

hbd-32

Bill No. CS for SB 772

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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11 Representative(s) K. Smith offered the following:

12

13 **Amendment (with title amendment)**

14 Remove from the bill: Everything after the enacting clause

15

16 and insert in lieu thereof:

17 Section 1. Paragraph (c) of subsection (1), paragraph
18 (b) of subsection (2), and paragraphs (c) and (d) of
19 subsection (3) of section 20.23, Florida Statutes, are amended
20 to read:

21 20.23 Department of Transportation.--There is created
22 a Department of Transportation which shall be a decentralized
23 agency.

24 (1)

25 (c) The secretary shall appoint three assistant
26 secretaries who shall be directly responsible to the secretary
27 and who shall perform such duties as are specified in this
28 section and such other duties as are assigned by the
29 secretary. The secretary may delegate to any assistant
30 secretary the authority to act in the absence of the
31 secretary. The department has the authority to adopt rules

hbd-32

Bill No. CS for SB 772

Amendment No. ____ (for drafter's use only)

1 necessary for the delegation of authority beyond the assistant
2 secretaries.The assistant secretaries shall serve at the
3 pleasure of the secretary.

4 (2)

5 (b) The commission shall have the primary functions
6 to:

7 1. Recommend major transportation policies for the
8 Governor's approval, and assure that approved policies and any
9 revisions thereto are properly executed.

10 2. Periodically review the status of the state
11 transportation system including highway, transit, rail,
12 seaport, intermodal development, and aviation components of
13 the system and recommend improvements therein to the Governor
14 and the Legislature.

15 3. Perform an in-depth evaluation of the annual
16 department budget request, the Florida Transportation Plan,
17 and the tentative work program for compliance with all
18 applicable laws and established departmental policies. Except
19 as specifically provided in s. 339.135(4)(c)2., (d), and (f),
20 the commission may not consider individual construction
21 projects, but shall consider methods of accomplishing the
22 goals of the department in the most effective, efficient, and
23 businesslike manner.

24 4. Monitor the financial status of the department on a
25 regular basis to assure that the department is managing
26 revenue and bond proceeds responsibly and in accordance with
27 law and established policy.

28 5. Monitor on at least a quarterly basis, the
29 efficiency, productivity, and management of the department,
30 using performance and production standards developed by the
31 commission pursuant to s. 334.045.

1 6. Perform an in-depth evaluation of the factors
 2 causing disruption of project schedules in the adopted work
 3 program and recommend to the Legislature and the Governor
 4 methods to eliminate or reduce the disruptive effects of these
 5 factors.

6 7. Recommend to the Governor and the Legislature
 7 improvements to the department's organization in order to
 8 streamline and optimize the efficiency of the department. In
 9 reviewing the department's organization, the commission shall
 10 determine if the current district organizational structure is
 11 responsive to Florida's changing economic and demographic
 12 development patterns. The initial report by the commission
 13 must be delivered to the Governor and Legislature by December
 14 15, 2000, and each year thereafter, as appropriate. The
 15 commission may retain such experts as are reasonably necessary
 16 to effectuate this subparagraph, and the department shall pay
 17 the expenses of such experts.

18 (3)

19 (c) The secretary shall appoint an Assistant Secretary
 20 for Transportation Policy, an Assistant Secretary for Finance
 21 and Administration, and an Assistant Secretary for District
 22 Operations, each of whom shall serve at the pleasure of the
 23 secretary. The positions are responsible for developing,
 24 monitoring, and enforcing policy and managing major technical
 25 programs. The responsibilities and duties of these positions
 26 include, but are not limited to, the following functional
 27 areas:

28 1. Assistant Secretary for Transportation Policy.--

29 a. Development of the Florida Transportation Plan and
 30 other policy planning;

31 b. Development of statewide modal systems plans,

hbd-32

Bill No. CS for SB 772

Amendment No. ____ (for drafter's use only)

- 1 including public transportation systems;
- 2 c. Design of transportation facilities;
- 3 d. Construction of transportation facilities; ~~and~~
- 4 e. Acquisition and management of transportation
- 5 ~~rights-of-way; and-~~
- 6 f. Administration of motor carrier compliance and
- 7 safety.
- 8 2. Assistant Secretary for District Operations.--
- 9 a. Administration of the eight districts; and
- 10 b. Implementation of the decentralization of the
- 11 ~~department. - and~~
- 12 ~~c. Administration of motor carrier compliance and~~
- 13 ~~safety.~~
- 14 3. Assistant Secretary for Finance and
- 15 Administration.--
- 16 a. Financial planning and management;
- 17 b. Information systems;
- 18 c. Accounting systems;
- 19 d. Administrative functions; and
- 20 e. Administration of toll operations.
- 21 (d)1. Policy, program, or operations offices shall be
- 22 established within the central office for the purposes of:
- 23 a. Developing policy and procedures and monitoring
- 24 performance to ensure compliance with these policies and
- 25 procedures;
- 26 b. Performing statewide activities which it is more
- 27 cost-effective to perform in a central location;
- 28 c. Assessing and ensuring the accuracy of information
- 29 within the department's financial management information
- 30 systems; and
- 31 d. Performing other activities of a statewide nature.

hbd-32

Bill No. CS for SB 772

Amendment No. ____ (for drafter's use only)

1 2. The following offices are established and shall be
2 headed by a manager, each of whom shall be appointed by and
3 serve at the pleasure of the secretary. The positions shall be
4 classified at a level equal to a division director:

- 5 a. The Office of Administration;
6 b. The Office of Policy Planning;
7 c. The Office of Design;
8 d. The Office of Highway Operations;
9 e. The Office of Right-of-Way;
10 f. The Office of Toll Operations; ~~and~~
11 g. The Office of Information Systems; ~~and~~
12 h. The Office of Motor Carrier Compliance.

13 3. Other offices may be established in accordance with
14 s. 20.04(7). The heads of such offices are exempt from part II
15 of chapter 110. No office or organization shall be created at
16 a level equal to or higher than a division without specific
17 legislative authority.

18 4. During the construction of a major transportation
19 improvement project or as determined by the district
20 secretary, the department may provide assistance to a business
21 entity significantly impacted by the project if the entity is
22 a for-profit entity that has been in business for 3 years
23 prior to the beginning of construction and has direct or
24 shared access to the transportation project being constructed.
25 The assistance program shall be in the form of additional
26 guarantees to assist the impacted business entity in receiving
27 loans pursuant to Title 13 C.F.R. part 120. However, in no
28 instance shall the combined guarantees be greater than 90
29 percent of the loan. The department shall adopt rules to
30 implement this subparagraph.

31 Section 2. Subsection (8) is added to section

hbd-32

Bill No. CS for SB 772

Amendment No. ____ (for drafter's use only)

1 206.8745, Florida Statutes, to read:

2 206.8745 Credits and refund claims.--

3 (8) Undyed, tax-paid diesel fuel purchased in this
4 state and consumed by the engine of a qualified motor coach
5 during idle time for the purpose of running climate control
6 systems and maintaining electrical systems for the motor coach
7 is subject to a refund. As used in this subsection, the term
8 "qualified motor coach" means a privately owned vehicle that
9 is designed to carry nine or more passengers, that has a gross
10 vehicle weight of at least 33,000 pounds, that is used
11 exclusively in the commercial application of transporting
12 passengers for compensation, and that has the capacity to
13 measure diesel fuel consumed in Florida during idling,
14 separate from diesel fuel consumed to propel the vehicle in
15 this state, by way of an on-board computer.

16 (a) The purchaser may make one claim for refund per
17 calendar year.

18 (b) The annual refund claim must be submitted before
19 April 1 of the year following the year in which the tax was
20 paid and after December 31, 2000.

21 (c) The purchaser must submit original or copies of
22 original purchase invoices showing the taxes paid, or, in lieu
23 of original invoices, a purchaser may submit a schedule of
24 purchases containing the information required by s.

25 206.41(5)(b)1.

26 (d) The purchaser must remit, as an offset to the
27 refund, sales tax due under chapter 212 based on the purchase
28 price of the fuel, net of the state tax refunded.

29
30 The Department of Revenue may adopt rules to administer this
31 subsection.

hbd-32

Bill No. CS for SB 772

Amendment No. ____ (for drafter's use only)

1 Section 3. Paragraph (b) of subsection (3) and
2 subsection (6) of section 311.07, Florida Statutes, is amended
3 to read:

4 311.07 Florida seaport transportation and economic
5 development funding.--

6 (3)

7 (b) Projects eligible for funding by grants under the
8 program are limited to the following port facilities or port
9 transportation projects:

10 1. Transportation facilities within the jurisdiction
11 of the port.

12 2. The dredging or deepening of channels, turning
13 basins, or harbors.

14 3. The construction or rehabilitation of wharves,
15 docks, structures, jetties, piers, storage facilities, cruise
16 terminals, automated people mover systems, or any facilities
17 necessary or useful in connection with any of the foregoing.

18 4. The acquisition of container cranes or other
19 mechanized equipment used in the movement of cargo or
20 passengers in international commerce.

21 5. The acquisition of land to be used for port
22 purposes.

23 6. The acquisition, improvement, enlargement, or
24 extension of existing port facilities.

25 7. Environmental protection projects which are
26 necessary because of requirements imposed by a state agency as
27 a condition of a permit or other form of state approval; which
28 are necessary for environmental mitigation required as a
29 condition of a state, federal, or local environmental permit;
30 which are necessary for the acquisition of spoil disposal
31 sites and improvements to existing and future spoil sites; or

hbd-32

Bill No. CS for SB 772

Amendment No. ____ (for drafter's use only)

1 which result from the funding of eligible projects listed
2 herein.

3 8. Transportation facilities as defined in s.
4 334.03(31) which are not otherwise part of the Department of
5 Transportation's adopted work program.

6 9. Seaport intermodal access projects identified in
7 the 5-year Florida Seaport Mission Plan as provided in s.
8 311.09(3).

9 10. Construction or rehabilitation of port facilities
10 as defined in s. 315.02, excluding any park or recreational
11 facilities, in ports listed in s. 311.09(1) with operating
12 revenues of \$5 million or less, provided that such projects
13 create economic development opportunities, capital
14 improvements, and positive financial returns to such ports.

15 (6) The Department of Transportation shall subject any
16 project that receives funds pursuant to this section and s.
17 320.20 to a final audit. The department may adopt rules and
18 perform such other acts as are necessary or convenient to
19 ensure that the final audits are conducted and that any
20 deficiency or questioned costs noted by the audit are
21 resolved.

22 Section 4. Subsections (1), (4), (11), and (12) of
23 section 311.09, Florida Statutes, are amended to read:

24 311.09 Florida Seaport Transportation and Economic
25 Development Council.--

26 (1) The Florida Seaport Transportation and Economic
27 Development Council is created within the Department of
28 Transportation. The council consists of the following 17
29 members: the port director, or the port director's designee,
30 of each of the ports of Jacksonville, Port Canaveral, Fort
31 Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, St.

hbd-32

Bill No. CS for SB 772

Amendment No. ____ (for drafter's use only)

1 Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key
 2 West, and Fernandina; the secretary of the Department of
 3 Transportation or his or her designee ~~as an ex officio~~
 4 ~~nonvoting member~~; the director of the Office of Tourism,
 5 Trade, and Economic Development or his or her designee ~~as an~~
 6 ~~ex officio nonvoting member~~; and the secretary of the
 7 Department of Community Affairs or his or her designee ~~as an~~
 8 ~~ex officio nonvoting member~~.

9 (4) The council shall adopt rules for evaluating
 10 projects which may be funded under ~~ss.s~~311.07 and 320.20.
 11 The rules shall provide criteria for evaluating the economic
 12 benefit of the project, measured by the potential for the
 13 proposed project to maintain or increase cargo flow, cruise
 14 passenger movement, international commerce, port revenues, and
 15 the number of jobs for the port's local community.

16 (11) The council shall meet at the call of its
 17 chairperson, at the request of a majority of its membership,
 18 or at such times as may be prescribed in its bylaws. However,
 19 the council must meet at least semiannually. A majority of
 20 voting members of the council constitutes a quorum for the
 21 purpose of transacting the business of the council. All
 22 members of the council are voting members ~~except for members~~
 23 ~~representing the Department of Transportation; the Department~~
 24 ~~of Community Affairs; and the Office of Tourism, Trade, and~~
 25 ~~Economic Development~~. A vote of the majority of the voting
 26 members present is sufficient for any action of the council,
 27 except that a member representing the Department of
 28 Transportation, the Department of Community Affairs, or the
 29 Office of Tourism, Trade, and Economic Development may vote to
 30 overrule any action of the council approving a project
 31 pursuant to subsection (5).~~unless~~ The bylaws of the council

hbd-32

Bill No. CS for SB 772

Amendment No. ____ (for drafter's use only)

1 may require a greater vote for a particular action.

2 (12) Members of the council shall serve without
3 compensation but are entitled to receive reimbursement for per
4 diem and travel expenses as provided in s. 112.061. The
5 council may elect to provide an administrative staff to
6 provide services to the council on matters relating to the
7 Florida Seaport Transportation and Economic Development
8 Program and the council. The cost for such administrative
9 services shall be paid by all ports that receive funding from
10 the Florida Seaport Transportation and Economic Development
11 Program, based upon a pro rata formula measured by each
12 recipient's share of the funds as compared to the total funds
13 disbursed to all recipients during the year. The share of
14 costs for administrative services shall be paid in its total
15 amount by the recipient port upon execution by the port and
16 the Department of Transportation of a joint participation
17 agreement for each council-approved project, and such payment
18 is in addition to the matching funds required to be paid by
19 the recipient port. Except as otherwise exempted by law, all
20 moneys derived from the Florida Seaport Transportation and
21 Economic Development Program shall be expended in accordance
22 with the provisions of s. 287.057. Seaports subject to
23 competitive negotiation requirements of a local governing body
24 shall be exempt from this requirement.

25 Section 5. Subsections (3) and (4) of section 320.20,
26 Florida Statutes, are amended to read:

27 320.20 Disposition of license tax moneys.--The revenue
28 derived from the registration of motor vehicles, including any
29 delinquent fees and excluding those revenues collected and
30 distributed under the provisions of s. 320.081, must be
31 distributed monthly, as collected, as follows:

hbd-32

Bill No. CS for SB 772

Amendment No. ____ (for drafter's use only)

1 (3) Notwithstanding any other provision of law except
2 subsections (1) and (2), on July 1, 1996, and annually
3 thereafter, \$15 million shall be deposited in the State
4 Transportation Trust Fund solely for the purposes of funding
5 the Florida Seaport Transportation and Economic Development
6 Program as provided for in chapter 311. Such revenues shall
7 be distributed on a 50-50 matching basis to any port listed in
8 s. 311.09(1) to be used for funding projects as described in
9 s. 311.07(3)(b). Such revenues may be assigned, pledged, or
10 set aside as a trust for the payment of principal or interest
11 on bonds, tax anticipation certificates, or any other form of
12 indebtedness issued by an individual port or appropriate local
13 government having jurisdiction thereof, or collectively by
14 interlocal agreement among any of the ports, or used to
15 purchase credit support to permit such borrowings. However,
16 such debt shall not constitute a general obligation of the
17 State of Florida. The state does hereby covenant with holders
18 of such revenue bonds or other instruments of indebtedness
19 issued hereunder that it will not repeal or impair or amend in
20 any manner which will materially and adversely affect the
21 rights of such holders so long as bonds authorized by this
22 section are outstanding. Any revenues which are not pledged
23 to the repayment of bonds as authorized by this section may be
24 utilized for purposes authorized under the Florida Seaport
25 Transportation and Economic Development Program. This revenue
26 source is in addition to any amounts provided for and
27 appropriated in accordance with s. 311.07. The Florida
28 Seaport Transportation and Economic Development Council shall
29 approve distribution of funds to ports for projects which have
30 been approved pursuant to s. 311.09(5)-(9). The council and
31 the Department of Transportation are authorized to perform

hbd-32

Bill No. CS for SB 772

Amendment No. ____ (for drafter's use only)

1 such acts as are required to facilitate and implement the
2 provisions of this subsection. To better enable the ports to
3 cooperate to their mutual advantage, the governing body of
4 each port may exercise powers provided to municipalities or
5 counties in s. 163.01(7)(d) subject to the provisions of
6 chapter 311 and special acts, if any, pertaining to a port.
7 The use of funds provided pursuant to this subsection are
8 limited to eligible projects listed in this subsection.
9 Income derived from a project completed with the use of
10 program funds, beyond operating costs and debt service, shall
11 be restricted to further port capital improvements consistent
12 with maritime purposes and for no other purpose. Use of such
13 income for nonmaritime purposes is prohibited. The provisions
14 of s. 311.07(4) do not apply to any funds received pursuant to
15 this subsection. The revenues available under this subsection
16 shall not be pledged to the payment of any bonds other than
17 the Florida Ports Financing Commission Series 1996 and Series
18 1999 Bonds currently outstanding; provided, however, such
19 revenues may be pledged to secure payment of refunding bonds
20 to refinance the Florida Ports Financing Commission Series
21 1996 and Series 1999 Bonds. No refunding bonds secured by
22 revenues available under this subsection may be issued with a
23 final maturity later than the final maturity of the Florida
24 Ports Financing Commission Series 1996 and Series 1999 Bonds
25 or which provide for higher debt service in any year than is
26 currently payable on such bonds. Any revenue bonds or other
27 indebtedness issued after July 1, 2000, other than refunding
28 bonds shall be issued by the Division of Bond Finance at the
29 request of the Department of Transportation pursuant to the
30 State Bond Act.

31 (4) Notwithstanding any other provision of law except

1 subsections (1), (2), and (3), on July 1, 1999, and annually
2 thereafter, \$10 million shall be deposited in the State
3 Transportation Trust Fund solely for the purposes of funding
4 the Florida Seaport Transportation and Economic Development
5 Program as provided in chapter 311 and for funding seaport
6 intermodal access projects of statewide significance as
7 provided in s. 341.053. Such revenues shall be distributed to
8 any port listed in s. 311.09(1), to be used for funding
9 projects as follows:

10 (a) For any seaport intermodal access projects that
11 are identified in the 1997-1998 Tentative Work Program of the
12 Department of Transportation, up to the amounts needed to
13 offset the funding requirements of this section. ~~and~~

14 (b) For seaport intermodal access projects as
15 described in s. 341.053(5) that are identified in the 5-year
16 Florida Seaport Mission Plan as provided in s. 311.09(3).
17 Funding for such projects shall be on a matching basis as
18 mutually determined by the Florida Seaport Transportation and
19 Economic Development Council and the Department of
20 Transportation, provided a minimum of 25 percent of total
21 project funds shall come from any port funds, local funds,
22 private funds, or specifically earmarked federal funds. ~~or~~

23 (c) On a 50-50 matching basis for projects as
24 described in s. 311.07(3)(b).

25 (d) For seaport intermodal access projects that
26 involve the dredging or deepening of channels, turning basins,
27 or harbors; or the rehabilitation of wharves, docks, or
28 similar structures. Funding for such projects shall require a
29 25 percent match of the funds received pursuant to this
30 subsection. Matching funds shall come from any port funds,
31 federal funds, local funds, or private funds.

hbd-32

Bill No. CS for SB 772

Amendment No. ____ (for drafter's use only)

1
2 Such revenues may be assigned, pledged, or set aside as a
3 trust for the payment of principal or interest on bonds, tax
4 anticipation certificates, or any other form of indebtedness
5 issued by an individual port or appropriate local government
6 having jurisdiction thereof, or collectively by interlocal
7 agreement among any of the ports, or used to purchase credit
8 support to permit such borrowings. However, such debt shall
9 not constitute a general obligation of the state. This state
10 does hereby covenant with holders of such revenue bonds or
11 other instruments of indebtedness issued hereunder that it
12 will not repeal or impair or amend this subsection in any
13 manner which will materially and adversely affect the rights
14 of holders so long as bonds authorized by this subsection are
15 outstanding. Any revenues that are not pledged to the
16 repayment of bonds as authorized by this section may be
17 utilized for purposes authorized under the Florida Seaport
18 Transportation and Economic Development Program. This revenue
19 source is in addition to any amounts provided for and
20 appropriated in accordance with s. 311.07 and subsection (3).
21 The Florida Seaport Transportation and Economic Development
22 Council shall approve distribution of funds to ports for
23 projects that have been approved pursuant to s. 311.09(5)-(9),
24 or for seaport intermodal access projects identified in the
25 5-year Florida Seaport Mission Plan as provided in s.
26 311.09(3) and mutually agreed upon by the FSTED Council and
27 the Department of Transportation. All contracts for actual
28 construction of projects authorized by this subsection must
29 include a provision encouraging employment of WAGES
30 participants. The goal for employment of WAGES participants
31 is 25 percent of all new employees employed specifically for

hbd-32

Bill No. CS for SB 772

Amendment No. ____ (for drafter's use only)

1 the project, unless the Department of Transportation and the
2 Florida Seaport Transportation and Economic Development
3 Council can demonstrate to the satisfaction of the Secretary
4 of Labor and Employment Security that such a requirement would
5 severely hamper the successful completion of the project. In
6 such an instance, the Secretary of Labor and Employment
7 Security shall establish an appropriate percentage of
8 employees that must be WAGES participants. The council and the
9 Department of Transportation are authorized to perform such
10 acts as are required to facilitate and implement the
11 provisions of this subsection. To better enable the ports to
12 cooperate to their mutual advantage, the governing body of
13 each port may exercise powers provided to municipalities or
14 counties in s. 163.01(7)(d) subject to the provisions of
15 chapter 311 and special acts, if any, pertaining to a port.
16 The use of funds provided pursuant to this subsection is
17 limited to eligible projects listed in this subsection. The
18 provisions of s. 311.07(4) do not apply to any funds received
19 pursuant to this subsection. The revenues available under this
20 subsection shall not be pledged to the payment of any bonds
21 other than the Florida Ports Financing Commission Series 1996
22 and Series 1999 Bonds currently outstanding; provided,
23 however, such revenues may be pledged to secure payment of
24 refunding bonds to refinance the Florida Ports Financing
25 Commission Series 1996 and Series 1999 Bonds. No refunding
26 bonds secured by revenues available under this subsection may
27 be issued with a final maturity later than the final maturity
28 of the Florida Ports Financing Commission Series 1996 and
29 Series 1999 Bonds or which provide for higher debt service in
30 any year than is currently payable on such bonds. Any revenue
31 bonds or other indebtedness issued after July 1, 2000, other

hbd-32

Bill No. CS for SB 772

Amendment No. ____ (for drafter's use only)

1 than refunding bonds shall be issued by the Division of Bond
2 Finance at the request of the Department of Transportation
3 pursuant to the State Bond Act.

4 Section 6. Subsection (5) of section 334.044, Florida
5 Statutes, is amended, and paragraph (c) is added to subsection
6 (10) of said section, to read:

7 334.044 Department; powers and duties.--The department
8 shall have the following general powers and duties:

9 (5) To purchase, lease, or otherwise acquire property
10 and materials, including the purchase of promotional items as
11 part of public information and education campaigns for the
12 promotion of traffic and train safety awareness, alternatives
13 to single-occupant vehicle travel, and commercial motor
14 vehicle safety; to purchase, lease, or otherwise acquire
15 equipment and supplies; and to sell, exchange, or otherwise
16 dispose of any property that which is no longer needed by the
17 department.

18 (10)
19 (c) The department is authorized to adopt rules
20 relating to approval of aggregate and other material sources.

21 Section 7. Subsection (4) is added to section 334.187,
22 Florida Statutes, to read:

23 334.187 Guarantee of obligations to the department.--

24 (4) The department is authorized to adopt rules
25 relating to the use of prepaid escrow accounts for purchases
26 from the department.

27 Section 8. Subsection (3) of section 335.02, Florida
28 Statutes, is amended to read:

29 335.02 Authority to designate transportation
30 facilities and rights-of-way and establish lanes; procedure
31 for redesignation and relocation.--

hbd-32

Bill No. CS for SB 772

Amendment No. ____ (for drafter's use only)

1 (3) The department may establish standards for lanes
2 on the State Highway System, including the Florida Intrastate
3 Highway System established pursuant to s. 338.001. In
4 determining the number of lanes for any regional corridor or
5 section of highway on the State Highway System to be funded by
6 the department with state or federal funds, the department
7 shall evaluate all alternatives and seek to achieve the
8 highest degree of efficient mobility for corridor users. In
9 conducting the analysis, the department must give
10 consideration to the following factors consistent with sound
11 engineering principles:

12 (a) Overall economic importance of the corridor as a
13 trade or tourism corridor.

14 (b) Safety of corridor users, including the importance
15 of the corridor for evacuation purposes.

16 (c) Cost-effectiveness of alternative methods of
17 increasing the mobility of corridor users.

18 (d) Current and projected traffic volumes on the
19 corridor.

20 (e) Multimodal alternatives.

21 (f) Use of intelligent transportation technology in
22 increasing the efficiency of the corridor.

23 (g) Compliance with state and federal policies related
24 to clean air, environmental impacts, growth management,
25 livable communities, and energy conservation.

26 (h) Addition of special use lanes, such as exclusive
27 truck lanes, high-occupancy-vehicle toll lanes, and exclusive
28 interregional traffic lanes.

29 (i) Availability and cost of rights-of-way, including
30 associated costs, and the most effective use of existing
31 rights-of-way.

1 (j) Regional economic and transportation objectives,
2 where articulated.

3 (k) The future land use plan element of local
4 government comprehensive plans, as appropriate, including
5 designated urban infill and redevelopment areas.

6 (l) The traffic circulation element, if applicable, of
7 local government comprehensive plans, including designated
8 transportation corridors and public transportation corridors.

9 (m) The approved metropolitan planning organization's
10 long-range transportation plan, as appropriate.

11
12 This subsection does not preclude a number of lanes in excess
13 of 10 lanes, but an additional factor that must be considered
14 before the department may determine that the number of lanes
15 should be more than 10 is the capacity to accommodate in the
16 future alternative forms of transportation within existing or
17 potential rights-of-way.~~The standards may include the maximum~~
18 ~~number of lanes to be provided by state funds and access~~
19 ~~requirements for such facilities.~~

20 Section 9. Paragraph (b) of subsection (1) of section
21 336.025, Florida Statutes, is amended to read:

22 336.025 County transportation system; levy of local
23 option fuel tax on motor fuel and diesel fuel.--

24 (1)

25 (b) In addition to other taxes allowed by law, there
26 may be levied as provided in s. 206.41(1)(e) a 1-cent, 2-cent,
27 3-cent, 4-cent, or 5-cent local option fuel tax upon every
28 gallon of motor fuel sold in a county and taxed under the
29 provisions of part I of chapter 206. The tax shall be levied
30 by an ordinance adopted by a majority plus one vote of the
31 membership of the governing body of the county or by

1 referendum.

2 1. The tax shall be levied before July 1, to be
3 effective January 1 of the following year. However, levies of
4 the tax which were in effect on July 1, 1996, and which expire
5 on August 31 of any year may be reimposed effective September
6 1 of the year of expiration.

7 2. The county may, prior to levy of the tax, establish
8 by interlocal agreement with one or more municipalities
9 located therein, representing a majority of the population of
10 the incorporated area within the county, a distribution
11 formula for dividing the entire proceeds of the tax among
12 county government and all eligible municipalities within the
13 county. If no interlocal agreement is adopted before the
14 effective date of the tax, tax revenues shall be distributed
15 pursuant to the provisions of subsection (4). If no
16 interlocal agreement exists, a new interlocal agreement may be
17 established prior to June 1 of any year pursuant to this
18 subparagraph. However, any interlocal agreement agreed to
19 under this subparagraph after the initial levy of the tax or
20 change in the tax rate authorized in this section shall under
21 no circumstances materially or adversely affect the rights of
22 holders of outstanding bonds which are backed by taxes
23 authorized by this paragraph, and the amounts distributed to
24 the county government and each municipality shall not be
25 reduced below the amount necessary for the payment of
26 principal and interest and reserves for principal and interest
27 as required under the covenants of any bond resolution
28 outstanding on the date of establishment of the new interlocal
29 agreement.

30 3. County and municipal governments shall utilize
31 moneys received pursuant to this paragraph only for

hbd-32

Bill No. CS for SB 772

Amendment No. ____ (for drafter's use only)

1 transportation expenditures needed to meet the requirements of
2 the capital improvements element of an adopted comprehensive
3 plan. For purposes of this paragraph, expenditures for the
4 construction of new roads, ~~or~~ the reconstruction or
5 resurfacing of existing paved roads, or the paving of existing
6 graded roads when undertaken in part to relieve or mitigate
7 existing or potential adverse environmental impacts, shall be
8 deemed to increase capacity and such projects shall be
9 included in the capital improvements element of an adopted
10 comprehensive plan. Expenditures for purposes of this
11 paragraph shall not include routine maintenance of roads.

12 Section 10. Section 337.025, Florida Statutes, is
13 amended to read:

14 337.025 Innovative highway projects; department to
15 establish program.--The department is authorized to establish
16 a program for highway projects demonstrating innovative
17 techniques of highway construction, maintenance, and finance
18 which have the intended effect of controlling time and cost
19 increases on construction projects. Such techniques may
20 include, but are not limited to, state-of-the-art technology
21 for pavement, safety, and other aspects of highway
22 construction and maintenance; innovative bidding and financing
23 techniques; accelerated construction procedures; and those
24 techniques that have the potential to reduce project life
25 cycle costs. To the maximum extent practical, the department
26 must use the existing process to award and administer
27 construction and maintenance contracts. When specific
28 innovative techniques are to be used, the department is not
29 required to adhere to those provisions of law that would
30 prevent, preclude, or in any way prohibit the department from
31 using the innovative technique. However, prior to using an

hbd-32

Bill No. CS for SB 772

Amendment No. ____ (for drafter's use only)

1 innovative technique that is inconsistent with another
2 provision of law, the department must document in writing the
3 need for the exception and identify what benefits the
4 traveling public and the affected community are anticipated to
5 receive. The department may enter into no more than \$120
6 million in contracts annually for the purposes authorized by
7 this section.

8 Section 11. Section 334.035, Florida Statutes, is
9 amended to read:

10 334.035 Purpose of transportation code.--The purpose
11 of the Florida Transportation Code is to establish the
12 responsibilities of the state, the counties, and the
13 municipalities in the planning and development of the
14 transportation systems serving the people of the state and to
15 assure the development of an integrated, balanced statewide
16 transportation system. The prevailing principles to be
17 considered in planning and developing these transportation
18 systems are: preserving the existing transportation
19 infrastructure; enhancing Florida's economic competitiveness;
20 and improving travel choices to ensure mobility ~~which enhances~~
21 ~~economic development through promotion of international trade~~
22 ~~and interstate and intrastate commerce.~~ This code is necessary
23 for the protection of the public safety and general welfare
24 and for the preservation of all transportation facilities in
25 the state. The chapters in the code shall be considered
26 components of the total code, and the provisions therein,
27 unless expressly limited in scope, shall apply to all
28 chapters.

29 Section 12. Section 334.046, Florida Statutes, is
30 amended to read:

31 334.046 Department mission, goals, and objectives.--

hbd-32

Bill No. CS for SB 772

Amendment No. ____ (for drafter's use only)

1 (1) The prevailing principles to be considered in
2 planning and developing an integrated, balanced statewide
3 transportation system are: preserving the existing
4 transportation infrastructure; enhancing Florida's economic
5 competitiveness; and improving travel choices to ensure
6 mobility.

7 (2)(1) The mission of the Department of Transportation
8 shall be to provide a safe, interconnected statewide
9 transportation system for Florida's citizens and visitors that
10 ensures the mobility of people and goods freight, enhances
11 while enhancing economic prosperity, and preserves and
12 sustaining the quality of our environment and communities.

13 (3)(2) The department shall document in the Florida
14 Transportation Plan, in accordance with s. 339.155 and based
15 upon the prevailing principles of preserving the existing
16 transportation infrastructure, enhancing Florida's economic
17 competitiveness, and improving travel choices to ensure
18 mobility, pursuant to s. 339.155 the goals and objectives that
19 which provide statewide policy guidance for accomplishing the
20 department's mission.

21 (4)(3) At a minimum, the department's goals shall
22 address the following prevailing principles.†

23 (a) Preservation.--Protecting the state's
24 transportation infrastructure investment. Preservation
25 includes:

26 1. Ensuring that 80 percent of the pavement on the
27 State Highway System meets department standards;

28 2. Ensuring that 90 percent of department-maintained
29 bridges meet department standards; and

30 3. Ensuring that the department achieves 100 percent
31 of the acceptable maintenance standard on the state highway

hbd-32

Bill No. CS for SB 772

Amendment No. ____ (for drafter's use only)

1 system.

2 (b) Economic Competitiveness.--Ensuring that the state
3 has a clear understanding of the economic consequences of
4 transportation investments, and how such investments affect
5 the state's economic competitiveness. The department must
6 develop a macroeconomic analysis of the linkages between
7 transportation investment and economic performance, as well as
8 a method to quantifiably measure the economic benefits of the
9 district-work-program investments. Such an analysis must
10 analyze:

11 1. The state's and district's economic performance
12 relative to the competition.

13 2. The business environment as viewed from the
14 perspective of companies evaluating the state as a place in
15 which to do business.

16 3. The state's capacity to sustain long-term growth.

17 (c) Mobility--Ensuring a cost-effective, statewide,
18 interconnected transportation system.

19 ~~(a) Providing a safe transportation system for~~
20 ~~residents, visitors, and commerce.~~

21 ~~(b) Preservation of the transportation system.~~

22 ~~(c) Providing an interconnected transportation system~~
23 ~~to support Florida's economy.~~

24 ~~(d) Providing travel choices to support Florida's~~
25 ~~communities.~~

26 Section 13. Section 337.175, Florida Statutes, is
27 amended to read:

28 337.175 Retainage.--The department may ~~shall~~ provide
29 in its construction contracts for retaining a portion of the
30 amount due a contractor for work that the contractor has
31 completed, until completion and final acceptance of the

hbd-32

Bill No. CS for SB 772

Amendment No. ____ (for drafter's use only)

1 project by the department. If the department allows ~~However,~~
2 contractors may ~~shall be allowed to~~ substitute securities as
3 provided by s. 255.052, or ~~to~~ substitute certificates of
4 deposit or irrevocable letters of credit approved by the
5 department comptroller in lieu of retainage.

6 Section 14. Subsection (1) of section 337.18, Florida
7 Statutes, is amended to read:

8 337.18 Surety bonds; requirement with respect to
9 contract award; defaults; damage assessments.--

10 (1) A surety bond shall be required of the successful
11 bidder in an amount equal to the awarded contract price. For a
12 project for which the contract price is \$150,000 or less, the
13 department may waive the requirement for all or a portion of a
14 surety bond if it determines the project is of a noncritical
15 nature and nonperformance will not endanger public health,
16 safety, or property. The department may require alternate
17 means of security if a surety bond is waived. The surety on
18 such bond shall be a surety company authorized to do business
19 in the state. All bonds shall be payable to the department and
20 conditioned for the prompt, faithful, and efficient
21 performance of the contract according to plans and
22 specifications and within the time period specified, and for
23 the prompt payment of all persons furnishing labor, material,
24 equipment, and supplies therefor; however, whenever an
25 improvement, demolition, or removal contract price is \$25,000
26 or less, the security may, in the discretion of the bidder, be
27 in the form of a cashier's check, bank money order of any
28 state or national bank, certified check, or postal money
29 order. The department shall adopt rules to implement this
30 subsection. Such rules shall include provisions under which
31 the department shall refuse to accept bonds on contracts when

hbd-32

Bill No. CS for SB 772

Amendment No. ____ (for drafter's use only)

1 a surety wrongfully fails or refuses to settle or provide a
2 defense for claims or actions arising under a contract for
3 which the surety previously furnished a bond.

4 Section 15. Subsection (1) of section 338.155, Florida
5 Statutes, is amended to read:

6 338.155 Payment of toll on toll facilities required;
7 exemptions.--

8 (1) No persons are permitted to use any toll facility
9 without payment of tolls, except employees of the agency
10 operating the toll project when using the toll facility on
11 official state business, state military personnel while on
12 official military business, handicapped persons as provided in
13 this section, persons exempt from toll payment by the
14 authorizing resolution for bonds issued to finance the
15 facility, and persons exempt on a temporary basis where use of
16 such toll facility is required as a detour route. Any Florida
17 highway patrol officer, sheriff, deputy sheriff, or municipal
18 police officer operating a marked official vehicle is exempt
19 from toll payment when on official law enforcement business.
20 The secretary, or the secretary's designee, may suspend the
21 payment of tolls on a toll facility when necessary to assist
22 in emergency evacuation. The failure to pay a prescribed toll
23 constitutes a noncriminal traffic infraction, punishable as a
24 moving violation pursuant to s. 318.18. The department is
25 authorized to adopt rules relating to guaranteed toll
26 accounts.

27 Section 16. Subsection (1) of section 338.161, Florida
28 Statutes, is amended to read:

29 338.161 Authority of department to advertise and
30 promote electronic toll collection.--

31 (1) The department is authorized to incur expenses for

hbd-32

Bill No. CS for SB 772

Amendment No. ____ (for drafter's use only)

1 paid advertising, marketing, and promotion of toll facilities
2 and electronic toll collection products and services.

3 Promotions may include discounts and free products.

4 Section 17. Subsection (6) of section 338.165, Florida
5 Statutes, is amended to read:

6 338.165 Continuation of tolls.--

7 (6) Notwithstanding the provisions of subsection (1),
8 and not including high occupancy toll lanes or express lanes,
9 no tolls may be charged for use of an interstate highway where
10 tolls were not charged as of July 1, 1997.

11 Section 18. Subsection (2) of section 339.09, Florida
12 Statutes, is amended to read:

13 339.09 Use of transportation tax revenues;
14 restrictions.--

15 (2) The department may, in cooperation with the
16 Federal Government, expend transportation tax revenues
17 pursuant to rules adopted by the department, for control of
18 undesirable rodents, relocation assistance, and moving costs
19 of persons displaced by highway construction and other related
20 transportation projects to the extent, but only to the extent,
21 required by federal law to be undertaken by the state to
22 continue to be eligible for federal highway funds.

23 Section 19. Section 339.155, Florida Statutes, is
24 amended to read:

25 339.155 Transportation planning.--

26 (1) THE FLORIDA TRANSPORTATION PLAN.--The department
27 shall develop and annually update a statewide transportation
28 plan, to be known as the Florida Transportation Plan. The plan
29 shall be designed so as to be easily read and understood by
30 the general public. The purpose of the Florida Transportation
31 Plan is to establish and define the state's long-range

hbd-32

Bill No. CS for SB 772

Amendment No. ____ (for drafter's use only)

1 transportation goals and objectives to be accomplished over a
2 period of at least 20 years within the context of the State
3 Comprehensive Plan, and any other statutory mandates and
4 authorizations and based upon the prevailing principles of:
5 preserving the existing transportation infrastructure;
6 enhancing Florida's economic competitiveness; and improving
7 travel choices to ensure mobility. The Florida Transportation
8 Plan shall consider the needs of the entire state
9 transportation system and examine the use of all modes of
10 transportation to effectively and efficiently meet such needs.

11 (2) SCOPE OF PLANNING PROCESS.--

12 ~~(a)~~ The department shall carry out a transportation
13 planning process in conformance with s. 334.046(1) which that
14 provides for consideration of projects and strategies that
15 will:

16 ~~(a)1.~~ Support the economic vitality of the United
17 States, Florida, and the metropolitan areas, especially by
18 enabling global competitiveness, productivity, and efficiency;

19 ~~(b)2.~~ Increase the safety and security of the
20 transportation system for motorized and nonmotorized users;

21 ~~(c)3.~~ Increase the accessibility and mobility options
22 available to people and for freight;

23 ~~(d)4.~~ Protect and enhance the environment, promote
24 energy conservation, and improve quality of life;

25 ~~(e)5.~~ Enhance the integration and connectivity of the
26 transportation system, across and between modes throughout
27 Florida, for people and freight;

28 ~~(f)6.~~ Promote efficient system management and
29 operation; and

30 ~~(g)7.~~ Emphasize the preservation of the existing
31 transportation system.

hbd-32

Bill No. CS for SB 772

Amendment No. ____ (for drafter's use only)

- 1 ~~(b) Additionally, the department shall consider:~~
- 2 ~~1. With respect to nonmetropolitan areas, the concerns~~
- 3 ~~of local elected officials representing units of general~~
- 4 ~~purpose local government;~~
- 5 ~~2. The concerns of Indian tribal governments and~~
- 6 ~~federal land management agencies that have jurisdiction over~~
- 7 ~~land within the boundaries of Florida; and~~
- 8 ~~3. Coordination of transportation plans, programs, and~~
- 9 ~~planning activities with related planning activities being~~
- 10 ~~carried out outside of metropolitan planning areas.~~
- 11 ~~(c) The results of the management systems required~~
- 12 ~~pursuant to federal laws and regulations.~~
- 13 ~~(d) Any federal, state, or local energy use goals,~~
- 14 ~~objectives, programs, or requirements.~~
- 15 ~~(e) Strategies for incorporating bicycle~~
- 16 ~~transportation facilities and pedestrian walkways in projects~~
- 17 ~~where appropriate throughout the state.~~
- 18 ~~(f) International border crossings and access to~~
- 19 ~~ports, airports, spaceports, intermodal transportation~~
- 20 ~~facilities, major freight distribution routes, national parks,~~
- 21 ~~recreation and scenic areas, monuments and historic sites, and~~
- 22 ~~military installations.~~
- 23 ~~(g) The transportation needs of nonmetropolitan areas~~
- 24 ~~through a process that includes consultation with local~~
- 25 ~~elected officials with jurisdiction over transportation.~~
- 26 ~~(h) Consistency of the plan, to the maximum extent~~
- 27 ~~feasible, with strategic regional policy plans, metropolitan~~
- 28 ~~planning organization plans, and approved local government~~
- 29 ~~comprehensive plans so as to contribute to the management of~~
- 30 ~~orderly and coordinated community development.~~
- 31 ~~(i) Connectivity between metropolitan areas within the~~

- 1 ~~state and with metropolitan areas in other states.~~
- 2 ~~(j) Recreational travel and tourism.~~
- 3 ~~(k) Any state plan developed pursuant to the Federal~~
- 4 ~~Water Pollution Control Act.~~
- 5 ~~(l) Transportation system management and investment~~
- 6 ~~strategies designed to make the most efficient use of existing~~
- 7 ~~transportation facilities.~~
- 8 ~~(m) The total social, economic, energy, and~~
- 9 ~~environmental effects of transportation decisions on the~~
- 10 ~~community and region.~~
- 11 ~~(n) Methods to manage traffic congestion and to~~
- 12 ~~prevent traffic congestion from developing in areas where it~~
- 13 ~~does not yet occur, including methods which reduce motor~~
- 14 ~~vehicle travel, particularly single-occupant vehicle travel.~~
- 15 ~~(o) Methods to expand and enhance transit services and~~
- 16 ~~to increase the use of such services.~~
- 17 ~~(p) The effect of transportation decisions on land use~~
- 18 ~~and land development, including the need for consistency~~
- 19 ~~between transportation decisionmaking and the provisions of~~
- 20 ~~all applicable short-range and long-range land use and~~
- 21 ~~development plans.~~
- 22 ~~(q) Where appropriate, the use of innovative~~
- 23 ~~mechanisms for financing projects, including value capture~~
- 24 ~~pricing, tolls, and congestion pricing.~~
- 25 ~~(r) Preservation and management of rights-of-way for~~
- 26 ~~construction of future transportation projects, including~~
- 27 ~~identification of unused rights-of-way which may be needed for~~
- 28 ~~future transportation corridors, and identification of those~~
- 29 ~~corridors for which action is most needed to prevent~~
- 30 ~~destruction or loss.~~
- 31 ~~(s) Future, as well as existing, needs of the state~~

hbd-32

Bill No. CS for SB 772

Amendment No. ____ (for drafter's use only)

- 1 ~~transportation system.~~
- 2 ~~(t) Methods to enhance the efficient movement of~~
- 3 ~~commercial motor vehicles.~~
- 4 ~~(u) The use of life-cycle costs in the design and~~
- 5 ~~engineering of bridges, tunnels, or pavement.~~
- 6 ~~(v) Investment strategies to improve adjoining state~~
- 7 ~~and local roads that support rural economic growth and tourism~~
- 8 ~~development, federal agency renewable resources management,~~
- 9 ~~and multipurpose land management practices, including~~
- 10 ~~recreation development.~~
- 11 ~~(w) The concerns of Indian tribal governments having~~
- 12 ~~jurisdiction over lands within the boundaries of the state.~~
- 13 ~~(x) A seaport or airport master plan, which has been~~
- 14 ~~incorporated into an approved local government comprehensive~~
- 15 ~~plan, and the linkage of transportation modes described in~~
- 16 ~~such plan which are needed to provide for the movement of~~
- 17 ~~goods and passengers between the seaport or airport and the~~
- 18 ~~other transportation facilities.~~
- 19 ~~(y) The spaceport master plan approved by the~~
- 20 ~~Spaceport Florida Authority.~~
- 21 ~~(z) The joint use of transportation corridors and~~
- 22 ~~major transportation facilities for alternate transportation~~
- 23 ~~and community uses.~~
- 24 ~~(aa) The integration of any proposed system into all~~
- 25 ~~other types of transportation facilities in the community.~~
- 26 (3) FORMAT, SCHEDULE, AND REVIEW.--The Florida
- 27 Transportation Plan shall be a unified, concise planning
- 28 document that clearly defines the state's long-range
- 29 transportation goals and objectives and documents the
- 30 department's short-range objectives developed to further such
- 31 goals and objectives. The plan shall include a glossary that

hbd-32

Bill No. CS for SB 772

Amendment No. ____ (for drafter's use only)

1 clearly and succinctly defines any and all phrases, words, or
2 terms of art included in the plan, with which the general
3 public may be unfamiliar and shall consist of, at a minimum,
4 the following components:

5 (a) A long-range component documenting the goals and
6 long-term objectives necessary to implement the results of the
7 department's findings from its examination of the criteria
8 listed in subsection (2) and s. 334.046(1). The long-range
9 component must be developed in cooperation with the
10 metropolitan planning organizations and reconciled, to the
11 maximum extent feasible, with the long-range plans developed
12 by metropolitan planning organizations pursuant to s. 339.175.
13 The plan must also be developed in consultation with affected
14 local officials in nonmetropolitan areas and with any affected
15 Indian tribal governments. The plan must provide an
16 examination of transportation issues likely to arise during at
17 least a 20-year period. The long-range component shall be
18 updated at least once every 5 years, or more often as
19 necessary, to reflect substantive changes to federal or state
20 law.

21 (b) A short-range component documenting the short-term
22 objectives and strategies necessary to implement the goals and
23 long-term objectives contained in the long-range component.
24 The short-range component must define the relationship between
25 the long-range goals and the short-range objectives, specify
26 those objectives against which the department's achievement of
27 such goals will be measured, and identify transportation
28 strategies necessary to efficiently achieve the goals and
29 objectives in the plan. It must provide a policy framework
30 within which the department's legislative budget request, the
31 strategic information resource management plan, and the work

hbd-32

Bill No. CS for SB 772

Amendment No. ____ (for drafter's use only)

1 program are developed. The short-range component shall serve
2 as the department's annual agency strategic plan pursuant to
3 s. 186.021. The short-range component shall be developed
4 consistent with the requirements of s. 186.022 and consistent
5 with available and forecasted state and federal funds. In
6 addition to those entities listed in s. 186.022, the
7 short-range component shall also be submitted to the Florida
8 Transportation Commission.

9 (4) ANNUAL PERFORMANCE REPORT.--The department shall
10 develop an annual performance report evaluating the operation
11 of the department for the preceding fiscal year. The report,
12 which shall meet the requirements of s. 186.022, shall also
13 include a summary of the financial operations of the
14 department and shall annually evaluate how well the adopted
15 work program meets the short-term objectives contained in the
16 short-range component of the Florida Transportation Plan. In
17 addition to the entities listed in s. 186.022, this
18 performance report shall also be submitted to the Florida
19 Transportation Commission and the legislative appropriations
20 and transportation committees.

21 (5) ADDITIONAL TRANSPORTATION PLANS.--

22 (a) Upon request by local governmental entities, the
23 department may in its discretion develop and design
24 transportation corridors, arterial and collector streets,
25 vehicular parking areas, and other support facilities which
26 are consistent with the plans of the department for major
27 transportation facilities. The department may render to local
28 governmental entities or their planning agencies such
29 technical assistance and services as are necessary so that
30 local plans and facilities are coordinated with the plans and
31 facilities of the department.

hbd-32

Bill No. CS for SB 772

Amendment No. ____ (for drafter's use only)

1 (b) Each regional planning council, as provided for in
2 s. 186.504, or any successor agency thereto, shall develop, as
3 an element of its strategic regional policy plan,
4 transportation goals and policies. The transportation goals
5 and policies must be prioritized to comply with the prevailing
6 principles provided in subsection (2) and s. 334.046(1).The
7 transportation goals and policies shall be consistent, to the
8 maximum extent feasible, with the goals and policies of the
9 metropolitan planning organization and the Florida
10 Transportation Plan. The transportation goals and policies of
11 the regional planning council will be advisory only and shall
12 be submitted to the department and any affected metropolitan
13 planning organization for their consideration and comments.
14 Metropolitan planning organization plans and other local
15 transportation plans shall be developed consistent, to the
16 maximum extent feasible, with the regional transportation
17 goals and policies. The regional planning council shall
18 review urbanized area transportation plans and any other
19 planning products stipulated in s. 339.175 and provide the
20 department and respective metropolitan planning organizations
21 with written recommendations which the department and the
22 metropolitan planning organizations shall take under
23 advisement. Further, the regional planning councils shall
24 directly assist local governments which are not part of a
25 metropolitan area transportation planning process in the
26 development of the transportation element of their
27 comprehensive plans as required by s. 163.3177.

28 (6) PROCEDURES FOR PUBLIC PARTICIPATION IN
29 TRANSPORTATION PLANNING.--

30 (a) During the development of the long-range component
31 of the Florida Transportation Plan and prior to substantive

hbd-32

Bill No. CS for SB 772

Amendment No. ____ (for drafter's use only)

1 revisions, the department shall provide citizens, affected
2 public agencies, representatives of transportation agency
3 employees, other affected employee representatives, private
4 providers of transportation, and other known interested
5 parties with an opportunity to comment on the proposed plan or
6 revisions. These opportunities shall include, at a minimum,
7 publishing a notice in the Florida Administrative Weekly and
8 within a newspaper of general circulation within the area of
9 each department district office.

10 (b) During development of major transportation
11 improvements, such as those increasing the capacity of a
12 facility through the addition of new lanes or providing new
13 access to a limited or controlled access facility or
14 construction of a facility in a new location, the department
15 shall hold one or more hearings prior to the selection of the
16 facility to be provided; prior to the selection of the site or
17 corridor of the proposed facility; and prior to the selection
18 of and commitment to a specific design proposal for the
19 proposed facility. Such public hearings shall be conducted so
20 as to provide an opportunity for effective participation by
21 interested persons in the process of transportation planning
22 and site and route selection and in the specific location and
23 design of transportation facilities. The various factors
24 involved in the decision or decisions and any alternative
25 proposals shall be clearly presented so that the persons
26 attending the hearing may present their views relating to the
27 decision or decisions which will be made.

28 (c) Opportunity for design hearings:

29 1. The department, prior to holding a design hearing,
30 shall duly notify ~~notice~~ all affected property owners of
31 record, as recorded in the property appraiser's office, by

hbd-32

Bill No. CS for SB 772

Amendment No. ____ (for drafter's use only)

1 mail at least 20 days prior to the date set for the hearing.

2 The affected property owners shall be:

3 a. Those whose property lies in whole or in part
4 within 300 feet on either side of the centerline of the
5 proposed facility.

6 b. Those whom ~~who~~ the department determines will be
7 substantially affected environmentally, economically,
8 socially, or safetywise.

9 2. For each subsequent hearing, the department shall
10 ~~daily~~ publish notice ~~at least 14 days immediately~~ prior to the
11 hearing date in a newspaper of general circulation for the
12 area affected. These notices must be published twice, with the
13 first notice appearing at least 15 days, but no later than 30
14 days, before the hearing

15 3. A copy of the notice of opportunity for the hearing
16 must ~~shall~~ be furnished to the United States Department of
17 Transportation and to the appropriate departments of the state
18 government at the time of publication.

19 4. The opportunity for another hearing shall be
20 afforded in any case when proposed locations or designs are so
21 changed from those presented in the notices specified above or
22 at a hearing as to have a substantially different social,
23 economic, or environmental effect.

24 5. The opportunity for a hearing shall be afforded in
25 each case in which the department is in doubt as to whether a
26 hearing is required.

27 Section 20. Subsections (1) through (6) and paragraph
28 (a) of subsection (7) of section 339.175, Florida Statutes, is
29 amended to read:

30 339.175 Metropolitan planning organization.--It is the
31 intent of the Legislature to encourage and promote the safe

hbd-32

Bill No. CS for SB 772

Amendment No. ____ (for drafter's use only)

1 and efficient management, operation, and development of
2 surface transportation systems that will serve the mobility
3 needs of people and freight within and through urbanized areas
4 of this state while minimizing transportation-related fuel
5 consumption and air pollution. To accomplish these objectives,
6 metropolitan planning organizations, referred to in this
7 section as M.P.O.'s, shall develop, in cooperation with the
8 state and public transit operators, transportation plans and
9 programs for metropolitan areas. The plans and programs for
10 each metropolitan area must provide for the development and
11 integrated management and operation of transportation systems
12 and facilities, including pedestrian walkways and bicycle
13 transportation facilities that will function as an intermodal
14 transportation system for the metropolitan area, based upon
15 the prevailing principles provided in s. 334.046(1). The
16 process for developing such plans and programs shall provide
17 for consideration of all modes of transportation and shall be
18 continuing, cooperative, and comprehensive, to the degree
19 appropriate, based on the complexity of the transportation
20 problems to be addressed.

21 (1) DESIGNATION.--

22 (a)1. An M.P.O. shall be designated for each urbanized
23 area of the state. Such designation shall be accomplished by
24 agreement between the Governor and units of general-purpose
25 local government representing at least 75 percent of the
26 population of the urbanized area; however, the unit of
27 general-purpose local government that represents the central
28 city or cities within the M.P.O. jurisdiction, as defined by
29 the United States Bureau of the Census, must be a party to
30 such agreement.

31 2. More than one M.P.O. may be designated within an

hbd-32

Bill No. CS for SB 772

Amendment No. ____ (for drafter's use only)

1 existing metropolitan planning area only if the Governor and
2 the existing M.P.O. determine that the size and complexity of
3 the existing metropolitan planning area makes the designation
4 of more than one M.P.O. for the area appropriate.

5 (b) Each M.P.O. shall be created and operated under
6 the provisions of this section pursuant to an interlocal
7 agreement entered into pursuant to s. 163.01. The signatories
8 to the interlocal agreement shall be the department and the
9 governmental entities designated by the Governor for
10 membership on the M.P.O. If there is a conflict between this
11 section and s. 163.01, this section prevails.

12 (c) The jurisdictional boundaries of an M.P.O. shall
13 be determined by agreement between the Governor and the
14 applicable M.P.O. The boundaries must include at least the
15 metropolitan planning area, which is the existing urbanized
16 area and the contiguous area expected to become urbanized
17 within a 20-year forecast period, and may encompass the entire
18 metropolitan statistical area or the consolidated metropolitan
19 statistical area.

20 (d) In the case of an urbanized area designated as a
21 nonattainment area for ozone or carbon monoxide under the
22 Clean Air Act, 42 U.S.C. ss. 7401 et seq., the boundaries of
23 the metropolitan planning area in existence as of the date of
24 enactment of this paragraph shall be retained, except that the
25 boundaries may be adjusted by agreement of the Governor and
26 affected metropolitan planning organizations in the manner
27 described in this section. If more than one M.P.O. has
28 authority within a metropolitan area or an area that is
29 designated as a nonattainment area, each M.P.O. shall consult
30 with other M.P.O.'s designated for such area and with the
31 state in the coordination of plans and programs required by

hbd-32

Bill No. CS for SB 772

Amendment No. ____ (for drafter's use only)

1 this section.

2

3 Each M.P.O. required under this section must be fully
4 operative no later than 6 months following its designation.

5 (2) VOTING MEMBERSHIP.--

6 (a) The voting membership of an M.P.O. shall consist
7 of not fewer than 5 or more than 19 apportioned members, the
8 exact number to be determined on an equitable
9 geographic-population ratio basis by the Governor, based on an
10 agreement among the affected units of general-purpose local
11 government as required by federal rules and regulations. The
12 Governor, in accordance with 23 U.S.C. s. 134, may also
13 provide for M.P.O. members who represent municipalities to
14 alternate with representatives from other municipalities
15 within the metropolitan planning area that do not have members
16 on the M.P.O. County commission members shall compose not less
17 than one-third of the M.P.O. membership, except for an M.P.O.
18 with more than 15 members located in a county with a
19 five-member county commission or an M.P.O. with 19 members
20 located in a county with no more than 6 county commissioners,
21 in which case county commission members may compose less than
22 one-third percent of the M.P.O. membership, but all county
23 commissioners must be members. All voting members shall be
24 elected officials of general-purpose governments, except that
25 an M.P.O. may include, as part of its apportioned voting
26 members, a member of a statutorily authorized planning board,
27 an official of an agency that operates or administers a major
28 mode of transportation, or an official of the Spaceport
29 Florida Authority. The county commission shall compose not
30 less than 20 percent of the M.P.O. membership if an official
31 of an agency that operates or administers a major mode of

hbd-32

Bill No. CS for SB 772

Amendment No. ____ (for drafter's use only)

1 transportation has been appointed to an M.P.O.

2 (b) In metropolitan areas in which authorities or
3 other agencies have been or may be created by law to perform
4 transportation functions that are not under the jurisdiction
5 of a general purpose local government represented on the
6 M.P.O., they shall be provided voting membership on the M.P.O.
7 In all other M.P.O.'s where transportation authorities or
8 agencies are to be represented by elected officials from
9 general purpose local governments, the M.P.O. shall establish
10 a process by which the collective interests of such
11 authorities or other agencies are expressed and conveyed.

12 (c) Any other provision of this section to the
13 contrary notwithstanding, a chartered county with over 1
14 million population may elect to reapportion the membership of
15 an M.P.O. whose jurisdiction is wholly within the county. The
16 charter county may exercise the provisions of this paragraph
17 if:

18 1. The M.P.O. approves the reapportionment plan by a
19 three-fourths vote of its membership;

20 2. The M.P.O. and the charter county determine that
21 the reapportionment plan is needed to fulfill specific goals
22 and policies applicable to that metropolitan planning area;
23 and

24 3. The charter county determines the reapportionment
25 plan otherwise complies with all federal requirements
26 pertaining to M.P.O. membership.

27
28 Any charter county that elects to exercise the provisions of
29 this paragraph shall notify the Governor in writing.

30 (d) Any other provision of this section to the
31 contrary notwithstanding, any county chartered under s. 6(e),

hbd-32

Bill No. CS for SB 772

Amendment No. ____ (for drafter's use only)

1 Art. VIII of the State Constitution may elect to have its
2 county commission serve as the M.P.O., if the M.P.O.
3 jurisdiction is wholly contained within the county. Any
4 charter county that elects to exercise the provisions of this
5 paragraph shall so notify the Governor in writing. Upon
6 receipt of such notification, the Governor must designate the
7 county commission as the M.P.O. The Governor must appoint
8 four additional voting members to the M.P.O., one of whom must
9 be an elected official representing a municipality within the
10 county, one of whom must be an expressway authority member,
11 one of whom must be a person who does not hold elected public
12 office and who resides in the unincorporated portion of the
13 county, and one of whom must be a school board member.

14 (3) APPORTIONMENT.--

15 (a) The Governor shall, with the agreement of the
16 affected units of general-purpose local government as required
17 by federal rules and regulations, apportion the membership on
18 the applicable M.P.O. among the various governmental entities
19 within the area and shall prescribe a method for appointing
20 alternate members who may vote at any M.P.O. meeting that an
21 alternate member attends in place of a regular member. An
22 appointed alternate member must be an elected official serving
23 the same governmental entity or a general-purpose local
24 government with jurisdiction within all or part of the area
25 that the regular member serves. The governmental entity so
26 designated shall appoint the appropriate number of members to
27 the M.P.O. from eligible officials. Representatives of the
28 department shall serve as nonvoting members of the M.P.O.
29 Nonvoting advisers may be appointed by the M.P.O. as deemed
30 necessary. The Governor shall review the composition of the
31 M.P.O. membership in conjunction with the decennial census as

hbd-32

Bill No. CS for SB 772

Amendment No. ____ (for drafter's use only)

1 prepared by the United States Department of Commerce, Bureau
2 of the Census, and reapportion it as necessary to comply with
3 subsection (2).

4 (b) Except for members who represent municipalities on
5 the basis of alternating with representatives from other
6 municipalities that do not have members on the M.P.O. as
7 provided in paragraph (2)(a), the members of an M.P.O. shall
8 serve 4-year terms. Members who represent municipalities on
9 the basis of alternating with representatives from other
10 municipalities that do not have members on the M.P.O. as
11 provided in paragraph (2)(a) may serve terms of up to 4 years
12 as further provided in the interlocal agreement described in
13 paragraph (1)(b). The membership of a member who is a public
14 official automatically terminates upon the member's leaving
15 his or her elective or appointive office for any reason, or
16 may be terminated by a majority vote of the total membership
17 of a county or city governing entity represented by the
18 member. A vacancy shall be filled by the original appointing
19 entity. A member may be reappointed for one or more
20 additional 4-year terms.

21 (c) If a governmental entity fails to fill an assigned
22 appointment to an M.P.O. within 60 days after notification by
23 the Governor of its duty to appoint, that appointment shall be
24 made by the Governor from the eligible representatives of that
25 governmental entity.

26 (4) AUTHORITY AND RESPONSIBILITY.--The authority and
27 responsibility of an M.P.O. is to manage a continuing,
28 cooperative, and comprehensive transportation planning process
29 that, based upon the prevailing principles provided in s.
30 334.046(1), results in the development of plans and programs
31 which are consistent, to the maximum extent feasible, with the

hbd-32

Bill No. CS for SB 772

Amendment No. ____ (for drafter's use only)

1 approved local government comprehensive plans of the units of
2 local government the boundaries of which are within the
3 metropolitan area of the M.P.O. An M.P.O. shall be the forum
4 for cooperative decisionmaking by officials of the affected
5 governmental entities in the development of the plans and
6 programs required by subsections (5), (6), (7), and (8).

7 (5) POWERS, DUTIES, AND RESPONSIBILITIES.--The powers,
8 privileges, and authority of an M.P.O. are those specified in
9 this section or incorporated in an interlocal agreement
10 authorized under s. 163.01. Each M.P.O. shall perform all
11 acts required by federal or state laws or rules, now and
12 subsequently applicable, which are necessary to qualify for
13 federal aid. It is the intent of this section that each M.P.O.
14 shall be involved in the planning and programming of
15 transportation facilities, including, but not limited to,
16 airports, intercity and high-speed rail lines, seaports, and
17 intermodal facilities, to the extent permitted by state or
18 federal law.

19 (a) Each M.P.O. shall, in cooperation with the
20 department, develop:

- 21 1. A long-range transportation plan pursuant to the
22 requirements of subsection (6);
- 23 2. An annually updated transportation improvement
24 program pursuant to the requirements of subsection (7); and
- 25 3. An annual unified planning work program pursuant to
26 the requirements of subsection (8).

27 (b) In developing the long-range transportation plan
28 and the transportation improvement program required under
29 paragraph (a), each M.P.O. shall provide for consideration of
30 projects and strategies that will:

- 31 1. Support the economic vitality of the metropolitan

hbd-32

Bill No. CS for SB 772

Amendment No. ____ (for drafter's use only)

- 1 area, especially by enabling global competitiveness,
2 productivity, and efficiency;
- 3 2. Increase the safety and security of the
4 transportation system for motorized and nonmotorized users;
- 5 3. Increase the accessibility and mobility options
6 available to people and for freight;
- 7 4. Protect and enhance the environment, promote energy
8 conservation, and improve quality of life;
- 9 5. Enhance the integration and connectivity of the
10 transportation system, across and between modes, for people
11 and freight;
- 12 6. Promote efficient system management and operation;
13 and
- 14 7. Emphasize the preservation of the existing
15 transportation system.
- 16 ~~(c) Additionally, each M.P.O. shall consider:~~
- 17 1. ~~The consistency of transportation planning with~~
18 ~~applicable federal, state, and local energy conservation~~
19 ~~programs, goals, and objectives;~~
- 20 2. ~~The likely effect of transportation policy~~
21 ~~decisions on land use and development and the consistency of~~
22 ~~transportation plans and programs with all applicable~~
23 ~~short-term and long-term land use and development plans;~~
- 24 3. ~~The preservation of rights-of-way for construction~~
25 ~~of future transportation projects, including the~~
26 ~~identification of unused rights-of-way that may be needed for~~
27 ~~future transportation corridors and the identification of~~
28 ~~corridors for which action is most needed to prevent~~
29 ~~destruction or loss;~~
- 30 4. ~~The overall social, economic, energy, and~~
31 ~~environmental effects of transportation decisions; and~~

hbd-32

Bill No. CS for SB 772

Amendment No. ____ (for drafter's use only)

1 ~~5. Available methods to expand or enhance transit~~
2 ~~services and increase the use of such services.~~

3 ~~6. The possible allocation of capital investments to~~
4 ~~increase security for transit systems.~~

5 (c)~~(d)~~ In order to provide recommendations to the
6 department and local governmental entities regarding
7 transportation plans and programs, each M.P.O. shall:

8 1. Prepare a congestion management system for the
9 metropolitan area and cooperate with the department in the
10 development of all other transportation management systems
11 required by state or federal law;

12 2. Assist the department in mapping transportation
13 planning boundaries required by state or federal law;

14 3. Assist the department in performing its duties
15 relating to access management, functional classification of
16 roads, and data collection;

17 4. Execute all agreements or certifications necessary
18 to comply with applicable state or federal law;

19 5. Represent all the jurisdictional areas within the
20 metropolitan area in the formulation of transportation plans
21 and programs required by this section; and

22 6. Perform all other duties required by state or
23 federal law.

24 (d)~~(e)~~ Each M.P.O. shall appoint a technical advisory
25 committee that includes planners; engineers; representatives
26 of local aviation authorities, port authorities, and public
27 transit authorities or representatives of aviation
28 departments, seaport departments, and public transit
29 departments of municipal or county governments, as applicable;
30 the school superintendent of each county within the
31 jurisdiction of the M.P.O. or the superintendent's designee;

hbd-32

Bill No. CS for SB 772

Amendment No. ____ (for drafter's use only)

1 and other appropriate representatives of affected local
2 governments. In addition to any other duties assigned to it by
3 the M.P.O. or by state or federal law, the technical advisory
4 committee is responsible for considering safe access to
5 schools in its review of transportation project priorities,
6 long-range transportation plans, and transportation
7 improvement programs, and shall advise the M.P.O. on such
8 matters. In addition, the technical advisory committee shall
9 coordinate its actions with local school boards and other
10 local programs and organizations within the metropolitan area
11 which participate in school safety activities, such as locally
12 established community traffic safety teams. Local school
13 boards must provide the appropriate M.P.O. with information
14 concerning future school sites and in the coordination of
15 transportation service.~~identifying projects contained in the~~
16 ~~long-range transportation plan or transportation improvement~~
17 ~~program which deserve to be classified as a school safety~~
18 ~~concern. Upon receipt of the recommendation from the technical~~
19 ~~advisory committee that a project should be so classified, the~~
20 ~~M.P.O. must vote on whether to classify a particular project~~
21 ~~as a school safety concern. If the M.P.O. votes that a~~
22 ~~project should be classified as a school safety concern, the~~
23 ~~local governmental entity responsible for the project must~~
24 ~~consider at least two alternatives before making a decision~~
25 ~~about project location or alignment.~~

26 (e)(f)1. Each M.P.O. shall appoint a citizens'
27 advisory committee, the members of which serve at the pleasure
28 of the M.P.O. The membership on the citizens' advisory
29 committee must reflect a broad cross section of local
30 residents with an interest in the development of an efficient,
31 safe, and cost-effective transportation system. Minorities,

hbd-32

Bill No. CS for SB 772

Amendment No. ____ (for drafter's use only)

1 the elderly, and the handicapped must be adequately
2 represented.

3 2. Notwithstanding the provisions of subparagraph 1.,
4 an M.P.O. may, with the approval of the department and the
5 applicable federal governmental agency, adopt an alternative
6 program or mechanism to ensure citizen involvement in the
7 transportation planning process.

8 ~~(f)(g)~~ The department shall allocate to each M.P.O.,
9 for the purpose of accomplishing its transportation planning
10 and programming duties, an appropriate amount of federal
11 transportation planning funds.

12 ~~(g)(h)~~ Each M.P.O. may employ personnel or may enter
13 into contracts with local or state agencies, private planning
14 firms, or private engineering firms to accomplish its
15 transportation planning and programming duties required by
16 state or federal law.

17 (h) Any group of M.P.O.'s which has created a chair's
18 coordinating committee as of the effective date of this act
19 and is located within the same Department of Transportation
20 District which is comprised of four adjacent M.P.O.'s must
21 continue such committee as provided for in this section. Such
22 committee must also include one representative from each
23 M.P.O. contiguous to the geographic boundaries of the original
24 committee. The committee must, at a minimum:

25 1. Coordinate transportation projects deemed to be
26 regionally significant by the committee.

27 2. Review the impact of regionally significant land
28 use decisions on the region.

29 3. Review all proposed regionally significant
30 transportation projects in the respective transportation
31 improvement programs which affect more than one of the

hbd-32

Bill No. CS for SB 772

Amendment No. ____ (for drafter's use only)

1 M.P.O.'s represented on the committee.

2 4. Institute a conflict resolution process to address
3 any conflict that may arise in the planning and programming of
4 such regionally significant projects.

5 (6) LONG-RANGE TRANSPORTATION PLAN.--Each M.P.O. must
6 develop a long-range transportation plan that addresses at
7 least a 20-year planning horizon. The plan must include both
8 long-range and short-range strategies and must comply with all
9 other state and federal requirements. The prevailing
10 principles to be considered in the long-range transportation
11 plan are: preserving the existing transportation
12 infrastructure; enhancing Florida's economic competitiveness;
13 and improving travel choices to ensure mobility.The
14 long-range transportation plan must be consistent, to the
15 maximum extent feasible, with future land use elements and the
16 goals, objectives, and policies of the approved local
17 government comprehensive plans of the units of local
18 government located within the jurisdiction of the M.P.O. The
19 approved long-range transportation plan must be considered by
20 local governments in the development of the transportation
21 elements in local government comprehensive plans and any
22 amendments thereto. The long-range transportation plan must,
23 at a minimum:

24 (a) Identify transportation facilities, including, but
25 not limited to, major roadways, airports, seaports,
26 spaceports, commuter rail systems, transit systems, and
27 intermodal or multimodal terminals that will function as an
28 integrated metropolitan transportation system. The long-range
29 transportation plan must give emphasis to those transportation
30 facilities that serve national, statewide, or regional
31 functions, and must consider the goals and objectives

hbd-32

Bill No. CS for SB 772

Amendment No. ____ (for drafter's use only)

1 identified in the Florida Transportation Plan as provided in
2 s. 339.155. If a project is located within the boundaries of
3 more than one M.P.O., the M.P.O.'s must coordinate plans
4 regarding the project in the long-range transportation plan.

5 (b) Include a financial plan that demonstrates how the
6 plan can be implemented, indicating resources from public and
7 private sources which are reasonably expected to be available
8 to carry out the plan, and recommends any additional financing
9 strategies for needed projects and programs. The financial
10 plan may include, for illustrative purposes, additional
11 projects that would be included in the adopted long-range
12 transportation plan if reasonable additional resources beyond
13 those identified in the financial plan were available. For the
14 purpose of developing the long-range transportation plan, the
15 M.P.O. and the department shall cooperatively develop
16 estimates of funds that will be available to support the plan
17 implementation. Innovative financing techniques may be used to
18 fund needed projects and programs. Such techniques may
19 include the assessment of tolls, the use of value capture
20 financing, or the use of value pricing.

21 (c) Assess capital investment and other measures
22 necessary to:

23 1. Ensure the preservation of the existing
24 metropolitan transportation system including requirements for
25 the operation, resurfacing, restoration, and rehabilitation of
26 major roadways and requirements for the operation,
27 maintenance, modernization, and rehabilitation of public
28 transportation facilities; and

29 2. Make the most efficient use of existing
30 transportation facilities to relieve vehicular congestion and
31 maximize the mobility of people and goods.

hbd-32

Bill No. CS for SB 772

Amendment No. ____ (for drafter's use only)

1 (d) Indicate, as appropriate, proposed transportation
2 enhancement activities, including, but not limited to,
3 pedestrian and bicycle facilities, scenic easements,
4 landscaping, historic preservation, mitigation of water
5 pollution due to highway runoff, and control of outdoor
6 advertising.

7 (e) In addition to the requirements of paragraphs
8 (a)-(d), in metropolitan areas that are classified as
9 nonattainment areas for ozone or carbon monoxide, the M.P.O.
10 must coordinate the development of the long-range
11 transportation plan with the State Implementation Plan
12 developed pursuant to the requirements of the federal Clean
13 Air Act.

14
15 In the development of its long-range transportation plan, each
16 M.P.O. must provide the public, affected public agencies,
17 representatives of transportation agency employees, freight
18 shippers, providers of freight transportation services,
19 private providers of transportation, representatives of users
20 of public transit, and other interested parties with a
21 reasonable opportunity to comment on the long-range
22 transportation plan. The long-range transportation plan must
23 be approved by the M.P.O.

24 (7) TRANSPORTATION IMPROVEMENT PROGRAM.--Each M.P.O.
25 shall, in cooperation with the state and affected public
26 transportation operators, develop a transportation improvement
27 program for the area within the jurisdiction of the M.P.O. In
28 the development of the transportation improvement program,
29 each M.P.O. must provide the public, affected public agencies,
30 representatives of transportation agency employees, freight
31 shippers, providers of freight transportation services,

hbd-32

Bill No. CS for SB 772

Amendment No. ____ (for drafter's use only)

1 private providers of transportation, representatives of users
2 of public transit, and other interested parties with a
3 reasonable opportunity to comment on the proposed
4 transportation improvement program.

5 (a) Each M.P.O. is responsible for developing,
6 annually, a list of project priorities and a transportation
7 improvement program. The prevailing principles to be
8 considered by each M.P.O. when developing a list of project
9 priorities and a transportation improvement program are:
10 preserving the existing transportation infrastructure;
11 enhancing Florida's economic competitiveness; and improving
12 travel choices to ensure mobility.The transportation
13 improvement program will be used to initiate federally aided
14 transportation facilities and improvements as well as other
15 transportation facilities and improvements including transit,
16 rail, aviation, spaceport, and port facilities to be funded
17 from the State Transportation Trust Fund within its
18 metropolitan area in accordance with existing and subsequent
19 federal and state laws and rules and regulations related
20 thereto. The transportation improvement program shall be
21 consistent, to the maximum extent feasible, with the approved
22 local government comprehensive plans of the units of local
23 government whose boundaries are within the metropolitan area
24 of the M.P.O.

25 Section 21. Section 343.56, Florida Statutes, is
26 amended to read:

27 343.56 Bonds not debts or pledges of credit of
28 state.--Revenue bonds issued under the provisions of this part
29 are not debts of the state or pledges of the faith and credit
30 of the state. Such bonds are payable exclusively from
31 revenues pledged for their payment. All such bonds shall

hbd-32

Bill No. CS for SB 772

Amendment No. ____ (for drafter's use only)

1 contain a statement on their face that the state is not
2 obligated to pay the same or the interest thereon, except from
3 the revenues pledged for their payment, and that the faith and
4 credit of the state is not pledged to the payment of the
5 principal or interest of such bonds. The issuance of revenue
6 bonds under the provisions of this part does not directly,
7 indirectly, or contingently obligate the state to levy or to
8 pledge any form of taxation whatsoever, or to make any
9 appropriation for their payment. No state funds shall be used
10 to pay the principal or interest of any bonds issued to
11 finance or refinance any portion of the Tri-County Rail
12 system, and all such bonds shall contain a statement on their
13 face to this effect. However, federal funds being passed
14 through the department to the Tri-County Rail system and those
15 state matching funds required by the United States Department
16 of Transportation as a condition of federal funding may be
17 used to pay principal and interest of any bonds issued.

18 Section 22. Subsection (2) of section 343.63, Florida
19 Statutes, is amended to read:

20 343.63 Central Florida Regional Transportation
21 Authority.--

22 (2) The governing board of the authority shall consist
23 of 11 ~~nine~~ voting members, and one nonvoting member as
24 follows:

25 (a) The county commissions of Seminole, Orange, and
26 Osceola Counties shall each elect a commissioner as that
27 commission's representative on the board. The commissioner
28 must be a member of the county commission when elected and for
29 the full extent of his or her term. The terms of the county
30 commissioners on the governing board of the authority shall be
31 2 years.

hbd-32

Bill No. CS for SB 772

Amendment No. ____ (for drafter's use only)

1 (b) The mayors of the cities of Altamonte Springs,
2 Orlando, and Kissimmee, or a member of each city commission
3 designated by each mayor, shall serve a term of 2 years on the
4 board.

5 (c) The Governor shall appoint five ~~two~~ members to the
6 board ~~who are residents and qualified electors in the area~~
7 ~~served by the board.~~ Two of the members shall be residents of
8 Orange County, one member shall be a resident of Seminole
9 County, one member shall be a resident of Osceola County, and
10 one member shall be a resident of the City of Orlando. All
11 five members ~~One of the members initially appointed by the~~
12 ~~Governor shall serve a term of 2 years, and the other shall~~
13 ~~serve a term of 4 years. Thereafter, members appointed by the~~
14 ~~Governor shall serve a term of 4 years.~~

15 (d) The Secretary of Transportation shall appoint the
16 district secretary, or his or her designee, for the district
17 within which the area served by the authority is located and
18 this member shall be a nonvoting member.

19 Section 23. Subsection (6) is added to section 343.64,
20 Florida Statutes, to read:

21 343.64 Powers and duties.--

22 (6) The authority, through a resolution of its
23 governing board, may elect to expand its service area and
24 board partnership with any county which is a contiguous county
25 to the existing Central Florida Regional Transportation
26 Authority service area. The board shall determine the
27 conditions and terms, including the number of representatives
28 of such partnership.

29 Section 24. Notwithstanding the provisions of section
30 343.64, Florida Statutes, to the contrary, the Central Florida
31 Regional Transportation Authority shall not hire a permanent

hbd-32

Bill No. CS for SB 772

Amendment No. ____ (for drafter's use only)

1 executive director until the appointments to the authority's
2 governing board have been filled as required by modifications
3 in this act to section 343.63, Florida Statutes.

4 Section 25. Subsection (9) of section 427.013, Florida
5 Statutes, is amended to read:

6 427.013 The Commission for the Transportation
7 Disadvantaged; purpose and responsibilities.--The purpose of
8 the commission is to accomplish the coordination of
9 transportation services provided to the transportation
10 disadvantaged. The goal of this coordination shall be to
11 assure the cost-effective provision of transportation by
12 qualified community transportation coordinators or
13 transportation operators for the transportation disadvantaged
14 without any bias or presumption in favor of multioperator
15 systems or not-for-profit transportation operators over single
16 operator systems or for-profit transportation operators. In
17 carrying out this purpose, the commission shall:

18 (9) Develop by rule standards for community
19 transportation coordinators and any transportation operator or
20 coordination contractor from whom service is purchased or
21 arranged by the community transportation coordinator covering
22 coordination, operation, safety, insurance, eligibility for
23 service, costs, and utilization of transportation
24 disadvantaged services. These standards and rules must ~~shall~~
25 include, but are not ~~be~~ limited to:

26 (a) Inclusion, by rule, of acceptable ranges of trip
27 costs for the various modes and types of transportation
28 services provided.

29 (b) Minimum performance standards for the delivery of
30 services. These standards must ~~should~~ be included in
31 coordinator contracts and transportation operator contracts

hbd-32

Bill No. CS for SB 772

Amendment No. ____ (for drafter's use only)

1 with clear penalties for repeated or continuing violations.

2 (c) Minimum liability insurance requirements for all
3 transportation services purchased, provided, or coordinated
4 for the transportation disadvantaged through the community
5 transportation coordinator.

6 Section 26. Subsection (3) of section 427.0135,
7 Florida Statutes, is amended to read:

8 427.0135 Member departments; duties and
9 responsibilities.--Each member department, in carrying out the
10 policies and procedures of the commission, shall:

11 (3) Assist communities in developing coordinated
12 transportation systems designed to serve the transportation
13 disadvantaged. However, a member department may not serve as
14 the community transportation coordinator in any designated
15 service area.

16 Section 27. Subsection (2) of section 427.015, Florida
17 Statutes, is amended to read:

18 427.015 Function of the metropolitan planning
19 organization or designated official planning agency in
20 coordinating transportation for the transportation
21 disadvantaged.--

22 (2) Each metropolitan planning organization or
23 designated official planning agency shall recommend to the
24 commission a single community transportation coordinator.
25 However, a member department may not serve as the community
26 transportation coordinator in any designated service area.The
27 coordinator may provide all or a portion of needed
28 transportation services for the transportation disadvantaged
29 but shall be responsible for the provision of those
30 coordinated services. Based on approved commission evaluation
31 criteria, the coordinator shall subcontract or broker those

hbd-32

Bill No. CS for SB 772

Amendment No. ____ (for drafter's use only)

1 services that are more cost-effectively and efficiently
 2 provided by subcontracting or brokering. The performance of
 3 the coordinator shall be evaluated based on the commission's
 4 approved evaluation criteria by the coordinating board at
 5 least annually. A copy of the evaluation shall be submitted to
 6 the metropolitan planning organization or the designated
 7 official planning agency, and the commission. The
 8 recommendation or termination of any community transportation
 9 coordinator shall be subject to approval by the commission.

10 Section 28. Subsection (15) of section 479.01, Florida
 11 Statutes, is amended to read:

12 479.01 Definitions.--As used in this chapter, the
 13 term:

14 (15) "Premises" means all the land areas under
 15 ownership or lease arrangement to the sign owner which are
 16 contiguous to the business conducted on the land except for
 17 instances where such land is a narrow strip contiguous to the
 18 advertised activity or is connected by such narrow strip, the
 19 only viable use of such land is to erect or maintain an
 20 advertising sign. When the sign owner is a municipality or
 21 county, "premises" shall mean all lands owned or leased by
 22 such municipality or county within its jurisdictional
 23 boundaries as set forth by law.

24 Section 29. Subsection (1) of section 479.16, Florida
 25 Statutes, is amended to read:

26 479.16 Signs for which permits are not required.--The
 27 following signs are exempt from the requirement that a permit
 28 for a sign be obtained under the provisions of this chapter
 29 but are required to comply with the provisions of s.
 30 479.11(4)-(8):

31 (1) Signs erected on the premises of an establishment,

hbd-32

Bill No. CS for SB 772

Amendment No. ____ (for drafter's use only)

1 which signs consist primarily of the name of the establishment
2 or which identify the principal or accessory merchandise,
3 services, activities, or entertainment sold, produced,
4 manufactured, or furnished on the premises of the
5 establishment and which comply with the lighting restrictions
6 under department rule adopted pursuant to s. 479.11(5), or
7 signs owned by a municipality or a county located on the
8 premises of such municipality or such county which display
9 information regarding government services, activities, events,
10 or entertainment. For purposes of this section, the following
11 types of messages shall not be considered information
12 regarding government services, activities, events, or
13 entertainment:

14 (a) Messages which specifically reference any
15 commercial enterprise.

16 (b) Messages which reference a commercial sponsor of
17 any event.

18 (c) Personal messages.

19 (d) Political campaign messages.

20
21 If a sign located on the premises of an establishment consists
22 principally of brand name or trade name advertising and the
23 merchandise or service is only incidental to the principal
24 activity, or if the owner of the establishment receives rental
25 income from the sign, then the sign is not exempt under this
26 subsection.

27 Section 30. Section 552.30, Florida Statutes, is
28 created to read:

29 552.30 Construction materials mining activities.--

30 (1) Notwithstanding the provisions of s. 552.25, the
31 State Fire Marshal shall have the sole and exclusive authority

hbd-32

Bill No. CS for SB 772

Amendment No. ____ (for drafter's use only)

1 to promulgate standards, limits, and regulations regarding the
2 use of explosives in conjunction with construction materials
3 mining activities. Such authority to regulate use shall
4 include, directly or indirectly, the operation, handling,
5 licensure, or permitting of explosives and setting standards
6 or limits, including, but not limited to, ground vibration,
7 frequency, intensity, blast pattern, air blast and time, date,
8 occurrence, and notice restrictions. As used in this section,
9 "construction materials mining activities" means the
10 extraction of limestone and sand suitable for production of
11 construction aggregates, sand, cement, and road base materials
12 by any person or company primarily engaged in the commercial
13 mining of any such natural resources.

14 (2) The State Fire Marshal shall establish statewide
15 ground vibration limits for construction materials mining
16 activities which conform to those limits established in the
17 United States Bureau of Mines, Report of Investigations 8507,
18 Appendix B - Alternative Blasting Level Criteria (Figure B-1).
19 The State Fire Marshal may, at his or her sole discretion, by
20 rule or formal agreement, delegate to the applicable
21 municipality or county, the monitoring and enforcement
22 components of regulations governing the use of explosives, as
23 recognized in this section, by construction materials mining
24 activities. Such delegation may include the assessment and
25 collection of reasonable fees by the municipality or county
26 for the purpose of carrying out the delegated activities.

27 Section 31. Section 325.205, Florida Statutes, is
28 created to read:

29 325.205 State Implementation Plan.--Within 90 days
30 after the effective date of this bill, the Department of
31 Environmental Protection shall initiate a revision of the

hbd-32

Bill No. CS for SB 772

Amendment No. ____ (for drafter's use only)

1 United States Environmental Protection Agency approved State
2 Implementation Plan for the program area to back out the
3 emission credits from the motor vehicle inspection program.

4 Section 32. Effective July 1, 2000, sections 325.001,
5 325.201, 325.202, 325.203, 325.204, 325.206, 325.207,
6 325.2075, 325.208, 325.209, 325.210, 325.211, 325.212,
7 325.213, 325.2135, 325.214, 325.215, 325.216, 325.217,
8 325.218, and 325.219, Florida Statutes, are repealed.

9 Section 33. Subsection (7) of section 316.2935,
10 Florida Statutes, is amended to read:

11 316.2935 Air pollution control equipment; tampering
12 prohibited; penalty.--

13 (7) The Department of Environmental Protection shall
14 adopt rules that define the specific wording of the required
15 certification and the circumstances under which the
16 certificate is not required. In addition, the department shall
17 adopt rules as necessary to conform to requirements of federal
18 law, to establish procedures to determine compliance with this
19 section, including specifying what tampering activities
20 constitute a violation of this section, and to provide for
21 exceptions and waivers, ~~taking into account the provisions of~~
22 ~~ss. 325.203 and 325.209~~. For those rules applicable pursuant
23 to subsection (1) to licensed motor vehicle dealers for
24 certification by visual observation, the air pollution control
25 devices or systems that shall be included in such
26 certification for motor vehicles dated model year 1981 or
27 later are the catalytic converter, fuel inlet restrictor,
28 unvented fuel cap, exhaust gas recirculation system (EGR), air
29 pump and/or air injector system (AIS), and fuel evaporative
30 emissions system (EVP). The department may by rule remove or
31 add devices or systems to this test if justified by

hbd-32

Bill No. CS for SB 772

Amendment No. ____ (for drafter's use only)

1 developments in air pollution control technology or changes in
2 federal law.

3 Section 34. Subsection (4) of section 320.055, Florida
4 Statutes, is amended to read:

5 320.055 Registration periods; renewal periods.--The
6 following registration periods and renewal periods are
7 established:

8 (4) For a vehicle subject to registration under s.
9 320.08(13), for vehicles subject to registration under s.
10 320.08(6)(a) that are short-term rental vehicles, ~~as defined~~
11 ~~in s. 325.202(15)~~, and for any vehicle for which a
12 registration period is not otherwise specified, the
13 registration period begins June 1 and ends May 31. For a
14 vehicle subject to this registration period, the renewal
15 period is the 30-day period beginning June 1.

16 Section 35. Except as otherwise provided herein, this
17 act shall take effect upon becoming a law.

18
19

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

21 And the title is amended as follows:

22 remove from the title of the bill: the entire title

23

24 and insert in lieu thereof:

25 A bill to be entitled
26 An act relating to the Department of
27 Transportation; amending s. 20.23, F.S.;
28 authorizing the Department of Transportation to
29 adopt rules for the delegation of authority
30 beyond the assistant secretaries; providing for
31 a change in administrative duties; providing

hbd-32

Bill No. CS for SB 772

Amendment No. ____ (for drafter's use only)

1 additional responsibilities of the Florida
2 Transportation Commission; amending s.
3 206.8745, F.S.; providing for a refund of tax
4 paid on undyed diesel fuel consumed by the
5 engine of a qualified motor coach during idle
6 time for certain purposes; defining "motor
7 coach"; providing restrictions on refunds;
8 providing for proper documentation; granting
9 the Department of Revenue authority to adopt
10 rules; amending s. 311.07, F.S.; expanding the
11 use of certain seaport funds; providing for a
12 final audit of funds; amending s. 311.09, F.S.;
13 providing overrule authority to certain state
14 agencies; providing voting membership to
15 certain state agencies; providing for
16 expenditure of moneys derived from the Florida
17 Seaport Transportation and Economic Development
18 Program; amending s. 320.20, F.S.; authorizing
19 revenue to be pledged to the payment of certain
20 bonds under certain circumstances; amending s.
21 334.044, F.S.; authorizing the department to
22 purchase promotional items for use in certain
23 public awareness programs; authorizing the
24 department to adopt rules relating to approval
25 of material sources; amending s. 334.187, F.S.;
26 authorizing the department to adopt rules
27 relating to the use of prepaid escrow accounts;
28 amending s. 335.02, F.S.; providing a maximum
29 lane policy; amending s. 336.025, F.S.;
30 revising language with respect to the local
31 option fuel tax to authorize county and

hbd-32

Bill No. CS for SB 772

Amendment No. ____ (for drafter's use only)

1 municipal governments to use the funds for
2 certain purposes; amending s. 337.025, F.S.;
3 authorizing highway maintenance projects to be
4 included in the innovative highway program;
5 amending ss. 334.035 and 334.046, F.S.;
6 providing prevailing principles for planning
7 and developing transportation systems; amending
8 s. 337.175, F.S.; providing for retainage
9 flexibility; amending s. 337.18, F.S.;
10 authorizing the department to adopt rules
11 relating to surety bonds; amending s. 338.155,
12 F.S.; authorizing the department to adopt rules
13 with respect to guaranteed toll accounts;
14 amending s. 338.161, F.S.; authorizing the
15 department to incur advertising expenses for
16 the promotion of toll facilities; amending s.
17 338.165, F.S.; providing that certain high
18 occupancy toll lanes or express lanes may be
19 continued under certain circumstances; amending
20 s. 339.09, F.S.; authorizing the department to
21 adopt rules relating to the expenditure of
22 transportation revenues; amending s. 339.155,
23 F.S.; clarifying the public participation
24 process in transportation planning; conforming
25 provisions to federal requirements; providing
26 prevailing principles; deleting certain
27 planning factors; amending s. 339.175, F.S.;
28 providing duties of the metropolitan planning
29 Technical Advisory Committee; providing for a
30 coordinating committee in certain M.P.O.'s;
31 providing prevailing principles for planning

hbd-32

Bill No. CS for SB 772

Amendment No. ____ (for drafter's use only)

1 and developing transportation systems for
2 metropolitan planning organizations; deleting
3 certain planning factors; amending s. 343.56,
4 F.S.; authorizing the use of certain federal
5 funds to pay principal and interest on bonds;
6 amending s. 343.63, F.S.; increasing the number
7 of members appointed to the Central Florida
8 Regional Transportation Authority by the
9 Governor and providing that the member selected
10 by the department be a nonvoting member;
11 amending s. 343.64, F.S.; authorizing the board
12 to enter into a partnership with any county
13 which is contiguous to the existing service
14 area; prohibiting the Central Florida Regional
15 Transportation Authority from hiring a
16 permanent executive director until appointments
17 to the authority's governing board have been
18 filled; amending s. 427.013, F.S.; authorizing
19 the Commission for the Transportation
20 Disadvantaged to adopt rules relating to
21 development of operational standards; amending
22 s. 427.0135, F.S.; granting authority for rules
23 adopted by the commission relating to member
24 departments; amending s. 427.015, F.S.;
25 granting authority for rules adopted by the
26 commission to community transportation
27 coordinators; amending s. 479.01, F.S.;
28 revising the definition of the term "premises";
29 amending s. 479.16, F.S.; revising language
30 with respect to signs for which permits are not
31 required; creating s. 552.30, F.S., relating to

hbd-32

Bill No. CS for SB 772

Amendment No. ____ (for drafter's use only)

1 construction materials mining activities;
 2 providing authority of the State Fire Marshal;
 3 providing for the State Fire Marshal to
 4 establish certain limits; creating s. 325.205,
 5 F.S.; directing the Department of Environmental
 6 Protection to submit a revision to Florida's
 7 State Implementation Plan to the United States
 8 Environmental Protection Agency; repealing ss.
 9 325.001, 325.201, 325.202, 325.203, 325.204,
 10 325.206, 325.207, 325.2075, 325.208, 325.209,
 11 325.210, 325.211, 325.212, 325.213, 325.2135,
 12 325.214, 325.215, 325.216, 325.217, 325.218,
 13 and 325.219, F.S., which provide for inspection
 14 of motor vehicle exhaust emissions; amending
 15 ss. 316.2935 and 320.055, F.S.; correcting
 16 cross references to conform to the act;
 17 providing effective dates.

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