

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

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

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

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

86 |
 87 | Be It Enacted by the Legislature of the State of Florida:

88 |
 89 | Section 1. Subsections (2) and (3) of section 20.23,
 90 | Florida Statutes, are amended to read:

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

94 | (2)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

216 ~~2. The selection of a consultant or contractor or the~~
 217 ~~prequalification of any individual consultant or contractor.~~
 218 ~~However, the commission may recommend to the secretary standards~~
 219 ~~and policies governing the procedure for selection and~~
 220 ~~prequalification of consultants and contractors.~~

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

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

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

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

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

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

235 ~~to the commission.~~

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

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

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

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

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

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

277 (b)1.a. Within 30 days after a violation, notification
 278 must be sent to the registered owner of the motor vehicle
 279 involved in the violation specifying the remedies available
 280 under s. 318.14 and that the violator must pay the penalty of
 281 \$83 ~~\$150~~ to the department, county, or municipality, or furnish
 282 an affidavit in accordance with paragraph (d), or request a
 283 hearing within 60 days following the date of the notification in
 284 order to avoid the issuance of a traffic citation. The
 285 notification must be sent by first-class mail. The mailing of
 286 the notice of violation constitutes notification.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

780 73.013.

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

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

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

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

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

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

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

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

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

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

837 373.4137 Mitigation requirements for specified
 838 transportation projects.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1066 meet the requirements of 33 U.S.C. s. 1344 and 33 C.F.R. part
 1067 332.
 1068 (f) For purposes of preparing and implementing the
 1069 mitigation plans to be adopted by the water management districts
 1070 on or before March 1, 2014, for impacts based on the July 1,
 1071 2013, environmental impact inventory, the funds identified in
 1072 the Department of Transportation's work program or participating
 1073 transportation authorities' escrow accounts must correspond to a
 1074 cost per acre of \$75,000 multiplied by the projected acres of
 1075 impact as identified in the environmental impact inventory. The
 1076 cost per acre shall be adjusted by the percentage change in the
 1077 average of the Consumer Price Index issued by the United States
 1078 Department of Labor for the most recent 12-month period ending
 1079 September 30, compared to the base year average, which is the
 1080 average for the 12-month period ending September 30, 1996.
 1081 Payment as provided under this paragraph is limited to those
 1082 mitigation activities that are identified in the first year of
 1083 the 2013 mitigation plan and for which the transportation
 1084 project is permitted and is in the Department of
 1085 Transportation's adopted work program, or equivalent for a
 1086 transportation authority. When implementing the mitigation
 1087 activities necessary to offset the permitted impacts as provided
 1088 in the approved mitigation plan, the water management district
 1089 shall maintain records of the costs incurred in implementing the
 1090 mitigation. The records must include, but are not limited to,
 1091 costs for planning, land acquisition, design, construction,

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

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

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

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

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

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

1194 Department of Transportation or participating transportation
 1195 authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

1311 110.205 Career service; exemptions.—

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

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

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

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

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

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

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

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

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

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

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

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