

Florida Metropolitan Planning
Organization Advisory Council



2016 Summary of State Legislation

April 25, 2016

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An Act Relating to Transportation (HB 7061)

Section 2 (s. 311.07, F.S.)

- **Increases the minimum amount that must be made available annually from the State Transportation Trust Fund to fund the Florida Seaport Transportation and Economic Development Program.**
 - “A minimum of \$25 million per year shall be made available from the State Transportation Trust Fund to fund the Florida Seaport Transportation and Economic Development Program...”

Section 3 (s. 311.09, F.S.)

- **Increases the amount per year the FDOT must include in its annual legislative budget request for the Florida Seaport Transportation and Economic Development Program.**
 - “The Department of Transportation shall include at least \$25 million per year in its annual legislative budget request for the Florida Seaport Transportation and Economic Development Program...”

Section 4 (s. 311.12, F.S.)

- **Establishes the Seaport Security Advisory Committee under the direction of the Florida Seaport Transportation and Economic Development Council to advise, report, and make recommendations on matters related to maritime security in Florida. Establishes the Seaport Security Grant Program to assist in the implementation of security plans and measures at Florida’s deepwater ports.**
 - “ADVISORY COMMITTEE.—
 - (a) There is created the Seaport Security Advisory Committee, which shall be under the direction of the Florida Seaport Transportation and Economic Development Council.
 - (b) The committee shall consist of the following members:
 1. Five or more port security directors appointed by the council chair shall serve as voting members. The council chair shall designate one member of the committee to serve as committee chair.
 2. A designee from the United States Coast Guard shall serve ex officio as a nonvoting member.
 3. A designee from United States Customs and Border Protection shall serve ex officio as a nonvoting member.
 4. Two representatives from local law enforcement agencies providing security services at a Florida seaport shall serve ex officio as nonvoting members.
 - (c) The committee shall meet at the call of the chair but at least annually. A majority of the voting members constitutes a quorum for the purpose of transacting business of the committee, and a vote of the majority of the voting members present is required for official action by the committee.
 - (d) The committee shall provide a forum for discussion of seaport security issues, including, but not limited to, matters such as national and state security strategy

and policy, actions required to meet current and future security threats, statewide cooperation on security issues, and security concerns of the state's maritime industry.”

- “GRANT PROGRAM. –
 - (a) The Florida Seaport Transportation and Economic Development Council shall establish a Seaport Security Grant Program for the purpose of assisting in the implementation of security plans and security measures at the seaports listed in s. 311.09(1). Funds may be used for the purchase of equipment, infrastructure needs, cybersecurity programs, and other security measures identified in a seaport's approved federal security plan. Such grants may not exceed 75 percent of the total cost of the request and are subject to legislative appropriation.
 - (b) The Seaport Security Advisory Committee shall review applications for the grant program and make recommendations to the council for grant approvals. The council shall adopt by rule criteria to implement this subsection.”

Sections 5 & 7 (s. 316.003, F.S.; creates 316.2069, F.S.)

- **Defines “commercial megacycle” and authorizes local governments to issue permits for their operation. Authorizes the Department of Transportation to prohibit the operation of commercial megacycles on or across any road under its jurisdiction in the interest of safety. Excludes commercial megacycle passengers from certain provisions regarding possession of open containers of alcoholic beverages. Also defines “driver-assistive truck platooning technology”.**
 - “COMMERCIAL MEGACYCLE. – A vehicle that has fully operational pedals for propulsion entirely by human power and meets all of the following requirements:
 - (a) Has four wheels and is operated in a manner similar to a bicycle.
 - (b) Has at least five but no more than 15 seats for passengers.
 - (c) Is primarily powered by pedaling but may have an auxiliary motor capable of propelling the vehicle at no more than 15 miles per hour.”
 - “DRIVER-ASSISTIVE TRUCK PLATOONING TECHNOLOGY. – Vehicle automation and safety technology that integrates sensor array, wireless vehicle-to-vehicle communications, active safety systems, and specialized software to link safety systems and synchronize acceleration and braking between two vehicles while leaving each vehicle’s steering control and systems command in the control of the vehicle’s driver in compliance with the National Highway Traffic Safety Administration rules regarding vehicle-to-vehicle communications.”
 - “The governing body of a municipality, or the governing board of a county with respect to an unincorporated portion of the county, may authorize the operation of a commercial megacycle on roads or streets within the respective jurisdictions if the requirements of subsections (1) through (3) are met:
 - (1) Prior to authorizing such operation, the responsible local governmental entity must first determine that commercial megacycles may safely travel on or cross the public road or street, considering factors including, but not limited to, the speed, volume,

and character of motor vehicle traffic using the road or street. Upon such determination, the responsibly governmental entity shall post appropriate signs to indicate that such operation is allowed.

- (2) The authorization by the governing body must clearly identify the roads or streets under the governing body's jurisdiction on or across which operation of commercial megacycles is permitted.
 - (3) The governing body's authorization, at a minimum, must require that a commercial megacycle be:
 - (a) Operated at all times by its owner or lessee or an employee of the owner or lessee.
 - (b) Operated by a driver at least 18 years of age who possess a Class E driver license.
 - (c) Occupied by a safety monitor at least 18 years of age, who shall supervise the passengers while the commercial megacycle is in motion.
 - (d) Insured with minimum commercial general liability insurance of not less than \$1,000,000, prior to and at all times of operation, satisfactory proof of which shall be provided to the appropriate governing body."
- "The Department of Transportation may prohibit the operation of commercial megacycles on or across any road under its jurisdiction if it determines that such prohibition is necessary in the interest of safety."
 - "[Prohibitions and penalties for possession of open containers of alcoholic beverages] [do] not apply to the passengers being transported in a commercial megacycle while operating in accordance with this section."
 - "This section does not prohibit use of an auxiliary motor to move the commercial megacycle from the roadway under emergency circumstances or while no passenger is on board."

Section 9 (s. 316.303, F.S.)

- **Exempts vehicles operating in autonomous mode or with driver-assistive truck platooning technology from a prohibition against television-type receiving equipment being visible from the driver's seat.**
 - "No motor vehicle may be operated on the highways of this state if the vehicle is actively displaying moving television broadcast or pre-recorded video entertainment content that is visible from the driver's seat while the vehicle is in motion, unless the vehicle is equipped with autonomous technology ... and is being operated in autonomous mode ..."
 - "This section does not prohibit the use of ... an electronic display used by an operator of a vehicle equipped with autonomous technology ... or an electronic display used by an operator of a vehicle equipped and operating with driver-assistive truck platooning technology ..."

Section 10 (s. 316.515, F.S.)

- **Extends the allowable length of certain semitrailers authorized to operate on public roads under certain conditions.**
 - “A semitrailer which is more than 48 feet but not more than 57 feet in extreme overall dimension ... may operate on public roads, except roads on the State Highway System which are restricted by the Department of Transportation or other roads restricted by certain authorities, if:
 - a. The distance between the kingpin or other peg that locks into the fifth wheel of a truck tractor and the center of the rear axle or rear group of axles does not exceed 41 feet, or, in the case of a semitrailer used exclusively or primarily to transport vehicles in connection with motorsports competition events, the distance does not exceed 46 feet from the kingpin to the center of the rear axles; and
 - b. It is equipped with a substantial rear-end underride protection device ...”

Section 12 (s. 316.85, F.S.)

- **Revises the circumstances under which a licensed driver is authorized to operate an autonomous vehicle in autonomous mode.**
 - “A person who possesses a valid driver license may operate an autonomous vehicle in autonomous mode on roads in this state if the vehicle is equipped with autonomous technology ...”

Section 13 (s. 316.86, F.S.)

- **Removes provisions for operation and financial responsibility of vehicles equipped with autonomous technology on roads for testing purposes.**

Deleted text below:

- “Vehicles equipped with autonomous technology may be operated on roads in this state by employees, contractors, or other persons designated by manufacturers of autonomous technology, or by research organizations associated with accredited educational institutions, for the purpose of testing the technology. For testing purposes, a human operator shall be present in the autonomous vehicle such that he or she has the ability to monitor the vehicle’s performance and intervene, if necessary, unless the vehicle is being tested or demonstrated on a closed course. Before the start of testing in this state, the entity performing the testing must submit to the department an instrument of insurance, surety bond, or proof of self-insurance acceptable to the department in the amount of \$5 million.”

Section 14 (s. 319.145, F.S.)

- **Revises provisions related to required equipment and operation of autonomous vehicles.**

- “An autonomous vehicle registered in this state must continue to meet applicable federal standards and regulations for such motor vehicle. The vehicle must:
 - (a) Have a system to safely alert the operator if an autonomous technology failure is detected while the autonomous technology is engaged. When an alert is given, the system must:
 1. Require the operator to take control of the autonomous vehicle; or
 2. If the operator does not, or is not able to, take control of the autonomous vehicle, be capable of bringing the vehicle to a complete stop...”

Section 16 (s. 320.525, F.S.)

- **Revises the definition of the term “port vehicles and equipment”.**
 - “As used in this section, the term “port vehicles and equipment” means trucks, tractors, trailers, truck cranes, top loaders, fork lifts, hostling tractors, chassis, or other vehicles or equipment used for transporting cargo, containers, or other equipment. The term includes motor vehicles being transported within a port facility or via designated port district roads.”

Sections 17, 18, & 19 (s. 322.051, F.S.; s. 322.14, F.S.)

- **Authorizes the international symbol for the deaf and hard of hearing to be exhibited on the driver license or identification card of a person who is deaf or hard of hearing.**
 - “The international symbol for the deaf and hard of hearing shall be exhibited on the identification card of a person who is deaf or hard of hearing upon the payment of an additional \$1 fee for the identification card and the presentation of sufficient proof that the person is deaf or hard of hearing as determined by the department. Until a person’s identification card is next renewed, the person may have symbol added to his or her identification card upon surrender of his or her current identification card, payment of a \$2 fee to be deposited into the Highway Safety Operating Trust Fund, and presentation of sufficient proof that the person is deaf or hard of hearing as determined by the department. If the applicant is not conducting any other transaction affecting the identification card, a replacement identification card may be issued with the symbol without payment of the fee required in s. 322.21(1)(f)3.” (These provisions are included in both s. 322.051, F.S. and s. 322.14, F.S.)
 - “The amendments made by this act to ss. 322.051 and 322.14, Florida Statutes, shall apply upon implementation of new designs for the driver license and identification card by the Department of Highway Safety and Motor Vehicles.”

Sections 37 & 38 (creates s. 335.085, F.S.; no statute number specified)

- **Names the law “Chloe’s Law”. Requires the Florida Department of Transportation to install roadside barriers to shield water bodies contiguous with state roads where a death due to drowning resulted from a motor vehicle accident in which a vehicle departed the adjacent state road during the 10 year period between July 1, 2006, and July 1, 2016.**

Requires the Department to study motor vehicle accidents meeting those criteria and to submit a report to the Legislature with recommendations for enhancing traffic safety.

- “Installation of roadside barriers along certain water bodies contiguous with state roads.—
 - (1) This section shall be cited as “Chloe’s Law.”
 - (2) By June 30, 2018, the department shall install roadside barrier to shield water bodies contiguous with state roads at locations where a death due to drowning resulted from a motor vehicle accident in which a vehicle departed the adjacent state road during the period between July 1, 2006, and July 1, 2016. This requirement does not apply to any location at which the department’s chief engineer determines, based on engineering principles, that installation of a barrier would increase the risk of injury to motorists traveling on the adjacent state road.”
- “The Department of Transportation shall review all motor vehicle accidents that resulted in death due to drowning in a water body contiguous with a state road and that occurred during the period between July 1, 2006, and July 1, 2016. The department shall use the reconciled crash data received from the Department of Highway Safety and Motor Vehicles and shall submit a report to the President of the Senate and the Speaker of the House of Representatives by January 3, 2017, providing recommendations regarding any necessary changes to state laws and department rules to enhance traffic safety.”

Section 40 (s. 337.18, F.S.)

- **Revises conditions for waiver of a required surety bond.**
 - “The department may waive the requirement for all or a portion of a surety bond if:
 - a. The contract price is \$250,000 or less and the department determines that the project is of a noncritical nature and that nonperformance will not endanger public health, safety, or property;
 - b. The prime contractor is a qualified nonprofit agency for the blind or for the other severely handicapped under s. 413.036(2); or
 - c. The prime contractor is using a subcontractor that is a qualified nonprofit agency for the blind or for the other severely handicapped under s. 413.036(2). However, the department may not waive more than the amount of the subcontract.”

Section 44 (s. 339.175, F.S.)

- **Revises provisions for a coordinating committee composed of metropolitan planning organizations in west central Florida and designates the committee as the “TBARTA Metropolitan Planning Organizations Chairs Coordinating Committee”. Revises statutory requirements for MPO long-range transportation plans to make the most efficient use of existing transportation facilities to include safety improvement and to consider infrastructure and technological improvements necessary to accommodate advances in vehicle technology, including autonomous technologies.**

- “The Tampa Bay Area Regional Transportation Authority Metropolitan Planning Organization Chairs Coordinating Committee is created within the Tampa Bay Area Regional Transportation Authority, composed of the M.P.O.’s serving Citrus, Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk, and Sarasota Counties. The authority shall provide administrative support and direction to the committee...”
- “The long-range transportation plan must, at a minimum:
 - (c) Assess capital investment and other measures necessary to: ...
 - 2. Make the most efficient use of existing transportation facilities to relieve vehicular congestion, improve safety, and maximize the mobility of people and goods. Such efforts must include, but are not limited to, consideration of infrastructure and technological improvements necessary to accommodate advances in vehicle technology, such as autonomous technology and other developments.”

Section 45 (s. 339.2818, F.S.)

- **Increases the population ceiling in the definition of the term “small county” for the purposes of the Small County Outreach Program. Deletes an alternative provision for the term “small county” for a specified fiscal year.**
 - “Small County Outreach Program.—
 - (2) For the purposes of this section, the term “small county” means any county that has a population of 170,000 or less as determined by the most recent official estimate ...”

Deleted text below:

- “Notwithstanding paragraph (a), for the 2015-2016 fiscal year, for purposes of this section, the term “small county” means any county that has a population of 165,000 or less as determined by the most official estimate pursuant to s. 186.901. This paragraph expires July 1, 2016.”

Section 46 (s. 339.55, F.S.)

- **Revises the purpose of the state-funded infrastructure bank within the Department of Transportation to include constructing and improving ancillary facilities that produce or distribute natural gas or fuel. Authorizes the Department to consider applications for loans from the bank for development and construction of natural gas fuel production or distribution facilities used primarily to support transportation activities at seaports or intermodal facilities and authorizes the use of such loans to refinance outstanding debt.**
 - “There is created within the Department of Transportation a state-funded infrastructure bank for the purpose of providing loans and credit enhancements to government units and private entities for use in constructing and improving transportation facilities or ancillary facilities that produce or distribute natural gas or fuel.”
 - “The bank may lend capital costs or provide credit enhancements for: ...”

- (d) Beginning July 1, 2017, applications for the development and construction of natural gas fuel production or distribution facilities used primarily to support the transportation activities at seaports or intermodal facilities. Loans under this paragraph may be used to finance outstanding debt.”

Section 47 (s. 339.64, F.S.)

- **Requires the Florida Department of Transportation to coordinate with certain partners and industry representatives to consider infrastructure and technological improvements necessary to accommodate advances in vehicle technology in Strategic Intermodal System facilities. Requires that the Strategic Intermodal System Plan include a needs assessment regarding infrastructure and technological improvements.**
 - “The department shall 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 Strategic Intermodal System facilities.”
 - “The Strategic Intermodal System Plan shall include the following:
 - (a) A needs assessment that must include, but is not limited to, consideration of infrastructure and technological improvements necessary to accommodate advances in vehicle technology, such as autonomous technology and other developments.”

Section 48 (repeals s. 341.0532, F.S.)

- **Repeals s. 341.0532, F.S., relating to statewide transportation corridors.**
 - “Section 341.0532, Florida Statutes, is repealed.”

Section 54 (no statute number specified)

- **Directs the Department of Transportation to study the operation of driver-assistive truck platooning technology and authorizes the Department to conduct a pilot project to test such operation. Provides security requirements for the pilot project and requires the Department to submit a report to the Governor and the Legislature.**
 - “The Department of Transportation, in consultation with the Department of Highway Safety and Motor Vehicles, shall study the use and safe operation of a driver-assistive truck platooning technology, as defined in s. 316.003, Florida Statutes, for the purpose of developing a pilot project to test vehicles that are equipped to operate using driver-assistive truck platooning technology.
 - (1) Upon conclusion of the study, the Department of Transportation, in consultation with the Department of Highway Safety and Motor Vehicles, may conduct a pilot project to test the use and safe operation of vehicles equipped with driver-assistive truck platooning technology.

- (2) Notwithstanding ss. 316.0895 and 316.303, Florida Statutes, the Department of Transportation may conduct the pilot project in such a manner and at such locations as determined by the Department of Transportation based on the study.
- (3) Before the start of the pilot project, manufacturers of driver-assistive truck platooning technology being tested in the pilot project must submit to the Department of Highway Safety and Motor Vehicles an instrument of insurance, a surety bond, or proof of self-insurance acceptable to the department in the amount of \$5 million.
- (4) Upon conclusion of the pilot project, the Department of Transportation, in consultation with the Department of Highway Safety and Motor Vehicles, shall submit the results of the study and any findings or recommendations from the pilot project to the Governor, the President of the Senate, and the Speaker of the House of Representatives.”

Section 55 (no statute number specified)

- **Directs the Office of Economic and Demographic Research to determine the economic benefits of the Department of Transportation’s adopted work program and directs the Department of Transportation to provide access to the necessary data.**
 - “The Office of Economic and Demographic Research shall evaluate and determine the economic benefits, as defined in s. 288.005(1), Florida Statutes, of the state’s investment in the Department of Transportation’s adopted work program developed in accordance with s. 339.135(5), Florida Statutes, for fiscal year 2016-2017 and the following 4 fiscal years. At a minimum, a separate return on investment shall be projected for each of the following areas:
 1. Roads and highways.
 2. Rails.
 3. Public transit.
 4. Aviation.
 5. Seaports.”
 - “The evaluation shall be limited to the funding anticipated by the adopted work program but may address the continuing economic impact for those transportation projects in the 5 years after the conclusion of the adopted work program. The evaluation must also determine the number of jobs created, the increase or decrease in personal income, and the impact on the gross domestic product from the direct, indirect, and induced effects of the state’s investment in each area.”
 - “The Department of Transportation and each of its district offices shall provide the Office of Economic and Demographic Research full access to all data necessary to complete the evaluation, including any confidential data.”
 - “The Office of Economic and Demographic Research shall submit the evaluation to the President of the Senate and the Speaker of the House of Representatives by January 1, 2017.”

Section 56 (creates s. 316.87, F.S.)

- **Provides that certain nonemergency medical transportation service providers may not be required to use a vehicle that is larger than needed to transport the number of persons being transported or that is inconsistent with the medical condition of the individuals receiving the nonemergency medical transportation services.**
 - “To ensure the availability of nonemergency medical transportation services throughout the state, a provider licensed by the county or operating under a permit issued by the county may not be required to use a vehicle that is larger than needed to transport the number of persons being transported or that is inconsistent with the medical condition of the individuals receiving the nonemergency medical transportation services. This section does not apply to the procurement, contracting, or provision of paratransit transportation services, directly or indirectly, by a county or an authority, pursuant to the Americans with Disabilities Act of 1990, as amended.”

An Act Relating to the Department of Transportation (HB 7027)

Note: Several sections of HB 7061 (Sections 2, 9, 12, 13, 14, 44, 47 detailed above) are also found in this bill. To avoid repetition, they have been omitted from the summary below.

Section 1 (s. 316.003, F.S.)

- **Defines “port of entry”.**
 - “PORT OF ENTRY. – A designated location that allows drivers of commercial motor vehicles to purchase temporary registration permits necessary to operate legally within the state. The locations and the designated routes to such locations shall be determined by the Department of Transportation.”

Section 6 (s. 316.545, F.S.)

- **Specifies penalties for drivers of commercial motor vehicles who obtain temporary registration permits entering the state at, or operating on designated routes to, a port of entry location.**
 - “... A driver of a commercial motor vehicle entering the state at a designated port-of-entry location ... or operating on designated routes to a port-of-entry location, who obtains a temporary registration permit shall be assessed a penalty limited to the difference between its gross weight and the declared gross vehicle weight at 5 cents per pound...”

Section 10 (s. 334.044, F.S.)

- **Authorizes the Florida Department of Transportation to assume responsibilities of the U.S. Department of Transportation with respect to highway projects within the state under the National Environmental Policy Act of 1969 and related responsibilities for environmental review, consultation, or other actions. Authorizes the Department to adopt rules and relevant federal environmental standards. Provides a limited waiver of sovereign immunity to civil suit in federal court.**
 - “The department shall have the following powers and duties:
 - (1) To assume the responsibilities of the United States Department of Transportation with respect to highway projects within the state under the National Environmental Policy Act of 1969, 42 U.S.C. ss. 4321 et seq., and with respect to related responsibilities for environmental review, consultation, or other action required under any federal environmental law pertaining to review or approval of a highway project within the state. The department may assume responsibilities under 23 U.S.C. s. 327 and enter into one or more agreements, including memoranda of understanding, with the United States Secretary of Transportation related to the federal surface transportation project delivery program for the delivery of highway projects, as provided by 23 U.S.C. s. 327. The department may adopt rules to implement this subsection and may adopt relevant federal environmental standards for this state for a program described in this subsection. Sovereign immunity from

civil suit in federal court is waived consistent with 23 U.S.C. s. 327 and limited to the compliance, discharge, or enforcement of a responsibility assumed by the department under this subsection.”

Section 11 (s. 334.30)

- **Revises requirements for the development and approval of a proposal to finance or refinance a transportation project as a public-private partnership. Authorizes the Division of Bond Finance of the State Board of Administration to make certain recommendations to the Governor.**
 - “Public-private transportation facilities –
(13) In connection with a proposal to finance or refinance a transportation facility pursuant to this section, the department shall consult with the Division of Bond Finance of the State Board of Administration. The department shall provide the division with the information necessary to provide timely consultation and recommendations. The Division of Bond Finance may make an independent recommendation to the Executive Office of the Governor.”

Section 12 (creates s. 337.027, F.S.)

- **Authorizes the Florida Department of Transportation to establish a program that would assist small businesses. Defines “small business” for the purpose of this section.**
 - “Authority to implement a business development program.—
(1) The department may establish a program for highway projects which would assist small businesses. The purpose of this program is to increase competition, lower prices, and provide increased support to meet the department’s future work program. The program may include, but is not limited to, setting aside contracts, providing preference points for the use of small businesses, providing special assistance in bidding and contract completion, waiving bond requirements, and implementing other strategies that would increase competition.
(2) For purposes of this section, the term ‘small business’ means a business with yearly average gross receipts of less than \$15 million for road and bridge contracts and less than \$6.5 million for professional and nonprofessional services contracts. A business’ average gross receipts is determined by averaging its annual gross receipts over the last 3 years, including the receipts of any affiliate defined in s. 337.165.
(3) The department may adopt rules to implement this section.”

Section 15 (creates s. 339.0809, F.S.)

- **Establishes the Florida Department of Transportation Financing Corporation. Provides for a board of directors, membership and organization, and powers and duties of the corporation. Authorizes the corporation to borrow money, and provides for effect of dissolution with respect to property owned by the corporation.**
 - “Florida Department of Transportation Financing Corporation.—

- (1) The Florida Department of Transportation Financing Corporation is created as a nonprofit corporation for the purpose of financing or refinancing projects for the department as provided in subsection (4).
- (2) The Florida Department of Transportation Financing Corporation shall be governed by a board of directors consisting of the director of the Office of Policy and Budget within the Executive Office of the Governor, the director of the Division of Bond Finance, and the Secretary of Transportation. The director of the Division of Bond Finance shall be the chief executive officer of the corporation and shall direct and supervise the administrative affairs of the corporation and shall control, direct, and supervise the operation of the corporation. The corporation shall have such other officers as may be determined by the board of directors.
- (3) The Florida Department of Transportation Financing Corporation shall have all the powers of a corporate body under the laws of the state to the extent not inconsistent with or restricted by this section, including, but not limited to, the power to:
 - (a) Adopt, amend, and repeal bylaws.
 - (b) Sue and be sued.
 - (c) Adopt and use a common seal.
 - (d) Acquire, purchase, hold, lease, and convey such real and personal property as may be proper or expedient to carry out the purposes of the corporation and this section and to sell, lease, or otherwise dispose of such property.
 - (e) Elect or appoint and employ such other officers, agents, and employees as the corporation deems advisable to operate and manage the affairs of the corporation, which officers, agents, and employees may be officers or employees of the department and the state agencies represented on the board of directors of the corporation.
 - (f) Borrow money and issue notes, bonds, certificates of indebtedness, or other obligations or evidences of indebtedness necessary to finance or refinance projects as provided in subsection (4).
 - (g) Make and execute any and all contracts, trust agreements, and other instruments and agreements necessary or convenient to accomplish the purposes of the corporation and this section.
 - (h) Select, retain, and employ professionals, contractors, or agents, which may include the Division of Bond Finance, as necessary or convenient to enable or assist the corporation in carrying out the purposes of the corporation and this section.
 - (i) Take any action necessary or convenient to carry out the purposes of the corporation and this section and the powers provided in this section.
- (4) The Florida Department of Transportation Financing Corporation may enter into one or more service contracts with the department to provide services to the department in connection with projects approved in the department's work program, which approval specifically provides that the 476 department may enter into a service contract for the project pursuant to this section. The department may enter into one or more such service contracts with the corporation and provide for payments under such contracts, subject to annual appropriation by the Legislature. The proceeds from such service contracts may be used for the corporation's administrative costs and expenses after payments under subsection (5). Each service contract may have a term of up to 35 years. In compliance with s. 287.0641 and

other applicable law, the obligations of the department under such service contracts do not constitute a general obligation of the state or a pledge of the full faith and credit or taxing power of the state, and such obligations are not an obligation of the State Board of Administration or entities for which it invests funds, other than the department as provided in this section, but are payable solely from amounts available in the State Transportation Trust Fund, subject to annual appropriation. In compliance with this subsection and s. 287.0582, the service contract must expressly include the following statement: "The State of Florida's performance and obligation to pay under this contract is contingent upon an annual appropriation by the Legislature."

- (5) The Florida Department of Transportation Financing Corporation may issue and incur notes, bonds, certificates of indebtedness, and other obligations or evidences of indebtedness payable from and secured by amounts payable to the corporation by the department under a service contract entered into under subsection (4) for the purpose of financing or refinancing projects approved as provided in subsection (4). The duration of any such note, bond, certificate of indebtedness, or other obligation or evidence of indebtedness may not exceed 30 annual maturities. The corporation may select its financing team and issue its obligations through competitive bidding or negotiated contracts, whichever is most cost-effective. Indebtedness of the corporation does not constitute a debt or obligation of the state or a pledge of the full faith and credit or taxing power of the state but is payable from and secured by payments made by the department under the service contract.
- (6) The fulfillment of the purposes of the Florida Department of Transportation Financing Corporation promotes the health, safety, and general welfare of the people of the state and serves as essential governmental functions and a paramount public purpose.
- (7) The Florida Department of Transportation Financing Corporation is exempt from taxation and assessments on its income, property, and assets or revenues acquired, received, or used in the furtherance of the purposes provided in this chapter. The obligations of the corporation incurred under subsection (5) and the interest and income on such obligations and all security agreements, letters of credit, liquidity facilities, or other obligations or instruments arising out of, entered into in connection with, or given to secure payment of such obligations are exempt from taxation; however, such exemption does not apply to any tax imposed under chapter 220 on the interest, income, or profits on debt obligations owned by corporations.
- (8) The Florida Department of Transportation Financing Corporation may validate obligations to be incurred under subsection (5) and the validity and enforceability of any service contracts providing for payments pledged to the payment of such obligations by proceedings under chapter 75. The validation complaint may be filed only in the circuit court of the Second Judicial Circuit in and for Leon County. The notice required to be published by s. 75.06 must be published in Leon County, and the complaint and order of the circuit court may be served only on the State Attorney for the Second Judicial Circuit. Sections 75.04(2) and 75.06(2) do not apply to a complaint for validation filed under this subsection.

- (9) The Florida Department of Transportation Financing Corporation is not a special district for purposes of chapter 189 or a unit of local government for purposes of part III of chapter 218. Chapters 120 and 215, except the limitation on the interest rates provided by s. 215.84, which applies to obligations of the corporation issued pursuant to this section, and part I of chapter 287, except ss. 287.0582 and 287.0641, do not apply to this section, the corporation, the service contracts entered into pursuant to this section, or debt obligations issued by the corporation as contemplated in this section.
- (10) The benefits and earnings of the Florida Department of Transportation Financing Corporation may not inure to the benefit of any private person.
- (11) Upon dissolution of the Florida Department of Transportation Financing Corporation, title to all property owned by the corporation shall revert to the state.
- (12) The Florida Department of Transportation Financing Corporation may contract with the State Board of Administration to serve as a trustee with respect to debt obligations issued by the corporation as contemplated by this section; to hold, administer, and invest proceeds of such debt obligations and other funds of the corporation; and to perform other services required by the corporation. The State Board of Administration may perform such services and may contract with others to provide all or a part of such services and to recover its and such other costs and expenses thereof.
- (13) The department may enter into a service contract in conjunction with the issuance of debt obligations as provided in this section which provides for periodic payments for service or other amounts payable with respect to debt obligations, plus any administrative expenses of the Florida Department of Transportation Financing Corporation.

Section 16 (s. 339.135, F.S.)

- **Grants approval authority to the Legislative Budget Commission for any adopted work program amendment adding a project or project phase worth more than \$3 million and requires the Florida Department of Transportation to provide certain supplemental information for such an amendment. Deletes a provision allowing the chair and the vice chair of the Legislative Budget Commission to authorize an amendment to the adopted work program under certain conditions.**
 - “Any work program amendment that also adds a new project, or phase thereof, to the adopted work program in excess of \$3 million is subject to approval by the Legislative Budget Commission. Any work program amendment submitted under this paragraph must include, as supplemental information, a list of projects, or phases thereof, in the current 5-year adopted work program which are eligible for the funds within the appropriation category being used for the proposed amendment. The department shall provide a narrative with the rationale for not advancing an existing project, or phase thereof, in lieu of the proposed amendment.”

Deleted text below:

- “... If a meeting of the Legislative Budget Commission cannot be held within 30 days of the department submitting an amendment to the Legislative Budget Commission, the chair and vice chair of the Legislative Budget Commission may authorize such amendment to be approved ... ”

An Act Relating to Growth Management (HB 1361)

Section 1 (s. 125.001, F.S.)

- **Authorizes county boards to meet and discuss matters of mutual interest with specified counties or municipalities upon due public notice and provides parameters for such meetings.**
 - “The board may hold joint meetings with the governing body or bodies of one or more adjacent counties or municipalities to discuss matters regarding land development, economic development, or any other matters of mutual interest at any appropriate public place within the jurisdiction of any participating county or municipality only if the board provides due public notice within the jurisdiction of all participating municipalities and counties.
 - (a) To participate in a joint public meeting, the governing body of a county or municipality must first adopt a resolution authorizing such participation.
 - (b) No official vote may be taken at a joint meeting.
 - (c) A joint meeting may not take the place of any public hearing required by law.”

Section 4 (s. 163.3245, F.S.)

- **Reduces the acreage thresholds for sector plans from 15,000 acres to 5,000 acres.**
 - “... Sector plans are intended for substantial geographic areas that include at least 5,000 acres of one or more local government jurisdictions...”

Section 7 (s. 380.06, F.S.)

- **Authorizes certain changes to proposed developments of regional impact. Authorizes parties to amend certain development agreements without submittal, review, or approval of a notification of proposed change. Authorizes certain developments to be considered essentially built out when certain reporting requirements of a development order are not met. Provides criteria under which one approved land use may be substituted for another approved land use in certain land development agreements under certain circumstances. Provides that certain phase date extensions to amend a development order are not considered substantial deviations under certain circumstances. Specifies conditions under which certain proposed developments are not required to undergo the state coordinated review process.**
 - “... However, a local government may approve a change to a development authorized as a development of regional impact if the change has the effect of reducing the originally approved height, density, or intensity of the development and if the revised development would have been consistent with the comprehensive plan in effect when the development was originally approved. If the revised development is approved, the developer may proceed as provided in s. 163.3167(5).”

- “The parties may amend the agreement without submission, review, or approval of a notification of proposed change pursuant to subsection (19). For the purposes of this paragraph, a development of regional impact is considered essentially built out, if:
 - a. The developers are in compliance with all applicable terms and conditions of the development order except the buildout date or reporting requirements...”

- “In order to accommodate changing marking demands and achieve maximum land use efficiency in an essentially built out project, when a developer is building out a project, a local government, without the concurrence of the state land planning agency, may adopt a resolution authorizing the developer to exchange one approved land use for another approved land use as specified in the agreement. Before the issuance of a building permit pursuant to an exchange, the developer must demonstrate to the local government that the exchange ratio will not result in a net increase in impacts to public facilities and will meet all applicable requirements of the comprehensive plan and land development code. For developments previously determined to impact strategic intermodal facilities as defined in s. 339.63, the local government shall consult with the Department of Transportation before approving the exchange.”

- “The following changes, individually or cumulatively with any previous changes, are not substantial deviations: ...
 - I. A phase date extension, if the state land planning agency, in consultation with the regional planning council and subject to the written concurrence of the Department of Transportation, agrees that the traffic impact is not significant and adverse under state agency rules.”

- “A proposed development otherwise subject to the review requirements of this section shall be approved by a local government ... in lieu of proceeding in accordance with this section. However, if the proposed development is consistent with the comprehensive plan ... the development is not required to undergo review ... This subsection does not apply to amendments to a development order governing an existing development of regional impact.”

Section 8 (s. 380.0651, F.S.)

- **Provides that lands acquired for development are not subject to aggregation under certain circumstances.**
 - Aggregation is not applicable when the following circumstances and provisions of this chapter apply: ...
 - (6) Newly acquired lands intended for development in coordination with a developed and existing development of regional impact are not subject to aggregation if the newly acquired lands comprise an area that is equal to or less than 10 percent of the total acreage subject to an existing development-of-regional-impact development order.”

An Act Relating to the Relocation of Utilities (SB 416)

Section 3 (s. 337.403, F.S.)

- **Requires the authority (the Department or local government entities that have jurisdiction and control of public roads or publicly owned rail corridors) to bear the cost of the utility work necessary to eliminate an unreasonable interference if the utility is lawfully located within a certain utility easement, subject to certain deductions.**
 - “Interference caused by utility –
 - (j) If a utility is lawfully located within an existing and valid utility easement granted by recorded plat, regardless of whether such land was subsequently acquired by the authority by dedication, transfer of fee, or otherwise, the authority must bear the cost of the utility work required to eliminate an unreasonable interference. The authority shall pay the entire expense properly attributable to such work after deducted any increase in the value of a new facility and any salvage value derived from an old facility.”