

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Russell offered the following:

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3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Paragraph (d) of subsection (1), subsection
6 (3), and paragraph (b) of subsection (4) of section 20.23,
7 Florida Statutes, are amended to read:

8 20.23 Department of Transportation.--There is created a
9 Department of Transportation which shall be a decentralized
10 agency.

11 (1)

12 (d) The secretary may ~~shall~~ appoint up to three ~~two~~
13 assistant secretaries who shall be directly responsible to the
14 secretary and who shall perform such duties as are assigned by
15 the secretary. The secretary may delegate to any assistant
16 secretary the authority to act in the absence of the secretary.

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17 (3)(a) The central office shall establish departmental
18 policies, rules, procedures, and standards and shall monitor the
19 implementation of such policies, rules, procedures, and
20 standards in order to ensure uniform compliance and quality
21 performance by the districts and central office units that
22 implement transportation programs. Major transportation policy
23 initiatives or revisions shall be submitted to the commission
24 for review.

25 ~~(b) The secretary shall appoint an Assistant Secretary for~~
26 ~~Transportation Development and Operations and an Assistant~~
27 ~~Secretary for Transportation Support.~~

28 (b)(e) The secretary may appoint positions at the level of
29 deputy assistant secretary or director which the secretary deems
30 necessary to accomplish the mission and goals of the department,
31 including, but not limited to, the areas of program
32 responsibility provided in this paragraph ~~following offices are~~
33 ~~established and shall be headed by a manager, each of whom shall~~
34 ~~be appointed by and serve at the pleasure of the secretary. The~~
35 secretary may combine, separate, or delete offices as needed in
36 consultation with the Executive Office of the Governor. The
37 department's areas of program responsibility include, but are
38 not limited to ~~positions shall be classified at a level equal to~~
39 ~~a division director:~~

- 40 1. ~~The Office of Administration;~~
- 41 2. ~~The Office of Planning and Environmental Management;~~
- 42 3. Public transportation;
- 43 4.3. ~~The Office of Design;~~
- 44 5.4. ~~The Office of Highway operations;~~

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- 45 ~~6.5. The Office of Right-of-way;~~
- 46 ~~7.6. The Office of Toll operations;~~
- 47 ~~8.7. The Office of Information systems;~~
- 48 ~~9.8. The Office of Motor carrier compliance;~~
- 49 ~~10.9. The Office of Management and budget;~~
- 50 ~~11.10. The Office of Comptroller;~~
- 51 ~~12.11. The Office of Construction;~~
- 52 ~~13.12. The Office of Maintenance; and~~
- 53 ~~14.13. The Office of Materials.~~

54 ~~(c)(d) Other offices may be established in accordance with~~
55 ~~s. 20.04(7). The heads of such offices are exempt from part II~~
56 ~~of chapter 110. No office or organization shall be created at a~~
57 ~~level equal to or higher than a division without specific~~
58 ~~legislative authority.~~

59 ~~(d)(e) The secretary shall appoint an inspector general~~
60 ~~pursuant to s. 20.055 who shall be directly responsible to the~~
61 ~~secretary and shall serve at the pleasure of the secretary.~~

62 ~~(e)(f) The secretary shall appoint a general counsel who~~
63 ~~shall be directly responsible to the secretary. The general~~
64 ~~counsel is responsible for all legal matters of the department.~~
65 ~~The department may employ as many attorneys as it deems~~
66 ~~necessary to advise and represent the department in all~~
67 ~~transportation matters.~~

68 ~~(g) The secretary shall appoint a state transportation~~
69 ~~development administrator. This position shall be classified at~~
70 ~~a level equal to a deputy assistant secretary.~~

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71 ~~(h) The secretary shall appoint a state transportation~~
72 ~~operations administrator. This position shall be classified at a~~
73 ~~level equal to a deputy assistant secretary.~~

74 ~~(i) The secretary shall appoint a state public~~
75 ~~transportation and modal administrator. This position shall be~~
76 ~~classified at a level equal to a deputy assistant secretary.~~

77 (4)

78 (b) Each district secretary may appoint up to three a
79 district directors ~~director for transportation development, a~~
80 ~~district director for transportation operations, and a district~~
81 ~~director for transportation support~~ or, until July 1, 2005, each
82 district secretary may appoint up to four a district directors
83 ~~director for planning and programming, a district director for~~
84 ~~production, a district director for operations, and a district~~
85 ~~director for administration. These positions are exempt from~~
86 part II of chapter 110.

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

89 110.205 Career service; exemptions.--

90 (2) EXEMPT POSITIONS.--The exempt positions that are not
91 covered by this part include the following:

92 (j) The appointed secretaries, assistant secretaries,
93 deputy secretaries, and deputy assistant secretaries of all
94 departments; the executive directors, assistant executive
95 directors, deputy executive directors, and deputy assistant
96 executive directors of all departments; the directors of all
97 divisions and those positions determined by the department to
98 have managerial responsibilities comparable to such positions,

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99 | which positions include, but are not limited to, program
100 | directors, assistant program directors, district administrators,
101 | deputy district administrators, the Director of Central
102 | Operations Services of the Department of Children and Family
103 | Services, the State Transportation Development Administrator,
104 | State Public Transportation and Modal Administrator, district
105 | secretaries, district directors of transportation development,
106 | transportation operations, transportation support, and the
107 | managers of the offices specified in s. 20.23(3)(b) ~~s.~~
108 | ~~20.23(3)(e)~~, of the Department of Transportation. Unless
109 | otherwise fixed by law, the department shall set the salary and
110 | benefits of these positions in accordance with the rules of the
111 | Senior Management Service; and the county health department
112 | directors and county health department administrators of the
113 | Department of Health.

114 | (m) All assistant division director, deputy division
115 | director, and bureau chief positions in any department, and
116 | those positions determined by the department to have managerial
117 | responsibilities comparable to such positions, which positions
118 | include, but are not limited to:

119 | 1. Positions in the Department of Health and the
120 | Department of Children and Family Services that are assigned
121 | primary duties of serving as the superintendent or assistant
122 | superintendent of an institution.

123 | 2. Positions in the Department of Corrections that are
124 | assigned primary duties of serving as the warden, assistant
125 | warden, colonel, or major of an institution or that are assigned

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126 primary duties of serving as the circuit administrator or deputy
127 circuit administrator.

128 3. Positions in the Department of Transportation that are
129 assigned primary duties of serving as regional toll managers and
130 managers of offices as defined in s. 20.23(3)(b) ~~s. 20.23(3)(e)~~
131 and (4)(d), and captains and majors of the Office of Motor
132 Carrier Compliance.

133 4. Positions in the Department of Environmental Protection
134 that are assigned the duty of an Environmental Administrator or
135 program administrator.

136 5. Positions in the Department of Health that are assigned
137 the duties of Environmental Administrator, Assistant County
138 Health Department Director, and County Health Department
139 Financial Administrator.

140
141 Unless otherwise fixed by law, the department shall set the
142 salary and benefits of the positions listed in this paragraph in
143 accordance with the rules established for the Selected Exempt
144 Service.

145 Section 3. Subsections (13) and (15), of section 177.031,
146 Florida Statutes, are amended to read:

147 177.031 Definitions.--As used in this part:

148 (13) "P.C.P." means permanent control point and shall be
149 considered a reference monument.

150 (a) "P.C.P.s" set in impervious surfaces must:

151 1. Be composed of a metal marker with a point of
152 reference.

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153 2. Have a metal cap or disk bearing either the Florida
154 registration number of the professional surveyor and mapper in
155 responsible charge or the certificate of authorization number of
156 the legal entity, which number shall be preceded by LS or LB as
157 applicable and the letters "P.C.P."

158 (b) "P.C.P.s" set in pervious surfaces must:

159 1. Consist of a metal rod having a minimum length of 18
160 inches and a minimum cross-section area of material of 0.2
161 square inches In certain materials, encasement in concrete is
162 optional for stability of the rod. When used, encased in
163 ~~concrete.~~ the concrete shall have a minimum cross-section area
164 of 12.25 square inches and be a minimum of 24 inches long.

165 2. Be identified with a durable marker or cap with the
166 point of reference marked thereon bearing either the Florida
167 registration number of the professional surveyor and mapper in
168 responsible charge or the certificate of authorization number of
169 the legal entity, which number shall be preceded by LS or LB as
170 applicable and the letters "P.C.P."

171 (c) "P.C.P.s" must be detectable with conventional
172 instruments for locating ferrous or magnetic objects.

173 (15) "P.R.M." means a permanent reference monument which
174 must:

175 (a) Consist of a metal rod having a minimum length of 18
176 inches and a minimum cross-section area of material of 0.2
177 square inches In certain materials, encasement in concrete is
178 optional for stability of the rod. When used, encased in
179 ~~concrete.~~ the concrete shall have a minimum cross-section area
180 of 12.25 square inches and be a minimum of 24 inches long.

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181 (b) Be identified with a durable marker or cap with the
182 point of reference marked thereon bearing either the Florida
183 registration number of the professional surveyor and mapper in
184 responsible charge or the certificate of authorization number of
185 the legal entity, which number shall be preceded by LS or LB as
186 applicable and the letters "P.R.M."

187 (c) Be detectable with conventional instruments for
188 locating ferrous or magnetic objects.

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190 If the location of the "P.R.M." falls in a hard surface such as
191 asphalt or concrete, alternate monumentation may be used that is
192 durable and identifiable.

193 Section 4. Section 339.175, Florida Statutes, is amended
194 to read:

195 339.175 Metropolitan planning organization.--It is the
196 intent of the Legislature to encourage and promote the safe and
197 efficient management, operation, and development of surface
198 transportation systems that will serve the mobility needs of
199 people and freight within and through urbanized areas of this
200 state while minimizing transportation-related fuel consumption
201 and air pollution. To accomplish these objectives, metropolitan
202 planning organizations, referred to in this section as M.P.O.'s,
203 shall develop, in cooperation with the state and public transit
204 operators, transportation plans and programs for metropolitan
205 areas. The plans and programs for each metropolitan area must
206 provide for the development and integrated management and
207 operation of transportation systems and facilities, including
208 pedestrian walkways and bicycle transportation facilities that

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209 will function as an intermodal transportation system for the
210 metropolitan area, based upon the prevailing principles provided
211 in s. 334.046(1). The process for developing such plans and
212 programs shall provide for consideration of all modes of
213 transportation and shall be continuing, cooperative, and
214 comprehensive, to the degree appropriate, based on the
215 complexity of the transportation problems to be addressed. To
216 ensure that the process is integrated with the statewide
217 planning process, M.P.O.'s shall develop plans and programs that
218 identify transportation facilities that should function as an
219 integrated metropolitan transportation system, giving emphasis
220 to facilities that serve important national, state, and regional
221 transportation functions. For the purposes of this section,
222 those facilities include the facilities on the Strategic
223 Intermodal System designated under s. 339.63.

224 (1) DESIGNATION.--

225 (a)1. An M.P.O. shall be designated for each urbanized
226 area of the state; however, this does not require that an
227 individual M.P.O. be designated for each such area. Such
228 designation shall be accomplished by agreement between the
229 Governor and units of general-purpose local government
230 representing at least 75 percent of the population of the
231 urbanized area; however, the unit of general-purpose local
232 government that represents the central city or cities within the
233 M.P.O. jurisdiction, as defined by the United States Bureau of
234 the Census, must be a party to such agreement.

235 2. More than one M.P.O. may be designated within an
236 existing metropolitan planning area only if the Governor and the

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237 existing M.P.O. determine that the size and complexity of the
238 existing metropolitan planning area makes the designation of
239 more than one M.P.O. for the area appropriate.

240 (b) Each M.P.O. shall be created and operated under the
241 provisions of this section pursuant to an interlocal agreement
242 entered into pursuant to s. 163.01. The signatories to the
243 interlocal agreement shall be the department and the
244 governmental entities designated by the Governor for membership
245 on the M.P.O. If there is a conflict between this section and s.
246 163.01, this section prevails.

247 (c) The jurisdictional boundaries of an M.P.O. shall be
248 determined by agreement between the Governor and the applicable
249 M.P.O. The boundaries must include at least the metropolitan
250 planning area, which is the existing urbanized area and the
251 contiguous area expected to become urbanized within a 20-year
252 forecast period, and may encompass the entire metropolitan
253 statistical area or the consolidated metropolitan statistical
254 area.

255 (d) In the case of an urbanized area designated as a
256 nonattainment area for ozone or carbon monoxide under the Clean
257 Air Act, 42 U.S.C. ss. 7401 et seq., the boundaries of the
258 metropolitan planning area in existence as of the date of
259 enactment of this paragraph shall be retained, except that the
260 boundaries may be adjusted by agreement of the Governor and
261 affected metropolitan planning organizations in the manner
262 described in this section. If more than one M.P.O. has authority
263 within a metropolitan area or an area that is designated as a
264 nonattainment area, each M.P.O. shall consult with other

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265 M.P.O.'s designated for such area and with the state in the
266 coordination of plans and programs required by this section.

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

270 (2) VOTING MEMBERSHIP.--

271 (a) The voting membership of an M.P.O. shall consist of
272 not fewer than 5 or more than 19 apportioned members, the exact
273 number to be determined on an equitable geographic-population
274 ratio basis by the Governor, based on an agreement among the
275 affected units of general-purpose local government as required
276 by federal rules and regulations. The Governor, in accordance
277 with 23 U.S.C. s. 134, may also provide for M.P.O. members who
278 represent municipalities to alternate with representatives from
279 other municipalities within the metropolitan planning area that
280 do not have members on the M.P.O. County commission members
281 shall compose not less than one-third of the M.P.O. membership,
282 except for an M.P.O. with more than 15 members located in a
283 county with a five-member county commission or an M.P.O. with 19
284 members located in a county with no more than 6 county
285 commissioners, in which case county commission members may
286 compose less than one-third percent of the M.P.O. membership,
287 but all county commissioners must be members. All voting members
288 shall be elected officials of general-purpose governments,
289 except that an M.P.O. may include, as part of its apportioned
290 voting members, a member of a statutorily authorized planning
291 board, an official of an agency that operates or administers a
292 major mode of transportation, or an official of the Florida

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293 Space Authority. The county commission shall compose not less
294 than 20 percent of the M.P.O. membership if an official of an
295 agency that operates or administers a major mode of
296 transportation has been appointed to an M.P.O.

297 (b) In metropolitan areas in which authorities or other
298 agencies have been or may be created by law to perform
299 transportation functions and are performing transportation
300 functions that are not under the jurisdiction of a general
301 purpose local government represented on the M.P.O., they shall
302 be provided voting membership on the M.P.O. In all other
303 M.P.O.'s where transportation authorities or agencies are to be
304 represented by elected officials from general purpose local
305 governments, the M.P.O. shall establish a process by which the
306 collective interests of such authorities or other agencies are
307 expressed and conveyed.

308 (c) Any other provision of this section to the contrary
309 notwithstanding, a chartered county with over 1 million
310 population may elect to reapportion the membership of an M.P.O.
311 whose jurisdiction is wholly within the county. The charter
312 county may exercise the provisions of this paragraph if:

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

315 2. The M.P.O. and the charter county determine that the
316 reapportionment plan is needed to fulfill specific goals and
317 policies applicable to that metropolitan planning area; and

318 3. The charter county determines the reapportionment plan
319 otherwise complies with all federal requirements pertaining to
320 M.P.O. membership.

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

(d) Any other provision of this section to the contrary notwithstanding, any county chartered under s. 6(e), Art. VIII of the State Constitution may elect to have its county commission serve as the M.P.O., if the M.P.O. jurisdiction is wholly contained within the county. Any charter county that elects to exercise the provisions of this paragraph shall so notify the Governor in writing. Upon receipt of such notification, the Governor must designate the county commission as the M.P.O. The Governor must appoint four additional voting members to the M.P.O., one of whom must be an elected official representing a municipality within the county, one of whom must be an expressway authority member, one of whom must be a person who does not hold elected public office and who resides in the unincorporated portion of the county, and one of whom must be a school board member.

(3) APPORTIONMENT.--

(a) The Governor shall, with the agreement of the affected units of general-purpose local government as required by federal rules and regulations, apportion the membership on the applicable M.P.O. among the various governmental entities within the area and shall prescribe a method for appointing alternate members who may vote at any M.P.O. meeting that an alternate member attends in place of a regular member. An appointed alternate member must be an elected official serving the same governmental entity or a general-purpose local government with

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349 jurisdiction within all or part of the area that the regular
350 member serves. The governmental entity so designated shall
351 appoint the appropriate number of members to the M.P.O. from
352 eligible officials. Representatives of the department shall
353 serve as nonvoting members of the M.P.O. Nonvoting advisers may
354 be appointed by the M.P.O. as deemed necessary. The Governor
355 shall review the composition of the M.P.O. membership in
356 conjunction with the decennial census as prepared by the United
357 States Department of Commerce, Bureau of the Census, and
358 reapportion it as necessary to comply with subsection (2).

359 (b) Except for members who represent municipalities on the
360 basis of alternating with representatives from other
361 municipalities that do not have members on the M.P.O. as
362 provided in paragraph (2)(a), the members of an M.P.O. shall
363 serve 4-year terms. Members who represent municipalities on the
364 basis of alternating with representatives from other
365 municipalities that do not have members on the M.P.O. as
366 provided in paragraph (2)(a) may serve terms of up to 4 years as
367 further provided in the interlocal agreement described in
368 paragraph (1)(b). The membership of a member who is a public
369 official automatically terminates upon the member's leaving his
370 or her elective or appointive office for any reason, or may be
371 terminated by a majority vote of the total membership of a
372 county or city governing entity represented by the member. A
373 vacancy shall be filled by the original appointing entity. A
374 member may be reappointed for one or more additional 4-year
375 terms.

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376 (c) If a governmental entity fails to fill an assigned
377 appointment to an M.P.O. within 60 days after notification by
378 the Governor of its duty to appoint, that appointment shall be
379 made by the Governor from the eligible representatives of that
380 governmental entity.

381 (4) AUTHORITY AND RESPONSIBILITY.--The authority and
382 responsibility of an M.P.O. is to manage a continuing,
383 cooperative, and comprehensive transportation planning process
384 that, based upon the prevailing principles provided in s.
385 334.046(1), results in the development of plans and programs
386 which are consistent, to the maximum extent feasible, with the
387 approved local government comprehensive plans of the units of
388 local government the boundaries of which are within the
389 metropolitan area of the M.P.O. An M.P.O. shall be the forum
390 for cooperative decisionmaking by officials of the affected
391 governmental entities in the development of the plans and
392 programs required by subsections (5), (6), (7), and (8).

393 (5) POWERS, DUTIES, AND RESPONSIBILITIES.--The powers,
394 privileges, and authority of an M.P.O. are those specified in
395 this section or incorporated in an interlocal agreement
396 authorized under s. 163.01. Each M.P.O. shall perform all acts
397 required by federal or state laws or rules, now and subsequently
398 applicable, which are necessary to qualify for federal aid. It
399 is the intent of this section that each M.P.O. shall be involved
400 in the planning and programming of transportation facilities,
401 including, but not limited to, airports, intercity and high-
402 speed rail lines, seaports, and intermodal facilities, to the
403 extent permitted by state or federal law.

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

406 1. A long-range transportation plan pursuant to the
407 requirements of subsection (6);

408 2. An annually updated transportation improvement program
409 pursuant to the requirements of subsection (7); and

410 3. An annual unified planning work program pursuant to the
411 requirements of subsection (8).

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

416 1. Support the economic vitality of the metropolitan area,
417 especially by enabling global competitiveness, productivity, and
418 efficiency;

419 2. Increase the safety and security of the transportation
420 system for motorized and nonmotorized users;

421 3. Increase the accessibility and mobility options
422 available to people and for freight;

423 4. Protect and enhance the environment, promote energy
424 conservation, and improve quality of life;

425 5. Enhance the integration and connectivity of the
426 transportation system, across and between modes, for people and
427 freight;

428 6. Promote efficient system management and operation; and

429 7. Emphasize the preservation of the existing
430 transportation system.

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431 (c) In order to provide recommendations to the department
432 and local governmental entities regarding transportation plans
433 and programs, each M.P.O. shall:

434 1. Prepare a congestion management system for the
435 metropolitan area and cooperate with the department in the
436 development of all other transportation management systems
437 required by state or federal law;

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

440 3. Assist the department in performing its duties relating
441 to access management, functional classification of roads, and
442 data collection;

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

445 5. Represent all the jurisdictional areas within the
446 metropolitan area in the formulation of transportation plans and
447 programs required by this section; and

448 6. Perform all other duties required by state or federal
449 law.

450 (d) Each M.P.O. shall appoint a technical advisory
451 committee that includes planners; engineers; representatives of
452 local aviation authorities, port authorities, and public transit
453 authorities or representatives of aviation departments, seaport
454 departments, and public transit departments of municipal or
455 county governments, as applicable; the school superintendent of
456 each county within the jurisdiction of the M.P.O. or the
457 superintendent's designee; and other appropriate representatives
458 of affected local governments. In addition to any other duties

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459 assigned to it by the M.P.O. or by state or federal law, the
460 technical advisory committee is responsible for considering safe
461 access to schools in its review of transportation project
462 priorities, long-range transportation plans, and transportation
463 improvement programs, and shall advise the M.P.O. on such
464 matters. In addition, the technical advisory committee shall
465 coordinate its actions with local school boards and other local
466 programs and organizations within the metropolitan area which
467 participate in school safety activities, such as locally
468 established community traffic safety teams. Local school boards
469 must provide the appropriate M.P.O. with information concerning
470 future school sites and in the coordination of transportation
471 service.

472 (e)1. Each M.P.O. shall appoint a citizens' advisory
473 committee, the members of which serve at the pleasure of the
474 M.P.O. The membership on the citizens' advisory committee must
475 reflect a broad cross section of local residents with an
476 interest in the development of an efficient, safe, and cost-
477 effective transportation system. Minorities, the elderly, and
478 the handicapped must be adequately represented.

479 2. Notwithstanding the provisions of subparagraph 1., an
480 M.P.O. may, with the approval of the department and the
481 applicable federal governmental agency, adopt an alternative
482 program or mechanism to ensure citizen involvement in the
483 transportation planning process.

484 (f) The department shall allocate to each M.P.O., for the
485 purpose of accomplishing its transportation planning and

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486 programming duties, an appropriate amount of federal
487 transportation planning funds.

488 (g) Each M.P.O. may employ personnel or may enter into
489 contracts with local or state agencies, private planning firms,
490 or private engineering firms to accomplish its transportation
491 planning and programming duties required by state or federal
492 law.

493 (h) A chair's coordinating committee is created, composed
494 of the M.P.O.'s serving Hernando, Hillsborough, Manatee, Pasco,
495 Pinellas, Polk, and Sarasota Counties. The committee must, at a
496 minimum:

497 1. Coordinate transportation projects deemed to be
498 regionally significant by the committee.

499 2. Review the impact of regionally significant land use
500 decisions on the region.

501 3. Review all proposed regionally significant
502 transportation projects in the respective transportation
503 improvement programs which affect more than one of the M.P.O.'s
504 represented on the committee.

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

508 (i)1. The Legislature finds that the state's rapid growth
509 in recent decades has caused many urbanized areas subject to
510 M.P.O. jurisdiction to become contiguous to each other. As a
511 result, various transportation projects may cross from the
512 jurisdiction of one M.P.O. into the jurisdiction of another
513 M.P.O. To more fully accomplish the purposes for which M.P.O.'s

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514 have been mandated, M.P.O.'s shall develop coordination
515 mechanisms with one another to expand and improve transportation
516 within the state. The appropriate method of coordination between
517 M.P.O.'s shall vary depending upon the project involved and
518 given local and regional needs. Consequently, it is appropriate
519 to set forth a flexible methodology that can be used by M.P.O.'s
520 to coordinate with other M.P.O.'s and appropriate political
521 subdivisions as circumstances demand.

522 2. Any M.P.O. may join with any other M.P.O. or any
523 individual political subdivision to coordinate activities or to
524 achieve any federal or state transportation planning or
525 development goals or purposes consistent with federal or state
526 law. When an M.P.O. determines that it is appropriate to join
527 with another M.P.O. or any political subdivision to coordinate
528 activities, the M.P.O. or political subdivision shall enter into
529 an interlocal agreement pursuant to s. 163.01, which, at a
530 minimum, creates a separate legal or administrative entity to
531 coordinate the transportation planning or development activities
532 required to achieve the goal or purpose; provide the purpose for
533 which the entity is created; provide the duration of the
534 agreement and the entity, and specify how the agreement may be
535 terminated, modified, or rescinded; describe the precise
536 organization of the entity, including who has voting rights on
537 the governing board, whether alternative voting members are
538 provided for, how voting members are appointed, and what the
539 relative voting strength is for each constituent M.P.O. or
540 political subdivision; provide the manner in which the parties
541 to the agreement will provide for the financial support of the

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542 entity and payment of costs and expenses of the entity; provide
543 the manner in which funds may be paid to and disbursed from the
544 entity; and provide how members of the entity will resolve
545 disagreements regarding interpretation of the interlocal
546 agreement or disputes relating to the operation of the entity.
547 Such interlocal agreement shall become effective upon its
548 recordation in the official public records of each county in
549 which a member of the entity created by the interlocal agreement
550 has a voting member. This paragraph does not require any
551 M.P.O.'s to merge, combine, or otherwise join together as a
552 single M.P.O.

553 (6) LONG-RANGE TRANSPORTATION PLAN.--Each M.P.O. must
554 develop a long-range transportation plan that addresses at least
555 a 20-year planning horizon. The plan must include both long-
556 range and short-range strategies and must comply with all other
557 state and federal requirements. The prevailing principles to be
558 considered in the long-range transportation plan are: preserving
559 the existing transportation infrastructure; enhancing Florida's
560 economic competitiveness; and improving travel choices to ensure
561 mobility. The long-range transportation plan must be consistent,
562 to the maximum extent feasible, with future land use elements
563 and the goals, objectives, and policies of the approved local
564 government comprehensive plans of the units of local government
565 located within the jurisdiction of the M.P.O. The approved long-
566 range transportation plan must be considered by local
567 governments in the development of the transportation elements in
568 local government comprehensive plans and any amendments thereto.
569 The long-range transportation plan must, at a minimum:

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570 (a) Identify transportation facilities, including, but not
571 limited to, major roadways, airports, seaports, spaceports,
572 commuter rail systems, transit systems, and intermodal or
573 multimodal terminals that will function as an integrated
574 metropolitan transportation system. The long-range
575 transportation plan must give emphasis to those transportation
576 facilities that serve national, statewide, or regional
577 functions, and must consider the goals and objectives identified
578 in the Florida Transportation Plan as provided in s. 339.155. If
579 a project is located within the boundaries of more than one
580 M.P.O., the M.P.O.'s must coordinate plans regarding the project
581 in the long-range transportation plan.

582 (b) Include a financial plan that demonstrates how the
583 plan can be implemented, indicating resources from public and
584 private sources which are reasonably expected to be available to
585 carry out the plan, and recommends any additional financing
586 strategies for needed projects and programs. The financial plan
587 may include, for illustrative purposes, additional projects that
588 would be included in the adopted long-range transportation plan
589 if reasonable additional resources beyond those identified in
590 the financial plan were available. For the purpose of developing
591 the long-range transportation plan, the M.P.O. and the
592 department shall cooperatively develop estimates of funds that
593 will be available to support the plan implementation. Innovative
594 financing techniques may be used to fund needed projects and
595 programs. Such techniques may include the assessment of tolls,
596 the use of value capture financing, or the use of value pricing.

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597 (c) Assess capital investment and other measures necessary
598 to:

599 1. Ensure the preservation of the existing metropolitan
600 transportation system including requirements for the operation,
601 resurfacing, restoration, and rehabilitation of major roadways
602 and requirements for the operation, maintenance, modernization,
603 and rehabilitation of public transportation facilities; and

604 2. Make the most efficient use of existing transportation
605 facilities to relieve vehicular congestion and maximize the
606 mobility of people and goods.

607 (d) Indicate, as appropriate, proposed transportation
608 enhancement activities, including, but not limited to,
609 pedestrian and bicycle facilities, scenic easements,
610 landscaping, historic preservation, mitigation of water
611 pollution due to highway runoff, and control of outdoor
612 advertising.

613 (e) In addition to the requirements of paragraphs (a)-(d),
614 in metropolitan areas that are classified as nonattainment areas
615 for ozone or carbon monoxide, the M.P.O. must coordinate the
616 development of the long-range transportation plan with the State
617 Implementation Plan developed pursuant to the requirements of
618 the federal Clean Air Act.

619
620 In the development of its long-range transportation plan, each
621 M.P.O. must provide the public, affected public agencies,
622 representatives of transportation agency employees, freight
623 shippers, providers of freight transportation services, private
624 providers of transportation, representatives of users of public

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625 transit, and other interested parties with a reasonable
626 opportunity to comment on the long-range transportation plan.
627 The long-range transportation plan must be approved by the
628 M.P.O.

629 (7) TRANSPORTATION IMPROVEMENT PROGRAM.--Each M.P.O.
630 shall, in cooperation with the state and affected public
631 transportation operators, develop a transportation improvement
632 program for the area within the jurisdiction of the M.P.O. In
633 the development of the transportation improvement program, each
634 M.P.O. must provide the public, affected public agencies,
635 representatives of transportation agency employees, freight
636 shippers, providers of freight transportation services, private
637 providers of transportation, representatives of users of public
638 transit, and other interested parties with a reasonable
639 opportunity to comment on the proposed transportation
640 improvement program.

641 (a) Each M.P.O. is responsible for developing, annually, a
642 list of project priorities and a transportation improvement
643 program. The prevailing principles to be considered by each
644 M.P.O. when developing a list of project priorities and a
645 transportation improvement program are: preserving the existing
646 transportation infrastructure; enhancing Florida's economic
647 competitiveness; and improving travel choices to ensure
648 mobility. The transportation improvement program will be used to
649 initiate federally aided transportation facilities and
650 improvements as well as other transportation facilities and
651 improvements including transit, rail, aviation, spaceport, and
652 port facilities to be funded from the State Transportation Trust

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653 Fund within its metropolitan area in accordance with existing
654 and subsequent federal and state laws and rules and regulations
655 related thereto. The transportation improvement program shall be
656 consistent, to the maximum extent feasible, with the approved
657 local government comprehensive plans of the units of local
658 government whose boundaries are within the metropolitan area of
659 the M.P.O.

660 (b) Each M.P.O. annually shall prepare a list of project
661 priorities and shall submit the list to the appropriate district
662 of the department by October 1 of each year; however, the
663 department and a metropolitan planning organization may, in
664 writing, agree to vary this submittal date. The list of project
665 priorities must be formally reviewed by the technical and
666 citizens' advisory committees, and approved by the M.P.O.,
667 before it is transmitted to the district. The approved list of
668 project priorities must be used by the district in developing
669 the district work program and must be used by the M.P.O. in
670 developing its transportation improvement program. The annual
671 list of project priorities must be based upon project selection
672 criteria that, at a minimum, consider the following:

673 1. The approved M.P.O. long-range transportation plan;
674 2. The Strategic Intermodal System Plan developed under s.
675 339.64.

676 ~~3.2.~~ The results of the transportation management systems;
677 and

678 ~~4.3.~~ The M.P.O.'s public-involvement procedures.

679 (c) The transportation improvement program must, at a
680 minimum:

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681 1. Include projects and project phases to be funded with
682 state or federal funds within the time period of the
683 transportation improvement program and which are recommended for
684 advancement during the next fiscal year and 4 subsequent fiscal
685 years. Such projects and project phases must be consistent, to
686 the maximum extent feasible, with the approved local government
687 comprehensive plans of the units of local government located
688 within the jurisdiction of the M.P.O. For informational
689 purposes, the transportation improvement program shall also
690 include a list of projects to be funded from local or private
691 revenues.

692 2. Include projects within the metropolitan area which are
693 proposed for funding under 23 U.S.C. s. 134 of the Federal
694 Transit Act and which are consistent with the long-range
695 transportation plan developed under subsection(6).

696 3. Provide a financial plan that demonstrates how the
697 transportation improvement program can be implemented; indicates
698 the resources, both public and private, that are reasonably
699 expected to be available to accomplish the program; identifies
700 any innovative financing techniques that may be used to fund
701 needed projects and programs; and may include, for illustrative
702 purposes, additional projects that would be included in the
703 approved transportation improvement program if reasonable
704 additional resources beyond those identified in the financial
705 plan were available. Innovative financing techniques may include
706 the assessment of tolls, the use of value capture financing, or
707 the use of value pricing. The transportation improvement
708 program may include a project or project phase only if full

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709 funding can reasonably be anticipated to be available for the
710 project or project phase within the time period contemplated for
711 completion of the project or project phase.

712 4. Group projects and project phases of similar urgency
713 and anticipated staging into appropriate staging periods.

714 5. Indicate how the transportation improvement program
715 relates to the long-range transportation plan developed under
716 subsection (6), including providing examples of specific
717 projects or project phases that further the goals and policies
718 of the long-range transportation plan.

719 6. Indicate whether any project or project phase is
720 inconsistent with an approved comprehensive plan of a unit of
721 local government located within the jurisdiction of the M.P.O.
722 If a project is inconsistent with an affected comprehensive
723 plan, the M.P.O. must provide justification for including the
724 project in the transportation improvement program.

725 7. Indicate how the improvements are consistent, to the
726 maximum extent feasible, with affected seaport, airport, and
727 spaceport master plans and with public transit development plans
728 of the units of local government located within the jurisdiction
729 of the M.P.O. If a project is located within the boundaries of
730 more than one M.P.O., the M.P.O.'s must coordinate plans
731 regarding the project in the transportation improvement program.

732 (d) Projects included in the transportation improvement
733 program and that have advanced to the design stage of
734 preliminary engineering may be removed from or rescheduled in a
735 subsequent transportation improvement program only by the joint
736 action of the M.P.O. and the department. Except when recommended

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737 in writing by the district secretary for good cause, any project
738 removed from or rescheduled in a subsequent transportation
739 improvement program shall not be rescheduled by the M.P.O. in
740 that subsequent program earlier than the 5th year of such
741 program.

742 (e) During the development of the transportation
743 improvement program, the M.P.O. shall, in cooperation with the
744 department and any affected public transit operation, provide
745 citizens, affected public agencies, representatives of
746 transportation agency employees, freight shippers, providers of
747 freight transportation services, private providers of
748 transportation, representatives of users of public transit, and
749 other interested parties with reasonable notice of and an
750 opportunity to comment on the proposed program.

751 (f) The adopted annual transportation improvement program
752 for M.P.O.'s in nonattainment or maintenance areas must be
753 submitted to the district secretary and the Department of
754 Community Affairs at least 90 days before the submission of the
755 state transportation improvement program by the department to
756 the appropriate federal agencies. The annual transportation
757 improvement program for M.P.O.'s in attainment areas must be
758 submitted to the district secretary and the Department of
759 Community Affairs at least 45 days before the department submits
760 the state transportation improvement program to the appropriate
761 federal agencies; however, the department, the Department of
762 Community Affairs, and a metropolitan planning organization may,
763 in writing, agree to vary this submittal date. The Governor or

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764 the Governor's designee shall review and approve each
765 transportation improvement program and any amendments thereto.

766 (g) The Department of Community Affairs shall review the
767 annual transportation improvement program of each M.P.O. for
768 consistency with the approved local government comprehensive
769 plans of the units of local government whose boundaries are
770 within the metropolitan area of each M.P.O. and shall identify
771 those projects that are inconsistent with such comprehensive
772 plans. The Department of Community Affairs shall notify an
773 M.P.O. of any transportation projects contained in its
774 transportation improvement program which are inconsistent with
775 the approved local government comprehensive plans of the units
776 of local government whose boundaries are within the metropolitan
777 area of the M.P.O.

778 (h) The M.P.O. shall annually publish or otherwise make
779 available for public review the annual listing of projects for
780 which federal funds have been obligated in the preceding year.
781 Project monitoring systems must be maintained by those agencies
782 responsible for obligating federal funds and made accessible to
783 the M.P.O.'s.

784 (8) UNIFIED PLANNING WORK PROGRAM.--Each M.P.O. shall
785 develop, in cooperation with the department and public
786 transportation providers, a unified planning work program that
787 lists all planning tasks to be undertaken during the program
788 year. The unified planning work program must provide a complete
789 description of each planning task and an estimated budget
790 therefor and must comply with applicable state and federal law.

791 (9) AGREEMENTS.--

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792 (a) Each M.P.O. shall execute the following written
793 agreements, which shall be reviewed, and updated as necessary,
794 every 5 years:

795 1. An agreement with the department clearly establishing
796 the cooperative relationship essential to accomplish the
797 transportation planning requirements of state and federal law.

798 2. An agreement with the metropolitan and regional
799 intergovernmental coordination and review agencies serving the
800 metropolitan areas, specifying the means by which activities
801 will be coordinated and how transportation planning and
802 programming will be part of the comprehensive planned
803 development of the area.

804 3. An agreement with operators of public transportation
805 systems, including transit systems, commuter rail systems,
806 airports, seaports, and spaceports, describing the means by
807 which activities will be coordinated and specifying how public
808 transit, commuter rail, aviation, seaport, and aerospace
809 planning and programming will be part of the comprehensive
810 planned development of the metropolitan area.

811 (b) An M.P.O. may execute other agreements required by
812 state or federal law or as necessary to properly accomplish its
813 functions.

814 (10) METROPOLITAN PLANNING ORGANIZATION ADVISORY
815 COUNCIL.--

816 (a) A Metropolitan Planning Organization Advisory Council
817 is created to augment, and not supplant, the role of the
818 individual M.P.O.'s in the cooperative transportation planning
819 process described in this section.

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820 (b) The council shall consist of one representative from
821 each M.P.O. and shall elect a chairperson annually from its
822 number. Each M.P.O. shall also elect an alternate
823 representative from each M.P.O. to vote in the absence of the
824 representative. Members of the council do not receive any
825 compensation for their services, but may be reimbursed from
826 funds made available to council members for travel and per diem
827 expenses incurred in the performance of their council duties as
828 provided in s. 112.061.

829 (c) The powers and duties of the Metropolitan Planning
830 Organization Advisory Council are to:

831 1. Enter into contracts with individuals, private
832 corporations, and public agencies.

833 2. Acquire, own, operate, maintain, sell, or lease
834 personal property essential for the conduct of business.

835 3. Accept funds, grants, assistance, gifts, or bequests
836 from private, local, state, or federal sources.

837 4. Establish bylaws and adopt rules pursuant to ss.
838 120.536(1) and 120.54 to implement provisions of law conferring
839 powers or duties upon it.

840 5. Assist M.P.O.'s in carrying out the urbanized area
841 transportation planning process by serving as the principal
842 forum for collective policy discussion pursuant to law.

843 6. Serve as a clearinghouse for review and comment by
844 M.P.O.'s on the Florida Transportation Plan and on other issues
845 required to comply with federal or state law in carrying out the
846 urbanized area transportation and systematic planning processes
847 instituted pursuant to s. 339.155.

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848 7. Employ an executive director and such other staff as
849 necessary to perform adequately the functions of the council,
850 within budgetary limitations. The executive director and staff
851 are exempt from part II of chapter 110 and serve at the
852 direction and control of the council. The council is assigned
853 to the Office of the Secretary of the Department of
854 Transportation for fiscal and accountability purposes, but it
855 shall otherwise function independently of the control and
856 direction of the department.

857 8. Adopt an agency strategic plan that provides the
858 priority directions the agency will take to carry out its
859 mission within the context of the state comprehensive plan and
860 any other statutory mandates and directions given to the agency.

861 (11) APPLICATION OF FEDERAL LAW.--Upon notification by an
862 agency of the Federal Government that any provision of this
863 section conflicts with federal laws or regulations, such federal
864 laws or regulations will take precedence to the extent of the
865 conflict until such conflict is resolved. The department or an
866 M.P.O. may take any necessary action to comply with such federal
867 laws and regulations or to continue to remain eligible to
868 receive federal funds.

869 Section 5. Subsection (12) is added to section 338.251,
870 Florida Statutes, to read:

871 338.251 Toll Facilities Revolving Trust Fund.--The Toll
872 Facilities Revolving Trust Fund is hereby created for the
873 purpose of encouraging the development and enhancing the
874 financial feasibility of revenue-producing road projects

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875 undertaken by local governmental entities in a county or
876 combination of contiguous counties and the turnpike enterprise.

877 (12) Notwithstanding subsection (4), by agreement with the
878 department, the Emerald Coast Bridge Authority may revise the
879 repayment schedule of any previous advances, which shall not be
880 considered a failure to repay if the effort to undertake a
881 revenue-producing road project is being conducted in good faith
882 and all other requirements of law are met.

883 Section 6. Section 334.30, Florida Statutes, is amended to
884 read:

885 334.30 Public-private ~~Private~~ transportation facilities.--
886 The Legislature hereby finds and declares that there is a public
887 need for rapid construction of safe and efficient transportation
888 facilities for the purpose of travel within the state, and that
889 it is in the public's interest to provide for the construction
890 of additional safe, convenient, and economical transportation
891 facilities.

892 (1) The department may receive or solicit proposals and,
893 with legislative approval as evidenced by approval of the
894 project in the department's work program ~~by a separate bill for~~
895 ~~each facility~~, enter into agreements with private entities, or
896 consortia thereof, for the building, operation, ownership, or
897 financing of transportation facilities. The department may
898 advance projects programmed in the adopted 5-year work program
899 using funds provided by public-private partnerships or private
900 entities to be reimbursed from department funds for the project
901 as programmed in the adopted work program. The department shall
902 by rule establish an application fee for the submission of

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903 proposals under this section. The fee must be sufficient to pay
904 the costs of evaluating the proposals. The department may engage
905 the services of private consultants to assist in the evaluation.
906 Before ~~seeking legislative~~ approval, the department must
907 determine that the proposed project:

908 (a) Is in the public's best interest;

909 (b) Would not require state funds to be used unless the
910 project is on the State Highway System ~~there is an overriding~~
911 ~~state interest~~; and

912 (c) Would have adequate safeguards in place to ensure that
913 no additional costs or service disruptions would be realized by
914 the traveling public and citizens of the state in the event of
915 default or cancellation of the agreement by the department.

916
917 The department shall ensure that all reasonable costs to the
918 ~~state and substantially affected local governments and~~
919 ~~utilities~~, related to ~~the private~~ facilities that
920 are not part of the State Highway System facility, are borne by
921 the private entity. The department shall also ensure that all
922 reasonable costs to the state and substantially affected local
923 governments and utilities, related to the private transportation
924 facility, are borne by the private entity for transportation
925 facilities that are owned by private entities. For projects on
926 the State Highway System, the department may use state resources
927 to participate in funding and financing the project as provided
928 for under the department's enabling legislation.

929 (2) Agreements entered into pursuant to this section may
930 authorize the private entity to impose tolls or fares for the

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931 use of the facility. However, the amount and use of toll or
932 fare revenues shall ~~may~~ be regulated by the department to avoid
933 unreasonable costs to users of the facility.

934 (3) Each private transportation facility constructed
935 pursuant to this section shall comply with all requirements of
936 federal, state, and local laws; state, regional, and local
937 comprehensive plans; department rules, policies, procedures, and
938 standards for transportation facilities; and any other
939 conditions which the department determines to be in the public's
940 best interest.

941 (4) The department may exercise any power possessed by it,
942 including eminent domain, with respect to the development and
943 construction of state transportation projects to facilitate the
944 development and construction of transportation projects pursuant
945 to this section. The department may provide services to the
946 private entity. Agreements for maintenance, law enforcement,
947 and other services entered into pursuant to this section shall
948 provide for full reimbursement for services rendered for
949 projects not on the State Highway System.

950 (5) Except as herein provided, the provisions of this
951 section are not intended to amend existing laws by granting
952 additional powers to, or further restricting, local governmental
953 entities from regulating and entering into cooperative
954 arrangements with the private sector for the planning,
955 construction, and operation of transportation facilities.

956 (6) The department may request proposals from private
957 entities for public-private transportation projects or, if the
958 department receives an unsolicited proposal, the department

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959 shall publish a notice in the Florida Administrative Weekly and
960 a newspaper of general circulation at least once a week for 2
961 weeks stating that the department has received the proposal and
962 will accept, for 60 days after the initial date of publication,
963 other proposals for the same project purpose. A copy of the
964 notice must be mailed to each local government in the affected
965 area. After the public notification period has expired, the
966 department shall rank the proposals in order of preference. In
967 ranking the proposals the department may consider factors,
968 including, but not limited to, professional qualifications,
969 general business terms, innovative engineering or cost-reduction
970 terms, finance plans, and the need for state funds to deliver
971 the project. If the department is not satisfied with the results
972 of the negotiations, the department may, at its sole discretion,
973 terminate negotiations with the proposer. If these negotiations
974 are unsuccessful, the department may go to the second-ranked and
975 lower-ranked firms, in order, using this same procedure. If only
976 one proposal is received, the department may negotiate in good
977 faith and, if the department is not satisfied with the results
978 of the negotiations, the department may, at its sole discretion,
979 terminate negotiations with the proposer. Notwithstanding this
980 subsection, the department may, at its discretion, reject all
981 proposals at any point in the process up to completion of a
982 contract with the proposer.

983 (7) The department may lend funds from the Toll Facilities
984 Revolving Trust Fund, as outlined in s. 338.251, to private
985 entities that construct projects on the State Highway System
986 containing toll facilities that are approved under this section.

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987 To be eligible, a private entity must comply with s. 338.251 and
988 must provide an indication from a nationally recognized rating
989 agency that the senior bonds for the project will be investment
990 grade, or must provide credit support such as a letter of credit
991 or other means acceptable to the department, to ensure that the
992 loans will be fully repaid. The state's liability for the
993 funding of a facility is limited to the amount approved for that
994 specific facility in the department's 5-year work program
995 adopted pursuant to s. 339.135.

996 ~~(8)(6)~~ A fixed-guideway transportation system authorized
997 by the department to be wholly or partially within the
998 department's right-of-way pursuant to a lease granted under s.
999 337.251 may operate at any safe speed.

1000 Section 7. Subsection (6) of section 338.001, Florida
1001 Statutes, is amended to read:

1002 338.001 Florida Intrastate Highway System Plan.--

1003 (6) For the purposes of developing the proposed plan,
1004 beginning in fiscal year 2003-2004 ~~1993-1994~~ and for each fiscal
1005 year thereafter, the minimum amount allocated shall be based on
1006 the fiscal year 2003-2004 ~~1992-1993~~ allocation of \$450 ~~\$151.3~~
1007 million adjusted annually by the change in the Consumer Price
1008 Index for the prior fiscal year compared to the Consumer Price
1009 Index for fiscal year 2003-2004 ~~1991-1992~~. No amounts from the
1010 funds dedicated to the Florida Intrastate Highway System shall
1011 be allocated to turnpike projects ~~after the 1993-1994 fiscal~~
1012 ~~year.~~

1013 Section 8. Section 339.08, Florida Statutes, is amended to
1014 read:

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1015 339.08 Use of moneys in State Transportation Trust Fund.--

1016 (1) The department shall expend ~~by rule provide for the~~
1017 ~~expenditure of the~~ moneys in the State Transportation Trust Fund
1018 accruing to the department, in accordance with its annual
1019 budget.

1020 ~~(2) These rules must restrict~~ The use of such moneys shall
1021 be restricted to the following purposes:

1022 (a) To pay administrative expenses of the department,
1023 including administrative expenses incurred by the several state
1024 transportation districts, but excluding administrative expenses
1025 of commuter rail authorities that do not operate rail service.

1026 (b) To pay the cost of construction of the State Highway
1027 System.

1028 (c) To pay the cost of maintaining the State Highway
1029 System.

1030 (d) To pay the cost of public transportation projects in
1031 accordance with chapter 341 and ss. 332.003-332.007.

1032 (e) To reimburse counties or municipalities for
1033 expenditures made on projects in the State Highway System as
1034 authorized by s. 339.12(4) upon legislative approval.

1035 (f) To pay the cost of economic development transportation
1036 projects in accordance with s. 288.063.

1037 (g) To lend or pay a portion of the operating,
1038 maintenance, and capital costs of a revenue-producing
1039 transportation project that is located on the State Highway
1040 System or that is demonstrated to relieve traffic congestion on
1041 the State Highway System.

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1042 (h) To match any federal-aid funds allocated for any other
1043 transportation purpose, including funds allocated to projects
1044 not located in the State Highway System.

1045 (i) To pay the cost of county road projects selected in
1046 accordance with the Small County Road Assistance Program created
1047 in s. 339.2816.

1048 (j) To pay the cost of county or municipal road projects
1049 selected in accordance with the County Incentive Grant Program
1050 created in s. 339.2817 and the Small County Outreach Program
1051 created in s. 339.2818.

1052 (k) To provide loans and credit enhancements for use in
1053 constructing and improving highway transportation facilities
1054 selected in accordance with the state-funded infrastructure bank
1055 created in s. 339.55.

1056 (l) To pay the cost of projects on the Florida Strategic
1057 Intermodal System created in s. 339.61 ~~fund the Transportation~~
1058 ~~Outreach Program created in s. 339.137.~~

1059 (m) To pay other lawful expenditures of the department.

1060 ~~(2)(3)~~ Unless specifically provided in the General
1061 Appropriations Act or the substantive bill implementing the
1062 General Appropriations Act, no moneys in the State
1063 Transportation Trust Fund may be used to fund the operational or
1064 capital outlay cost for any correctional facility of the
1065 Department of Corrections. The department shall, however, enter
1066 into contractual arrangements with the Department of Corrections
1067 for those specific maintenance functions that can be performed
1068 effectively by prison inmates under the supervision of
1069 Department of Corrections personnel with technical assistance

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1070 being provided by the department. The cost of such contracts
1071 must not exceed the cost that would be incurred by the
1072 department if these functions were to be performed by its
1073 personnel or by contract with another entity unless,
1074 notwithstanding cost, the department can clearly demonstrate
1075 that for reasons of expediency or efficiency it is in the best
1076 interests of the department to contract with the Department of
1077 Corrections.

1078 ~~(3)~~(4) The department may authorize the investment of the
1079 earnings accrued and collected upon the investment of the
1080 minimum balance of funds required to be maintained in the State
1081 Transportation Trust Fund pursuant to s. 339.135(6)(b). Such
1082 investment shall be limited as provided in s. 288.9607(7).

1083 ~~(4)~~(5) For the 2003-2004 fiscal year only and
1084 notwithstanding the provisions of this section and s. 339.09(1),
1085 \$200 million may be transferred from the State Transportation
1086 Trust Fund to the General Revenue Fund in the 2003-2004 General
1087 Appropriations Act. Such transfer may be comprised of several
1088 smaller transfers made during the 2003-2004 fiscal year.
1089 Notwithstanding ss. 206.46(3) and 206.606(2), the total amount
1090 transferred shall be reduced from total state revenues deposited
1091 into the State Transportation Trust Fund for the calculation
1092 requirements of ss. 206.46(3) and 206.606(2). This subsection
1093 expires July 1, 2004.

1094 Section 9. Paragraph (a) of subsection (4) of section
1095 339.135, Florida Statutes, is amended to read:

1096 339.135 Work program; legislative budget request;
1097 definitions; preparation, adoption, execution, and amendment.--

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1098 (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.--

1099 (a)1. To assure that no district or county is penalized
1100 for local efforts to improve the State Highway System, the
1101 department shall, for the purpose of developing a tentative work
1102 program, allocate funds for new construction to the districts,
1103 except for the turnpike enterprise, based on equal parts of
1104 population and motor fuel tax collections. Funds for
1105 resurfacing, bridge repair and rehabilitation, bridge fender
1106 system construction or repair, public transit projects except
1107 public transit block grants as provided in s. 341.052, and other
1108 programs with quantitative needs assessments shall be allocated
1109 based on the results of these assessments. The department may
1110 not transfer any funds allocated to a district under this
1111 paragraph to any other district except as provided in subsection
1112 (7). Funds for public transit block grants shall be allocated to
1113 the districts pursuant to s. 341.052. Funds for the intercity
1114 bus program provided for under s. 5311(f) of the federal
1115 nonurbanized area formula program shall be administered and
1116 allocated directly to eligible bus carriers as defined in s.
1117 341.031(12) at the state level rather than the district. In
1118 order to provide state funding to support the intercity bus
1119 program provided for under provisions of the federal 5311(f)
1120 program, the department shall allocate an amount equal to the
1121 federal share of the 5311(f) program from amounts calculated
1122 pursuant to s. 206.46(3).

1123 2. Notwithstanding the provisions of subparagraph 1., the
1124 department shall allocate at least 50 percent of any new
1125 discretionary highway capacity funds to the Florida Strategic

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1126 Intermodal ~~Intrastate Highway~~ System created ~~established~~
1127 pursuant to s. 339.61 ~~s. 338.001~~. Any remaining new
1128 discretionary highway capacity funds shall be allocated to the
1129 districts for new construction as provided in subparagraph 1.
1130 For the purposes of this subparagraph, the term "new
1131 discretionary highway capacity funds" means any funds available
1132 to the department above the prior year funding level for
1133 capacity improvements, which the department has the discretion
1134 to allocate to highway projects.

1135 Section 10. Section 339.137, Florida Statutes, is
1136 repealed.

1137 Section 11. Section 339.1371, Florida Statutes, is amended
1138 to read:

1139 339.1371 Mobility 2000; ~~Transportation Outreach Program;~~
1140 funding.--

1141 (1) Beginning in fiscal year 2000-2001 the Department of
1142 Transportation shall allocate sufficient funds to implement the
1143 Mobility 2000 (Building Roads for the 21st Century) initiative.
1144 The department shall develop a plan to expend these revenues and
1145 amend the current tentative work program for the time period
1146 2000-2001 through 2004-2005 prior to adoption to include
1147 Mobility 2000 projects. In addition, prior to work program
1148 adoption, the department shall submit a budget amendment
1149 pursuant to s. 339.135(7), requesting budget authority needed to
1150 implement the Mobility 2000 initiative. Funds will be used for
1151 corridors that link Florida's economic regions to seaports,
1152 international airports, and markets to provide connections
1153 through major gateways, improved mobility in major urbanized

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1154 areas, and access routes for emergency evacuation to coastal
1155 communities based on analysis of current and projected traffic
1156 conditions.

1157 (2) Notwithstanding any other provision of law, in fiscal
1158 year 2001-2002 and each year thereafter, the increase in revenue
1159 to the State Transportation Trust Fund derived from ss. 1, 2, 3,
1160 7, 9, and 10, ch. 2000-257, Laws of Florida, shall be first used
1161 by the Department of Transportation to fund the Mobility 2000
1162 initiative and any remaining funds shall be used to fund the
1163 Florida Strategic Intermodal System ~~Transportation Outreach~~
1164 ~~Program~~ created pursuant to s. 339.61 ~~s. 339.137~~.

1165 Notwithstanding any other law to the contrary, the requirements
1166 of ss. 206.46(3) and 206.606(2) shall not apply to the Mobility
1167 2000 initiative.

1168 Section 12. Subsection (1) of section 339.61, Florida
1169 Statutes, is amended to read:

1170 339.61 Florida Strategic Intermodal System; legislative
1171 findings, declaration, and intent.--

1172 (1) There is hereby created the Florida Strategic
1173 Intermodal System. For purposes of funding projects under the
1174 system, the department shall allocate from the State
1175 Transportation Trust Fund in its program and resource plan a
1176 minimum of \$60 million each year, beginning in the 2004-2005
1177 fiscal year. This allocation of funds is in addition to any
1178 funding provided to this system by any other provision of law.

1179 Section 13. Subsection (1) of section 337.401, Florida
1180 Statutes, is amended to read:

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1181 337.401 Use of right-of-way for utilities subject to
1182 regulation; permit; fees.--

1183 (1) The department and local governmental entities,
1184 referred to in ss. 337.401-337.404 as the "authority," that have
1185 jurisdiction and control of public roads or publicly owned rail
1186 corridors are authorized to prescribe and enforce reasonable
1187 rules or regulations with reference to the placing and
1188 maintaining along, across, or on any road or publicly owned rail
1189 corridors under their respective jurisdictions any electric
1190 transmission, telephone, telegraph, or other communications
1191 services lines; pole lines; poles; railways; ditches; sewers;
1192 water, heat, or gas mains; pipelines; fences; gasoline tanks and
1193 pumps; or other structures hereinafter referred to as the
1194 "utility." The department may enter into a permit-delegation
1195 agreement with a governmental entity if issuance of a permit is
1196 based on requirements that the department finds will ensure the
1197 safety and integrity of facilities of the Department of
1198 Transportation; however, the permit-delegation agreement does
1199 not apply to facilities of electric utilities as defined in s.
1200 366.02(2).

1201 Section 14. Section 95.361, Florida Statutes, is amended
1202 to read:

1203 95.361 Roads presumed to be dedicated.--

1204 (1) When a road, constructed by a county, a municipality,
1205 or the Department of Transportation, has been maintained or
1206 repaired continuously and uninterruptedly for 4 years by the
1207 county, municipality, or the Department of Transportation,
1208 jointly or severally, the road shall be deemed to be dedicated

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1209 to the public to the extent in width that has been actually
1210 maintained for the prescribed period, whether or not the road
1211 has been formally established as a public highway. The
1212 dedication shall vest all right, title, easement, and
1213 appurtenances in and to the road in:

1214 (a) The county, if it is a county road;

1215 (b) The municipality, if it is a municipal street or road;

1216 or

1217 (c) The state, if it is a road in the State Highway System
1218 or State Park Road System,

1219
1220 whether or not there is a record of a conveyance, dedication, or
1221 appropriation to the public use.

1222 (2) In those instances where a road has been constructed
1223 by a nongovernmental entity, or where the road was not
1224 constructed by the entity currently maintaining or repairing it,
1225 or where it cannot be determined who constructed the road, and
1226 when such road has been regularly maintained or repaired for the
1227 immediate past 7 years by a county, a municipality, or the
1228 Department of Transportation, whether jointly or severally, such
1229 road shall be deemed to be dedicated to the public to the extent
1230 of the width that actually has been maintained or repaired for
1231 the prescribed period, whether or not the road has been formally
1232 established as a public highway. This subsection shall not apply
1233 to an electric utility, as defined in s. 366.02(2) The
1234 dedication shall vest all rights, title, easement, and
1235 appurtenances in and to the road in:

1236 (a) The county, if it is a county road;

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1237 (b) The municipality, if it is a municipal street or road;
1238 or

1239 (c) The state, if it is a road in the State Highway System
1240 or State Park Road System,

1241
1242 whether or not there is a record of conveyance, dedication, or
1243 appropriation to the public use.

1244 (3) The filing of a map in the office of the clerk of the
1245 circuit court of the county where the road is located showing
1246 the lands and reciting on it that the road has vested in the
1247 state, a county, or a municipality in accordance with subsection
1248 (1) or subsection (2) or by any other means of acquisition, duly
1249 certified by:

1250 (a) The secretary of the Department of Transportation, or
1251 the secretary's designee, if the road is a road in the State
1252 Highway System or State Park Road System;

1253 (b) The chair and clerk of the board of county
1254 commissioners of the county, if the road is a county road; or

1255 (c) The mayor and clerk of the municipality, if the road
1256 is a municipal road or street,

1257
1258 shall be prima facie evidence of ownership of the land by the
1259 state, county, or municipality, as the case may be.

1260 (4) Any person, firm, corporation, or entity having or
1261 claiming any interest in and to any of the property affected by
1262 subsection (2) shall have and is hereby allowed a period of 1
1263 year after the effective date of this subsection, or a period of
1264 7 years after the initial date of regular maintenance or repair

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1265 of the road, whichever period is greater, to file a claim in
1266 equity or with a court of law against the particular governing
1267 authority assuming jurisdiction over such property to cause a
1268 cessation of the maintenance and occupation of the property.
1269 Such timely filed and adjudicated claim shall prevent the
1270 dedication of the road to the public pursuant to subsection (2).

1271 (5) This section does not apply to any facility of an
1272 electric utility which is located on property otherwise subject
1273 to this section.

1274 Section 15. Subsections (2) and (6) of section 341.8203,
1275 Florida Statutes, are amended to read:

1276 341.8203 Definitions.--As used in this act, unless the
1277 context clearly indicates otherwise, the term:

1278 (2) "Authority" means the Florida High-Speed Rail
1279 Authority and its agents. However, for purposes of s. 341.840,
1280 the term does not include any agent of the authority except as
1281 provided in that section.

1282 (6) "High-speed rail system" means any high-speed fixed
1283 guideway system for transporting people or goods, which system
1284 is capable of operating at speeds in excess of 120 miles per
1285 hour, including, but not limited to, a monorail system, dual
1286 track rail system, suspended rail system, magnetic levitation
1287 system, pneumatic repulsion system, or other system approved by
1288 the authority. The term includes a corridor and structures
1289 essential to the operation of the line, including the land,
1290 structures, improvements, rights-of-way, easements, rail lines,
1291 rail beds, guideway structures, ~~stations, platforms,~~ switches,
1292 yards, parking facilities, power relays, switching houses, and

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1293 rail stations, ~~associated development~~, and also includes any
1294 ~~other~~ facilities or equipment used exclusively ~~or useful~~ for the
1295 purposes of ~~high-speed rail system~~ design, construction,
1296 operation, maintenance, or the financing of the high-speed rail
1297 system.

1298 Section 16. Section 341.840, Florida Statutes, is amended
1299 to read:

1300 341.840 Tax exemption.--

1301 (1) The exercise of the powers granted by this act will be
1302 in all respects for the benefit of the people of this state, for
1303 the increase of their commerce, welfare, and prosperity, and for
1304 the improvement of their health and living conditions. ~~and as~~
1305 The design, construction building, operation, maintenance, and
1306 financing of a high-speed rail system by the authority, or its
1307 agent, or the owner or lessee thereof, as herein authorized,
1308 constitutes the performance of an essential public function.

1309 (2)(a) For the purposes of this section, the term
1310 "authority" does not include agents of the authority other than
1311 contractors who qualify as such pursuant to subsection (7).

1312 (b) For the purposes of this section, any item or property
1313 that is within the definition of "associated development" in s.
1314 341.8203(1) shall not be considered to be part of the high-speed
1315 rail system as defined in s. 341.8203(6).

1316 (3)(a) Purchases or leases of tangible personal property
1317 or real property by the authority, excluding agents of the
1318 authority, are exempt from taxes imposed by chapter 212 as
1319 provided in s. 212.08(6). Purchases or leases of tangible
1320 personal property that is incorporated into the high-speed rail

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1321 system as a component part thereof, as determined by the
1322 authority, by agents of the authority or the owner of the high-
1323 speed rail system are exempt from sales or use taxes imposed by
1324 chapter 212. Leases, rentals, or licenses to use real property
1325 granted to agents of the authority or the owner of the high-
1326 speed rail system are exempt from taxes imposed by s. 212.031 if
1327 the real property becomes part of such system. The exemptions
1328 granted in this subsection do not apply to sales, leases, or
1329 licenses by the authority, agents of the authority, or the owner
1330 of the high-speed rail system.

1331 (b) The exemption granted in paragraph (a) to purchases or
1332 leases of tangible personal property by agents of the authority
1333 or by the owner of the high-speed rail system applies only to
1334 property that becomes a component part of such system. It does
1335 not apply to items, including, but not limited to, cranes,
1336 bulldozers, forklifts, other machinery and equipment, tools and
1337 supplies, or other items of tangible personal property used in
1338 the construction, operation, or maintenance of the high-speed
1339 rail system when such items are not incorporated into the high-
1340 speed rail system as a component part thereof.

1341 (4) Any bonds or other, neither the authority, its agent,
1342 nor the owner of such system shall be required to pay any taxes
1343 or assessments upon or in respect to the system or any property
1344 acquired or used by the authority, its agent, or such owner
1345 under the provisions of this act or upon the income therefrom,
1346 any security, and all notes, mortgages, security agreements,
1347 letters of credit, or other instruments that arise out of or are
1348 given to secure the repayment of bonds or other security, issued

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1349 by the authority, or on behalf of the authority ~~therefor~~, their
1350 transfer, and the income therefrom, including any profit made on
1351 the sale thereof, shall at all times be free from taxation of
1352 every kind by the state, the counties, and the municipalities
1353 and other political subdivisions in the state. This subsection,
1354 however, does not exempt from taxation or assessment the
1355 leasehold interest of a lessee in any project or any other
1356 property or interest owned by the lessee. The exemption granted
1357 by this subsection is not applicable to any tax imposed by
1358 chapter 220 on interest income or profits on the sale of debt
1359 obligations owned by corporations.

1360 (5) When property of the authority is leased to another
1361 person or entity, the property shall be exempt from ad valorem
1362 taxation only if the use by the lessee qualifies the property
1363 for exemption under s. 196.199.

1364 (6) A leasehold interest held by the authority is not
1365 subject to intangible tax. However, if a leasehold interest held
1366 by the authority is subleased to a nongovernmental lessee, such
1367 subleasehold interest shall be deemed to be an interest
1368 described in s. 199.023(1)(d), and is subject to the intangible
1369 tax.

1370 (7)(a) In order to be considered an agent of the authority
1371 for purposes of the exemption from sales and use tax granted by
1372 subsection (3) for tangible personal property incorporated into
1373 the high-speed rail system, a contractor of the authority that
1374 purchases or fabricates such tangible personal property must be
1375 certified by the authority as provided in this subsection.

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1376 (b)1. A contractor must apply for a renewal of the
1377 exemption not later than December 1 of each calendar year.

1378 2. A contractor must apply to the authority on the
1379 application form adopted by the authority, which shall develop
1380 the form in consultation with the Department of Revenue.

1381 3. The authority shall review each submitted application
1382 and determine whether it is complete. The authority shall notify
1383 the applicant of any deficiencies in the application within 30
1384 days. Upon receipt of a completed application, the authority
1385 shall evaluate the application for exemption under this
1386 subsection and issue a certification that the contractor is
1387 qualified to act as an agent of the authority for purposes of
1388 this section or a denial of such certification within 30 days.
1389 The authority shall provide the Department of Revenue with a
1390 copy of each certification issued upon approval of an
1391 application. Upon receipt of a certification from the authority,
1392 the Department of Revenue shall issue an exemption permit to the
1393 contractor.

1394 (c)1. The contractor may extend a copy of its exemption
1395 permit to its vendors in lieu of paying sales tax on purchases
1396 of tangible personal property qualifying for exemption under
1397 this section. Possession of a copy of the exemption permit
1398 relieves the seller of the responsibility of collecting tax on
1399 the sale, and the Department of Revenue shall look solely to the
1400 contractor for recovery of tax upon a determination that the
1401 contractor was not entitled to the exemption.

1402 2. The contractor may extend a copy of its exemption
1403 permit to real property subcontractors supplying and installing

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1404 tangible personal property that is exempt under subsection (3).
1405 Any such subcontractor is authorized to extend a copy of the
1406 permit to the subcontractor's vendors in order to purchase
1407 qualifying tangible personal property tax-exempt. If the
1408 subcontractor uses the exemption permit to purchase tangible
1409 personal property that is determined not to qualify for
1410 exemption under subsection (3), the Department of Revenue may
1411 assess and collect any tax, penalties, and interest that are due
1412 from either the contractor holding the exemption permit or the
1413 subcontractor that extended the exemption permit to the seller.

1414 (d) Any contractor authorized to act as an agent of the
1415 authority under this section shall maintain the necessary books
1416 and records to document the exempt status of purchases and
1417 fabrication costs made or incurred under the permit. In
1418 addition, an authorized contractor extending its exemption
1419 permit to its subcontractors shall maintain a copy of the
1420 subcontractor's books, records, and invoices indicating all
1421 purchases made by the subcontractor under the authorized
1422 contractor's permit. If, in an audit conducted by the Department
1423 of Revenue, it is determined that tangible personal property
1424 purchased or fabricated claiming exemption under this section
1425 does not meet the criteria for exemption, the amount of taxes
1426 not paid at the time of purchase or fabrication shall be
1427 immediately due and payable to the Department of Revenue,
1428 together with the appropriate interest and penalty, computed
1429 from the date of purchase, in the manner prescribed by chapter
1430 212.

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1431 (e) If a contractor fails to apply for a high-speed rail
1432 system exemption permit, or if a contractor initially determined
1433 by the authority to not qualify for exemption is subsequently
1434 determined to be eligible, the contractor shall receive the
1435 benefit of the exemption in this subsection through a refund of
1436 previously paid taxes for transactions that otherwise would have
1437 been exempt. A refund may not be made for such taxes without the
1438 issuance of a certification by the authority that the contractor
1439 was authorized to make purchases tax-exempt and a determination
1440 by the Department of Revenue that the purchases qualified for
1441 the exemption.

1442 (f) The authority may adopt rules governing the
1443 application process for exemption of a contractor as an
1444 authorized agent of the authority.

1445 (g) The Department of Revenue may adopt rules governing
1446 the issuance and form of high-speed rail system exemption
1447 permits, the audit of contractors and subcontractors using such
1448 permits, the recapture of taxes on nonqualified purchases, and
1449 the manner and form of refund applications.

1450 Section 17. Section 343.71, Florida Statutes, is amended
1451 to read:

1452 343.71 Short title.--This part may be cited as the "Tampa
1453 Bay Commuter Transit Rail Authority Act."

1454 Section 18. Subsection (1) of section 343.72, Florida
1455 Statutes, is amended to read:

1456 343.72 Definitions.--As used in this part, unless the
1457 context clearly indicates otherwise, the term:

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1458 (1) "Authority" means the Tampa Bay Commuter Transit Rail
1459 Authority.

1460 Section 19. Section 343.73, Florida Statutes, is amended
1461 to read:

1462 343.73 Tampa Bay Commuter Transit Rail Authority.--

1463 (1) There is created and established a body politic and
1464 corporate, an agency of the state, to be known as the Tampa Bay
1465 Commuter Transit Rail Authority, hereinafter referred to as the
1466 authority.

1467 (2) The board shall consist of the following members:

1468 (a) The metropolitan planning organizations of Hernando,
1469 Hillsborough, Pasco, Pinellas, Manatee, Sarasota, and Polk
1470 Counties shall each elect a member as its representative on the
1471 board. The member must be an elected official and a member of
1472 the respective metropolitan planning organization when elected
1473 and for the full extent of his or her term on the board.

1474 (b) The county commissions of those counties shall each
1475 appoint a citizen member to the board who is not a county
1476 commissioner but who is a resident and a qualified elector of
1477 that county. Insofar as is practicable, the citizen member shall
1478 represent the business and civic interests of the community.

1479 (c) The Secretary of Transportation shall appoint as a
1480 member of the board the district secretary, or his or her
1481 designee, for each district within the seven ~~five~~ counties
1482 served by the authority.

1483 (d) The local transit authority in each of the seven ~~five~~
1484 counties shall elect one member who shall serve as an ex officio
1485 nonvoting member of the board.

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1486 (e) The Governor shall appoint one member to the board who
1487 is a resident and a qualified elector in the area served by the
1488 authority.

1489 (3) The terms of the county commissioners on the governing
1490 board of the authority shall be 2 years. All other members on
1491 the governing board of the authority shall serve staggered 4-
1492 year terms. Each member shall hold office until his or her
1493 successor has been appointed.

1494 (4) A vacancy during a term shall be filled by the
1495 respective appointing authority within 90 days in the same
1496 manner as the original appointment and only for the balance of
1497 the unexpired term.

1498 (5) The members of the authority shall not be entitled to
1499 compensation, but shall be reimbursed for travel expenses
1500 actually incurred in their duties as provided by law.

1501 (6) Members of the authority shall be required to comply
1502 with the applicable financial disclosure requirements of ss.
1503 112.3145, 112.3148, and 112.3149.

1504 Section 20. Subsection (1) of section 343.74, Florida
1505 Statutes, is amended to read:

1506 343.74 Powers and duties.--

1507 (1)(a) The authority created by s. 343.73 has the right to
1508 own, operate, maintain, and manage a commuter rail system and
1509 commuter ferry system in Hernando, Hillsborough, Pasco,
1510 Pinellas, Manatee, Sarasota, and Polk Counties.

1511 (b) It is the express intention of this part that the
1512 authority be authorized to plan, develop, own, purchase, lease,
1513 or otherwise acquire, demolish, construct, improve, relocate,

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1514 equip, repair, maintain, operate, and manage a commuter rail
1515 system, commuter rail facilities, or commuter ferry system; to
1516 establish and determine such policies as may be necessary for
1517 the best interest of the operation and promotion of a commuter
1518 rail system and commuter ferry system; and to adopt such rules
1519 as may be necessary to govern the operation of a commuter rail
1520 system, commuter rail facilities, and commuter ferry system.

1521 Section 21. Subsection (1) of section 3 of chapter 57-
1522 1658, Laws of Florida, as created by chapter 88-474, Laws of
1523 Florida, is amended to read:

1524 Section 3. Greater Orlando Aviation Authority.

1525 (1) There is hereby created a board or commission to be
1526 known as the "Greater Orlando Aviation Authority," and by that
1527 name the authority may sue and be sued, plead and be impleaded,
1528 contract and be contracted with, and have an official seal. The
1529 authority is hereby constituted an agency of the city, and
1530 exercise by the authority of the powers conferred by this act
1531 shall be deemed and held to be an essential municipal function
1532 of the city. The authority shall consist of seven members who
1533 shall be elected or appointed as follows: one member shall be
1534 the mayor of the City of ~~an incumbent member of the Orlando City~~
1535 ~~Council, who may be the mayor commissioner or any other~~
1536 ~~commissioner elected by a majority vote of such council; one~~
1537 member shall be the chairman ~~an incumbent member~~ of the Board of
1538 County Commissioners of Orange County, Florida, ~~who may be the~~
1539 ~~chairman or any other commissioner elected by a majority vote of~~
1540 ~~such commission; and five members shall be appointed by the~~
1541 Governor, subject to confirmation by the Senate. Three members

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1542 appointed by the Governor shall be residents and electors of
1543 Orange County, Florida; one member appointed by the Governor
1544 shall be a resident and elector of Osceola County, Florida,
1545 ~~effective April 1992~~; and, one member appointed by the Governor
1546 shall be a resident and elector of Orange County, Florida, or
1547 Seminole County, Florida. All seven members shall be entitled to
1548 an equal voice and vote on all matters relating to the authority
1549 and its business. Two of the five appointed members initially
1550 appointed by the Governor shall be appointed for a term of 2
1551 years and three members shall be appointed for a term of four
1552 years, the term of each member so appointed to be designated by
1553 the Governor at the time of the appointment. All subsequent
1554 appointments shall be for a term of 4 years. The member of the
1555 city council and the member of the county commission shall be
1556 elected for a term of two years each; provided, however, that
1557 any such commissioner's term shall end at such time as he may
1558 cease to be a city or county commissioner, at which time a
1559 successor or successors shall be elected for any unexpired term.
1560 The terms of all members shall end at the expiration of their
1561 terms or as otherwise herein specified.

1562 Section 22. Section 337.408, Florida Statutes, is amended
1563 to read:

1564 337.408 Regulation of benches, transit shelters, street
1565 light poles, ~~and~~ waste disposal receptacles, and modular news
1566 racks within rights-of-way.--

1567 (1) Benches or transit shelters, including advertising
1568 displayed on benches or transit shelters, may be installed
1569 within the right-of-way limits of any municipal, county, or

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1570 state road, except a limited access highway, provided that such
1571 benches or transit shelters are for the comfort or convenience
1572 of the general public, or are at designated stops on official
1573 bus routes; and, provided ~~further~~, that written authorization
1574 has been given to a qualified private supplier of such service
1575 by the municipal government within whose incorporated limits
1576 such benches or transit shelters are installed, or by the county
1577 government within whose unincorporated limits such benches or
1578 transit shelters are installed. A municipality or county may
1579 authorize the installation, without public bid, of benches and
1580 transit shelters together with advertising displayed thereon,
1581 within the right-of-way limits of such roads. Any contract for
1582 the installation of benches or transit shelters or advertising
1583 on benches or transit shelters which was entered into before
1584 April 8, 1992, without public bidding, is ratified and affirmed.
1585 Such benches or transit shelters may not interfere with right-
1586 of-way preservation and maintenance. Any bench or transit
1587 shelter located on a sidewalk within the right-of-way limits of
1588 any road on the State Highway System or the county road system
1589 shall be located so as to leave at least 36 inches of clearance
1590 for pedestrians and persons in wheelchairs. Such clearance shall
1591 be measured in a direction perpendicular to the centerline of
1592 the road.

1593 (2) Waste disposal receptacles of less than 110 gallons in
1594 capacity, including advertising displayed on such waste disposal
1595 receptacles, may be installed within the right-of-way limits of
1596 any municipal, county, or state road, except a limited access
1597 highway, provided that written authorization has been given to

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1598 a qualified private supplier of such service by the appropriate
1599 municipal or county government. A municipality or county may
1600 authorize the installation, without public bid, of waste
1601 disposal receptacles together with advertising displayed thereon
1602 within the right-of-way limits of such roads. Such waste
1603 disposal receptacles may not interfere with right-of-way
1604 preservation and maintenance.

1605 (3) Modular news racks, including advertising thereon, may
1606 be located within the right-of-way limits of any municipal,
1607 county, or state road, except a limited access highway, provided
1608 the municipal government within whose incorporated limits such
1609 racks are installed or the county government within whose
1610 unincorporated limits such racks are installed has passed an
1611 ordinance regulating the placement of modular news racks within
1612 the right-of-way and has authorized a qualified private supplier
1613 of modular news racks to provide such service. The modular news
1614 rack or advertising thereon shall not exceed a height of 56
1615 inches or a total advertising space of 56 square feet. No later
1616 than 45 days prior to installation of modular news racks, the
1617 private supplier shall provide a map of proposed locations and
1618 typical installation plans to the department for approval. If
1619 the department does not respond within 45 days after receipt of
1620 the submitted plans, installation may proceed.

1621 (4)(3) The department has the authority to direct the
1622 immediate relocation or removal of any bench, transit shelter,
1623 ~~or~~ waste disposal receptacle , or modular news rack which
1624 endangers life or property, except that transit bus benches
1625 which have been placed in service prior to April 1, 1992, are

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1626 | not required ~~do not have~~ to comply with bench size and
1627 | advertising display size requirements which have been
1628 | established by the department prior to March 1, 1992. Any
1629 | transit bus bench that was in service prior to April 1, 1992,
1630 | may be replaced with a bus bench of the same size or smaller, if
1631 | the bench is damaged or destroyed or otherwise becomes unusable.
1632 | The department is authorized to adopt ~~promulgate~~ rules relating
1633 | to the regulation of bench size and advertising display size
1634 | requirements. ~~However,~~ If a municipality or county within which
1635 | a bench is to be located has adopted an ordinance or other
1636 | applicable regulation that establishes bench size or advertising
1637 | display sign requirements different from requirements specified
1638 | in department rule, ~~then~~ the local government requirement shall
1639 | be applicable within the respective municipality or county.
1640 | Placement of any bench or advertising display on the National
1641 | Highway System under a local ordinance or regulation adopted
1642 | pursuant to this subsection shall be subject to approval of the
1643 | Federal Highway Administration.

1644 | (5)~~(4)~~ No bench, transit shelter, ~~or~~ waste disposal
1645 | receptacle, or modular news rack, or advertising thereon, shall
1646 | be erected or so placed on the right-of-way of any road which
1647 | conflicts with the requirements of federal law, regulations, or
1648 | safety standards, thereby causing the state or any political
1649 | subdivision the loss of federal funds. Competition among persons
1650 | seeking to provide bench, transit shelter, ~~or~~ waste disposal
1651 | receptacle, or modular news rack services or advertising on such
1652 | benches, shelters, ~~or~~ receptacles, or news racks may be
1653 | regulated, restricted, or denied by the appropriate local

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1654 government entity consistent with the provisions of this
1655 section.

1656 ~~(6)(5)~~ Street light poles, including attached public
1657 service messages and advertisements, may be located within the
1658 right-of-way limits of municipal and county roads in the same
1659 manner as benches, transit shelters, ~~and~~ waste disposal
1660 receptacles, and modular news racks as provided in this section
1661 and in accordance with municipal and county ordinances. Public
1662 service messages and advertisements may be installed on street
1663 light poles on roads on the State Highway System in accordance
1664 with height, size, setback, spacing distance, duration of
1665 display, safety, traffic control, and permitting requirements
1666 established by administrative rule of the Department of
1667 Transportation. Public service messages and advertisements shall
1668 be subject to bilateral agreements, where applicable, to be
1669 negotiated with the owner of the street light poles, which shall
1670 consider, among other things, power source rates, design,
1671 safety, operational and maintenance concerns, and other matters
1672 of public importance. For the purposes of this section, the term
1673 "street light poles" does not include electric transmission or
1674 distribution poles. The department shall have authority to adopt
1675 ~~establish administrative rules pursuant to ss. 120.536(1) and~~
1676 120.54 to implement the provisions of this section subsection.
1677 No advertising on light poles shall be permitted on the
1678 Interstate Highway System. No permanent structures carrying
1679 advertisements attached to light poles shall be permitted on the
1680 National Highway System.

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1681 ~~(7)(6)~~ Wherever the provisions of this section are
1682 inconsistent with other provisions of this chapter or with the
1683 provisions of chapter 125, chapter 335, chapter 336, or chapter
1684 479, the provisions of this section shall prevail.

1685 Section 23. Paragraph (n) of subsection (2) of section
1686 348.754, Florida Statutes, is amended to read:

1687 348.754 Purposes and powers.--

1688 (2) The authority is hereby granted, and shall have and
1689 may exercise all powers necessary, appurtenant, convenient or
1690 incidental to the carrying out of the aforesaid purposes,
1691 including, but without being limited to, the following rights
1692 and powers:

1693 (n) With the consent of Orange County and the county
1694 within whose jurisdiction the following activities occur, the
1695 authority shall have the right to construct, operate, and
1696 maintain roads, bridges, avenues of access, thoroughfares, and
1697 boulevards outside the jurisdictional boundaries of Orange
1698 County, together with the right to construct, repair, replace,
1699 operate, install, and maintain electronic toll payment systems
1700 thereon, with all necessary and incidental powers to accomplish
1701 the foregoing.

1702 Section 24. Paragraph (m) of subsection (2) of section
1703 348.0004, Florida Statutes, is repealed.

1704 Section 25. Subsection (9) is added to section 348.0004,
1705 Florida Statutes, to read:

1706 348.0004 Purposes and powers.--

1707 (9) The Legislature declares that there is a public need
1708 for rapid construction of safe and efficient transportation

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1709 facilities for travel within the state and that it is in the
1710 public's interest to provide for public-private partnership
1711 agreements to effectuate the construction of additional safe,
1712 convenient, and economical transportation facilities.

1713 (a) Notwithstanding any other provision of the Florida
1714 Expressway Authority Act, any expressway authority may receive
1715 or solicit proposals and enter into agreements with private
1716 entities, or consortia thereof, for the building, operation,
1717 ownership, or financing of expressway authority transportation
1718 facilities or new transportation facilities within the
1719 jurisdiction of the expressway authority. An expressway
1720 authority is authorized to adopt rules to implement this
1721 subsection and shall, by rule, establish an application fee for
1722 the submission of unsolicited proposals under this subsection.
1723 The fee must be sufficient to pay the costs of evaluating the
1724 proposals. An expressway authority may engage private
1725 consultants to assist in the evaluation. Before approval, an
1726 expressway authority must determine that a proposed project:

1727 1. Is in the public's best interest.

1728 2. Would not require state funds to be used unless the
1729 project is on or provides increased mobility on the State
1730 Highway System.

1731 3. Would have adequate safeguards to ensure that no
1732 additional costs or service disruptions would be realized by the
1733 traveling public and citizens of the state in the event of
1734 default or the cancellation of the agreement by the expressway
1735 authority.

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1736 (b) An expressway authority shall ensure that all
1737 reasonable costs to the state, related to transportation
1738 facilities that are not part of the State Highway System, are
1739 borne by the private entity. An expressway authority shall also
1740 ensure that all reasonable costs to the state and substantially
1741 affected local governments and utilities related to the private
1742 transportation facility are borne by the private entity for
1743 transportation facilities that are owned by private entities.
1744 For projects on the State Highway System, the department may use
1745 state resources to participate in funding and financing the
1746 project as provided for under the department's enabling
1747 legislation.

1748 (c) The expressway authority may request proposals for
1749 public-private transportation projects or, if it receives an
1750 unsolicited proposal, it must publish a notice in the Florida
1751 Administrative Weekly and a newspaper of general circulation in
1752 the county in which it is located at least once a week for 2
1753 weeks, stating that it has received the proposal and will
1754 accept, for 60 days after the initial date of publication, other
1755 proposals for the same project purpose. A copy of the notice
1756 must be mailed to each local government in the affected areas.
1757 After the public notification period has expired, the expressway
1758 authority shall rank the proposals in order of preference. In
1759 ranking the proposals, the expressway authority shall consider
1760 professional qualifications, general business terms, innovative
1761 engineering or cost-reduction terms, finance plans, and the need
1762 for state funds to deliver the proposal. If the expressway
1763 authority is not satisfied with the results of the negotiations,

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1764 it may, at its sole discretion, terminate negotiations with the
1765 proposer. If these negotiations are unsuccessful, the expressway
1766 authority may go to the second and lower-ranked firms, in order,
1767 using the same procedure. If only one proposal is received, the
1768 expressway authority may negotiate in good faith, and if it is
1769 not satisfied with the results, it may, at its sole discretion,
1770 terminate negotiations with the proposer. Notwithstanding this
1771 paragraph, the expressway authority may, at its discretion,
1772 reject all proposals at any point in the process up to
1773 completion of a contract with the proposer.

1774 (d) The department may lend funds from the Toll Facilities
1775 Revolving Trust Fund, as outlined in s. 338.251, to public-
1776 private partnerships. To be eligible a private entity must
1777 comply with s. 338.251 and must provide an indication from a
1778 nationally recognized rating agency that the senior bonds for
1779 the project will be investment grade or must provide credit
1780 support, such as a letter of credit or other means acceptable to
1781 the department, to ensure that the loans will be fully repaid.

1782 (e) Agreements entered into pursuant to this subsection
1783 may authorize the public-private entity to impose tolls or fares
1784 for the use of the facility. However, the amount and use of toll
1785 or fare revenues shall be regulated by the expressway authority
1786 to avoid unreasonable costs to users of the facility.

1787 (f) Each public-private transportation facility
1788 constructed pursuant to this subsection shall comply with all
1789 requirements of federal, state, and local laws; state, regional,
1790 and local comprehensive plans; the expressway authority's rules,
1791 policies, procedures, and standards for transportation

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1792 facilities; and any other conditions that the expressway
1793 authority determines to be in the public's best interest.

1794 (g) An expressway authority may exercise any power
1795 possessed by it, including eminent domain, to facilitate the
1796 development and construction of transportation projects pursuant
1797 to this subsection. An expressway authority may pay all or part
1798 of the cost of operating and maintaining the facility or may
1799 provide services to the private entity for which it receives
1800 full or partial reimbursement for services rendered.

1801 (h) Except as herein provided, this subsection is not
1802 intended to amend existing laws by granting additional powers to
1803 or further restricting the governmental entities from regulating
1804 and entering into cooperative arrangements with the private
1805 sector for the planning, construction, and operation of
1806 transportation facilities.

1807 Section 26. Subsection (2) of section 2 of chapter 88-418,
1808 Laws of Florida, as amended by section 99 of chapter 2002-20,
1809 Laws of Florida, is amended to read:

1810 Section 2. Crandon Boulevard is hereby designated as a
1811 state historic highway. No public funds shall be expended for:

1812 (2) The alteration of the physical dimensions or location
1813 of Crandon Boulevard, the median strip thereof, or the land
1814 adjacent thereto, except for:

1815 (a) The routine or emergency utilities maintenance
1816 activities necessitated to maintain the road as a utility
1817 corridor serving the village of Key Biscayne; ~~or~~

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1818 (b) The modification or improvements made to provide for
1819 vehicular ingress and egress of governmental public safety
1820 vehicles; ~~or-~~

1821 (c) Alterations, modifications, or improvements made for
1822 the purpose of enhancing life safety vehicular use or pedestrian
1823 use of Crandon Boulevard, or both, so long as such alterations,
1824 modifications, or improvements are heard in a public hearing and
1825 subsequently approved by the Village Council of the Village of
1826 Key Biscayne.

1827 Section 27. This act shall take effect upon becoming a
1828 law.

1829
1830

1831 ===== T I T L E A M E N D M E N T =====

1832 Remove the entire title and insert:

1833 A bill to be entitled
1834 An act relating to transportation; amending s. 20.23,
1835 F.S.; authorizing the secretary of the department to
1836 appoint an additional assistant secretary and deputy
1837 assistant secretaries or directors; revising the
1838 organization of the department to specify areas of program
1839 responsibility; authorizing the secretary to reorganize
1840 offices within the department in consultation with the
1841 Executive Office of the Governor; amending s. 110.205,
1842 F.S., relating to career service; conforming provisions to
1843 changes made by the act; amending 177.031, F.S.; providing
1844 that encasement in concrete is optional for survey markers
1845 made of certain materials; amending s. 339.175, F.S.;

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1846 | revising planning procedures of metropolitan planning
1847 | organizations; requiring development of plans and programs
1848 | that identify transportation facilities that should
1849 | function as an integrated metropolitan planning system;
1850 | requiring that the approved list of project priorities
1851 | include projects on the Strategic Intermodal System;
1852 | amending s. 338.251, F.S.; authorizing the Emerald Coast
1853 | Bridge Authority to revise the repayment schedule of any
1854 | previous advances for funds from the Toll Facilities
1855 | Revolving Trust Fund within the department; providing that
1856 | such repayment schedule is not a failure to repay under
1857 | certain conditions; amending s. 334.30, F.S.; revising
1858 | provisions for public-private construction of
1859 | transportation facilities; providing procedures for
1860 | requests for proposals and receipt of unsolicited
1861 | proposals by the department; providing for use of certain
1862 | funds under described conditions; amending s. 338.001,
1863 | F.S., relating to the Florida Intrastate Highway System
1864 | Plan; establishing a minimum annual allocation; amending
1865 | s. 339.08, F.S.; revising provisions for use of moneys in
1866 | the State Transportation Trust Fund; providing for use of
1867 | such funds for projects on the Strategic Intermodal
1868 | System; amending s. 339.135, F.S.; revising provisions for
1869 | use of new discretionary highway capacity funds; providing
1870 | for allocation of such funds to the Strategic Intermodal
1871 | System; repealing s. 339.137, F.S., relating to the
1872 | Transportation Outreach Program; amending s. 339.1371,
1873 | F.S.; removing provisions to fund the Transportation

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1874 Outreach Program; adding provisions to fund the Florida
1875 Strategic Intermodal System; amending s. 339.61, F.S.,
1876 relating to the Florida Strategic Intermodal System;
1877 establishing a minimum annual allocation; amending s.
1878 337.401, F.S.; providing that a permit-delegation
1879 agreement between the Department of Transportation and a
1880 governmental entity does not apply to facilities of
1881 electric utilities; amending s. 95.361, F.S.; providing
1882 that provisions governing the circumstances under which a
1883 road is deemed to be dedicated to the public do not apply
1884 to a electric utility facility located on property
1885 otherwise subject to those provisions; amending s.
1886 341.8203, F.S.; redefining the terms "authority" and
1887 "high-speed rail system"; amending s. 341.840, F.S.;
1888 revising the tax exemption of the authority and its agents
1889 and contractors; providing for annual redetermination of
1890 eligibility for exemption; providing for recapture of
1891 taxes when an exemption is used inappropriately; providing
1892 for rules; amending ss. 343.71, 343.72, 343.73, and
1893 343.74, F.S., relating to the Tampa Bay Commuter Rail
1894 Authority Act; redesignating the authority as the "Tampa
1895 Bay Commuter Transit Authority"; adding representatives of
1896 Manatee and Sarasota Counties to the board of authority;
1897 including Manatee and Sarasota Counties within the
1898 jurisdiction of the authority; amending s. 3 of chapter
1899 88-474, Laws of Florida, as amended, relating to the
1900 Greater Orlando Aviation Authority; providing the mayor of
1901 Orlando, and chair of the Orange County Commission shall

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1902 | be members of the authority; amending s. 337.408, F.S.;
1903 | providing for placement of certain modular news racks,
1904 | including advertising thereon, within the right-of-way
1905 | limits of any municipal, county, or state road; providing
1906 | requirements, restrictions, and limitations; authorizing
1907 | removal under certain circumstances; authorizing the
1908 | department to adopt rules; amending s. 348.754, F.S.;
1909 | requiring the consent of Orange County in order for the
1910 | authority to exercise certain powers; repealing s.
1911 | 348.0004(2)(m), F.S., relating to an obsolete provision
1912 | authorizing expressway authorities to enter into public-
1913 | private transportation partnerships; amending s. 348.0004,
1914 | F.S.; creating a new process for expressway authorities to
1915 | enter into public-private partnerships with private
1916 | entities; directing the expressway authorities to adopt
1917 | rules related to the public-private partnerships;
1918 | specifying public notice requirements; specifying that
1919 | public-private entities may impose tolls on the new
1920 | facilities, but the expressway authority may regulate the
1921 | amount and use of such tolls; providing that the
1922 | Department of Transportation may loan funds from the Toll
1923 | Facilities Revolving Loan Trust Fund for eligible
1924 | projects; specifying project requirements; authorizing an
1925 | expressway authority to exercise certain powers to
1926 | facilitate the partnership projects; providing that intent
1927 | of the act is not to amend or impact other existing laws;
1928 | amending s. 2 of chapter 88-418, Laws of Florida, as
1929 | amended, relating to Crandon Boulevard; allowing

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1930 | expenditure of public funds for certain modifications to
1931 | enhance life safety vehicular or pedestrian use under
1932 | certain circumstances; providing an effective date.