpike/S.R. 821 between Milepost 34 and Milepost 36 in Miami-
 30 | Dade County is designated as "Trooper Patrick Ambroise Memorial
 31 | Highway."

32 | (7) That portion of U.S. 19/98/S.R. 55 between N. Otter
 33 | Creek Avenue and S.E. 1st Avenue in Levy County is designated as
 34 | "Deputy Sheriff Atticus Haygood Ellzey Memorial Highway."

35 | (8) Upon completion of replacement construction, bridge
 36 | number 380096 on U.S. 221/S.R. 55 over the Econfina River in
 37 | Taylor County is designated as "Private First Class Joey Moody
 38 | Bridge."

39 | (9) That portion of S.R. 415 between Acorn Lake Road and
 40 | Reed Ellis Road in Volusia County is designated as "David G.
 41 | Ledgerwood Memorial Highway."

42 | (10) That portion of S.R. 35/N.E. 58th Avenue between C.R.
 43 | 314/N.E. 7th Street and S.E. 20th Street in Marion County is
 44 | designated as "Elizabeth Inez and Elijah Davis Highway."

45 | (11) Upon completion of construction, the bridge replacing
 46 | bridge number 480035 between Gulf Breeze and Pensacola on U.S.
 47 | 98/S.R. 30 in Santa Rosa and Escambia Counties is designated as
 48 | "State Representative C. V. 'Clay' Ford, Jr. Bridge."

49 | (12) That portion of U.S. 90/S.R. 10A between S.R.
 50 | 742/Creighton Road and Summit Boulevard in Escambia County is
 51 | designated as "Lance Corporal Steven A. Brown Memorial Highway."

52 | (13) That portion of C.R. 833 between S.R. 80 and the

53 | entrance to the Big Cypress Seminole Indian Reservation in
 54 | Hendry County is designated as "Sam Jones Trail."

55 | (14) That portion of Golden Gate Parkway between U.S.
 56 | 41/S.R. 45/Tamiami Trail and C.R. 851 in Collier County is
 57 | designated as "Mary Ellen Hawkins Street."

58 | (15) That portion of Palm Avenue between Pembroke Road and
 59 | Miramar Parkway in Broward County is designated as "Candice
 60 | Ellize Francois Street."

61 | (16) That portion of S.R. 9/N.W. 27th Avenue between S.R.
 62 | 924/N.W. 119th Street and N.W. 106th Street in Miami-Dade County
 63 | is designated as "Georgia Jones-Ayers Street."

64 | (17) That portion of U.S. 19A/S.R. 595 between Tarpon
 65 | Avenue and the Pasco County line in Pinellas County is
 66 | designated as "Officer Charles 'Charlie K.' Kondek Memorial
 67 | Highway."

68 | (18) That portion of S.R. 583/56th Street between S.R.
 69 | 574/E. Dr. Martin Luther King Boulevard and Harney Road in
 70 | Hillsborough County is designated as "Pepin Memorial Road."

71 | (19) That portion of C.R. 574/7th Avenue between N. 20th
 72 | Street and 22nd Street in Hillsborough County is designated as
 73 | "Gonzmart Memorial Road."

74 | (20) That portion of Howard Avenue between W. Main Street
 75 | and W. Columbus Drive in Hillsborough County is designated as
 76 | "Judge E.J. Salcines Way."

77 | (21) That portion of Old Water Street between S. Franklin
 78 | Street and Channelside Drive in Hillsborough County is

79 designated as "Barkett Memorial Road."

80 (22) That portion of E. 9th Avenue between N. 13th Street
 81 and N. 14th Street in Hillsborough County is designated as "Nick
 82 Capitano Memorial Road."

83 (23) Bridge number 120002 over the Caloosahatchee River on
 84 U.S. 41/S.R. 45/Cleveland Avenue in Lee County is designated as
 85 "Caloosahatchee Bridge."

86 (24) That portion of U.S. 17/S.R. 15 between Golden Hills
 87 Boulevard and Lake Winona Road in Volusia County is designated
 88 as "John Jacob 'JJ' Curry Memorial Highway."

89 (25) That portion of N.W. 32nd Avenue between N.W. 87th
 90 Street and N.W. 83rd Street in Miami-Dade County is designated
 91 as "Dr. Clifford Garfield O'Connor Street."

92 (26) That portion of S.R. 973/87th Avenue between S.R.
 93 94/Kendall Drive and S.W. 92nd Street in Miami-Dade County is
 94 designated as "Lee Klein Way."

95 (27) That portion of S.R. 948/N.W. 36th Street between
 96 Curtiss Parkway/N.W. 57th Avenue and N.W. 67th Avenue in Miami-
 97 Dade County is designated as "Virginia Gardens Boulevard."

98 (28) The Department of Transportation is directed to erect
 99 suitable markers designating the transportation facilities as
 100 described in this section.

101 Section 2. This act shall take effect July 1, 2015.



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: Economic Affairs Committee
 2 Representative Passidomo offered the following:

Amendment

5 Between lines 97 and 98, insert:

6 (28) That portion of C.R. 435/Apopka-Vineland Road between
 7 Old Winter Garden Road and C.R. 439/Conroy-Windermere Road in
 8 Orange County is designated as "Deputy Scott Pine Way."

9 (29) That SunRail Bridge number 750255 over U.S.
 10 17/92/S.R. 15 in Orange County is designated as "The Reverend
 11 Kenneth C. Crossman Bridge."

12 (30) That portion of U.S. 98/S.R. 30 between Ryan Drive/W.
 13 11th Street and N.E./S.E. 12th Street in Franklin County is
 14 designated as "SP4 Robert Clifford Millender Memorial Highway."

15 (31) That portion of S.R. 519/Fiske Boulevard located
 16 within the corporate limits of the City of Rockledge in Brevard



Amendment No. 1.

17 County is designated as "Dr. Martin Luther King, Jr., Memorial
18 Highway."

19 (32) That portion of S.R. 368 between U.S. 98/S.R. 30 and
20 S.R. 390 in Bay County is designated as "Col. William W. Wood
21 Memorial Highway."

22 (33) That portion of S.R. 371/373/Orange Avenue in between
23 S.R. 263/Capital Circle and S.R. 61/Monroe Street in Leon County
24 is designated as "C.K. Steele Memorial Highway."