

1 A bill to be entitled

2 An act relating to the Department of Transportation;
3 amending s. 20.23, F.S.; revising provisions relating
4 to functions of the Florida Transportation Commission
5 to add certain monitoring of the Mid-Bay Bridge
6 Authority; repealing provisions for the Florida
7 Statewide Passenger Rail Commission; amending s.
8 316.0083, F.S.; revising provisions for enforcement by
9 a traffic infraction enforcement officer of specified
10 provisions requiring vehicular traffic facing a steady
11 red signal to stop; revising provisions for
12 enforcement of turns facing a steady red signal;
13 removing authority of the Department of Highway Safety
14 and Motor Vehicles to enforce such provisions using a
15 traffic infraction detector; revising procedures for
16 enforcement and disposition of notice of violation;
17 removing provisions for issuance of a uniform traffic
18 citation; providing for withholding of vehicle
19 registration if a violator fails to pay the penalty;
20 revising uses of penalties collected; restricting use
21 of images collected by traffic infraction detectors;
22 revising requirements for reports by counties,
23 municipalities, and the Department of Highway Safety
24 and Motor Vehicles; revising an amount that may be
25 assessed for an administrative hearing; amending s.
26 316.0776, F.S.; revising provisions authorizing the

Page 1 of 66

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

27 use of traffic infraction detectors; revising
28 provisions for installation of traffic infraction
29 detectors; amending s. 316.640, F.S.; removing
30 provisions authorizing the department to use traffic
31 infraction enforcement officers to enforce specified
32 provisions; amending s. 318.15, F.S.; revising
33 provisions for withholding issuance of a license plate
34 or revalidation sticker when a person fails to pay
35 penalties under specified provisions; amending s.
36 318.18, F.S.; conforming penalty provisions;
37 conforming provisions for use of penalties collected;
38 amending s. 320.03, F.S.; revising provisions for
39 withholding issuance of a license plate or
40 revalidation sticker; providing for costs; amending s.
41 335.10, F.S.; prohibiting charges for public parking
42 in certain parking spaces; amending s. 337.25, F.S.;
43 revising provisions for disposition of property by the
44 department; authorizing the department to contract for
45 auction services for conveyance of property; revising
46 requirements for an inventory of property; amending s.
47 337.251, F.S.; revising provisions for lease of
48 property; requiring the department to publish a notice
49 of receipt of a proposal for lease of particular
50 department property and accept other proposals;
51 revising notice procedures; requiring the department
52 to establish by rule an application fee for lease

53 proposals; authorizing the department to engage the
54 services of private consultants to assist in
55 evaluating proposals; requiring the department to make
56 specified determinations before approving a proposed
57 lease; amending s. 338.161, F.S.; revising provisions
58 for the department to enter into agreements for
59 certain purposes with public or private transportation
60 facility owners whose systems become interoperable
61 with the department's systems; amending s. 373.4137,
62 F.S.; providing legislative intent that environmental
63 mitigation be implemented in a manner that promotes
64 efficiency, timeliness, and cost-effectiveness in
65 project delivery; revising the criteria of the
66 environmental impact inventory; revising the criteria
67 for mitigation of projected impacts identified in the
68 environmental impact inventory; requiring the
69 Department of Transportation to include funding for
70 environmental mitigation for its projects in its work
71 program; revising the process and criteria for the
72 payment by the department or participating
73 transportation authorities of mitigation implemented
74 by water management districts or the Department of
75 Environmental Protection; revising the requirements
76 for the payment to a water management district or the
77 Department of Environmental Protection of the costs of
78 mitigation planning and implementation of the

79 mitigation required by a permit; revising the payment
80 criteria for preparing and implementing mitigation
81 plans adopted by water management districts for
82 transportation impacts based on the environmental
83 impact inventory; adding federal requirements for the
84 development of a mitigation plan; providing for
85 transportation projects in the environmental
86 mitigation plan for which mitigation has not been
87 specified; revising a water management district's
88 responsibilities relating to a mitigation plan;
89 amending s. 2 of chapter 85-364, Laws of Florida, as
90 amended by chapter 95-382, Laws of Florida, relating
91 to the Department of Transportation; authorizing tolls
92 from the Pinellas Bayway to be used for maintenance
93 costs; removing certain projects from the flow of
94 funds; amending s. 110.205, F.S.; conforming cross-
95 references; providing an appropriation; providing an
96 effective date.

97
98 Be It Enacted by the Legislature of the State of Florida:

99
100 Section 1. Subsections (2) and (3) of section 20.23,
101 Florida Statutes, are amended to read:

102 20.23 Department of Transportation.—There is created a
103 Department of Transportation which shall be a decentralized
104 agency.

105 (2)

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

107 1. Recommend major transportation policies for the

108 Governor's approval, and assure that approved policies and any

109 revisions thereto are properly executed.

110 2. Periodically review the status of the state

111 transportation system including highway, transit, rail, seaport,

112 intermodal development, and aviation components of the system

113 and recommend improvements therein to the Governor and the

114 Legislature.

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

116 budget request, the Florida Transportation Plan, and the

117 tentative work program for compliance with all applicable laws

118 and established departmental policies. Except as specifically

119 provided in s. 339.135(4)(c)2., (d), and (f), the commission may

120 not consider individual construction projects, but shall

121 consider methods of accomplishing the goals of the department in

122 the most effective, efficient, and businesslike manner.

123 4. Monitor the financial status of the department on a

124 regular basis to assure that the department is managing revenue

125 and bond proceeds responsibly and in accordance with law and

126 established policy.

127 5. Monitor on at least a quarterly basis, the efficiency,

128 productivity, and management of the department, using

129 performance and production standards developed by the commission

130 pursuant to s. 334.045.

131 6. Perform an in-depth evaluation of the factors causing
132 disruption of project schedules in the adopted work program and
133 recommend to the Legislature and the Governor methods to
134 eliminate or reduce the disruptive effects of these factors.

135 7. Recommend to the Governor and the Legislature
136 improvements to the department's organization in order to
137 streamline and optimize the efficiency of the department. In
138 reviewing the department's organization, the commission shall
139 determine if the current district organizational structure is
140 responsive to Florida's changing economic and demographic
141 development patterns. The initial report by the commission must
142 be delivered to the Governor and Legislature by December 15,
143 2000, and each year thereafter, as appropriate. The commission
144 may retain such experts as are reasonably necessary to
145 effectuate this subparagraph, and the department shall pay the
146 expenses of such experts.

147 8. Monitor the efficiency, productivity, and management of
148 the authorities created under chapters 348 and 349, including
149 any authority formed using the provisions of part I of chapter
150 348; the Mid-Bay Bridge Authority created pursuant to chapter
151 2000-411, Laws of Florida; and any authority formed under
152 chapter 343 ~~which is not monitored under subsection (3)~~. The
153 commission shall also conduct periodic reviews of each
154 authority's operations and budget, acquisition of property,
155 management of revenue and bond proceeds, and compliance with
156 applicable laws and generally accepted accounting principles.

157 ~~(3) There is created the Florida Statewide Passenger Rail~~
158 ~~Commission.~~

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

161 ~~a. Three members shall be appointed by the Governor, one~~
162 ~~of whom must have a background in the area of environmental~~
163 ~~concerns, one of whom must have a legislative background, and~~
164 ~~one of whom must have a general business background.~~

165 ~~b. Three members shall be appointed by the President of~~
166 ~~the Senate, one of whom must have a background in civil~~
167 ~~engineering, one of whom must have a background in~~
168 ~~transportation construction, and one of whom must have a general~~
169 ~~business background.~~

170 ~~e. Three members shall be appointed by the Speaker of the~~
171 ~~House of Representatives, one of whom must have a legal~~
172 ~~background, one of whom must have a background in financial~~
173 ~~matters, and one of whom must have a general business~~
174 ~~background.~~

175 ~~2. The initial term of each member appointed by the~~
176 ~~Governor shall be for 4 years. The initial term of each member~~
177 ~~appointed by the President of the Senate shall be for 3 years.~~
178 ~~The initial term of each member appointed by the Speaker of the~~
179 ~~House of Representatives shall be for 2 years. Succeeding terms~~
180 ~~for all members shall be for 4 years.~~

181 ~~3. A vacancy occurring during a term shall be filled by~~
182 ~~the respective appointing authority in the same manner as the~~

183 ~~original appointment and only for the balance of the unexpired~~
184 ~~term. An appointment to fill a vacancy shall be made within 60~~
185 ~~days after the occurrence of the vacancy.~~

186 ~~4. The commission shall elect one of its members as chair~~
187 ~~of the commission. The chair shall hold office at the will of~~
188 ~~the commission. Five members of the commission shall constitute~~
189 ~~a quorum, and the vote of five members shall be necessary for~~
190 ~~any action taken by the commission. The commission may meet upon~~
191 ~~the constitution of a quorum. A vacancy in the commission does~~
192 ~~not impair the right of a quorum to exercise all rights and~~
193 ~~perform all duties of the commission.~~

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

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

198 ~~1. Monitoring the efficiency, productivity, and management~~
199 ~~of all publicly funded passenger rail systems in the state,~~
200 ~~including, but not limited to, any authority created under~~
201 ~~chapter 343, chapter 349, or chapter 163 if the authority~~
202 ~~receives public funds for the provision of passenger rail~~
203 ~~service. The commission shall advise each monitored authority of~~
204 ~~its findings and recommendations. The commission shall also~~
205 ~~conduct periodic reviews of each monitored authority's passenger~~
206 ~~rail and associated transit operations and budget, acquisition~~
207 ~~of property, management of revenue and bond proceeds, and~~
208 ~~compliance with applicable laws and generally accepted~~

209 ~~accounting principles. The commission may seek the assistance of~~
 210 ~~the Auditor General in conducting such reviews and shall report~~
 211 ~~the findings of such reviews to the Legislature. This paragraph~~
 212 ~~does not preclude the Florida Transportation Commission from~~
 213 ~~conducting its performance and work program monitoring~~
 214 ~~responsibilities.~~

215 ~~2. Advising the department on policies and strategies used~~
 216 ~~in planning, designing, building, operating, financing, and~~
 217 ~~maintaining a coordinated statewide system of passenger rail~~
 218 ~~services.~~

219 ~~3. Evaluating passenger rail policies and providing advice~~
 220 ~~and recommendations to the Legislature on passenger rail~~
 221 ~~operations in the state.~~

222 ~~(c) The commission or a member of the commission may not~~
 223 ~~enter into the day-to-day operation of the department or a~~
 224 ~~monitored authority and is specifically prohibited from taking~~
 225 ~~part in:~~

226 ~~1. The awarding of contracts.~~

227 ~~2. The selection of a consultant or contractor or the~~
 228 ~~prequalification of any individual consultant or contractor.~~
 229 ~~However, the commission may recommend to the secretary standards~~
 230 ~~and policies governing the procedure for selection and~~
 231 ~~prequalification of consultants and contractors.~~

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

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

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

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

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

239 ~~(d) The commission is assigned to the Office of the~~
 240 ~~Secretary of the Department of Transportation for administrative~~
 241 ~~and fiscal accountability purposes, but it shall otherwise~~
 242 ~~function independently of the control and direction of the~~
 243 ~~department except that reasonable expenses of the commission~~
 244 ~~shall be subject to approval by the Secretary of Transportation.~~
 245 ~~The department shall provide administrative support and service~~
 246 ~~to the commission.~~

247 Section 2. Section 316.0083, Florida Statutes, is amended
 248 to read:

249 316.0083 Mark Wandall Traffic Safety Program;
 250 administration; report.-

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

261 ~~manner at an intersection where right-hand turns are~~
 262 ~~permissible.~~ A notice of violation may be issued at an
 263 intersection where right or left turns on a steady red signal
 264 are permissible if, in the reviewing traffic infraction
 265 enforcement officer's discretion, the driver is making a turn
 266 and one or more of the following factors is present at the time
 267 of violation:

268 a. The operator of the motor vehicle fails to yield to a
 269 pedestrian or bicyclist; or

270 b. The operator of the motor vehicle fails to yield to
 271 another vehicle.

272 2. A notice of violation ~~and a traffic citation~~ may not be
 273 issued under this section if the driver of the vehicle came to a
 274 complete stop after crossing the stop line and before turning
 275 right if permissible at a red light, but failed to stop before
 276 crossing over the stop line or other point at which a stop is
 277 required. This paragraph does not prohibit a review of
 278 information from a traffic infraction detector by an authorized
 279 employee or agent of ~~the department,~~ a county, or a municipality
 280 before issuance of the notice of violation ~~traffic citation~~ by
 281 the traffic infraction enforcement officer. This paragraph does
 282 not prohibit ~~the department,~~ a county, or a municipality from
 283 issuing notification as provided in paragraph (b) to the
 284 registered owner of the motor vehicle involved in the violation
 285 of s. 316.074(1) or s. 316.075(1)(c)1.

286 (b)1.a. Within 30 days after a violation, notification
 287 must be sent to the registered owner of the motor vehicle
 288 involved in the violation specifying the remedies available
 289 under s. 318.14 and that the violator must pay the penalty of
 290 \$158 as described in this section to the ~~department,~~ county, or
 291 municipality, or furnish an affidavit in accordance with
 292 paragraph (c) ~~(d)~~, or request a hearing within 60 days following
 293 the date of the notification in order to avoid a hold on the
 294 vehicle's registration pursuant to s. 320.03(8) ~~the issuance of~~
 295 ~~a traffic citation~~. The notification must be sent by first-class
 296 mail. The mailing of the notice of violation constitutes
 297 notification.

298 b. Included with the notification to the registered owner
 299 of the motor vehicle involved in the infraction must be a notice
 300 that the owner has the right to review the photographic or
 301 electronic images or the streaming video evidence that
 302 constitutes a rebuttable presumption against the owner of the
 303 vehicle. The notice must state the time and place or Internet
 304 location where the evidence may be examined and observed.

305 c. Notwithstanding any other provision of law, a person
 306 who receives a notice of violation under this section may
 307 request a hearing within 60 days following the notification of
 308 violation or pay the penalty pursuant to the notice of
 309 violation, but a payment or fee may not be required before the
 310 hearing requested by the person. The notice of violation must be
 311 accompanied by, or direct the person to a website that provides,

312 information on the person's right to request a hearing and on
 313 all court costs related thereto and a form to request a hearing.
 314 As used in this sub-subparagraph, the term "person" includes a
 315 natural person, registered owner or coowner of a motor vehicle,
 316 or person identified on an affidavit as having care, custody, or
 317 control of the motor vehicle at the time of the violation.

318 d. If the registered owner or coowner of the motor
 319 vehicle, or the person designated as having care, custody, or
 320 control of the motor vehicle at the time of the violation, or an
 321 authorized representative of the owner, coowner, or designated
 322 person, initiates a proceeding to challenge the violation
 323 pursuant to this paragraph, such person waives any challenge or
 324 dispute as to the delivery of the notice of violation.

325 2. Penalties assessed and collected by the ~~department,~~
 326 ~~county,~~ or municipality authorized to collect the funds provided
 327 for in this paragraph, less the amount retained by the county or
 328 municipality pursuant to subparagraph 3., shall be paid to the
 329 Department of Revenue weekly. Payment by the ~~department,~~ ~~county,~~
 330 or municipality to the state shall be made by means of
 331 electronic funds transfers. In addition to the payment, summary
 332 detail of the penalties remitted shall be reported to the
 333 Department of Revenue.

334 3. Penalties to be assessed and collected by the
 335 ~~department,~~ ~~county,~~ or municipality are \$158 as follows:

336 a. ~~One hundred fifty-eight dollars for a violation of s.~~
 337 ~~316.074(1) or s. 316.075(1)(c)1. when a driver failed to stop at~~

338 ~~a traffic signal if enforcement is by the department's traffic~~
339 ~~infraction enforcement officer. One hundred dollars shall be~~
340 ~~remitted to the Department of Revenue for deposit into the~~
341 ~~General Revenue Fund, \$10 shall be remitted to the Department of~~
342 ~~Revenue for deposit into the Department of Health Emergency~~
343 ~~Medical Services Trust Fund, \$3 shall be remitted to the~~
344 ~~Department of Revenue for deposit into the Brain and Spinal Cord~~
345 ~~Injury Trust Fund, and \$45 shall be distributed to the~~
346 ~~municipality in which the violation occurred, or, if the~~
347 ~~violation occurred in an unincorporated area, to the county in~~
348 ~~which the violation occurred. Funds deposited into the~~
349 ~~Department of Health Emergency Medical Services Trust Fund under~~
350 ~~this sub-subparagraph shall be distributed as provided in s.~~
351 ~~395.4036(1). Proceeds of the infractions in the Brain and Spinal~~
352 ~~Cord Injury Trust Fund shall be distributed quarterly to the~~
353 ~~Miami Project to Cure Paralysis and used for brain and spinal~~
354 ~~cord research.~~

355 ~~b. One hundred fifty-eight dollars for a violation of s.~~
356 ~~316.074(1) or s. 316.075(1)(c)1. when a driver failed to stop at~~
357 ~~a traffic signal if enforcement is by a county or municipal~~
358 ~~traffic infraction enforcement officer. Seventy dollars shall be~~
359 ~~remitted by the county or municipality to the Department of~~
360 ~~Revenue for deposit into the General Revenue Fund, \$10 shall be~~
361 ~~remitted to the Department of Revenue for deposit into the~~
362 ~~Department of Health Emergency Medical Services Trust Fund, \$3~~
363 ~~shall be remitted to the Department of Revenue for deposit into~~

364 the Brain and Spinal Cord Injury Trust Fund, and \$75 shall be
 365 retained by the county or municipality enforcing the ordinance
 366 enacted pursuant to this section. Seventy percent of the funds
 367 retained by the county or municipality must be used for traffic
 368 safety projects. Funds deposited into the Department of Health
 369 Emergency Medical Services Trust Fund under this sub-
 370 subparagraph shall be distributed as provided in s. 395.4036(1).
 371 Proceeds of the infractions in the Brain and Spinal Cord Injury
 372 Trust Fund shall be distributed quarterly to the Miami Project
 373 to Cure Paralysis and used for brain and spinal cord research.

374 4. An individual may not receive a commission from any
 375 revenue collected from violations detected through the use of a
 376 traffic infraction detector. A manufacturer or vendor may not
 377 receive a fee or remuneration based upon the number of
 378 violations detected through the use of a traffic infraction
 379 detector.

380 ~~(c)1.a. A traffic citation issued under this section shall~~
 381 ~~be issued by mailing the traffic citation by certified mail to~~
 382 ~~the address of the registered owner of the motor vehicle~~
 383 ~~involved in the violation if payment has not been made within 60~~
 384 ~~days after notification under paragraph (b), if the registered~~
 385 ~~owner has not requested a hearing as authorized under paragraph~~
 386 ~~(b), or if the registered owner has not submitted an affidavit~~
 387 ~~under this section.~~

388 ~~b. Delivery of the traffic citation constitutes~~
 389 ~~notification under this paragraph. If the registered owner or~~

390 ~~coowner of the motor vehicle, or the person designated as having~~
 391 ~~care, custody, or control of the motor vehicle at the time of~~
 392 ~~the violation, or a duly authorized representative of the owner,~~
 393 ~~coowner, or designated person, initiates a proceeding to~~
 394 ~~challenge the citation pursuant to this section, such person~~
 395 ~~waives any challenge or dispute as to the delivery of the~~
 396 ~~traffic citation.~~

397 ~~e. In the case of joint ownership of a motor vehicle, the~~
 398 ~~traffic citation shall be mailed to the first name appearing on~~
 399 ~~the registration, unless the first name appearing on the~~
 400 ~~registration is a business organization, in which case the~~
 401 ~~second name appearing on the registration may be used.~~

402 ~~2. Included with the notification to the registered owner~~
 403 ~~of the motor vehicle involved in the infraction shall be a~~
 404 ~~notice that the owner has the right to review, in person or~~
 405 ~~remotely, the photographic or electronic images or the streaming~~
 406 ~~video evidence that constitutes a rebuttable presumption against~~
 407 ~~the owner of the vehicle. The notice must state the time and~~
 408 ~~place or Internet location where the evidence may be examined~~
 409 ~~and observed.~~

410 ~~(c)(d)~~1. The owner of the motor vehicle involved in the
 411 violation is responsible and liable for paying the notice of
 412 violation ~~the uniform traffic citation~~ issued for a violation of
 413 s. 316.074(1) or s. 316.075(1)(c)1. when the driver failed to
 414 stop at a traffic signal, unless the owner can establish that:

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

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

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

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

425 e. The motor vehicle's owner was deceased on or before the
 426 date that the notice of violation ~~uniform traffic citation~~ was
 427 issued, as established by an affidavit submitted by the
 428 representative of the motor vehicle owner's estate or other
 429 designated person or family member.

430 2. In order to establish such facts, the owner of the
 431 motor vehicle shall, within 30 days after the date of issuance
 432 of the notice of violation ~~traffic citation~~, furnish to the
 433 appropriate governmental entity an affidavit setting forth
 434 detailed information supporting an exemption as provided in this
 435 paragraph.

436 a. An affidavit supporting an exemption under sub-
 437 subparagraph 1.c. must include the name, address, date of birth,
 438 and, if known, the driver license number of the person who
 439 leased, rented, or otherwise had care, custody, or control of
 440 the motor vehicle at the time of the alleged violation. If the

441 vehicle was stolen at the time of the alleged offense, the
442 affidavit must include the police report indicating that the
443 vehicle was stolen.

444 b. If a traffic citation for a violation of s. 316.074(1)
445 or s. 316.075(1)(c)1. was issued at the location of the
446 violation by a law enforcement officer, the affidavit must
447 include the serial number of the uniform traffic citation.

448 c. If the motor vehicle's owner to whom a notice of
449 violation ~~a traffic citation~~ has been issued is deceased, the
450 affidavit must include a certified copy of the owner's death
451 certificate showing that the date of death occurred on or before
452 the issuance of the notice of violation ~~uniform traffic citation~~
453 and one of the following:

454 (I) A bill of sale or other document showing that the
455 deceased owner's motor vehicle was sold or transferred after his
456 or her death, but on or before the date of the alleged
457 violation.

458 (II) Documentary proof that the registered license plate
459 belonging to the deceased owner's vehicle was returned to the
460 department or any branch office or authorized agent of the
461 department, but on or before the date of the alleged violation.

462 (III) A copy of a police report showing that the deceased
463 owner's registered license plate or motor vehicle was stolen
464 after the owner's death, but on or before the date of the
465 alleged violation.

466

467 Upon receipt of the affidavit and documentation required under
468 this sub-subparagraph, the governmental entity must dismiss the
469 notice of violation ~~citation~~ and provide proof of such dismissal
470 to the person that submitted the affidavit.

471 3. Upon receipt of an affidavit, the person designated as
472 having care, custody, or control of the motor vehicle at the
473 time of the violation may be issued a notice of violation
474 pursuant to paragraph (b) for a violation of s. 316.074(1) or s.
475 316.075(1)(c)1. when the driver failed to stop at a traffic
476 signal. The affidavit is admissible in a proceeding pursuant to
477 this section for the purpose of providing proof that the person
478 identified in the affidavit was in actual care, custody, or
479 control of the motor vehicle. The owner of a leased vehicle for
480 which a notice of violation ~~traffic citation~~ is issued for a
481 violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver
482 failed to stop at a traffic signal is not responsible for paying
483 the notice of violation ~~traffic citation~~ and is not required to
484 submit an affidavit as specified in this subsection if the motor
485 vehicle involved in the violation is registered in the name of
486 the lessee of such motor vehicle.

487 4. Paragraph ~~Paragraphs~~ (b) applies and ~~(c)~~ apply to the
488 person identified on the affidavit, except that the notification
489 under sub-subparagraph (b)1.a. must be sent to the person
490 identified on the affidavit within 30 days after receipt of an
491 affidavit.

492 5. The submission of a false affidavit is a misdemeanor of
493 the second degree, punishable as provided in s. 775.082 or s.
494 775.083.

495 ~~(d)(e)~~ The photographic or electronic images or streaming
496 video attached to or referenced in the notice of violation
497 ~~traffic citation~~ is evidence that a violation of s. 316.074(1)
498 or s. 316.075(1)(c)1. when the driver failed to stop at a
499 traffic signal has occurred and is admissible in any proceeding
500 to enforce this section and raises a rebuttable presumption that
501 the motor vehicle named in the report or shown in the
502 photographic or electronic images or streaming video evidence
503 was used in violation of s. 316.074(1) or s. 316.075(1)(c)1.
504 when the driver failed to stop at a traffic signal. The
505 photographic or electronic images or streaming video are not
506 admissible as evidence in any other proceeding.

507 (2) A notice of violation ~~and a traffic citation~~ may not
508 be issued for failure to stop at a red light, at an intersection
509 where right or left turns on a steady red signal are
510 permissible, if the driver makes a right or left ~~is making a~~
511 ~~right-hand~~ turn unless pedestrians are in or immediately
512 adjacent to the crosswalk in a careful and prudent manner at an
513 intersection where right-hand turns are permissible. A notice of
514 violation may be issued at an intersection where right or left
515 turns on a steady red signal are permissible if, in the
516 reviewing traffic infraction enforcement officer's discretion,

517 the driver is making a turn and one or more of the following
 518 factors is present at the time of violation:

519 (a) The operator of the motor vehicle fails to yield to a
 520 pedestrian or bicyclist; or

521 (b) The operator of the motor vehicle fails to yield to
 522 another vehicle.

523 (3) This section supplements the enforcement of s.
 524 316.074(1) or s. 316.075(1)(c)1. by law enforcement officers
 525 when a driver fails to stop at a traffic signal and does not
 526 prohibit a law enforcement officer from issuing a traffic
 527 citation for a violation of s. 316.074(1) or s. 316.075(1)(c)1.
 528 when a driver fails to stop at a traffic signal in accordance
 529 with normal traffic enforcement techniques.

530 (4)(a) Each county or municipality that operates a traffic
 531 infraction detector shall submit a report by October 1, 2014
 532 2012, and semiannually on April 1 and October 1 annually
 533 thereafter, to the department. The report shall detail ~~which~~
 534 ~~details~~ the results of using the traffic infraction detector and
 535 the procedures for enforcement for the preceding state fiscal
 536 year. The department shall notify the Department of
 537 Transportation which counties and municipalities fail to submit
 538 the report. The information submitted by the counties and
 539 municipalities must include statistical data and information
 540 required by the department to complete the report required under
 541 paragraph (c), including details of engineering countermeasures,
 542 traffic studies performed, and crash data by type of crash ~~(b)~~.

543 (b) Within 30 days following the semiannual reporting
 544 date, the Department of Transportation shall notify by certified
 545 mail any county or municipality that failed to submit the
 546 semiannual report that the report is overdue. A county or
 547 municipality that does not submit the report within 60 days
 548 following receipt of the notice by the Department of
 549 Transportation shall immediately disable all traffic infraction
 550 detectors within the county or municipality until the report is
 551 submitted to the department.

552 (c) On or before January ~~December~~ 31 of each year, ~~2012,~~
 553 ~~and annually thereafter,~~ the department shall provide a summary
 554 report to the Governor, the President of the Senate, and the
 555 Speaker of the House of Representatives regarding the use and
 556 operation of traffic infraction detectors under this section,
 557 along with the department's recommendations and any necessary
 558 legislation. The summary report must include a review of the
 559 information submitted to the department by the counties and
 560 municipalities and must describe the enhancement of the traffic
 561 safety and enforcement programs, details of engineering
 562 countermeasures taken, traffic studies performed, and crash data
 563 by type of crash.

564 (5) Procedures for a hearing under this section are as
 565 follows:

566 (a) The department shall publish and make available
 567 electronically to each county and municipality a model Request

568 for Hearing form to assist each local government administering
569 this section.

570 (b) The charter county, noncharter county, or municipality
571 electing to authorize traffic infraction enforcement officers to
572 issue notices of violation ~~traffic citations~~ under paragraph
573 (1)(a) shall designate by resolution existing staff to serve as
574 the clerk to the local hearing officer.

575 (c) Any person, herein referred to as the "petitioner,"
576 who elects to request a hearing under paragraph (1)(b) shall be
577 scheduled for a hearing by the clerk to the local hearing
578 officer to appear before a local hearing officer with notice to
579 be sent by first-class mail. Upon receipt of the notice, the
580 petitioner may reschedule the hearing once by submitting a
581 written request to reschedule to the clerk to the local hearing
582 officer, at least 5 calendar days before the day of the
583 originally scheduled hearing. The petitioner may cancel his or
584 her appearance before the local hearing officer by paying the
585 penalty assessed under paragraph (1)(b), plus \$25 ~~\$50~~ in
586 administrative costs, before the start of the hearing.

587 (d) All testimony at the hearing shall be under oath and
588 shall be recorded. The local hearing officer shall take
589 testimony from a traffic infraction enforcement officer and the
590 petitioner, and may take testimony from others. The local
591 hearing officer shall review the photographic or electronic
592 images or the streaming video made available under sub-

593 subparagraph(1)(b)1.b. Formal rules of evidence do not apply,
594 but due process shall be observed and govern the proceedings.

595 (e) At the conclusion of the hearing, the local hearing
596 officer shall determine whether a violation under this section
597 has occurred, in which case the hearing officer shall uphold or
598 dismiss the violation. The local hearing officer shall issue a
599 final administrative order including the determination and, if
600 the notice of violation is upheld, require the petitioner to pay
601 the penalty previously assessed under paragraph (1)(b), and may
602 also require the petitioner to pay county or municipal costs,
603 not to exceed \$100 ~~\$250~~. The final administrative order shall be
604 mailed to the petitioner by first-class mail.

605 (f) An aggrieved party may appeal a final administrative
606 order consistent with the process provided under s. 162.11.

607 Section 3. Subsection (1) of section 316.0776, Florida
608 Statutes, is amended to read:

609 316.0776 Traffic infraction detectors; placement and
610 installation.—

611 (1) Traffic infraction detectors are allowed on state
612 roads when permitted by the Department of Transportation and
613 under placement and installation specifications developed by the
614 Department of Transportation. Traffic infraction detectors are
615 allowed on streets and highways under the jurisdiction of
616 counties or municipalities in accordance with placement and
617 installation specifications developed by the Department of
618 Transportation. In addition, the Department of Transportation

619 shall identify engineering countermeasures intended to reduce
 620 violations of ss. 316.074(1) and 316.075(1)(c)1. to be
 621 considered before installation of a traffic infraction detector
 622 on any roadway. The determination to place a traffic infraction
 623 detector on any roadway must be based on the results of a
 624 traffic engineering study which documents the implementation and
 625 failure of any engineering countermeasure appropriate for the
 626 specific location. The study must be signed and sealed by a
 627 professional engineer licensed in this state.

628 Section 4. Paragraph (b) of subsection (1) of section
 629 316.640, Florida Statutes, is amended to read:

630 316.640 Enforcement.—The enforcement of the traffic laws
 631 of this state is vested as follows:

632 (1) STATE.—

633 (b)1. The Department of Transportation has authority to
 634 enforce on all the streets and highways of this state all laws
 635 applicable within its authority.

636 2.a. The Department of Transportation shall develop
 637 training and qualifications standards for toll enforcement
 638 officers whose sole authority is to enforce the payment of tolls
 639 pursuant to s. 316.1001. Nothing in this subparagraph shall be
 640 construed to permit the carrying of firearms or other weapons,
 641 nor shall a toll enforcement officer have arrest authority.

642 b. For the purpose of enforcing s. 316.1001, governmental
 643 entities, as defined in s. 334.03, which own or operate a toll
 644 facility may employ independent contractors or designate

645 employees as toll enforcement officers; however, any such toll
646 enforcement officer must successfully meet the training and
647 qualifications standards for toll enforcement officers
648 established by the Department of Transportation.

649 ~~3. For the purpose of enforcing s. 316.0083, the~~
650 ~~department may designate employees as traffic infraction~~
651 ~~enforcement officers. A traffic infraction enforcement officer~~
652 ~~must successfully complete instruction in traffic enforcement~~
653 ~~procedures and court presentation through the Selective Traffic~~
654 ~~Enforcement Program as approved by the Division of Criminal~~
655 ~~Justice Standards and Training of the Department of Law~~
656 ~~Enforcement, or through a similar program, but may not~~
657 ~~necessarily otherwise meet the uniform minimum standards~~
658 ~~established by the Criminal Justice Standards and Training~~
659 ~~Commission for law enforcement officers or auxiliary law~~
660 ~~enforcement officers under s. 943.13. This subparagraph does not~~
661 ~~authorize the carrying of firearms or other weapons by a traffic~~
662 ~~infraction enforcement officer and does not authorize a traffic~~
663 ~~infraction enforcement officer to make arrests. The department's~~
664 ~~traffic infraction enforcement officers must be physically~~
665 ~~located in the state.~~

666 Section 5. Subsection (3) of section 318.15, Florida
667 Statutes, is amended to read:

668 318.15 Failure to comply with civil penalty or to appear;
669 penalty.—

670 (3) The clerk shall provide ~~notify~~ the department with a

671 list of persons who were mailed a notice of violation of s.
672 316.074(1) or s. 316.075(1)(c)1. pursuant to s. 316.0083 and who
673 failed to enter into, or comply with the terms of, a penalty
674 payment plan, or order with the clerk to the local hearing
675 officer or failed to appear at a scheduled hearing within 10
676 days after such failure, and shall reference the person's driver
677 license number and vehicle registration number identified on the
678 notice of violation, or, in the case of a business entity, the
679 vehicle registration number identified on the notice of
680 violation.

681 (a) Pursuant to s. 320.03(8), upon receipt of such notice,
682 the department, or authorized agent thereof, may not issue a
683 license plate or revalidation sticker to a person on the list
684 for the any motor vehicle that is identified on the traffic
685 infraction detector violation ~~owned or coowned by that person~~
686 ~~pursuant to s. 320.03(8)~~ until the amounts assessed have been
687 fully paid.

688 (b) The clerk shall notify the department to remove a
689 person's name from the list upon payment of the outstanding
690 finances and civil penalties ~~After the issuance of the person's~~
691 ~~license plate or revalidation sticker is withheld pursuant to~~
692 ~~paragraph (a), the person may challenge the withholding of the~~
693 ~~license plate or revalidation sticker only on the basis that the~~
694 ~~outstanding fines and civil penalties have been paid pursuant to~~
695 ~~s. 320.03(8)~~.

696 Section 6. Subsections (15) and (22) of section 318.18,
 697 Florida Statutes, are amended to read:

698 318.18 Amount of penalties.—The penalties required for a
 699 noncriminal disposition pursuant to s. 318.14 or a criminal
 700 offense listed in s. 318.17 are as follows:

701 (15) (a)1. One hundred and fifty-eight dollars for a
 702 violation of s. 316.074(1) or s. 316.075(1) (c)1. when a driver
 703 has failed to stop at a traffic signal and when enforced by a
 704 law enforcement officer. Sixty dollars shall be distributed as
 705 provided in s. 318.21, \$30 shall be distributed to the General
 706 Revenue Fund, \$3 shall be remitted to the Department of Revenue
 707 for deposit into the Brain and Spinal Cord Injury Trust Fund,
 708 and the remaining \$65 shall be remitted to the Department of
 709 Revenue for deposit into the Emergency Medical Services Trust
 710 Fund of the Department of Health.

711 ~~2. One hundred and fifty-eight dollars for a violation of~~
 712 ~~s. 316.074(1) or s. 316.075(1) (c)1. when a driver has failed to~~
 713 ~~stop at a traffic signal and when enforced by the department's~~
 714 ~~traffic infraction enforcement officer. One hundred dollars~~
 715 ~~shall be remitted to the Department of Revenue for deposit into~~
 716 ~~the General Revenue Fund, \$45 shall be distributed to the county~~
 717 ~~for any violations occurring in any unincorporated areas of the~~
 718 ~~county or to the municipality for any violations occurring in~~
 719 ~~the incorporated boundaries of the municipality in which the~~
 720 ~~infraction occurred, \$10 shall be remitted to the Department of~~
 721 ~~Revenue for deposit into the Department of Health Emergency~~

722 ~~Medical Services Trust Fund for distribution as provided in s.~~
 723 ~~395.4036(1), and \$3 shall be remitted to the Department of~~
 724 ~~Revenue for deposit into the Brain and Spinal Cord Injury Trust~~
 725 ~~Fund.~~

726 2.3. One hundred and fifty-eight dollars for a violation
 727 of s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed
 728 to stop at a traffic signal and when enforced by a county's or
 729 municipality's traffic infraction enforcement officer. Seventy-
 730 five dollars shall be distributed to the county or municipality
 731 issuing the notice of violation ~~traffic citation~~, \$70 shall be
 732 remitted to the Department of Revenue for deposit into the
 733 General Revenue Fund, \$10 shall be remitted to the Department of
 734 Revenue for deposit into the Department of Health Emergency
 735 Medical Services Trust Fund for distribution as provided in s.
 736 395.4036(1), and \$3 shall be remitted to the Department of
 737 Revenue for deposit into the Brain and Spinal Cord Injury Trust
 738 Fund. Seventy percent of the revenue distributed to the
 739 municipality or county must be used for traffic safety.

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

744 (c) If a person who is mailed a notice of violation or
 745 cited for a violation of s. 316.074(1) or s. 316.075(1)(c)1., as
 746 enforced by a traffic infraction enforcement officer under s.
 747 316.0083, presents documentation from the appropriate

748 governmental entity that the notice of violation ~~or traffic~~
 749 ~~citation~~ was in error, the clerk of court or clerk to the local
 750 hearing officer may dismiss the case. The clerk of court or
 751 clerk to the local hearing officer may not charge for this
 752 service.

753 (d) An individual may not receive a commission or per-
 754 ticket fee from any revenue collected from violations detected
 755 through the use of a traffic infraction detector. A manufacturer
 756 or vendor may not receive a fee or remuneration based upon the
 757 number of violations detected through the use of a traffic
 758 infraction detector.

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

762 (22) In addition to the penalty prescribed under s.
 763 316.0083 for violations enforced under s. 316.0083 which are
 764 upheld, the local hearing officer may also order the payment of
 765 county or municipal costs, not to exceed \$100 ~~\$250~~.

766 Section 7. Subsection (8) of section 320.03, Florida
 767 Statutes, is amended to read:

768 320.03 Registration; duties of tax collectors;
 769 International Registration Plan.-

770 (8) If the applicant's name appears on the list referred
 771 to in s. 316.1001(4), s. 316.1967(6), s. 318.15(3), or s.
 772 713.78(13), a license plate or revalidation sticker may not be
 773 issued until that person's name no longer appears on the list;

774 the governmental entity has notified the department to remove
775 the person's name from the list pursuant to s. 318.15(3); or
776 ~~until~~ the person presents a receipt from the governmental entity
777 or the clerk of court that provided the data showing that the
778 fines outstanding have been paid. This subsection does not apply
779 to the owner of a leased vehicle if the vehicle is registered in
780 the name of the lessee of the vehicle. The tax collector and the
781 clerk of the court are each entitled to receive monthly 10
782 percent of the civil penalties and fines recovered from such
783 persons to reimburse them for the cost of, ~~as costs for~~
784 ~~implementing and administering this subsection,~~ ~~10 percent of~~
785 ~~the civil penalties and fines recovered from such persons.~~ As
786 used in this subsection, the term "civil penalties and fines"
787 does not include a wrecker operator's lien as described in s.
788 713.78(13), and, for civil penalties and fines assessed in s.
789 316.0083(1)(b)3. and 318.18(15)(a)2., the term does not include
790 funds remitted to the Department of Revenue for deposit into the
791 General Revenue Fund. If the tax collector has private tag
792 agents, such tag agents are entitled to receive a pro rata share
793 of the amount paid to the tax collector, based upon the
794 percentage of license plates and revalidation stickers issued by
795 the tag agent compared to the total issued within the county.
796 The authority of any private agent to issue license plates shall
797 be revoked, after notice and a hearing as provided in chapter
798 120, if he or she issues any license plate or revalidation
799 sticker contrary to the provisions of this subsection. This

800 section applies only to the annual renewal in the owner's birth
 801 month of a motor vehicle registration and does not apply to the
 802 transfer of a registration of a motor vehicle sold by a motor
 803 vehicle dealer licensed under this chapter, except for the
 804 transfer of registrations which includes ~~the~~ annual renewals.
 805 This section does not affect the issuance of the title to a
 806 motor vehicle, notwithstanding s. 319.23(8)(b).

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

809 335.10 State Highway System; vehicle regulation;
 810 prohibited use and traffic; liability for damage; parking.—

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

814 Section 9. Section 337.25, Florida Statutes, is amended to
 815 read:

816 337.25 Acquisition, lease, and disposal of real and
 817 personal property.—

818 (1)(a) The department may purchase, lease, exchange, or
 819 otherwise acquire any land, property interests, or buildings or
 820 other improvements, including personal property within such
 821 buildings or on such lands, necessary to secure or utilize
 822 transportation rights-of-way for existing, proposed, or
 823 anticipated transportation facilities on the State Highway
 824 System, on the State Park Road System, in a rail corridor, or in
 825 a transportation corridor designated by the department. Such

826 property shall be held in the name of the state.

827 (b) The department may accept donations of any land or
828 buildings or other improvements, including personal property
829 within such buildings or on such lands with or without such
830 conditions, reservations, or reverter provisions as are
831 acceptable to the department. Such donations may be used as
832 transportation rights-of-way or to secure or utilize
833 transportation rights-of-way for existing, proposed, or
834 anticipated transportation facilities on the State Highway
835 System, on the State Park Road System, or in a transportation
836 corridor designated by the department.

837 (c) When lands, buildings, or other improvements are
838 needed for transportation purposes, but are held by a federal,
839 state, or local governmental entity and utilized for public
840 purposes other than transportation, the department may
841 compensate the entity for such properties by providing
842 functionally equivalent replacement facilities. The providing of
843 replacement facilities under this subsection may only be
844 undertaken with the agreement of the governmental entity
845 affected.

846 (d) The department may contract pursuant to s. 287.055 for
847 auction services used in the conveyance of real or personal
848 property or the conveyance of leasehold interests under the
849 provisions of subsections (4) and (5). The contract may allow
850 for the contractor to retain a portion of the proceeds as
851 compensation for its services.

852 (2) A complete inventory shall be made of all real or
853 personal property immediately upon possession or acquisition.
854 Such inventory shall include ~~an itemized listing of all~~
855 ~~appliances, fixtures, and other severable items;~~ a statement of
856 the location or site of each piece of realty, structure, or
857 severable item; ~~and the serial number assigned to each.~~ Copies
858 of each inventory shall be filed in the district office in which
859 the property is located. Such inventory shall be carried forward
860 to show the final disposition of each item of property, both
861 real and personal.

862 (3) The inventory of real property which was acquired by
863 the state after December 31, 1988, which has been owned by the
864 state for 10 or more years, and which is not within a
865 transportation corridor or within the right-of-way of a
866 transportation facility shall be evaluated to determine the
867 necessity for retaining the property. If the property is not
868 needed for the construction, operation, and maintenance of a
869 transportation facility, or is not located within a
870 transportation corridor, the department may dispose of the
871 property pursuant to subsection (4).

872 (4) The department may convey ~~sell~~, in the name of the
873 state, any land, building, or other property, real or personal,
874 which was acquired under the provisions of subsection (1) and
875 which the department has determined is not needed for the
876 construction, operation, and maintenance of a transportation
877 facility. ~~With the exception of any parcel governed by paragraph~~

878 ~~(c), paragraph (d), paragraph (f), paragraph (g), or paragraph~~
879 ~~(i), the department shall afford first right of refusal to the~~
880 ~~local government in the jurisdiction of which the parcel is~~
881 ~~situated.~~ When such a determination has been made, property may
882 be disposed of through negotiation, sealed competitive bid,
883 auction, or any other means that the department deems to be in
884 its best interest, with due advertisement for property valued by
885 the department at more than \$10,000. A sale may not occur at a
886 price less than the department's current estimate of value
887 except as provided in paragraphs (a)-(d). The department may
888 afford the right of first refusal to the local government or
889 other political subdivision in the jurisdiction in which the
890 parcel is situated, except in conveyances transacted under
891 paragraph (a), paragraph (c), or paragraph (e). ~~in the following~~
892 ~~manner:~~

893 (a) If a the value of the property has been donated to the
894 state for transportation purposes, the facility has not been
895 constructed for a period of at least 5 years, no plans have been
896 prepared for the construction of such facility, and the property
897 is not located in a transportation corridor, the governmental
898 entity may authorize reconveyance of the donated property
899 without consideration to the original donor or the donor's
900 heirs, successors, assigns, or representatives ~~is \$10,000 or~~
901 ~~less as determined by department estimate, the department may~~
902 ~~negotiate the sale.~~

903 (b) If the ~~value of the property is to be used for a~~
904 public purpose, the property may be conveyed to a governmental
905 entity without consideration exceeds \$10,000 as determined by
906 ~~department estimate, such property may be sold to the highest~~
907 ~~bidder through receipt of sealed competitive bids, after due~~
908 ~~advertisement, or by public auction held at the site of the~~
909 ~~improvement which is being sold.~~

910 (c) If the property was originally acquired specifically
911 to provide replacement housing for persons displaced by
912 transportation projects, the department may negotiate for the
913 sale of such property as replacement housing. As compensation,
914 the state shall receive no less than its investment in such
915 properties or the department's current estimate of value,
916 whichever is lower. It is expressly intended that this benefit
917 be extended only to those persons actually displaced by such
918 project. Disposition to any other person must be for no less
919 than the department's current estimate of value, ~~in the~~
920 ~~discretion of the department, public sale would be inequitable,~~
921 ~~properties may be sold by negotiation to the owner holding title~~
922 ~~to the property abutting the property to be sold, provided such~~
923 ~~sale is at a negotiated price not less than fair market value as~~
924 ~~determined by an independent appraisal, the cost of which shall~~
925 ~~be paid by the owner of the abutting land. If negotiations do~~
926 ~~not result in the sale of the property to the owner of the~~
927 ~~abutting land and the property is sold to someone else, the cost~~
928 ~~of the independent appraisal shall be borne by the purchaser;~~

929 ~~and the owner of the abutting land shall have the cost of the~~
930 ~~appraisal refunded to him or her. If, however, no purchase takes~~
931 ~~place, the owner of the abutting land shall forfeit the sum paid~~
932 ~~by him or her for the independent appraisal. If, due to action~~
933 ~~of the department, the property is removed from eligibility for~~
934 ~~sale, the cost of any appraisal prepared shall be refunded to~~
935 ~~the owner of the abutting land.~~

936 (d) If the department determines that the property will
937 require significant costs to be incurred or that continued
938 ownership of the property exposes the department to significant
939 liability risks, the department may use the projected
940 maintenance costs over the next 10 years to offset the
941 property's value in establishing a value for disposal of the
942 property, even if that value is zero ~~property acquired for use~~
943 ~~as a borrow pit is no longer needed, the department may sell~~
944 ~~such property to the owner of the parcel of abutting land from~~
945 ~~which the borrow pit was originally acquired, provided the sale~~
946 ~~is at a negotiated price not less than fair market value as~~
947 ~~determined by an independent appraisal, the cost of which shall~~
948 ~~be paid by the owner of such abutting land.~~

949 (e) If, in the discretion of the department, a sale to
950 anyone other than an abutting property owner would be
951 inequitable, the property may be sold to the abutting owner for
952 the department's current estimate of value ~~the department begins~~
953 ~~the process for disposing of the property on its own initiative,~~
954 ~~either by negotiation under the provisions of paragraph (a),~~

955 ~~paragraph (c), paragraph (d), or paragraph (i), or by receipt of~~
956 ~~sealed competitive bids or public auction under the provisions~~
957 ~~of paragraph (b) or paragraph (i), a department staff appraiser~~
958 ~~may determine the fair market value of the property by an~~
959 ~~appraisal.~~

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

968 ~~(g) If a property has been donated to the state for~~
969 ~~transportation purposes and the facility has not been~~
970 ~~constructed for a period of at least 5 years and no plans have~~
971 ~~been prepared for the construction of such facility and the~~
972 ~~property is not located in a transportation corridor, the~~
973 ~~governmental entity may authorize reconveyance of the donated~~
974 ~~property for no consideration to the original donor or the~~
975 ~~donor's heirs, successors, assigns, or representatives.~~

976 ~~(h) If property is to be used for a public purpose, the~~
977 ~~property may be conveyed without consideration to a governmental~~
978 ~~entity.~~

979 ~~(i) If property was originally acquired specifically to~~
980 ~~provide replacement housing for persons displaced by~~

981 ~~transportation projects, the department may negotiate for the~~
982 ~~sale of such property as replacement housing. As compensation,~~
983 ~~the state shall receive no less than its investment in such~~
984 ~~properties or fair market value, whichever is lower. It is~~
985 ~~expressly intended that this benefit be extended only to those~~
986 ~~persons actually displaced by such project. Dispositions to any~~
987 ~~other persons must be for fair market value.~~

988 ~~(j) If the department determines that the property will~~
989 ~~require significant costs to be incurred or that continued~~
990 ~~ownership of the property exposes the department to significant~~
991 ~~liability risks, the department may use the projected~~
992 ~~maintenance costs over the next 5 years to offset the market~~
993 ~~value in establishing a value for disposal of the property, even~~
994 ~~if that value is zero.~~

995 (5) The department may convey a leasehold interest for
996 commercial or other purposes, in the name of the state, to any
997 land, building, or other property, real or personal, which was
998 acquired under the provisions of subsection (1). A lease may not
999 occur at a price less than the department's current estimate of
1000 value. The department's estimate of value shall be prepared in
1001 accordance with department procedures, guidelines, and rules for
1002 valuation of real property, the cost of which shall be paid by
1003 the party seeking to lease the property.

1004 (a) All leases shall be entered into by negotiation,
1005 sealed competitive bid, auction, or any other means that the
1006 department deems to be in its best interest. The department may

1007 ~~negotiate such a lease at the prevailing market value with the~~
 1008 ~~owner from whom the property was acquired; with the holders of~~
 1009 ~~leasehold estates existing at the time of the department's~~
 1010 ~~acquisition; or, if public bidding would be inequitable, with~~
 1011 ~~the owner holding title to privately owned abutting property, if~~
 1012 ~~reasonable notice is provided to all other owners of abutting~~
 1013 ~~property.~~ The department may allow an outdoor advertising sign
 1014 to remain on the property acquired, or be relocated on
 1015 department property, and such sign shall not be considered a
 1016 nonconforming sign pursuant to chapter 479.

1017 (b) If, in the discretion of the department, a lease to
 1018 anyone other than an abutting property owner or a tenant with a
 1019 leasehold interest in the abutting property would be
 1020 inequitable, the property may be leased to the abutting owner or
 1021 tenant for no less than the department's current estimate of
 1022 value ~~All other leases shall be by competitive bid.~~

1023 (c) A ~~No~~ lease signed pursuant to paragraph (a) may not ~~ex~~
 1024 ~~paragraph (b)~~ shall be for a period of more than 5 years;
 1025 however, the department may renegotiate or extend such a lease
 1026 for an additional term of 5 years as the department deems
 1027 appropriate ~~without rebidding.~~

1028 (d) Each lease shall provide that unless otherwise
 1029 directed by the lessor, any improvements made to the property
 1030 during the term of the lease shall be removed at the lessee's
 1031 expense.

1032 (e) If property is to be used for a public purpose,
 1033 ~~including a fair, art show, or other educational, cultural, or~~
 1034 ~~fundraising activity,~~ the property may be leased without
 1035 consideration to a governmental entity ~~or school board~~. Any
 1036 public-purpose lease is exempt from the term limits provided in
 1037 paragraph (c).

1038 (f) Paragraphs (c) and (e) ~~(d)~~ do not apply to leases
 1039 entered into pursuant to s. 260.0161(3), except as provided in
 1040 such a lease.

1041 (g) A ~~No~~ lease executed under this subsection may not be
 1042 used ~~utilized~~ by the lessee to establish the ~~4 years'~~ standing
 1043 required by s. 73.071(3)(b) if the business had not been
 1044 established for the specified number of 4 years on the date
 1045 title passed to the department.

1046 (h) The department may enter into a long-term lease
 1047 without compensation with a public port listed in s.
 1048 403.021(9)(b) for rail corridors used for the operation of a
 1049 short-line railroad to the port.

1050 (6) Nothing in this chapter prevents the joint use of
 1051 right-of-way for alternative modes of transportation; provided
 1052 that the joint use does not impair the integrity and safety of
 1053 the transportation facility.

1054 (7) The department's estimate of value, as required in
 1055 subsection (4), shall be prepared in accordance with department
 1056 procedures, guidelines, and rules for valuation of real
 1057 property. If the value of the property exceeds \$50,000 as

1058 determined by department estimate, the sale will be at a
1059 negotiated price of not less than fair market value as
1060 determined by an independent appraisal prepared in accordance
1061 with department procedures, guidelines, and rules for valuation
1062 of real property, the cost of which shall be paid by the party
1063 seeking the purchase of the property. If the estimated value is
1064 \$50,000 or less, the department may use a department staff
1065 appraiser or obtain an independent appraisal ~~required by~~
1066 ~~paragraphs (4)(c) and (d) shall be prepared in accordance with~~
1067 ~~department guidelines and rules by an independent appraiser who~~
1068 ~~has been certified by the department. If federal funds were used~~
1069 ~~in the acquisition of the property, the appraisal shall also be~~
1070 ~~subject to the approval of the Federal Highway Administration.~~

1071 (8) A "due advertisement" under this section is an
1072 advertisement in a newspaper of general circulation in the area
1073 of the improvements of not less than 14 calendar days before
1074 ~~prior to~~ the date of the receipt of bids or the date on which a
1075 public auction is to be held.

1076 (9) The department, with the approval of the Chief
1077 Financial Officer, may ~~is authorized to~~ disburse state funds for
1078 real estate closings in a manner consistent with good business
1079 practices and in a manner minimizing costs and risks to the
1080 state.

1081 (10) The department may ~~is authorized to~~ purchase title
1082 insurance in those instances where it is determined that such
1083 insurance is necessary to protect the public's investment in

1084 property being acquired for transportation purposes. The
 1085 department shall adopt procedures to be followed in making the
 1086 determination to purchase title insurance for a particular
 1087 parcel or group of parcels which, at a minimum, shall set forth
 1088 criteria which the parcels shall ~~must~~ meet.

1089 (11) This section does not modify the requirements of s.
 1090 73.013.

1091 Section 10. Subsection (2) of section 337.251, Florida
 1092 Statutes, is amended to read:

1093 337.251 Lease of property for joint public-private
 1094 development and areas above or below department property.—

1095 (2) The department may request proposals for the lease of
 1096 such property or, if the department receives a proposal for ~~to~~
 1097 ~~negotiate~~ a lease of particular department property that the
 1098 department desires to consider, it shall publish a notice in a
 1099 newspaper of general circulation at least once a week for 2
 1100 weeks, stating that it has received the proposal and will
 1101 accept, for 120 ~~60~~ days after the date of publication, other
 1102 proposals for lease of the particular property ~~use of the space~~.
 1103 A copy of the notice must be mailed to each local government in
 1104 the affected area. The department shall adopt rules establishing
 1105 an application fee for the submission of proposals under this
 1106 section. The fee must be limited to the amount needed to pay the
 1107 anticipated costs of evaluating the proposals. The department
 1108 may engage the services of private consultants to assist in the

1109 evaluation. Before approval, the department must determine that
 1110 the proposed lease:

- 1111 (a) Is in the public's best interest;
- 1112 (b) Would not require state funds to be used; and
- 1113 (c) Would have adequate safeguards in place to ensure that
 1114 no additional costs or service disruptions would be realized by
 1115 the traveling public and residents of the state in the event of
 1116 default by the private lessee or upon termination or expiration
 1117 of the lease.

1118 Section 11. Subsection (5) of section 338.161, Florida
 1119 Statutes, is amended to read:

1120 338.161 Authority of department or toll agencies to
 1121 advertise and promote electronic toll collection; expanded uses
 1122 of electronic toll collection system; authority of department to
 1123 collect tolls, fares, and fees for private and public entities.-

1124 (5) If the department finds that it can increase nontoll
 1125 revenues or add convenience or other value for its customers,
 1126 and if a public or private transportation facility owner agrees
 1127 that its facility will become interoperable with the
 1128 department's electronic toll collection and video billing
 1129 systems, the department may ~~is authorized to~~ enter into an
 1130 agreement with the owner of such facility under which the
 1131 department uses ~~private or public entities for the department's~~
 1132 ~~use of~~ its electronic toll collection and video billing systems
 1133 to collect and enforce for the owner tolls, fares,
 1134 administrative fees, and other applicable charges due ~~imposed~~ in

1135 connection with use of the owner's facility ~~transportation~~
1136 ~~facilities of the private or public entities that become~~
1137 ~~interoperable with the department's electronic toll collection~~
1138 ~~system~~. The department may modify its rules regarding toll
1139 collection procedures and the imposition of administrative
1140 charges to be applicable to toll facilities that are not part of
1141 the turnpike system or otherwise owned by the department. This
1142 subsection may not be construed to limit the authority of the
1143 department under any other provision of law or under any
1144 agreement entered into before ~~prior to~~ July 1, 2012.

1145 Section 12. Section 373.4137, Florida Statutes, is amended
1146 to read:

1147 373.4137 Mitigation requirements for specified
1148 transportation projects.—

1149 (1) The Legislature finds that environmental mitigation
1150 for the impact of transportation projects proposed by the
1151 Department of Transportation or a transportation authority
1152 established pursuant to chapter 348 or chapter 349 can be more
1153 effectively achieved by regional, long-range mitigation planning
1154 rather than on a project-by-project basis. It is the intent of
1155 the Legislature that mitigation to offset the adverse effects of
1156 these transportation projects be funded by the Department of
1157 Transportation and be carried out by the use of mitigation banks
1158 and any other mitigation options that satisfy state and federal
1159 requirements in a manner that promotes efficiency, timeliness in
1160 project delivery, and cost-effectiveness.

1161 (2) Environmental impact inventories for transportation
1162 projects proposed by the Department of Transportation or a
1163 transportation authority established pursuant to chapter 348 or
1164 chapter 349 shall be developed as follows:

1165 (a) By July 1 of each year, the Department of
1166 Transportation, or a transportation authority established
1167 pursuant to chapter 348 or chapter 349 which chooses to
1168 participate in the program, shall submit to the water management
1169 districts a list of its projects in the adopted work program and
1170 an environmental impact inventory of habitat impacts and the
1171 anticipated amount of mitigation needed to offset impacts as
1172 described in paragraph (b). The environmental impact inventory
1173 must be based on ~~habitats addressed in~~ the rules adopted
1174 pursuant to this part, ~~and~~ s. 404 of the Clean Water Act, 33
1175 U.S.C. s. 1344, and the Department of Transportation's ~~which may~~
1176 ~~be impacted by its~~ plan of construction for transportation
1177 projects in the next 3 years of the tentative work program. The
1178 Department of Transportation or a transportation authority
1179 established pursuant to chapter 348 or chapter 349 may also
1180 include in its environmental impact inventory the habitat
1181 impacts and the anticipated amount of mitigation needed for ~~of~~
1182 any future transportation project. The Department of
1183 Transportation and each transportation authority established
1184 pursuant to chapter 348 or chapter 349 may fund any mitigation
1185 activities for future projects using current year funds.

1186 (b) The environmental impact inventory must ~~shall~~ include
1187 a description of ~~these~~ habitat impacts, including ~~their~~
1188 location, acreage, and type; the anticipated amount of
1189 mitigation needed based on the functional loss as determined
1190 through the uniform mitigation assessment method (UMAM) adopted
1191 by rule of the Department of Environmental Protection pursuant
1192 to s. 373.414(18); identification of the proposed mitigation
1193 option; state water quality classification of impacted wetlands
1194 and other surface waters; any other state or regional
1195 designations for these habitats; and a list of threatened
1196 species, endangered species, and species of special concern
1197 affected by the proposed project.

1198 (c) Before projects are identified for inclusion in a
1199 water management district mitigation plan as described in
1200 subsection (4), the Department of Transportation must consider
1201 using credits from a permitted mitigation bank. The Department
1202 of Transportation must consider the availability of suitable and
1203 sufficient mitigation bank credits within the transportation
1204 project's area, the ability to satisfy commitments to regulatory
1205 and resource agencies, the availability of suitable and
1206 sufficient mitigation purchased or developed through this
1207 section, the ability to complete existing water management
1208 district or Department of Environmental Protection suitable
1209 mitigation sites initiated with Department of Transportation
1210 mitigation funds, and the ability to satisfy state and federal
1211 requirements including long-term maintenance and liability.

1212 (3) (a) To implement the mitigation option ~~fund development~~
 1213 ~~and implementation of the mitigation plan for the projected~~
 1214 ~~impacts~~ identified in the environmental impact inventory
 1215 described in subsection (2), the Department of Transportation
 1216 may purchase credits for current and future use directly from a
 1217 mitigation bank, purchase mitigation services through the water
 1218 management districts or the Department of Environmental
 1219 Protection, conduct its own mitigation, or use other mitigation
 1220 options that meet state and federal requirements. Funding for
 1221 the identified mitigation option as described in the
 1222 environmental impact inventory must be included in ~~shall~~
 1223 ~~identify funds quarterly in an escrow account within the State~~
 1224 ~~Transportation Trust Fund for the environmental mitigation phase~~
 1225 ~~of projects budgeted by the Department of~~ Transportation's work
 1226 program developed pursuant to s. 339.135. The amount programmed
 1227 each year by the Department of Transportation and participating
 1228 transportation authorities established pursuant to chapter 348
 1229 or chapter 349 must correspond to an estimated cost per credit
 1230 of \$150,000 multiplied by the projected number of credits
 1231 identified in the environmental impact inventory described in
 1232 subsection (2). This estimated cost per credit will be adjusted
 1233 every 2 years by the Department of Transportation based on the
 1234 average cost per UMAM credit paid through this section.
 1235 ~~Transportation for the current fiscal year. The escrow account~~
 1236 ~~shall be maintained by the Department of Transportation for the~~
 1237 ~~benefit of the water management districts. Any interest earnings~~

1238 ~~from the escrow account shall remain with the Department of~~
 1239 ~~Transportation.~~

1240 (b) Each transportation authority established pursuant to
 1241 chapter 348 or chapter 349 that chooses to participate in this
 1242 program shall create an escrow account within its financial
 1243 structure and deposit funds in the account to pay for the
 1244 environmental mitigation phase of projects budgeted for the
 1245 current fiscal year. The escrow account shall be maintained by
 1246 the authority for the benefit of the water management districts.
 1247 Any interest earnings from the escrow account shall remain with
 1248 the authority.

1249 (c) For mitigation implemented by the water management
 1250 district or the Department of Environmental Protection, as
 1251 appropriate, the amount paid each year must be based on
 1252 mitigation services provided by the water management districts
 1253 or Department of Environmental Protection pursuant to an
 1254 approved water management district plan, as described in
 1255 subsection (4). ~~Except for current mitigation projects in the~~
 1256 ~~monitoring and maintenance phase and except as allowed by~~
 1257 ~~paragraph (d),~~ The water management districts or the Department
 1258 of Environmental Protection, as appropriate, may request payment
 1259 ~~a transfer of funds from an escrow account~~ no sooner than 30
 1260 days before the date the funds are needed to pay for activities
 1261 associated with development or implementation of permitted
 1262 mitigation meeting the requirements pursuant to this part, 33
 1263 U.S.C. s. 1344, and 33 C.F.R. part 332 in the approved

1264 mitigation plan described in subsection (4) for the current
1265 fiscal year, ~~including, but not limited to, design, engineering,~~
1266 ~~production, and staff support. Actual conceptual plan~~
1267 ~~preparation costs incurred before plan approval may be submitted~~
1268 ~~to the Department of Transportation or the appropriate~~
1269 ~~transportation authority each year with the plan. The conceptual~~
1270 ~~plan preparation costs of each water management district will be~~
1271 ~~paid from mitigation funds associated with the environmental~~
1272 ~~impact inventory for the current year. The amount transferred to~~
1273 ~~the eserow accounts each year by the Department of~~
1274 ~~Transportation and participating transportation authorities~~
1275 ~~established pursuant to chapter 348 or chapter 349 shall~~
1276 ~~correspond to a cost per acre of \$75,000 multiplied by the~~
1277 ~~projected acres of impact identified in the environmental impact~~
1278 ~~inventory described in subsection (2). However, the \$75,000 cost~~
1279 ~~per acre does not constitute an admission against interest by~~
1280 ~~the state or its subdivisions and is not admissible as evidence~~
1281 ~~of full compensation for any property acquired by eminent domain~~
1282 ~~or through inverse condemnation. Each July 1, the cost per acre~~
1283 ~~shall be adjusted by the percentage change in the average of the~~
1284 ~~Consumer Price Index issued by the United States Department of~~
1285 ~~Labor for the most recent 12-month period ending September 30,~~
1286 ~~compared to the base year average, which is the average for the~~
1287 ~~12-month period ending September 30, 1996. Each quarter, the~~
1288 ~~projected amount of mitigation must acreage of impact shall be~~
1289 ~~reconciled with the actual amount of mitigation needed for~~

1290 ~~acreage of impact of~~ projects as permitted, including permit
1291 modifications, pursuant to this part and s. 404 of the Clean
1292 Water Act, 33 U.S.C. s. 1344. The subject year's programming
1293 ~~transfer~~ of funds shall be adjusted ~~accordingly~~ to reflect the
1294 mitigation acreage of impacts as permitted. If the water
1295 management district excludes a project from an approved water
1296 management district mitigation plan, if the water management
1297 district cannot timely permit a mitigation site to offset the
1298 impacts of a Department of Transportation project identified in
1299 the environmental impact inventory, or if the proposed
1300 mitigation does not meet state and federal requirements, the
1301 Department of Transportation may use the associated funds for
1302 the purchase of mitigation bank credits or any other mitigation
1303 option that satisfies state and federal requirements. The
1304 ~~Department of Transportation and participating transportation~~
1305 ~~authorities established pursuant to chapter 348 or chapter 349~~
1306 ~~are authorized to transfer such funds from the escrow accounts~~
1307 ~~to the water management districts to carry out the mitigation~~
1308 ~~programs. Environmental mitigation funds that are identified for~~
1309 ~~or maintained in an escrow account for the benefit of a water~~
1310 ~~management district may be released if the associated~~
1311 ~~transportation project is excluded in whole or part from the~~
1312 ~~mitigation plan. For a mitigation project that is in the~~
1313 ~~maintenance and monitoring phase, the water management district~~
1314 ~~may request and receive a one-time payment based on the~~
1315 ~~project's expected future maintenance and monitoring costs. Upon~~

1316 ~~final disbursement of the final maintenance and monitoring~~
1317 ~~payment for mitigation of a transportation project as permitted,~~
1318 ~~the obligation of the Department of Transportation or the~~
1319 ~~participating transportation authority is satisfied and the~~
1320 ~~water management district or the Department of Environmental~~
1321 ~~Protection, as appropriate, will have continuing responsibility~~
1322 ~~for the mitigation project, the escrow account for the project~~
1323 ~~established by the Department of Transportation or the~~
1324 ~~participating transportation authority may be closed. Any~~
1325 ~~interest earned on these disbursed funds shall remain with the~~
1326 ~~water management district and must be used as authorized under~~
1327 ~~this section.~~

1328 (d) Beginning with the March 2015 water management
1329 district mitigation plans in the 2005-2006 fiscal year, each
1330 water management district or the Department of Environmental
1331 Protection, as appropriate, shall invoice the Department of
1332 Transportation for mitigation services to offset only the
1333 impacts of a Department of Transportation project identified in
1334 the environmental impact inventory, including planning, design,
1335 construction, maintenance, monitoring, and other costs necessary
1336 to meet requirements under this section, 33 U.S.C. s. 1344, and
1337 33 C.F.R. part 332. If the water management district identifies
1338 the use of mitigation bank credits to offset a Department of
1339 Transportation impact, the water management district shall
1340 exclude that purchase from the mitigation plan, and the
1341 Department of Transportation must purchase the bank credits. be

1342 ~~paid a lump-sum amount of \$75,000 per acre, adjusted as provided~~
1343 ~~under paragraph (c), for federally funded transportation~~
1344 ~~projects that are included on the environmental impact inventory~~
1345 ~~and that have an approved mitigation plan. Beginning in the~~
1346 ~~2009-2010 fiscal year, each water management district shall be~~
1347 ~~paid a lump-sum amount of \$75,000 per acre, adjusted as provided~~
1348 ~~under paragraph (c), for federally funded and nonfederally~~
1349 ~~funded transportation projects that have an approved mitigation~~
1350 ~~plan. All mitigation costs, including, but not limited to, the~~
1351 ~~costs of preparing conceptual plans and the costs of design,~~
1352 ~~construction, staff support, future maintenance, and monitoring~~
1353 ~~the mitigated acres shall be funded through these lump-sum~~
1354 ~~amounts.~~

1355 (e) For mitigation activities occurring on existing water
1356 management district or Department of Environmental Protection
1357 mitigation sites initiated with Department of Transportation
1358 mitigation funds before July 1, 2013, the water management
1359 district or the Department of Environmental Protection shall
1360 invoice the Department of Transportation or a participating
1361 transportation authority at a cost per acre of \$75,000
1362 multiplied by the projected acres of impact as identified in the
1363 environmental impact inventory. The cost per acre must be
1364 adjusted by the percentage change in the average of the Consumer
1365 Price Index issued by the United States Department of Labor for
1366 the most recent 12-month period ending September 30, compared to
1367 the base year average, which is the average for the 12-month

1368 period ending September 30, 1996. When implementing the
1369 mitigation activities necessary to offset the permitted impacts
1370 as provided in the approved mitigation plan, the water
1371 management district shall maintain records of the costs incurred
1372 in implementing the mitigation. The records must include, but
1373 are not limited to, costs for planning, land acquisition,
1374 design, construction, staff support, long-term maintenance and
1375 monitoring of the mitigation site, and other costs necessary to
1376 meet the requirements of 33 U.S.C. s. 1344 and 33 C.F.R. part
1377 332.

1378 (f) For purposes of preparing and implementing the
1379 mitigation plans to be adopted by the water management districts
1380 on or before March 1, 2014, for impacts based on the July 1,
1381 2013, environmental impact inventory, the funds identified in
1382 the Department of Transportation's work program or participating
1383 transportation authorities' escrow accounts must correspond to a
1384 cost per acre of \$75,000 multiplied by the projected acres of
1385 impact as identified in the environmental impact inventory. The
1386 cost per acre shall be adjusted by the percentage change in the
1387 average of the Consumer Price Index issued by the United States
1388 Department of Labor for the most recent 12-month period ending
1389 September 30, compared to the base year average, which is the
1390 average for the 12-month period ending September 30, 1996.
1391 Payment as provided under this paragraph is limited to those
1392 mitigation activities that are identified in the first year of
1393 the 2013 mitigation plan and for which the transportation

1394 project is permitted and is in the Department of
1395 Transportation's adopted work program, or equivalent for a
1396 transportation authority. When implementing the mitigation
1397 activities necessary to offset the permitted impacts as provided
1398 in the approved mitigation plan, the water management district
1399 shall maintain records of the costs incurred in implementing the
1400 mitigation. The records must include, but are not limited to,
1401 costs for planning, land acquisition, design, construction,
1402 staff support, long-term maintenance and monitoring of the
1403 mitigation site, and other costs necessary to meet the
1404 requirements of 33 U.S.C. s. 1344 and 33 C.F.R. part 332. To the
1405 extent moneys paid to a water management district by the
1406 Department of Transportation or a participating transportation
1407 authority exceed the amount expended by the water management
1408 districts in implementing the mitigation to offset the permitted
1409 impacts, these funds must be refunded to the Department of
1410 Transportation or participating transportation authority. This
1411 paragraph expires June 30, 2015.

1412 (4) Before March 1 of each year, each water management
1413 district shall develop a mitigation plan to offset only the
1414 impacts of transportation projects in the environmental impact
1415 inventory for which a water management district is implementing
1416 mitigation that meets the requirements of this section, 33
1417 U.S.C. s. 1344, and 33 C.F.R. part 332. The water management
1418 district mitigation plan must be developed, in consultation with
1419 the Department of Environmental Protection, the United States

1420 Army Corps of Engineers, the Department of Transportation,
1421 participating transportation authorities established pursuant to
1422 chapter 348 or chapter 349, and other appropriate federal,
1423 state, and local governments, and other interested parties,
1424 including entities operating mitigation banks, ~~shall develop a~~
1425 ~~plan for the primary purpose of complying with the mitigation~~
1426 ~~requirements adopted pursuant to this part and 33 U.S.C. s.~~
1427 ~~1344.~~ In developing such plans, the water management districts
1428 shall use sound ecosystem management practices to address
1429 significant water resource needs and consider ~~shall focus on~~
1430 activities of the Department of Environmental Protection and the
1431 water management districts, such as surface water improvement
1432 and management (SWIM) projects and lands identified for
1433 potential acquisition for preservation, restoration, or
1434 enhancement, and the control of invasive and exotic plants in
1435 wetlands and other surface waters, to the extent that the
1436 activities comply with the mitigation requirements adopted under
1437 this part, ~~and 33 U.S.C. s. 1344,~~ and 33 C.F.R. part 332. The
1438 water management district mitigation plan must identify each
1439 site where the water management district will mitigate for a
1440 transportation project. For each mitigation site, the water
1441 management district shall provide the scope of the mitigation
1442 services, provide the functional gain as determined through the
1443 UMAM adopted by rule of the Department of Environmental
1444 Protection pursuant to s. 373.414(18), describe how the
1445 mitigation offsets the impacts of each transportation project as

1446 permitted, and provide a schedule for the mitigation services.
1447 The water management districts shall maintain records of costs
1448 incurred and payments received for providing these services.
1449 Records must include, but are not limited to, planning, land
1450 acquisition, design, construction, staff support, long-term
1451 maintenance and monitoring of the mitigation site, and other
1452 costs necessary to meet the requirements of 33 U.S.C. s. 1344
1453 and 33 C.F.R. part 332. To the extent moneys paid to a water
1454 management district by the Department of Transportation or a
1455 participating transportation authority exceed the amount
1456 expended by the water management districts in providing the
1457 mitigation services to offset the permitted transportation
1458 project impacts, these moneys must be refunded to the Department
1459 of Transportation or participating transportation authority. ~~In~~
1460 ~~determining the activities to be included in the plans, the~~
1461 ~~districts shall consider the purchase of credits from public or~~
1462 ~~private mitigation banks permitted under s. 373.4136 and~~
1463 ~~associated federal authorization and shall include the purchase~~
1464 ~~as a part of the mitigation plan when the purchase would offset~~
1465 ~~the impact of the transportation project, provide equal benefits~~
1466 ~~to the water resources than other mitigation options being~~
1467 ~~considered, and provide the most cost-effective mitigation~~
1468 ~~option.~~ The mitigation plan shall be submitted to the water
1469 management district governing board, or its designee, for review
1470 and approval. At least 14 days before approval by the governing
1471 board, the water management district shall provide a copy of the

1472 draft mitigation plan to the Department of Environmental
1473 Protection and any person who has requested a copy. The
1474 mitigation plan, after governing board approval, must be
1475 submitted to the Department of Environmental Protection for
1476 approval. The plan may not be implemented until it is submitted
1477 to and approved, in part or in its entirety, by the Department
1478 of Environmental Protection.

1479 ~~(a) For each transportation project with a funding request~~
1480 ~~for the next fiscal year, the mitigation plan must include a~~
1481 ~~brief explanation of why a mitigation bank was or was not chosen~~
1482 ~~as a mitigation option, including an estimation of identifiable~~
1483 ~~costs of the mitigation bank and nonbank options and other~~
1484 ~~factors such as time saved, liability for success of the~~
1485 ~~mitigation, and long-term maintenance.~~

1486 (a)(b) Specific projects may be excluded from the
1487 mitigation plan, in whole or in part, and are not subject to
1488 this section upon the election of the Department of
1489 Transportation, a transportation authority if applicable, or the
1490 appropriate water management district. The Department of
1491 Transportation or a participating transportation authority may
1492 not exclude a transportation project from the mitigation plan
1493 when mitigation is scheduled for implementation by the water
1494 management district in the current fiscal year, except when the
1495 transportation project is removed from the Department of
1496 Transportation's work program or transportation authority
1497 funding plan, the mitigation cannot be timely permitted to

1498 offset the impacts of a Department of Transportation project
1499 identified in the environmental impact inventory, or the
1500 proposed mitigation does not meet state and federal
1501 requirements. If a project is removed from the work program or
1502 the mitigation plan, costs expended by the water management
1503 district before removal are eligible for reimbursement by the
1504 Department of Transportation or participating transportation
1505 authority.

1506 (b)(e) When determining which projects to include in or
1507 exclude from the mitigation plan, the Department of
1508 Transportation shall investigate using credits from a permitted
1509 mitigation bank before those projects are submitted for
1510 inclusion in a water management district mitigation ~~the~~ plan.
1511 The Department of Transportation shall exclude a project from
1512 the mitigation plan if the investigation undertaken pursuant to
1513 this paragraph results in the conclusion that the use of credits
1514 from a permitted mitigation bank promotes efficiency, timeliness
1515 in project delivery, cost-effectiveness, and transfer of
1516 liability for success and long-term maintenance. The
1517 ~~investigation shall consider the cost-effectiveness of~~
1518 ~~mitigation bank credits, including, but not limited to, factors~~
1519 ~~such as time saved, transfer of liability for success of the~~
1520 ~~mitigation, and long-term maintenance.~~

1521 (5) The water management district shall ensure that
1522 mitigation requirements pursuant to 33 U.S.C. s. 1344 and 33
1523 C.F.R. part 332 are met for the impacts identified in the

1524 environmental impact inventory for which the water management
1525 district will implement mitigation described in subsection (2),
1526 by implementation of the approved mitigation plan described in
1527 subsection (4) to the extent funding is provided by the
1528 Department of Transportation, or a transportation authority
1529 established pursuant to chapter 348 or chapter 349, if
1530 applicable. In developing and implementing the mitigation plan,
1531 the water management district shall comply with federal
1532 permitting requirements pursuant to 33 U.S.C. s. 1344 and 33
1533 C.F.R. part 332. During the federal permitting process, the
1534 water management district may deviate from the approved
1535 mitigation plan in order to comply with federal permitting
1536 requirements upon notice and coordination with the Department of
1537 Transportation or participating transportation authority.

1538 (6) The water management district mitigation plans shall
1539 be updated annually to reflect the most current Department of
1540 Transportation work program and project list of a transportation
1541 authority established pursuant to chapter 348 or chapter 349, if
1542 applicable, and may be amended throughout the year to anticipate
1543 schedule changes or additional projects which may arise. Before
1544 amending the mitigation plan to include new projects, the
1545 Department of Transportation shall consider mitigation banks and
1546 other available mitigation options that meet state and federal
1547 requirements. Each update and amendment of the mitigation plan
1548 shall be submitted to the governing board of the water
1549 management district or its designee for approval. However, such

1550 approval shall not be applicable to a deviation as described in
 1551 subsection (5).

1552 (7) Upon approval by the governing board of the water
 1553 management district and the Department of Environmental
 1554 Protection ~~or its designee~~, the mitigation plan shall be deemed
 1555 to satisfy the mitigation requirements under this part for
 1556 impacts specifically identified in the environmental impact
 1557 inventory described in subsection (2) and any other mitigation
 1558 requirements imposed by local, regional, and state agencies for
 1559 these same impacts. The approval of the governing board of the
 1560 water management district and the Department of Environmental
 1561 Protection ~~or its designee~~ shall authorize the activities
 1562 proposed in the mitigation plan, and no other state, regional,
 1563 or local permit or approval shall be necessary.

1564 (8) This section shall not be construed to eliminate the
 1565 need for the Department of Transportation or a transportation
 1566 authority established pursuant to chapter 348 or chapter 349 to
 1567 comply with the requirement to implement practicable design
 1568 modifications, including realignment of transportation projects,
 1569 to reduce or eliminate the impacts of its transportation
 1570 projects on wetlands and other surface waters as required by
 1571 rules adopted pursuant to this part, or to diminish the
 1572 authority under this part to regulate other impacts, including
 1573 water quantity or water quality impacts, or impacts regulated
 1574 under this part that are not identified in the environmental
 1575 impact inventory described in subsection (2).

1576 ~~(9) The process for environmental mitigation for the~~
1577 ~~impact of transportation projects under this section shall be~~
1578 ~~available to an expressway, bridge, or transportation authority~~
1579 ~~established under chapter 348 or chapter 349. Use of this~~
1580 ~~process may be initiated by an authority depositing the~~
1581 ~~requisite funds into an escrow account set up by the authority~~
1582 ~~and filing an environmental impact inventory with the~~
1583 ~~appropriate water management district. An authority that~~
1584 ~~initiates the environmental mitigation process established by~~
1585 ~~this section shall comply with subsection (6) by timely~~
1586 ~~providing the appropriate water management district with the~~
1587 ~~requisite work program information. A water management district~~
1588 ~~may draw down funds from the escrow account as provided in this~~
1589 ~~section.~~

1590 Section 13. Section 2 of chapter 85-364, Laws of Florida,
1591 as amended by chapter 95-382, Laws of Florida, is amended to
1592 read:

1593 Section 2. All tolls collected shall first be used for the
1594 payment of annual operating and maintenance costs and second to
1595 discharge the current bond indebtedness related to the Pinellas
1596 Bayway. Thereafter, tolls collected shall be used to establish a
1597 reserve construction account to be used, together with interest
1598 earned thereon, by the department ~~for the construction of Blind~~
1599 ~~Pass Road, State Road 699 improvements, and for Phase II of the~~
1600 ~~Pinellas Bayway improvements. A portion of the tolls collected~~
1601 ~~shall first be used specifically for the construction of the~~

1602 ~~Blind Pass Road improvements, which improvements consist of~~
 1603 ~~widening to four lanes the Blind Pass Road, State Road 699, from~~
 1604 ~~75th Avenue north to the approach of the Blind Pass Bridge,~~
 1605 ~~including necessary right-of-way acquisition along said portion~~
 1606 ~~of Blind Pass Road, and intersection improvements at 75th Avenue~~
 1607 ~~and Blind Pass Road in Pinellas County. Said improvements shall~~
 1608 ~~be included in the department's current 5-year work program.~~
 1609 ~~Upon completion of the Blind Pass Road improvements, the tolls~~
 1610 ~~collected shall be used, together with interest earned thereon,~~
 1611 ~~by the department for Phase II of the Pinellas Bayway~~
 1612 ~~improvements, which improvements consists of widening to four~~
 1613 ~~lanes the Pinellas Bayway from State Road 679 west to Gulf~~
 1614 ~~Boulevard, including necessary approaches, bridges, and avenues~~
 1615 ~~of access. Upon completion of the Phase II improvements, the~~
 1616 ~~department shall continue to collect tolls on the Pinellas~~
 1617 ~~Bayway for purposes of reimbursing the department for all~~
 1618 ~~accrued maintenance costs for the Pinellas Bayway.~~

1619 Section 14. Paragraphs (j) and (m) of subsection (2) of
 1620 section 110.205, Florida Statutes, are amended to read:

1621 110.205 Career service; exemptions.—

1622 (2) EXEMPT POSITIONS.—The exempt positions that are not
 1623 covered by this part include the following:

1624 (j) The appointed secretaries and the State Surgeon
 1625 General, assistant secretaries, deputy secretaries, and deputy
 1626 assistant secretaries of all departments; the executive
 1627 directors, assistant executive directors, deputy executive

1628 directors, and deputy assistant executive directors of all
1629 departments; the directors of all divisions and those positions
1630 determined by the department to have managerial responsibilities
1631 comparable to such positions, which positions include, but are
1632 not limited to, program directors, assistant program directors,
1633 district administrators, deputy district administrators, the
1634 Director of Central Operations Services of the Department of
1635 Children and Family Services, the State Transportation
1636 Development Administrator, State Public Transportation and Modal
1637 Administrator, district secretaries, district directors of
1638 transportation development, transportation operations,
1639 transportation support, and the managers of the offices
1640 specified in s. 20.23(3)(b) ~~s. 20.23(4)(b)~~, of the Department of
1641 Transportation. Unless otherwise fixed by law, the department
1642 shall set the salary and benefits of these positions in
1643 accordance with the rules of the Senior Management Service; and
1644 the county health department directors and county health
1645 department administrators of the Department of Health.

1646 (m) All assistant division director, deputy division
1647 director, and bureau chief positions in any department, and
1648 those positions determined by the department to have managerial
1649 responsibilities comparable to such positions, which include,
1650 but are not limited to:

1651 1. Positions in the Department of Health and the
1652 Department of Children and Family Services that are assigned
1653 primary duties of serving as the superintendent or assistant

1654 superintendent of an institution.

1655 2. Positions in the Department of Corrections that are
1656 assigned primary duties of serving as the warden, assistant
1657 warden, colonel, or major of an institution or that are assigned
1658 primary duties of serving as the circuit administrator or deputy
1659 circuit administrator.

1660 3. Positions in the Department of Transportation that are
1661 assigned primary duties of serving as regional toll managers and
1662 managers of offices, as defined in s. 20.23(3)(b) and (4)(c) ~~s.~~
1663 ~~20.23(4)(b) and (5)(e)~~.

1664 4. Positions in the Department of Environmental Protection
1665 that are assigned the duty of an Environmental Administrator or
1666 program administrator.

1667 5. Positions in the Department of Health that are assigned
1668 the duties of Environmental Administrator, Assistant County
1669 Health Department Director, and County Health Department
1670 Financial Administrator.

1671 6. Positions in the Department of Highway Safety and Motor
1672 Vehicles that are assigned primary duties of serving as captains
1673 in the Florida Highway Patrol.

1674
1675 Unless otherwise fixed by law, the department shall set the
1676 salary and benefits of the positions listed in this paragraph in
1677 accordance with the rules established for the Selected Exempt
1678 Service.

1679 Section 15. The sum of \$5,100,000 in recurring general

1680 revenue funds is transferred to trust funds in agencies that may
1681 be negatively impacted by the provisions of this act, as
1682 follows: \$700,000 to the Brain and Spinal Cord Injury Program
1683 Trust Fund in the Department of Health; \$2,700,000 to the
1684 Emergency Medical Services Trust Fund in the Department of
1685 Health; \$500,000 to the State Courts Revenue Trust Fund in the
1686 state courts system; \$400,000 to the State Attorneys Revenue
1687 Trust Fund in the Justice Administrative Commission; \$200,000 to
1688 the Public Defenders Revenue Trust Fund in the Justice
1689 Administrative Commission; \$300,000 to the State Agency Law
1690 Enforcement Radio System Trust Fund in the Department of
1691 Management Services; and \$300,000 to the Additional Court Cost
1692 Clearing Trust Fund in the Department of Revenue.

1693 Section 16. This act shall take effect July 1, 2014.