

1 A bill to be entitled

2 An act relating to transportation; amending s. 20.23,  
3 F.S.; authorizing the secretary of the department to  
4 appoint an additional assistant secretary and deputy  
5 assistant secretaries or directors; revising the  
6 organization of the department to specify areas of program  
7 responsibility; authorizing the secretary to reorganize  
8 offices within the department in consultation with the  
9 Executive Office of the Governor; amending s. 110.205,  
10 F.S., relating to career service; conforming provisions to  
11 changes made by the act; amending 177.031, F.S.; providing  
12 that encasement in concrete is optional for survey markers  
13 made of certain materials; amending s. 339.175, F.S.;  
14 revising planning procedures of metropolitan planning  
15 organizations; requiring development of plans and programs  
16 that identify transportation facilities that should  
17 function as an integrated metropolitan planning system;  
18 requiring that the approved list of project priorities  
19 include projects on the Strategic Intermodal System;  
20 amending s. 338.251, F.S.; authorizing the Emerald Coast  
21 Bridge Authority to revise the repayment schedule of any  
22 previous advances for funds from the Toll Facilities  
23 Revolving Trust Fund within the department; providing that  
24 such repayment schedule is not a failure to repay under  
25 certain conditions; amending s. 334.30, F.S.; revising  
26 provisions for public-private construction of  
27 transportation facilities; providing procedures for  
28 requests for proposals and receipt of unsolicited

29 | proposals by the department; providing for use of certain  
30 | funds under described conditions; amending s. 338.001,  
31 | F.S., relating to the Florida Intrastate Highway System  
32 | Plan; establishing a minimum annual allocation; amending  
33 | s. 339.08, F.S.; revising provisions for use of moneys in  
34 | the State Transportation Trust Fund; providing for use of  
35 | such funds for projects on the Strategic Intermodal  
36 | System; amending s. 339.135, F.S.; revising provisions for  
37 | use of new discretionary highway capacity funds; providing  
38 | for allocation of such funds to the Strategic Intermodal  
39 | System; repealing s. 339.137, F.S., relating to the  
40 | Transportation Outreach Program; amending s. 339.1371,  
41 | F.S.; removing provisions to fund the Transportation  
42 | Outreach Program; adding provisions to fund the Florida  
43 | Strategic Intermodal System; amending s. 339.61, F.S.,  
44 | relating to the Florida Strategic Intermodal System;  
45 | establishing a minimum annual allocation; amending s.  
46 | 337.401, F.S.; providing that a permit-delegation  
47 | agreement between the Department of Transportation and a  
48 | governmental entity does not apply to facilities of  
49 | electric utilities; amending s. 95.361, F.S.; providing  
50 | that provisions governing the circumstances under which a  
51 | road is deemed to be dedicated to the public do not apply  
52 | to a electric utility facility located on property  
53 | otherwise subject to those provisions; amending s.  
54 | 341.8203, F.S.; redefining the terms "authority" and  
55 | "high-speed rail system"; amending s. 341.840, F.S.;  
56 | revising the tax exemption of the authority and its agents

57 | and contractors; providing for annual redetermination of  
58 | eligibility for exemption; providing for recapture of  
59 | taxes when an exemption is used inappropriately; providing  
60 | for rules; amending ss. 343.71, 343.72, 343.73, and  
61 | 343.74, F.S., relating to the Tampa Bay Commuter Rail  
62 | Authority Act; redesignating the authority as the "Tampa  
63 | Bay Commuter Transit Authority"; adding representatives of  
64 | Manatee and Sarasota Counties to the board of authority;  
65 | including Manatee and Sarasota Counties within the  
66 | jurisdiction of the authority; amending s. 3 of chapter  
67 | 88-474, Laws of Florida, as amended, relating to the  
68 | Greater Orlando Aviation Authority; providing the mayor of  
69 | Orlando, and chair of the Orange County Commission shall  
70 | be members of the authority; amending s. 337.408, F.S.;  
71 | providing for placement of certain modular news racks,  
72 | including advertising thereon, within the right-of-way  
73 | limits of any municipal, county, or state road; providing  
74 | requirements, restrictions, and limitations; authorizing  
75 | removal under certain circumstances; authorizing the  
76 | department to adopt rules; amending s. 348.754, F.S.;  
77 | requiring the consent of Orange County in order for the  
78 | authority to exercise certain powers; repealing s.  
79 | 348.0004(2)(m), F.S., relating to an obsolete provision  
80 | authorizing expressway authorities to enter into public-  
81 | private transportation partnerships; amending s. 348.0004,  
82 | F.S.; creating a new process for expressway authorities to  
83 | enter into public-private partnerships with private  
84 | entities; directing the expressway authorities to adopt

85 | rules related to the public-private partnerships;  
 86 | specifying public notice requirements; specifying that  
 87 | public-private entities may impose tolls on the new  
 88 | facilities, but the expressway authority may regulate the  
 89 | amount and use of such tolls; providing that the  
 90 | Department of Transportation may loan funds from the Toll  
 91 | Facilities Revolving Loan Trust Fund for eligible  
 92 | projects; specifying project requirements; authorizing an  
 93 | expressway authority to exercise certain powers to  
 94 | facilitate the partnership projects; providing that intent  
 95 | of the act is not to amend or impact other existing laws;  
 96 | amending s. 2 of chapter 88-418, Laws of Florida, as  
 97 | amended, relating to Crandon Boulevard; allowing  
 98 | expenditure of public funds for certain modifications to  
 99 | enhance life safety vehicular or pedestrian use under  
 100 | certain circumstances; providing an effective date.

101 |  
 102 | Be It Enacted by the Legislature of the State of Florida:

103 |  
 104 | Section 1. Paragraph (d) of subsection (1), subsection  
 105 | (3), and paragraph (b) of subsection (4) of section 20.23,  
 106 | Florida Statutes, are amended to read:

107 | 20.23 Department of Transportation.--There is created a  
 108 | Department of Transportation which shall be a decentralized  
 109 | agency.

110 | (1)  
 111 | (d) The secretary may ~~shall~~ appoint up to three ~~two~~  
 112 | assistant secretaries who shall be directly responsible to the

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

113 secretary and who shall perform such duties as are assigned by  
 114 the secretary. The secretary may delegate to any assistant  
 115 secretary the authority to act in the absence of the secretary.

116 (3)(a) The central office shall establish departmental  
 117 policies, rules, procedures, and standards and shall monitor the  
 118 implementation of such policies, rules, procedures, and  
 119 standards in order to ensure uniform compliance and quality  
 120 performance by the districts and central office units that  
 121 implement transportation programs. Major transportation policy  
 122 initiatives or revisions shall be submitted to the commission  
 123 for review.

124 ~~(b) The secretary shall appoint an Assistant Secretary for~~  
 125 ~~Transportation Development and Operations and an Assistant~~  
 126 ~~Secretary for Transportation Support.~~

127 (b)(e) The secretary may appoint positions at the level of  
 128 deputy assistant secretary or director which the secretary deems  
 129 necessary to accomplish the mission and goals of the department,  
 130 including, but not limited to, the areas of program  
 131 responsibility provided in this paragraph ~~following offices are~~  
 132 ~~established and shall be headed by a manager, each of whom shall~~  
 133 ~~be appointed by and serve at the pleasure of the secretary. The~~  
 134 secretary may combine, separate, or delete offices as needed in  
 135 consultation with the Executive Office of the Governor. The  
 136 department's areas of program responsibility include, but are  
 137 not limited to positions shall be classified at a level equal to  
 138 ~~a division director:~~

- 139 1. ~~The Office of Administration;~~
- 140 2. ~~The Office of Planning and Environmental Management;~~

141           3. Public transportation;

142           ~~4.3.~~ The Office of Design;

143           ~~5.4.~~ The Office of Highway operations;

144           ~~6.5.~~ The Office of Right-of-way;

145           ~~7.6.~~ The Office of Toll operations;

146           ~~8.7.~~ The Office of Information systems;

147           ~~9.8.~~ The Office of Motor carrier compliance;

148           ~~10.9.~~ The Office of Management and budget;

149           ~~11.10.~~ The Office of Comptroller;

150           ~~12.11.~~ The Office of Construction;

151           ~~13.12.~~ The Office of Maintenance; and

152           ~~14.13.~~ The Office of Materials.

153           ~~(c)(d)~~ Other offices may be established in accordance with

154 s. 20.04(7). The heads of such offices are exempt from part II

155 of chapter 110. ~~No office or organization shall be created at a~~

156 ~~level equal to or higher than a division without specific~~

157 ~~legislative authority.~~

158           ~~(d)(e)~~ The secretary shall appoint an inspector general

159 pursuant to s. 20.055 who shall be directly responsible to the

160 secretary and shall serve at the pleasure of the secretary.

161           ~~(e)(f)~~ The secretary shall appoint a general counsel who

162 shall be directly responsible to the secretary. The general

163 counsel is responsible for all legal matters of the department.

164 The department may employ as many attorneys as it deems

165 necessary to advise and represent the department in all

166 transportation matters.

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

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

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

176       (4)

177       (b) Each district secretary may appoint up to three a  
 178 district directors ~~director for transportation development, a~~  
 179 ~~district director for transportation operations, and a district~~  
 180 ~~director for transportation support~~ or, until July 1, 2005, each  
 181 district secretary may appoint up to four a district directors  
 182 ~~director for planning and programming, a district director for~~  
 183 ~~production, a district director for operations, and a district~~  
 184 ~~director for administration~~. These positions are exempt from  
 185 part II of chapter 110.

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

188       110.205 Career service; exemptions.--

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

191       (j) The appointed secretaries, assistant secretaries,  
 192 deputy secretaries, and deputy assistant secretaries of all  
 193 departments; the executive directors, assistant executive  
 194 directors, deputy executive directors, and deputy assistant

195 executive directors of all departments; the directors of all  
 196 divisions and those positions determined by the department to  
 197 have managerial responsibilities comparable to such positions,  
 198 which positions include, but are not limited to, program  
 199 directors, assistant program directors, district administrators,  
 200 deputy district administrators, the Director of Central  
 201 Operations Services of the Department of Children and Family  
 202 Services, the State Transportation Development Administrator,  
 203 State Public Transportation and Modal Administrator, district  
 204 secretaries, district directors of transportation development,  
 205 transportation operations, transportation support, and the  
 206 managers of the offices specified in s. 20.23(3)(b) ~~s.~~  
 207 ~~20.23(3)(c)~~, of the Department of Transportation. Unless  
 208 otherwise fixed by law, the department shall set the salary and  
 209 benefits of these positions in accordance with the rules of the  
 210 Senior Management Service; and the county health department  
 211 directors and county health department administrators of the  
 212 Department of Health.

213 (m) All assistant division director, deputy division  
 214 director, and bureau chief positions in any department, and  
 215 those positions determined by the department to have managerial  
 216 responsibilities comparable to such positions, which positions  
 217 include, but are not limited to:

- 218 1. Positions in the Department of Health and the  
 219 Department of Children and Family Services that are assigned  
 220 primary duties of serving as the superintendent or assistant  
 221 superintendent of an institution.



222           2. Positions in the Department of Corrections that are  
 223 assigned primary duties of serving as the warden, assistant  
 224 warden, colonel, or major of an institution or that are assigned  
 225 primary duties of serving as the circuit administrator or deputy  
 226 circuit administrator.

227           3. Positions in the Department of Transportation that are  
 228 assigned primary duties of serving as regional toll managers and  
 229 managers of offices as defined in s. 20.23(3)(b) ~~s. 20.23(3)(c)~~  
 230 and (4)(d), and captains and majors of the Office of Motor  
 231 Carrier Compliance.

232           4. Positions in the Department of Environmental Protection  
 233 that are assigned the duty of an Environmental Administrator or  
 234 program administrator.

235           5. Positions in the Department of Health that are assigned  
 236 the duties of Environmental Administrator, Assistant County  
 237 Health Department Director, and County Health Department  
 238 Financial Administrator.

239  
 240 Unless otherwise fixed by law, the department shall set the  
 241 salary and benefits of the positions listed in this paragraph in  
 242 accordance with the rules established for the Selected Exempt  
 243 Service.

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

246           177.031 Definitions.--As used in this part:

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

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

250 1. Be composed of a metal marker with a point of  
 251 reference.

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

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

258 1. Consist of a metal rod having a minimum length of 18  
 259 inches and a minimum cross-section area of material of 0.2  
 260 square inches In certain materials, encasement in concrete is  
 261 optional for stability of the rod. When used, encased in  
 262 ~~concrete.~~ the concrete shall have a minimum cross-section area  
 263 of 12.25 square inches and be a minimum of 24 inches long.

264 2. Be identified with a durable marker or cap with the  
 265 point of reference marked thereon bearing either the Florida  
 266 registration number of the professional surveyor and mapper in  
 267 responsible charge or the certificate of authorization number of  
 268 the legal entity, which number shall be preceded by LS or LB as  
 269 applicable and the letters "P.C.P."

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

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

274 (a) Consist of a metal rod having a minimum length of 18  
 275 inches and a minimum cross-section area of material of 0.2  
 276 square inches In certain materials, encasement in concrete is  
 277 optional for stability of the rod. When used, encased in

278 ~~concrete.~~ the concrete shall have a minimum cross-section area  
 279 of 12.25 square inches and be a minimum of 24 inches long.

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

286 (c) Be detectable with conventional instruments for  
 287 locating ferrous or magnetic objects.

288  
 289 If the location of the "P.R.M." falls in a hard surface such as  
 290 asphalt or concrete, alternate monumentation may be used that is  
 291 durable and identifiable.

292 Section 4. Section 339.175, Florida Statutes, is amended  
 293 to read:

294 339.175 Metropolitan planning organization.--It is the  
 295 intent of the Legislature to encourage and promote the safe and  
 296 efficient management, operation, and development of surface  
 297 transportation systems that will serve the mobility needs of  
 298 people and freight within and through urbanized areas of this  
 299 state while minimizing transportation-related fuel consumption  
 300 and air pollution. To accomplish these objectives, metropolitan  
 301 planning organizations, referred to in this section as M.P.O.'s,  
 302 shall develop, in cooperation with the state and public transit  
 303 operators, transportation plans and programs for metropolitan  
 304 areas. The plans and programs for each metropolitan area must  
 305 provide for the development and integrated management and

306 operation of transportation systems and facilities, including  
307 pedestrian walkways and bicycle transportation facilities that  
308 will function as an intermodal transportation system for the  
309 metropolitan area, based upon the prevailing principles provided  
310 in s. 334.046(1). The process for developing such plans and  
311 programs shall provide for consideration of all modes of  
312 transportation and shall be continuing, cooperative, and  
313 comprehensive, to the degree appropriate, based on the  
314 complexity of the transportation problems to be addressed. To  
315 ensure that the process is integrated with the statewide  
316 planning process, M.P.O.'s shall develop plans and programs that  
317 identify transportation facilities that should function as an  
318 integrated metropolitan transportation system, giving emphasis  
319 to facilities that serve important national, state, and regional  
320 transportation functions. For the purposes of this section,  
321 those facilities include the facilities on the Strategic  
322 Intermodal System designated under s. 339.63.

323 (1) DESIGNATION.--

324 (a)1. An M.P.O. shall be designated for each urbanized  
325 area of the state; however, this does not require that an  
326 individual M.P.O. be designated for each such area. Such  
327 designation shall be accomplished by agreement between the  
328 Governor and units of general-purpose local government  
329 representing at least 75 percent of the population of the  
330 urbanized area; however, the unit of general-purpose local  
331 government that represents the central city or cities within the  
332 M.P.O. jurisdiction, as defined by the United States Bureau of  
333 the Census, must be a party to such agreement.

334           2. More than one M.P.O. may be designated within an  
 335 existing metropolitan planning area only if the Governor and the  
 336 existing M.P.O. determine that the size and complexity of the  
 337 existing metropolitan planning area makes the designation of  
 338 more than one M.P.O. for the area appropriate.

339           (b) Each M.P.O. shall be created and operated under the  
 340 provisions of this section pursuant to an interlocal agreement  
 341 entered into pursuant to s. 163.01. The signatories to the  
 342 interlocal agreement shall be the department and the  
 343 governmental entities designated by the Governor for membership  
 344 on the M.P.O. If there is a conflict between this section and s.  
 345 163.01, this section prevails.

346           (c) The jurisdictional boundaries of an M.P.O. shall be  
 347 determined by agreement between the Governor and the applicable  
 348 M.P.O. The boundaries must include at least the metropolitan  
 349 planning area, which is the existing urbanized area and the  
 350 contiguous area expected to become urbanized within a 20-year  
 351 forecast period, and may encompass the entire metropolitan  
 352 statistical area or the consolidated metropolitan statistical  
 353 area.

354           (d) In the case of an urbanized area designated as a  
 355 nonattainment area for ozone or carbon monoxide under the Clean  
 356 Air Act, 42 U.S.C. ss. 7401 et seq., the boundaries of the  
 357 metropolitan planning area in existence as of the date of  
 358 enactment of this paragraph shall be retained, except that the  
 359 boundaries may be adjusted by agreement of the Governor and  
 360 affected metropolitan planning organizations in the manner  
 361 described in this section. If more than one M.P.O. has authority

362 within a metropolitan area or an area that is designated as a  
363 nonattainment area, each M.P.O. shall consult with other  
364 M.P.O.'s designated for such area and with the state in the  
365 coordination of plans and programs required by this section.  
366

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

369 (2) VOTING MEMBERSHIP.--

370 (a) The voting membership of an M.P.O. shall consist of  
371 not fewer than 5 or more than 19 apportioned members, the exact  
372 number to be determined on an equitable geographic-population  
373 ratio basis by the Governor, based on an agreement among the  
374 affected units of general-purpose local government as required  
375 by federal rules and regulations. The Governor, in accordance  
376 with 23 U.S.C. s. 134, may also provide for M.P.O. members who  
377 represent municipalities to alternate with representatives from  
378 other municipalities within the metropolitan planning area that  
379 do not have members on the M.P.O. County commission members  
380 shall compose not less than one-third of the M.P.O. membership,  
381 except for an M.P.O. with more than 15 members located in a  
382 county with a five-member county commission or an M.P.O. with 19  
383 members located in a county with no more than 6 county  
384 commissioners, in which case county commission members may  
385 compose less than one-third percent of the M.P.O. membership,  
386 but all county commissioners must be members. All voting members  
387 shall be elected officials of general-purpose governments,  
388 except that an M.P.O. may include, as part of its apportioned  
389 voting members, a member of a statutorily authorized planning

390 board, an official of an agency that operates or administers a  
391 major mode of transportation, or an official of the Florida  
392 Space Authority. The county commission shall compose not less  
393 than 20 percent of the M.P.O. membership if an official of an  
394 agency that operates or administers a major mode of  
395 transportation has been appointed to an M.P.O.

396 (b) In metropolitan areas in which authorities or other  
397 agencies have been or may be created by law to perform  
398 transportation functions and are performing transportation  
399 functions that are not under the jurisdiction of a general  
400 purpose local government represented on the M.P.O., they shall  
401 be provided voting membership on the M.P.O. In all other  
402 M.P.O.'s where transportation authorities or agencies are to be  
403 represented by elected officials from general purpose local  
404 governments, the M.P.O. shall establish a process by which the  
405 collective interests of such authorities or other agencies are  
406 expressed and conveyed.

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

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

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

417           3. The charter county determines the reapportionment plan  
418 otherwise complies with all federal requirements pertaining to  
419 M.P.O. membership.

420

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

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

438           (3) APPORTIONMENT.--

439           (a) The Governor shall, with the agreement of the affected  
440 units of general-purpose local government as required by federal  
441 rules and regulations, apportion the membership on the  
442 applicable M.P.O. among the various governmental entities within  
443 the area and shall prescribe a method for appointing alternate  
444 members who may vote at any M.P.O. meeting that an alternate



445 member attends in place of a regular member. An appointed  
446 alternate member must be an elected official serving the same  
447 governmental entity or a general-purpose local government with  
448 jurisdiction within all or part of the area that the regular  
449 member serves. The governmental entity so designated shall  
450 appoint the appropriate number of members to the M.P.O. from  
451 eligible officials. Representatives of the department shall  
452 serve as nonvoting members of the M.P.O. Nonvoting advisers may  
453 be appointed by the M.P.O. as deemed necessary. The Governor  
454 shall review the composition of the M.P.O. membership in  
455 conjunction with the decennial census as prepared by the United  
456 States Department of Commerce, Bureau of the Census, and  
457 reapportion it as necessary to comply with subsection (2).

458 (b) Except for members who represent municipalities on the  
459 basis of alternating with representatives from other  
460 municipalities that do not have members on the M.P.O. as  
461 provided in paragraph (2)(a), the members of an M.P.O. shall  
462 serve 4-year terms. Members who represent municipalities on the  
463 basis of alternating with representatives from other  
464 municipalities that do not have members on the M.P.O. as  
465 provided in paragraph (2)(a) may serve terms of up to 4 years as  
466 further provided in the interlocal agreement described in  
467 paragraph (1)(b). The membership of a member who is a public  
468 official automatically terminates upon the member's leaving his  
469 or her elective or appointive office for any reason, or may be  
470 terminated by a majority vote of the total membership of a  
471 county or city governing entity represented by the member. A  
472 vacancy shall be filled by the original appointing entity. A

473 member may be reappointed for one or more additional 4-year  
 474 terms.

475 (c) If a governmental entity fails to fill an assigned  
 476 appointment to an M.P.O. within 60 days after notification by  
 477 the Governor of its duty to appoint, that appointment shall be  
 478 made by the Governor from the eligible representatives of that  
 479 governmental entity.

480 (4) AUTHORITY AND RESPONSIBILITY.--The authority and  
 481 responsibility of an M.P.O. is to manage a continuing,  
 482 cooperative, and comprehensive transportation planning process  
 483 that, based upon the prevailing principles provided in s.  
 484 334.046(1), results in the development of plans and programs  
 485 which are consistent, to the maximum extent feasible, with the  
 486 approved local government comprehensive plans of the units of  
 487 local government the boundaries of which are within the  
 488 metropolitan area of the M.P.O. An M.P.O. shall be the forum  
 489 for cooperative decisionmaking by officials of the affected  
 490 governmental entities in the development of the plans and  
 491 programs required by subsections (5), (6), (7), and (8).

492 (5) POWERS, DUTIES, AND RESPONSIBILITIES.--The powers,  
 493 privileges, and authority of an M.P.O. are those specified in  
 494 this section or incorporated in an interlocal agreement  
 495 authorized under s. 163.01. Each M.P.O. shall perform all acts  
 496 required by federal or state laws or rules, now and subsequently  
 497 applicable, which are necessary to qualify for federal aid. It  
 498 is the intent of this section that each M.P.O. shall be involved  
 499 in the planning and programming of transportation facilities,  
 500 including, but not limited to, airports, intercity and high-

501 speed rail lines, seaports, and intermodal facilities, to the  
 502 extent permitted by state or federal law.

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

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

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

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

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

515 1. Support the economic vitality of the metropolitan area,  
 516 especially by enabling global competitiveness, productivity, and  
 517 efficiency;

518 2. Increase the safety and security of the transportation  
 519 system for motorized and nonmotorized users;

520 3. Increase the accessibility and mobility options  
 521 available to people and for freight;

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

524 5. Enhance the integration and connectivity of the  
 525 transportation system, across and between modes, for people and  
 526 freight;

527 6. Promote efficient system management and operation; and

528           7. Emphasize the preservation of the existing  
529 transportation system.

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

533           1. Prepare a congestion management system for the  
534 metropolitan area and cooperate with the department in the  
535 development of all other transportation management systems  
536 required by state or federal law;

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

539           3. Assist the department in performing its duties relating  
540 to access management, functional classification of roads, and  
541 data collection;

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

544           5. Represent all the jurisdictional areas within the  
545 metropolitan area in the formulation of transportation plans and  
546 programs required by this section; and

547           6. Perform all other duties required by state or federal  
548 law.

549           (d) Each M.P.O. shall appoint a technical advisory  
550 committee that includes planners; engineers; representatives of  
551 local aviation authorities, port authorities, and public transit  
552 authorities or representatives of aviation departments, seaport  
553 departments, and public transit departments of municipal or  
554 county governments, as applicable; the school superintendent of  
555 each county within the jurisdiction of the M.P.O. or the

556 superintendent's designee; and other appropriate representatives  
557 of affected local governments. In addition to any other duties  
558 assigned to it by the M.P.O. or by state or federal law, the  
559 technical advisory committee is responsible for considering safe  
560 access to schools in its review of transportation project  
561 priorities, long-range transportation plans, and transportation  
562 improvement programs, and shall advise the M.P.O. on such  
563 matters. In addition, the technical advisory committee shall  
564 coordinate its actions with local school boards and other local  
565 programs and organizations within the metropolitan area which  
566 participate in school safety activities, such as locally  
567 established community traffic safety teams. Local school boards  
568 must provide the appropriate M.P.O. with information concerning  
569 future school sites and in the coordination of transportation  
570 service.

571 (e)1. Each M.P.O. shall appoint a citizens' advisory  
572 committee, the members of which serve at the pleasure of the  
573 M.P.O. The membership on the citizens' advisory committee must  
574 reflect a broad cross section of local residents with an  
575 interest in the development of an efficient, safe, and cost-  
576 effective transportation system. Minorities, the elderly, and  
577 the handicapped must be adequately represented.

578 2. Notwithstanding the provisions of subparagraph 1., an  
579 M.P.O. may, with the approval of the department and the  
580 applicable federal governmental agency, adopt an alternative  
581 program or mechanism to ensure citizen involvement in the  
582 transportation planning process.

583 (f) The department shall allocate to each M.P.O., for the  
584 purpose of accomplishing its transportation planning and  
585 programming duties, an appropriate amount of federal  
586 transportation planning funds.

587 (g) Each M.P.O. may employ personnel or may enter into  
588 contracts with local or state agencies, private planning firms,  
589 or private engineering firms to accomplish its transportation  
590 planning and programming duties required by state or federal  
591 law.

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

596 1. Coordinate transportation projects deemed to be  
597 regionally significant by the committee.

598 2. Review the impact of regionally significant land use  
599 decisions on the region.

600 3. Review all proposed regionally significant  
601 transportation projects in the respective transportation  
602 improvement programs which affect more than one of the M.P.O.'s  
603 represented on the committee.

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

607 (i)1. The Legislature finds that the state's rapid growth  
608 in recent decades has caused many urbanized areas subject to  
609 M.P.O. jurisdiction to become contiguous to each other. As a  
610 result, various transportation projects may cross from the

611 jurisdiction of one M.P.O. into the jurisdiction of another  
612 M.P.O. To more fully accomplish the purposes for which M.P.O.'s  
613 have been mandated, M.P.O.'s shall develop coordination  
614 mechanisms with one another to expand and improve transportation  
615 within the state. The appropriate method of coordination between  
616 M.P.O.'s shall vary depending upon the project involved and  
617 given local and regional needs. Consequently, it is appropriate  
618 to set forth a flexible methodology that can be used by M.P.O.'s  
619 to coordinate with other M.P.O.'s and appropriate political  
620 subdivisions as circumstances demand.

621         2. Any M.P.O. may join with any other M.P.O. or any  
622 individual political subdivision to coordinate activities or to  
623 achieve any federal or state transportation planning or  
624 development goals or purposes consistent with federal or state  
625 law. When an M.P.O. determines that it is appropriate to join  
626 with another M.P.O. or any political subdivision to coordinate  
627 activities, the M.P.O. or political subdivision shall enter into  
628 an interlocal agreement pursuant to s. 163.01, which, at a  
629 minimum, creates a separate legal or administrative entity to  
630 coordinate the transportation planning or development activities  
631 required to achieve the goal or purpose; provide the purpose for  
632 which the entity is created; provide the duration of the  
633 agreement and the entity, and specify how the agreement may be  
634 terminated, modified, or rescinded; describe the precise  
635 organization of the entity, including who has voting rights on  
636 the governing board, whether alternative voting members are  
637 provided for, how voting members are appointed, and what the  
638 relative voting strength is for each constituent M.P.O. or

639 | political subdivision; provide the manner in which the parties  
 640 | to the agreement will provide for the financial support of the  
 641 | entity and payment of costs and expenses of the entity; provide  
 642 | the manner in which funds may be paid to and disbursed from the  
 643 | entity; and provide how members of the entity will resolve  
 644 | disagreements regarding interpretation of the interlocal  
 645 | agreement or disputes relating to the operation of the entity.  
 646 | Such interlocal agreement shall become effective upon its  
 647 | recordation in the official public records of each county in  
 648 | which a member of the entity created by the interlocal agreement  
 649 | has a voting member. This paragraph does not require any  
 650 | M.P.O.'s to merge, combine, or otherwise join together as a  
 651 | single M.P.O.

652 |         (6) LONG-RANGE TRANSPORTATION PLAN.--Each M.P.O. must  
 653 | develop a long-range transportation plan that addresses at least  
 654 | a 20-year planning horizon. The plan must include both long-  
 655 | range and short-range strategies and must comply with all other  
 656 | state and federal requirements. The prevailing principles to be  
 657 | considered in the long-range transportation plan are: preserving  
 658 | the existing transportation infrastructure; enhancing Florida's  
 659 | economic competitiveness; and improving travel choices to ensure  
 660 | mobility. The long-range transportation plan must be consistent,  
 661 | to the maximum extent feasible, with future land use elements  
 662 | and the goals, objectives, and policies of the approved local  
 663 | government comprehensive plans of the units of local government  
 664 | located within the jurisdiction of the M.P.O. The approved long-  
 665 | range transportation plan must be considered by local  
 666 | governments in the development of the transportation elements in



667 local government comprehensive plans and any amendments thereto.

668 The long-range transportation plan must, at a minimum:

669 (a) Identify transportation facilities, including, but not  
670 limited to, major roadways, airports, seaports, spaceports,  
671 commuter rail systems, transit systems, and intermodal or  
672 multimodal terminals that will function as an integrated  
673 metropolitan transportation system. The long-range  
674 transportation plan must give emphasis to those transportation  
675 facilities that serve national, statewide, or regional  
676 functions, and must consider the goals and objectives identified  
677 in the Florida Transportation Plan as provided in s. 339.155. If  
678 a project is located within the boundaries of more than one  
679 M.P.O., the M.P.O.'s must coordinate plans regarding the project  
680 in the long-range transportation plan.

681 (b) Include a financial plan that demonstrates how the  
682 plan can be implemented, indicating resources from public and  
683 private sources which are reasonably expected to be available to  
684 carry out the plan, and recommends any additional financing  
685 strategies for needed projects and programs. The financial plan  
686 may include, for illustrative purposes, additional projects that  
687 would be included in the adopted long-range transportation plan  
688 if reasonable additional resources beyond those identified in  
689 the financial plan were available. For the purpose of developing  
690 the long-range transportation plan, the M.P.O. and the  
691 department shall cooperatively develop estimates of funds that  
692 will be available to support the plan implementation. Innovative  
693 financing techniques may be used to fund needed projects and

694 programs. Such techniques may include the assessment of tolls,  
 695 the use of value capture financing, or the use of value pricing.

696 (c) Assess capital investment and other measures necessary  
 697 to:

698 1. Ensure the preservation of the existing metropolitan  
 699 transportation system including requirements for the operation,  
 700 resurfacing, restoration, and rehabilitation of major roadways  
 701 and requirements for the operation, maintenance, modernization,  
 702 and rehabilitation of public transportation facilities; and

703 2. Make the most efficient use of existing transportation  
 704 facilities to relieve vehicular congestion and maximize the  
 705 mobility of people and goods.

706 (d) Indicate, as appropriate, proposed transportation  
 707 enhancement activities, including, but not limited to,  
 708 pedestrian and bicycle facilities, scenic easements,  
 709 landscaping, historic preservation, mitigation of water  
 710 pollution due to highway runoff, and control of outdoor  
 711 advertising.

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

718  
 719 In the development of its long-range transportation plan, each  
 720 M.P.O. must provide the public, affected public agencies,  
 721 representatives of transportation agency employees, freight

722 shippers, providers of freight transportation services, private  
 723 providers of transportation, representatives of users of public  
 724 transit, and other interested parties with a reasonable  
 725 opportunity to comment on the long-range transportation plan.  
 726 The long-range transportation plan must be approved by the  
 727 M.P.O.

728 (7) TRANSPORTATION IMPROVEMENT PROGRAM.--Each M.P.O.  
 729 shall, in cooperation with the state and affected public  
 730 transportation operators, develop a transportation improvement  
 731 program for the area within the jurisdiction of the M.P.O. In  
 732 the development of the transportation improvement program, each  
 733 M.P.O. must provide the public, affected public agencies,  
 734 representatives of transportation agency employees, freight  
 735 shippers, providers of freight transportation services, private  
 736 providers of transportation, representatives of users of public  
 737 transit, and other interested parties with a reasonable  
 738 opportunity to comment on the proposed transportation  
 739 improvement program.

740 (a) Each M.P.O. is responsible for developing, annually, a  
 741 list of project priorities and a transportation improvement  
 742 program. The prevailing principles to be considered by each  
 743 M.P.O. when developing a list of project priorities and a  
 744 transportation improvement program are: preserving the existing  
 745 transportation infrastructure; enhancing Florida's economic  
 746 competitiveness; and improving travel choices to ensure  
 747 mobility. The transportation improvement program will be used to  
 748 initiate federally aided transportation facilities and  
 749 improvements as well as other transportation facilities and

750 improvements including transit, rail, aviation, spaceport, and  
 751 port facilities to be funded from the State Transportation Trust  
 752 Fund within its metropolitan area in accordance with existing  
 753 and subsequent federal and state laws and rules and regulations  
 754 related thereto. The transportation improvement program shall be  
 755 consistent, to the maximum extent feasible, with the approved  
 756 local government comprehensive plans of the units of local  
 757 government whose boundaries are within the metropolitan area of  
 758 the M.P.O.

759 (b) Each M.P.O. annually shall prepare a list of project  
 760 priorities and shall submit the list to the appropriate district  
 761 of the department by October 1 of each year; however, the  
 762 department and a metropolitan planning organization may, in  
 763 writing, agree to vary this submittal date. The list of project  
 764 priorities must be formally reviewed by the technical and  
 765 citizens' advisory committees, and approved by the M.P.O.,  
 766 before it is transmitted to the district. The approved list of  
 767 project priorities must be used by the district in developing  
 768 the district work program and must be used by the M.P.O. in  
 769 developing its transportation improvement program. The annual  
 770 list of project priorities must be based upon project selection  
 771 criteria that, at a minimum, consider the following:

- 772 1. The approved M.P.O. long-range transportation plan;
- 773 2. The Strategic Intermodal System Plan developed under s.  
 774 339.64.
- 775 ~~3.2.~~ The results of the transportation management systems;  
 776 and
- 777 ~~4.3.~~ The M.P.O.'s public-involvement procedures.

778 (c) The transportation improvement program must, at a  
779 minimum:

780 1. Include projects and project phases to be funded with  
781 state or federal funds within the time period of the  
782 transportation improvement program and which are recommended for  
783 advancement during the next fiscal year and 4 subsequent fiscal  
784 years. Such projects and project phases must be consistent, to  
785 the maximum extent feasible, with the approved local government  
786 comprehensive plans of the units of local government located  
787 within the jurisdiction of the M.P.O. For informational  
788 purposes, the transportation improvement program shall also  
789 include a list of projects to be funded from local or private  
790 revenues.

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

795 3. Provide a financial plan that demonstrates how the  
796 transportation improvement program can be implemented; indicates  
797 the resources, both public and private, that are reasonably  
798 expected to be available to accomplish the program; identifies  
799 any innovative financing techniques that may be used to fund  
800 needed projects and programs; and may include, for illustrative  
801 purposes, additional projects that would be included in the  
802 approved transportation improvement program if reasonable  
803 additional resources beyond those identified in the financial  
804 plan were available. Innovative financing techniques may include  
805 the assessment of tolls, the use of value capture financing, or

806 the use of value pricing. The transportation improvement  
807 program may include a project or project phase only if full  
808 funding can reasonably be anticipated to be available for the  
809 project or project phase within the time period contemplated for  
810 completion of the project or project phase.

811 4. Group projects and project phases of similar urgency  
812 and anticipated staging into appropriate staging periods.

813 5. Indicate how the transportation improvement program  
814 relates to the long-range transportation plan developed under  
815 subsection (6), including providing examples of specific  
816 projects or project phases that further the goals and policies  
817 of the long-range transportation plan.

818 6. Indicate whether any project or project phase is  
819 inconsistent with an approved comprehensive plan of a unit of  
820 local government located within the jurisdiction of the M.P.O.  
821 If a project is inconsistent with an affected comprehensive  
822 plan, the M.P.O. must provide justification for including the  
823 project in the transportation improvement program.

824 7. Indicate how the improvements are consistent, to the  
825 maximum extent feasible, with affected seaport, airport, and  
826 spaceport master plans and with public transit development plans  
827 of the units of local government located within the jurisdiction  
828 of the M.P.O. If a project is located within the boundaries of  
829 more than one M.P.O., the M.P.O.'s must coordinate plans  
830 regarding the project in the transportation improvement program.

831 (d) Projects included in the transportation improvement  
832 program and that have advanced to the design stage of  
833 preliminary engineering may be removed from or rescheduled in a

834 subsequent transportation improvement program only by the joint  
835 action of the M.P.O. and the department. Except when recommended  
836 in writing by the district secretary for good cause, any project  
837 removed from or rescheduled in a subsequent transportation  
838 improvement program shall not be rescheduled by the M.P.O. in  
839 that subsequent program earlier than the 5th year of such  
840 program.

841 (e) During the development of the transportation  
842 improvement program, the M.P.O. shall, in cooperation with the  
843 department and any affected public transit operation, provide  
844 citizens, affected public agencies, representatives of  
845 transportation agency employees, freight shippers, providers of  
846 freight transportation services, private providers of  
847 transportation, representatives of users of public transit, and  
848 other interested parties with reasonable notice of and an  
849 opportunity to comment on the proposed program.

850 (f) The adopted annual transportation improvement program  
851 for M.P.O.'s in nonattainment or maintenance areas must be  
852 submitted to the district secretary and the Department of  
853 Community Affairs at least 90 days before the submission of the  
854 state transportation improvement program by the department to  
855 the appropriate federal agencies. The annual transportation  
856 improvement program for M.P.O.'s in attainment areas must be  
857 submitted to the district secretary and the Department of  
858 Community Affairs at least 45 days before the department submits  
859 the state transportation improvement program to the appropriate  
860 federal agencies; however, the department, the Department of  
861 Community Affairs, and a metropolitan planning organization may,

862 | in writing, agree to vary this submittal date. The Governor or  
 863 | the Governor's designee shall review and approve each  
 864 | transportation improvement program and any amendments thereto.

865 | (g) The Department of Community Affairs shall review the  
 866 | annual transportation improvement program of each M.P.O. for  
 867 | consistency with the approved local government comprehensive  
 868 | plans of the units of local government whose boundaries are  
 869 | within the metropolitan area of each M.P.O. and shall identify  
 870 | those projects that are inconsistent with such comprehensive  
 871 | plans. The Department of Community Affairs shall notify an  
 872 | M.P.O. of any transportation projects contained in its  
 873 | transportation improvement program which are inconsistent with  
 874 | the approved local government comprehensive plans of the units  
 875 | of local government whose boundaries are within the metropolitan  
 876 | area of the M.P.O.

877 | (h) The M.P.O. shall annually publish or otherwise make  
 878 | available for public review the annual listing of projects for  
 879 | which federal funds have been obligated in the preceding year.  
 880 | Project monitoring systems must be maintained by those agencies  
 881 | responsible for obligating federal funds and made accessible to  
 882 | the M.P.O.'s.

883 | (8) UNIFIED PLANNING WORK PROGRAM.--Each M.P.O. shall  
 884 | develop, in cooperation with the department and public  
 885 | transportation providers, a unified planning work program that  
 886 | lists all planning tasks to be undertaken during the program  
 887 | year. The unified planning work program must provide a complete  
 888 | description of each planning task and an estimated budget  
 889 | therefor and must comply with applicable state and federal law.



890 (9) AGREEMENTS.--

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

894 1. An agreement with the department clearly establishing  
 895 the cooperative relationship essential to accomplish the  
 896 transportation planning requirements of state and federal law.

897 2. An agreement with the metropolitan and regional  
 898 intergovernmental coordination and review agencies serving the  
 899 metropolitan areas, specifying the means by which activities  
 900 will be coordinated and how transportation planning and  
 901 programming will be part of the comprehensive planned  
 902 development of the area.

903 3. An agreement with operators of public transportation  
 904 systems, including transit systems, commuter rail systems,  
 905 airports, seaports, and spaceports, describing the means by  
 906 which activities will be coordinated and specifying how public  
 907 transit, commuter rail, aviation, seaport, and aerospace  
 908 planning and programming will be part of the comprehensive  
 909 planned development of the metropolitan area.

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

913 (10) METROPOLITAN PLANNING ORGANIZATION ADVISORY  
 914 COUNCIL.--

915 (a) A Metropolitan Planning Organization Advisory Council  
 916 is created to augment, and not supplant, the role of the

917 individual M.P.O.'s in the cooperative transportation planning  
918 process described in this section.

919 (b) The council shall consist of one representative from  
920 each M.P.O. and shall elect a chairperson annually from its  
921 number. Each M.P.O. shall also elect an alternate  
922 representative from each M.P.O. to vote in the absence of the  
923 representative. Members of the council do not receive any  
924 compensation for their services, but may be reimbursed from  
925 funds made available to council members for travel and per diem  
926 expenses incurred in the performance of their council duties as  
927 provided in s. 112.061.

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

- 930 1. Enter into contracts with individuals, private  
931 corporations, and public agencies.
- 932 2. Acquire, own, operate, maintain, sell, or lease  
933 personal property essential for the conduct of business.
- 934 3. Accept funds, grants, assistance, gifts, or bequests  
935 from private, local, state, or federal sources.
- 936 4. Establish bylaws and adopt rules pursuant to ss.  
937 120.536(1) and 120.54 to implement provisions of law conferring  
938 powers or duties upon it.
- 939 5. Assist M.P.O.'s in carrying out the urbanized area  
940 transportation planning process by serving as the principal  
941 forum for collective policy discussion pursuant to law.
- 942 6. Serve as a clearinghouse for review and comment by  
943 M.P.O.'s on the Florida Transportation Plan and on other issues  
944 required to comply with federal or state law in carrying out the

945 | urbanized area transportation and systematic planning processes  
 946 | instituted pursuant to s. 339.155.

947 |         7. Employ an executive director and such other staff as  
 948 | necessary to perform adequately the functions of the council,  
 949 | within budgetary limitations. The executive director and staff  
 950 | are exempt from part II of chapter 110 and serve at the  
 951 | direction and control of the council. The council is assigned  
 952 | to the Office of the Secretary of the Department of  
 953 | Transportation for fiscal and accountability purposes, but it  
 954 | shall otherwise function independently of the control and  
 955 | direction of the department.

956 |         8. Adopt an agency strategic plan that provides the  
 957 | priority directions the agency will take to carry out its  
 958 | mission within the context of the state comprehensive plan and  
 959 | any other statutory mandates and directions given to the agency.

960 |         (11) APPLICATION OF FEDERAL LAW.--Upon notification by an  
 961 | agency of the Federal Government that any provision of this  
 962 | section conflicts with federal laws or regulations, such federal  
 963 | laws or regulations will take precedence to the extent of the  
 964 | conflict until such conflict is resolved. The department or an  
 965 | M.P.O. may take any necessary action to comply with such federal  
 966 | laws and regulations or to continue to remain eligible to  
 967 | receive federal funds.

968 |         Section 5. Subsection (12) is added to section 338.251,  
 969 | Florida Statutes, to read:

970 |         338.251 Toll Facilities Revolving Trust Fund.--The Toll  
 971 | Facilities Revolving Trust Fund is hereby created for the  
 972 | purpose of encouraging the development and enhancing the

973 financial feasibility of revenue-producing road projects  
 974 undertaken by local governmental entities in a county or  
 975 combination of contiguous counties and the turnpike enterprise.

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

982 Section 6. Section 334.30, Florida Statutes, is amended to  
 983 read:

984 334.30 Public-private ~~Private~~ transportation facilities.--  
 985 The Legislature hereby finds and declares that there is a public  
 986 need for rapid construction of safe and efficient transportation  
 987 facilities for the purpose of travel within the state, and that  
 988 it is in the public's interest to provide for the construction  
 989 of additional safe, convenient, and economical transportation  
 990 facilities.

991 (1) The department may receive or solicit proposals and,  
 992 with legislative approval as evidenced by approval of the  
 993 project in the department's work program ~~by a separate bill for~~  
 994 ~~each facility~~, enter into agreements with private entities, or  
 995 consortia thereof, for the building, operation, ownership, or  
 996 financing of transportation facilities. The department may  
 997 advance projects programmed in the adopted 5-year work program  
 998 using funds provided by public-private partnerships or private  
 999 entities to be reimbursed from department funds for the project  
 1000 as programmed in the adopted work program. The department shall

1001 by rule establish an application fee for the submission of  
 1002 proposals under this section. The fee must be sufficient to pay  
 1003 the costs of evaluating the proposals. The department may engage  
 1004 the services of private consultants to assist in the evaluation.  
 1005 Before ~~seeking legislative~~ approval, the department must  
 1006 determine that the proposed project:

1007 (a) Is in the public's best interest;

1008 (b) Would not require state funds to be used unless the  
 1009 project is on the State Highway System ~~there is an overriding~~  
 1010 ~~state interest~~; and

1011 (c) Would have adequate safeguards in place to ensure that  
 1012 no additional costs or service disruptions would be realized by  
 1013 the traveling public and citizens of the state in the event of  
 1014 default or cancellation of the agreement by the department.

1015  
 1016 The department shall ensure that all reasonable costs to the  
 1017 state ~~and substantially affected local governments and~~  
 1018 ~~utilities~~, related to ~~the private~~ transportation facilities that  
 1019 are not part of the State Highway System facility, are borne by  
 1020 the private entity. The department shall also ensure that all  
 1021 reasonable costs to the state and substantially affected local  
 1022 governments and utilities, related to the private transportation  
 1023 facility, are borne by the private entity for transportation  
 1024 facilities that are owned by private entities. For projects on  
 1025 the State Highway System, the department may use state resources  
 1026 to participate in funding and financing the project as provided  
 1027 for under the department's enabling legislation.

1028 (2) Agreements entered into pursuant to this section may  
 1029 authorize the private entity to impose tolls or fares for the  
 1030 use of the facility. However, the amount and use of toll or  
 1031 fare revenues shall ~~may~~ be regulated by the department to avoid  
 1032 unreasonable costs to users of the facility.

1033 (3) Each private transportation facility constructed  
 1034 pursuant to this section shall comply with all requirements of  
 1035 federal, state, and local laws; state, regional, and local  
 1036 comprehensive plans; department rules, policies, procedures, and  
 1037 standards for transportation facilities; and any other  
 1038 conditions which the department determines to be in the public's  
 1039 best interest.

1040 (4) The department may exercise any power possessed by it,  
 1041 including eminent domain, with respect to the development and  
 1042 construction of state transportation projects to facilitate the  
 1043 development and construction of transportation projects pursuant  
 1044 to this section. The department may provide services to the  
 1045 private entity. Agreements for maintenance, law enforcement,  
 1046 and other services entered into pursuant to this section shall  
 1047 provide for full reimbursement for services rendered for  
 1048 projects not on the State Highway System.

1049 (5) Except as herein provided, the provisions of this  
 1050 section are not intended to amend existing laws by granting  
 1051 additional powers to, or further restricting, local governmental  
 1052 entities from regulating and entering into cooperative  
 1053 arrangements with the private sector for the planning,  
 1054 construction, and operation of transportation facilities.

1055       (6) The department may request proposals from private  
1056 entities for public-private transportation projects or, if the  
1057 department receives an unsolicited proposal, the department  
1058 shall publish a notice in the Florida Administrative Weekly and  
1059 a newspaper of general circulation at least once a week for 2  
1060 weeks stating that the department has received the proposal and  
1061 will accept, for 60 days after the initial date of publication,  
1062 other proposals for the same project purpose. A copy of the  
1063 notice must be mailed to each local government in the affected  
1064 area. After the public notification period has expired, the  
1065 department shall rank the proposals in order of preference. In  
1066 ranking the proposals the department may consider factors,  
1067 including, but not limited to, professional qualifications,  
1068 general business terms, innovative engineering or cost-reduction  
1069 terms, finance plans, and the need for state funds to deliver  
1070 the project. If the department is not satisfied with the results  
1071 of the negotiations, the department may, at its sole discretion,  
1072 terminate negotiations with the proposer. If these negotiations  
1073 are unsuccessful, the department may go to the second-ranked and  
1074 lower-ranked firms, in order, using this same procedure. If only  
1075 one proposal is received, the department may negotiate in good  
1076 faith and, if the department is not satisfied with the results  
1077 of the negotiations, the department may, at its sole discretion,  
1078 terminate negotiations with the proposer. Notwithstanding this  
1079 subsection, the department may, at its discretion, reject all  
1080 proposals at any point in the process up to completion of a  
1081 contract with the proposer.

1082           (7) The department may lend funds from the Toll Facilities  
 1083 Revolving Trust Fund, as outlined in s. 338.251, to private  
 1084 entities that construct projects on the State Highway System  
 1085 containing toll facilities that are approved under this section.  
 1086 To be eligible, a private entity must comply with s. 338.251 and  
 1087 must provide an indication from a nationally recognized rating  
 1088 agency that the senior bonds for the project will be investment  
 1089 grade, or must provide credit support such as a letter of credit  
 1090 or other means acceptable to the department, to ensure that the  
 1091 loans will be fully repaid. The state's liability for the  
 1092 funding of a facility is limited to the amount approved for that  
 1093 specific facility in the department's 5-year work program  
 1094 adopted pursuant to s. 339.135.

1095           ~~(8)(6)~~ A fixed-guideway transportation system authorized  
 1096 by the department to be wholly or partially within the  
 1097 department's right-of-way pursuant to a lease granted under s.  
 1098 337.251 may operate at any safe speed.

1099           Section 7. Subsection (6) of section 338.001, Florida  
 1100 Statutes, is amended to read:

1101           338.001 Florida Intrastate Highway System Plan.--

1102           (6) For the purposes of developing the proposed plan,  
 1103 beginning in fiscal year 2003-2004 ~~1993-1994~~ and for each fiscal  
 1104 year thereafter, the minimum amount allocated shall be based on  
 1105 the fiscal year 2003-2004 ~~1992-1993~~ allocation of \$450 ~~\$151.3~~  
 1106 million adjusted annually by the change in the Consumer Price  
 1107 Index for the prior fiscal year compared to the Consumer Price  
 1108 Index for fiscal year 2003-2004 ~~1991-1992~~. No amounts from the  
 1109 funds dedicated to the Florida Intrastate Highway System shall



1110 | be allocated to turnpike projects ~~after the 1993-1994 fiscal~~  
 1111 | ~~year.~~

1112 | Section 8. Section 339.08, Florida Statutes, is amended to  
 1113 | read:

1114 | 339.08 Use of moneys in State Transportation Trust Fund.--

1115 | (1) The department shall expend ~~by rule provide for the~~  
 1116 | ~~expenditure of the~~ moneys in the State Transportation Trust Fund  
 1117 | accruing to the department, in accordance with its annual  
 1118 | budget.

1119 | ~~(2) These rules must restrict~~ The use of such moneys shall  
 1120 | be restricted to the following purposes:

1121 | (a) To pay administrative expenses of the department,  
 1122 | including administrative expenses incurred by the several state  
 1123 | transportation districts, but excluding administrative expenses  
 1124 | of commuter rail authorities that do not operate rail service.

1125 | (b) To pay the cost of construction of the State Highway  
 1126 | System.

1127 | (c) To pay the cost of maintaining the State Highway  
 1128 | System.

1129 | (d) To pay the cost of public transportation projects in  
 1130 | accordance with chapter 341 and ss. 332.003-332.007.

1131 | (e) To reimburse counties or municipalities for  
 1132 | expenditures made on projects in the State Highway System as  
 1133 | authorized by s. 339.12(4) upon legislative approval.

1134 | (f) To pay the cost of economic development transportation  
 1135 | projects in accordance with s. 288.063.

1136 | (g) To lend or pay a portion of the operating,  
 1137 | maintenance, and capital costs of a revenue-producing

1138 transportation project that is located on the State Highway  
 1139 System or that is demonstrated to relieve traffic congestion on  
 1140 the State Highway System.

1141 (h) To match any federal-aid funds allocated for any other  
 1142 transportation purpose, including funds allocated to projects  
 1143 not located in the State Highway System.

1144 (i) To pay the cost of county road projects selected in  
 1145 accordance with the Small County Road Assistance Program created  
 1146 in s. 339.2816.

1147 (j) To pay the cost of county or municipal road projects  
 1148 selected in accordance with the County Incentive Grant Program  
 1149 created in s. 339.2817 and the Small County Outreach Program  
 1150 created in s. 339.2818.

1151 (k) To provide loans and credit enhancements for use in  
 1152 constructing and improving highway transportation facilities  
 1153 selected in accordance with the state-funded infrastructure bank  
 1154 created in s. 339.55.

1155 (l) To pay the cost of projects on the Florida Strategic  
 1156 Intermodal System created in s. 339.61 ~~fund the Transportation~~  
 1157 ~~Outreach Program created in s. 339.137.~~

1158 (m) To pay other lawful expenditures of the department.

1159 (2)~~(3)~~ Unless specifically provided in the General  
 1160 Appropriations Act or the substantive bill implementing the  
 1161 General Appropriations Act, no moneys in the State  
 1162 Transportation Trust Fund may be used to fund the operational or  
 1163 capital outlay cost for any correctional facility of the  
 1164 Department of Corrections. The department shall, however, enter  
 1165 into contractual arrangements with the Department of Corrections

1166 | for those specific maintenance functions that can be performed  
1167 | effectively by prison inmates under the supervision of  
1168 | Department of Corrections personnel with technical assistance  
1169 | being provided by the department. The cost of such contracts  
1170 | must not exceed the cost that would be incurred by the  
1171 | department if these functions were to be performed by its  
1172 | personnel or by contract with another entity unless,  
1173 | notwithstanding cost, the department can clearly demonstrate  
1174 | that for reasons of expediency or efficiency it is in the best  
1175 | interests of the department to contract with the Department of  
1176 | Corrections.

1177 |       ~~(3)~~(4) The department may authorize the investment of the  
1178 | earnings accrued and collected upon the investment of the  
1179 | minimum balance of funds required to be maintained in the State  
1180 | Transportation Trust Fund pursuant to s. 339.135(6)(b). Such  
1181 | investment shall be limited as provided in s. 288.9607(7).

1182 |       ~~(4)~~(5) For the 2003-2004 fiscal year only and  
1183 | notwithstanding the provisions of this section and s. 339.09(1),  
1184 | \$200 million may be transferred from the State Transportation  
1185 | Trust Fund to the General Revenue Fund in the 2003-2004 General  
1186 | Appropriations Act. Such transfer may be comprised of several  
1187 | smaller transfers made during the 2003-2004 fiscal year.  
1188 | Notwithstanding ss. 206.46(3) and 206.606(2), the total amount  
1189 | transferred shall be reduced from total state revenues deposited  
1190 | into the State Transportation Trust Fund for the calculation  
1191 | requirements of ss. 206.46(3) and 206.606(2). This subsection  
1192 | expires July 1, 2004.

1193           Section 9. Paragraph (a) of subsection (4) of section  
 1194   339.135, Florida Statutes, is amended to read:  
 1195           339.135 Work program; legislative budget request;  
 1196   definitions; preparation, adoption, execution, and amendment.--  
 1197           (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.--  
 1198           (a)1. To assure that no district or county is penalized  
 1199   for local efforts to improve the State Highway System, the  
 1200   department shall, for the purpose of developing a tentative work  
 1201   program, allocate funds for new construction to the districts,  
 1202   except for the turnpike enterprise, based on equal parts of  
 1203   population and motor fuel tax collections. Funds for  
 1204   resurfacing, bridge repair and rehabilitation, bridge fender  
 1205   system construction or repair, public transit projects except  
 1206   public transit block grants as provided in s. 341.052, and other  
 1207   programs with quantitative needs assessments shall be allocated  
 1208   based on the results of these assessments. The department may  
 1209   not transfer any funds allocated to a district under this  
 1210   paragraph to any other district except as provided in subsection  
 1211   (7). Funds for public transit block grants shall be allocated to  
 1212   the districts pursuant to s. 341.052. Funds for the intercity  
 1213   bus program provided for under s. 5311(f) of the federal  
 1214   nonurbanized area formula program shall be administered and  
 1215   allocated directly to eligible bus carriers as defined in s.  
 1216   341.031(12) at the state level rather than the district. In  
 1217   order to provide state funding to support the intercity bus  
 1218   program provided for under provisions of the federal 5311(f)  
 1219   program, the department shall allocate an amount equal to the

1220 federal share of the 5311(f) program from amounts calculated  
 1221 pursuant to s. 206.46(3).

1222 2. Notwithstanding the provisions of subparagraph 1., the  
 1223 department shall allocate at least 50 percent of any new  
 1224 discretionary highway capacity funds to the Florida Strategic  
 1225 Intermodal Intra~~state~~ Highway System created ~~established~~  
 1226 pursuant to s. 339.61 ~~s. 338.001~~. Any remaining new  
 1227 discretionary highway capacity funds shall be allocated to the  
 1228 districts for new construction as provided in subparagraph 1.  
 1229 For the purposes of this subparagraph, the term "new  
 1230 discretionary highway capacity funds" means any funds available  
 1231 to the department above the prior year funding level for  
 1232 capacity improvements, which the department has the discretion  
 1233 to allocate to highway projects.

1234 Section 10. Section 339.137, Florida Statutes, is  
 1235 repealed.

1236 Section 11. Section 339.1371, Florida Statutes, is amended  
 1237 to read:

1238 339.1371 Mobility 2000; ~~Transportation Outreach Program;~~  
 1239 funding.--

1240 (1) Beginning in fiscal year 2000-2001 the Department of  
 1241 Transportation shall allocate sufficient funds to implement the  
 1242 Mobility 2000 (Building Roads for the 21st Century) initiative.  
 1243 The department shall develop a plan to expend these revenues and  
 1244 amend the current tentative work program for the time period  
 1245 2000-2001 through 2004-2005 prior to adoption to include  
 1246 Mobility 2000 projects. In addition, prior to work program  
 1247 adoption, the department shall submit a budget amendment

1248 | pursuant to s. 339.135(7), requesting budget authority needed to  
 1249 | implement the Mobility 2000 initiative. Funds will be used for  
 1250 | corridors that link Florida's economic regions to seaports,  
 1251 | international airports, and markets to provide connections  
 1252 | through major gateways, improved mobility in major urbanized  
 1253 | areas, and access routes for emergency evacuation to coastal  
 1254 | communities based on analysis of current and projected traffic  
 1255 | conditions.

1256 |         (2) Notwithstanding any other provision of law, in fiscal  
 1257 | year 2001-2002 and each year thereafter, the increase in revenue  
 1258 | to the State Transportation Trust Fund derived from ss. 1, 2, 3,  
 1259 | 7, 9, and 10, ch. 2000-257, Laws of Florida, shall be first used  
 1260 | by the Department of Transportation to fund the Mobility 2000  
 1261 | initiative and any remaining funds shall be used to fund the  
 1262 | Florida Strategic Intermodal System ~~Transportation Outreach~~  
 1263 | ~~Program~~ created pursuant to s. 339.61 ~~s. 339.137~~.

1264 | Notwithstanding any other law to the contrary, the requirements  
 1265 | of ss. 206.46(3) and 206.606(2) shall not apply to the Mobility  
 1266 | 2000 initiative.

1267 |         Section 12. Subsection (1) of section 339.61, Florida  
 1268 | Statutes, is amended to read:

1269 |         339.61 Florida Strategic Intermodal System; legislative  
 1270 | findings, declaration, and intent.--

1271 |         (1) There is hereby created the Florida Strategic  
 1272 | Intermodal System. For purposes of funding projects under the  
 1273 | system, the department shall allocate from the State  
 1274 | Transportation Trust Fund in its program and resource plan a  
 1275 | minimum of \$60 million each year, beginning in the 2004-2005

1276 fiscal year. This allocation of funds is in addition to any  
 1277 funding provided to this system by any other provision of law.

1278 Section 13. Subsection (1) of section 337.401, Florida  
 1279 Statutes, is amended to read:

1280 337.401 Use of right-of-way for utilities subject to  
 1281 regulation; permit; fees.--

1282 (1) The department and local governmental entities,  
 1283 referred to in ss. 337.401-337.404 as the "authority," that have  
 1284 jurisdiction and control of public roads or publicly owned rail  
 1285 corridors are authorized to prescribe and enforce reasonable  
 1286 rules or regulations with reference to the placing and  
 1287 maintaining along, across, or on any road or publicly owned rail  
 1288 corridors under their respective jurisdictions any electric  
 1289 transmission, telephone, telegraph, or other communications  
 1290 services lines; pole lines; poles; railways; ditches; sewers;  
 1291 water, heat, or gas mains; pipelines; fences; gasoline tanks and  
 1292 pumps; or other structures hereinafter referred to as the  
 1293 "utility." The department may enter into a permit-delegation  
 1294 agreement with a governmental entity if issuance of a permit is  
 1295 based on requirements that the department finds will ensure the  
 1296 safety and integrity of facilities of the Department of  
 1297 Transportation; however, the permit-delegation agreement does  
 1298 not apply to facilities of electric utilities as defined in s.  
 1299 366.02(2).

1300 Section 14. Section 95.361, Florida Statutes, is amended  
 1301 to read:

1302 95.361 Roads presumed to be dedicated.--

1303 (1) When a road, constructed by a county, a municipality,  
 1304 or the Department of Transportation, has been maintained or  
 1305 repaired continuously and uninterruptedly for 4 years by the  
 1306 county, municipality, or the Department of Transportation,  
 1307 jointly or severally, the road shall be deemed to be dedicated  
 1308 to the public to the extent in width that has been actually  
 1309 maintained for the prescribed period, whether or not the road  
 1310 has been formally established as a public highway. The  
 1311 dedication shall vest all right, title, easement, and  
 1312 appurtenances in and to the road in:

- 1313 (a) The county, if it is a county road;
- 1314 (b) The municipality, if it is a municipal street or road;
- 1315 or
- 1316 (c) The state, if it is a road in the State Highway System  
 1317 or State Park Road System,

1318  
 1319 whether or not there is a record of a conveyance, dedication, or  
 1320 appropriation to the public use.

1321 (2) In those instances where a road has been constructed  
 1322 by a nongovernmental entity, or where the road was not  
 1323 constructed by the entity currently maintaining or repairing it,  
 1324 or where it cannot be determined who constructed the road, and  
 1325 when such road has been regularly maintained or repaired for the  
 1326 immediate past 7 years by a county, a municipality, or the  
 1327 Department of Transportation, whether jointly or severally, such  
 1328 road shall be deemed to be dedicated to the public to the extent  
 1329 of the width that actually has been maintained or repaired for  
 1330 the prescribed period, whether or not the road has been formally



1331 established as a public highway. This subsection shall not apply  
 1332 to an electric utility, as defined in s. 366.02(2) The  
 1333 dedication shall vest all rights, title, easement, and  
 1334 appurtenances in and to the road in:

- 1335 (a) The county, if it is a county road;
- 1336 (b) The municipality, if it is a municipal street or road;
- 1337 or
- 1338 (c) The state, if it is a road in the State Highway System  
 1339 or State Park Road System,

1340  
 1341 whether or not there is a record of conveyance, dedication, or  
 1342 appropriation to the public use.

1343 (3) The filing of a map in the office of the clerk of the  
 1344 circuit court of the county where the road is located showing  
 1345 the lands and reciting on it that the road has vested in the  
 1346 state, a county, or a municipality in accordance with subsection  
 1347 (1) or subsection (2) or by any other means of acquisition, duly  
 1348 certified by:

- 1349 (a) The secretary of the Department of Transportation, or  
 1350 the secretary's designee, if the road is a road in the State  
 1351 Highway System or State Park Road System;

- 1352 (b) The chair and clerk of the board of county  
 1353 commissioners of the county, if the road is a county road; or

- 1354 (c) The mayor and clerk of the municipality, if the road  
 1355 is a municipal road or street,

1356  
 1357 shall be prima facie evidence of ownership of the land by the  
 1358 state, county, or municipality, as the case may be.

1359 (4) Any person, firm, corporation, or entity having or  
 1360 claiming any interest in and to any of the property affected by  
 1361 subsection (2) shall have and is hereby allowed a period of 1  
 1362 year after the effective date of this subsection, or a period of  
 1363 7 years after the initial date of regular maintenance or repair  
 1364 of the road, whichever period is greater, to file a claim in  
 1365 equity or with a court of law against the particular governing  
 1366 authority assuming jurisdiction over such property to cause a  
 1367 cessation of the maintenance and occupation of the property.  
 1368 Such timely filed and adjudicated claim shall prevent the  
 1369 dedication of the road to the public pursuant to subsection (2).

1370 (5) This section does not apply to any facility of an  
 1371 electric utility which is located on property otherwise subject  
 1372 to this section.

1373 Section 15. Subsections (2) and (6) of section 341.8203,  
 1374 Florida Statutes, are amended to read:

1375 341.8203 Definitions.--As used in this act, unless the  
 1376 context clearly indicates otherwise, the term:

1377 (2) "Authority" means the Florida High-Speed Rail  
 1378 Authority and its agents. However, for purposes of s. 341.840,  
 1379 the term does not include any agent of the authority except as  
 1380 provided in that section.

1381 (6) "High-speed rail system" means any high-speed fixed  
 1382 guideway system for transporting people or goods, which system  
 1383 is capable of operating at speeds in excess of 120 miles per  
 1384 hour, including, but not limited to, a monorail system, dual  
 1385 track rail system, suspended rail system, magnetic levitation  
 1386 system, pneumatic repulsion system, or other system approved by

1387 the authority. The term includes a corridor and structures  
 1388 essential to the operation of the line, including the land,  
 1389 structures, improvements, rights-of-way, easements, rail lines,  
 1390 rail beds, guideway structures, ~~stations, platforms,~~ switches,  
 1391 yards, parking facilities, power relays, switching houses, and  
 1392 rail stations, ~~associated development,~~ and also includes any  
 1393 ~~other~~ facilities or equipment used exclusively ~~or useful~~ for the  
 1394 purposes of ~~high-speed rail system~~ design, construction,  
 1395 operation, maintenance, or the financing of the high-speed rail  
 1396 system.

1397 Section 16. Section 341.840, Florida Statutes, is amended  
 1398 to read:

1399 341.840 Tax exemption.--

1400 (1) The exercise of the powers granted by this act will be  
 1401 in all respects for the benefit of the people of this state, for  
 1402 the increase of their commerce, welfare, and prosperity, and for  
 1403 the improvement of their health and living conditions, ~~and as~~  
 1404 The design, construction ~~building,~~ operation, maintenance, and  
 1405 financing of a high-speed rail system by the authority, ~~or~~ its  
 1406 agent, or the owner or lessee thereof, as herein authorized,  
 1407 constitutes the performance of an essential public function.

1408 (2)(a) For the purposes of this section, the term  
 1409 "authority" does not include agents of the authority other than  
 1410 contractors who qualify as such pursuant to subsection (7).

1411 (b) For the purposes of this section, any item or property  
 1412 that is within the definition of "associated development" in s.  
 1413 341.8203(1) shall not be considered to be part of the high-speed  
 1414 rail system as defined in s. 341.8203(6).

1415       (3)(a) Purchases or leases of tangible personal property  
 1416 or real property by the authority, excluding agents of the  
 1417 authority, are exempt from taxes imposed by chapter 212 as  
 1418 provided in s. 212.08(6). Purchases or leases of tangible  
 1419 personal property that is incorporated into the high-speed rail  
 1420 system as a component part thereof, as determined by the  
 1421 authority, by agents of the authority or the owner of the high-  
 1422 speed rail system are exempt from sales or use taxes imposed by  
 1423 chapter 212. Leases, rentals, or licenses to use real property  
 1424 granted to agents of the authority or the owner of the high-  
 1425 speed rail system are exempt from taxes imposed by s. 212.031 if  
 1426 the real property becomes part of such system. The exemptions  
 1427 granted in this subsection do not apply to sales, leases, or  
 1428 licenses by the authority, agents of the authority, or the owner  
 1429 of the high-speed rail system.

1430       (b) The exemption granted in paragraph (a) to purchases or  
 1431 leases of tangible personal property by agents of the authority  
 1432 or by the owner of the high-speed rail system applies only to  
 1433 property that becomes a component part of such system. It does  
 1434 not apply to items, including, but not limited to, cranes,  
 1435 bulldozers, forklifts, other machinery and equipment, tools and  
 1436 supplies, or other items of tangible personal property used in  
 1437 the construction, operation, or maintenance of the high-speed  
 1438 rail system when such items are not incorporated into the high-  
 1439 speed rail system as a component part thereof.

1440       ~~(4) Any bonds or other, neither the authority, its agent,~~  
 1441 ~~nor the owner of such system shall be required to pay any taxes~~  
 1442 ~~or assessments upon or in respect to the system or any property~~

1443 ~~acquired or used by the authority, its agent, or such owner~~  
 1444 ~~under the provisions of this act or upon the income therefrom,~~  
 1445 any security, and all notes, mortgages, security agreements,  
 1446 letters of credit, or other instruments that arise out of or are  
 1447 given to secure the repayment of bonds or other security, issued  
 1448 by the authority, or on behalf of the authority ~~therefor~~, their  
 1449 transfer, and the income therefrom, including any profit made on  
 1450 the sale thereof, shall at all times be free from taxation of  
 1451 every kind by the state, the counties, and the municipalities  
 1452 and other political subdivisions in the state. This subsection,  
 1453 however, does not exempt from taxation or assessment the  
 1454 leasehold interest of a lessee in any project or any other  
 1455 property or interest owned by the lessee. The exemption granted  
 1456 by this subsection is not applicable to any tax imposed by  
 1457 chapter 220 on interest income or profits on the sale of debt  
 1458 obligations owned by corporations.

1459 (5) When property of the authority is leased to another  
 1460 person or entity, the property shall be exempt from ad valorem  
 1461 taxation only if the use by the lessee qualifies the property  
 1462 for exemption under s. 196.199.

1463 (6) A leasehold interest held by the authority is not  
 1464 subject to intangible tax. However, if a leasehold interest held  
 1465 by the authority is subleased to a nongovernmental lessee, such  
 1466 subleasehold interest shall be deemed to be an interest  
 1467 described in s. 199.023(1)(d), and is subject to the intangible  
 1468 tax.

1469 (7)(a) In order to be considered an agent of the authority  
 1470 for purposes of the exemption from sales and use tax granted by

1471 subsection (3) for tangible personal property incorporated into  
1472 the high-speed rail system, a contractor of the authority that  
1473 purchases or fabricates such tangible personal property must be  
1474 certified by the authority as provided in this subsection.

1475 (b)1. A contractor must apply for a renewal of the  
1476 exemption not later than December 1 of each calendar year.

1477 2. A contractor must apply to the authority on the  
1478 application form adopted by the authority, which shall develop  
1479 the form in consultation with the Department of Revenue.

1480 3. The authority shall review each submitted application  
1481 and determine whether it is complete. The authority shall notify  
1482 the applicant of any deficiencies in the application within 30  
1483 days. Upon receipt of a completed application, the authority  
1484 shall evaluate the application for exemption under this  
1485 subsection and issue a certification that the contractor is  
1486 qualified to act as an agent of the authority for purposes of  
1487 this section or a denial of such certification within 30 days.  
1488 The authority shall provide the Department of Revenue with a  
1489 copy of each certification issued upon approval of an  
1490 application. Upon receipt of a certification from the authority,  
1491 the Department of Revenue shall issue an exemption permit to the  
1492 contractor.

1493 (c)1. The contractor may extend a copy of its exemption  
1494 permit to its vendors in lieu of paying sales tax on purchases  
1495 of tangible personal property qualifying for exemption under  
1496 this section. Possession of a copy of the exemption permit  
1497 relieves the seller of the responsibility of collecting tax on  
1498 the sale, and the Department of Revenue shall look solely to the

1499 contractor for recovery of tax upon a determination that the  
1500 contractor was not entitled to the exemption.

1501 2. The contractor may extend a copy of its exemption  
1502 permit to real property subcontractors supplying and installing  
1503 tangible personal property that is exempt under subsection (3).  
1504 Any such subcontractor is authorized to extend a copy of the  
1505 permit to the subcontractor's vendors in order to purchase  
1506 qualifying tangible personal property tax-exempt. If the  
1507 subcontractor uses the exemption permit to purchase tangible  
1508 personal property that is determined not to qualify for  
1509 exemption under subsection (3), the Department of Revenue may  
1510 assess and collect any tax, penalties, and interest that are due  
1511 from either the contractor holding the exemption permit or the  
1512 subcontractor that extended the exemption permit to the seller.

1513 (d) Any contractor authorized to act as an agent of the  
1514 authority under this section shall maintain the necessary books  
1515 and records to document the exempt status of purchases and  
1516 fabrication costs made or incurred under the permit. In  
1517 addition, an authorized contractor extending its exemption  
1518 permit to its subcontractors shall maintain a copy of the  
1519 subcontractor's books, records, and invoices indicating all  
1520 purchases made by the subcontractor under the authorized  
1521 contractor's permit. If, in an audit conducted by the Department  
1522 of Revenue, it is determined that tangible personal property  
1523 purchased or fabricated claiming exemption under this section  
1524 does not meet the criteria for exemption, the amount of taxes  
1525 not paid at the time of purchase or fabrication shall be  
1526 immediately due and payable to the Department of Revenue,

1527 together with the appropriate interest and penalty, computed  
 1528 from the date of purchase, in the manner prescribed by chapter  
 1529 212.

1530 (e) If a contractor fails to apply for a high-speed rail  
 1531 system exemption permit, or if a contractor initially determined  
 1532 by the authority to not qualify for exemption is subsequently  
 1533 determined to be eligible, the contractor shall receive the  
 1534 benefit of the exemption in this subsection through a refund of  
 1535 previously paid taxes for transactions that otherwise would have  
 1536 been exempt. A refund may not be made for such taxes without the  
 1537 issuance of a certification by the authority that the contractor  
 1538 was authorized to make purchases tax-exempt and a determination  
 1539 by the Department of Revenue that the purchases qualified for  
 1540 the exemption.

1541 (f) The authority may adopt rules governing the  
 1542 application process for exemption of a contractor as an  
 1543 authorized agent of the authority.

1544 (g) The Department of Revenue may adopt rules governing  
 1545 the issuance and form of high-speed rail system exemption  
 1546 permits, the audit of contractors and subcontractors using such  
 1547 permits, the recapture of taxes on nonqualified purchases, and  
 1548 the manner and form of refund applications.

1549 Section 17. Section 343.71, Florida Statutes, is amended  
 1550 to read:

1551 343.71 Short title.--This part may be cited as the "Tampa  
 1552 Bay Commuter Transit Rail Authority Act."

1553 Section 18. Subsection (1) of section 343.72, Florida  
 1554 Statutes, is amended to read:



1555           343.72 Definitions.--As used in this part, unless the  
1556 context clearly indicates otherwise, the term:

1557           (1) "Authority" means the Tampa Bay Commuter Transit Rail  
1558 Authority.

1559           Section 19. Section 343.73, Florida Statutes, is amended  
1560 to read:

1561           343.73 Tampa Bay Commuter Transit Rail Authority.--

1562           (1) There is created and established a body politic and  
1563 corporate, an agency of the state, to be known as the Tampa Bay  
1564 Commuter Transit Rail Authority, hereinafter referred to as the  
1565 authority.

1566           (2) The board shall consist of the following members:

1567           (a) The metropolitan planning organizations of Hernando,  
1568 Hillsborough, Pasco, Pinellas, Manatee, Sarasota, and Polk  
1569 Counties shall each elect a member as its representative on the  
1570 board. The member must be an elected official and a member of  
1571 the respective metropolitan planning organization when elected  
1572 and for the full extent of his or her term on the board.

1573           (b) The county commissions of those counties shall each  
1574 appoint a citizen member to the board who is not a county  
1575 commissioner but who is a resident and a qualified elector of  
1576 that county. Insofar as is practicable, the citizen member shall  
1577 represent the business and civic interests of the community.

1578           (c) The Secretary of Transportation shall appoint as a  
1579 member of the board the district secretary, or his or her  
1580 designee, for each district within the seven ~~five~~ counties  
1581 served by the authority.

1582 (d) The local transit authority in each of the seven ~~five~~  
 1583 counties shall elect one member who shall serve as an ex officio  
 1584 nonvoting member of the board.

1585 (e) The Governor shall appoint one member to the board who  
 1586 is a resident and a qualified elector in the area served by the  
 1587 authority.

1588 (3) The terms of the county commissioners on the governing  
 1589 board of the authority shall be 2 years. All other members on  
 1590 the governing board of the authority shall serve staggered 4-  
 1591 year terms. Each member shall hold office until his or her  
 1592 successor has been appointed.

1593 (4) A vacancy during a term shall be filled by the  
 1594 respective appointing authority within 90 days in the same  
 1595 manner as the original appointment and only for the balance of  
 1596 the unexpired term.

1597 (5) The members of the authority shall not be entitled to  
 1598 compensation, but shall be reimbursed for travel expenses  
 1599 actually incurred in their duties as provided by law.

1600 (6) Members of the authority shall be required to comply  
 1601 with the applicable financial disclosure requirements of ss.  
 1602 112.3145, 112.3148, and 112.3149.

1603 Section 20. Subsection (1) of section 343.74, Florida  
 1604 Statutes, is amended to read:

1605 343.74 Powers and duties.--

1606 (1)(a) The authority created by s. 343.73 has the right to  
 1607 own, operate, maintain, and manage a commuter rail system and  
 1608 commuter ferry system in Hernando, Hillsborough, Pasco,  
 1609 Pinellas, Manatee, Sarasota, and Polk Counties.

1610 (b) It is the express intention of this part that the  
 1611 authority be authorized to plan, develop, own, purchase, lease,  
 1612 or otherwise acquire, demolish, construct, improve, relocate,  
 1613 equip, repair, maintain, operate, and manage a commuter rail  
 1614 system, commuter rail facilities, or commuter ferry system; to  
 1615 establish and determine such policies as may be necessary for  
 1616 the best interest of the operation and promotion of a commuter  
 1617 rail system and commuter ferry system; and to adopt such rules  
 1618 as may be necessary to govern the operation of a commuter rail  
 1619 system, commuter rail facilities, and commuter ferry system.

1620 Section 21. Subsection (1) of section 3 of chapter 57-  
 1621 1658, Laws of Florida, as created by chapter 88-474, Laws of  
 1622 Florida, is amended to read:

1623 Section 3. Greater Orlando Aviation Authority.

1624 (1) There is hereby created a board or commission to be  
 1625 known as the "Greater Orlando Aviation Authority," and by that  
 1626 name the authority may sue and be sued, plead and be impleaded,  
 1627 contract and be contracted with, and have an official seal. The  
 1628 authority is hereby constituted an agency of the city, and  
 1629 exercise by the authority of the powers conferred by this act  
 1630 shall be deemed and held to be an essential municipal function  
 1631 of the city. The authority shall consist of seven members who  
 1632 shall be elected or appointed as follows: one member shall be  
 1633 the mayor of the City of ~~an incumbent member of the Orlando City~~  
 1634 ~~Council, who may be the mayor commissioner or any other~~  
 1635 ~~commissioner elected by a majority vote of such council;~~ one  
 1636 member shall be the chairman ~~an incumbent member~~ of the Board of  
 1637 County Commissioners of Orange County, Florida, ~~who may be the~~

1638 ~~chairman or any other commissioner elected by a majority vote of~~  
 1639 ~~such commission;~~ and five members shall be appointed by the  
 1640 Governor, subject to confirmation by the Senate. Three members  
 1641 appointed by the Governor shall be residents and electors of  
 1642 Orange County, Florida; one member appointed by the Governor  
 1643 shall be a resident and elector of Osceola County, Florida,  
 1644 ~~effective April 1992;~~ and, one member appointed by the Governor  
 1645 shall be a resident and elector of Orange County, Florida, or  
 1646 Seminole County, Florida. All seven members shall be entitled to  
 1647 an equal voice and vote on all matters relating to the authority  
 1648 and its business. Two of the five appointed members initially  
 1649 appointed by the Governor shall be appointed for a term of 2  
 1650 years and three members shall be appointed for a term of four  
 1651 years, the term of each member so appointed to be designated by  
 1652 the Governor at the time of the appointment. All subsequent  
 1653 appointments shall be for a term of 4 years. The member of the  
 1654 city council and the member of the county commission shall be  
 1655 elected for a term of two years each; provided, however, that  
 1656 any such commissioner's term shall end at such time as he may  
 1657 cease to be a city or county commissioner, at which time a  
 1658 successor or successors shall be elected for any unexpired term.  
 1659 The terms of all members shall end at the expiration of their  
 1660 terms or as otherwise herein specified.

1661 Section 22. Section 337.408, Florida Statutes, is amended  
 1662 to read:

1663 337.408 Regulation of benches, transit shelters, street  
 1664 light poles, ~~and waste disposal receptacles,~~ and modular news  
 1665 racks within rights-of-way.--

1666 (1) Benches or transit shelters, including advertising  
 1667 displayed on benches or transit shelters, may be installed  
 1668 within the right-of-way limits of any municipal, county, or  
 1669 state road, except a limited access highway, + provided that such  
 1670 benches or transit shelters are for the comfort or convenience  
 1671 of the general public, or are at designated stops on official  
 1672 bus routes; and, provided ~~further,~~ that written authorization  
 1673 has been given to a qualified private supplier of such service  
 1674 by the municipal government within whose incorporated limits  
 1675 such benches or transit shelters are installed, or by the county  
 1676 government within whose unincorporated limits such benches or  
 1677 transit shelters are installed. A municipality or county may  
 1678 authorize the installation, without public bid, of benches and  
 1679 transit shelters together with advertising displayed thereon, +  
 1680 within the right-of-way limits of such roads. Any contract for  
 1681 the installation of benches or transit shelters or advertising  
 1682 on benches or transit shelters which was entered into before  
 1683 April 8, 1992, without public bidding, + is ratified and affirmed.  
 1684 Such benches or transit shelters may not interfere with right-  
 1685 of-way preservation and maintenance. Any bench or transit  
 1686 shelter located on a sidewalk within the right-of-way limits of  
 1687 any road on the State Highway System or the county road system  
 1688 shall be located so as to leave at least 36 inches of clearance  
 1689 for pedestrians and persons in wheelchairs. Such clearance shall  
 1690 be measured in a direction perpendicular to the centerline of  
 1691 the road.

1692 (2) Waste disposal receptacles of less than 110 gallons in  
 1693 capacity, including advertising displayed on such waste disposal

1694 receptacles, may be installed within the right-of-way limits of  
 1695 any municipal, county, or state road, except a limited access  
 1696 highway, ~~+~~ provided that written authorization has been given to  
 1697 a qualified private supplier of such service by the appropriate  
 1698 municipal or county government. A municipality or county may  
 1699 authorize the installation, without public bid, of waste  
 1700 disposal receptacles together with advertising displayed thereon  
 1701 within the right-of-way limits of such roads. Such waste  
 1702 disposal receptacles may not interfere with right-of-way  
 1703 preservation and maintenance.

1704 (3) Modular news racks, including advertising thereon, may  
 1705 be located within the right-of-way limits of any municipal,  
 1706 county, or state road, except a limited access highway, provided  
 1707 the municipal government within whose incorporated limits such  
 1708 racks are installed or the county government within whose  
 1709 unincorporated limits such racks are installed has passed an  
 1710 ordinance regulating the placement of modular news racks within  
 1711 the right-of-way and has authorized a qualified private supplier  
 1712 of modular news racks to provide such service. The modular news  
 1713 rack or advertising thereon shall not exceed a height of 56  
 1714 inches or a total advertising space of 56 square feet. No later  
 1715 than 45 days prior to installation of modular news racks, the  
 1716 private supplier shall provide a map of proposed locations and  
 1717 typical installation plans to the department for approval. If  
 1718 the department does not respond within 45 days after receipt of  
 1719 the submitted plans, installation may proceed.

1720 (4)~~(3)~~ The department has the authority to direct the  
 1721 immediate relocation or removal of any bench, transit shelter,

1722 ~~or~~ waste disposal receptacle , or modular news rack which  
 1723 endangers life or property, except that transit bus benches  
 1724 which have been placed in service prior to April 1, 1992, are  
 1725 not required ~~do not have~~ to comply with bench size and  
 1726 advertising display size requirements which have been  
 1727 established by the department prior to March 1, 1992. Any  
 1728 transit bus bench that was in service prior to April 1, 1992,  
 1729 may be replaced with a bus bench of the same size or smaller, if  
 1730 the bench is damaged or destroyed or otherwise becomes unusable.  
 1731 The department is authorized to adopt ~~promulgate~~ rules relating  
 1732 to the regulation of bench size and advertising display size  
 1733 requirements. ~~However,~~ If a municipality or county within which  
 1734 a bench is to be located has adopted an ordinance or other  
 1735 applicable regulation that establishes bench size or advertising  
 1736 display sign requirements different from requirements specified  
 1737 in department rule, ~~then~~ the local government requirement shall  
 1738 be applicable within the respective municipality or county.  
 1739 Placement of any bench or advertising display on the National  
 1740 Highway System under a local ordinance or regulation adopted  
 1741 pursuant to this subsection shall be subject to approval of the  
 1742 Federal Highway Administration.

1743 (5)(4) No bench, transit shelter, ~~or~~ waste disposal  
 1744 receptacle, or modular news rack, or advertising thereon, shall  
 1745 be erected or so placed on the right-of-way of any road which  
 1746 conflicts with the requirements of federal law, regulations, or  
 1747 safety standards, thereby causing the state or any political  
 1748 subdivision the loss of federal funds. Competition among persons  
 1749 seeking to provide bench, transit shelter, ~~or~~ waste disposal

1750 | receptacle, or modular news rack services or advertising on such  
 1751 | benches, shelters, ~~or receptacles,~~ or news racks may be  
 1752 | regulated, restricted, or denied by the appropriate local  
 1753 | government entity consistent with the provisions of this  
 1754 | section.

1755 |        ~~(6)~~(5) Street light poles, including attached public  
 1756 | service messages and advertisements, may be located within the  
 1757 | right-of-way limits of municipal and county roads in the same  
 1758 | manner as benches, transit shelters, ~~and~~ waste disposal  
 1759 | receptacles, and modular news racks as provided in this section  
 1760 | and in accordance with municipal and county ordinances. Public  
 1761 | service messages and advertisements may be installed on street  
 1762 | light poles on roads on the State Highway System in accordance  
 1763 | with height, size, setback, spacing distance, duration of  
 1764 | display, safety, traffic control, and permitting requirements  
 1765 | established by administrative rule of the Department of  
 1766 | Transportation. Public service messages and advertisements shall  
 1767 | be subject to bilateral agreements, where applicable, to be  
 1768 | negotiated with the owner of the street light poles, which shall  
 1769 | consider, among other things, power source rates, design,  
 1770 | safety, operational and maintenance concerns, and other matters  
 1771 | of public importance. For the purposes of this section, the term  
 1772 | "street light poles" does not include electric transmission or  
 1773 | distribution poles. The department shall have authority to adopt  
 1774 | ~~establish administrative rules pursuant to ss. 120.536(1) and~~  
 1775 | 120.54 to implement the provisions of this section ~~subsection~~.  
 1776 | No advertising on light poles shall be permitted on the  
 1777 | Interstate Highway System. No permanent structures carrying



1778 advertisements attached to light poles shall be permitted on the  
 1779 National Highway System.

1780 (7)~~(6)~~ Wherever the provisions of this section are  
 1781 inconsistent with other provisions of this chapter or with the  
 1782 provisions of chapter 125, chapter 335, chapter 336, or chapter  
 1783 479, the provisions of this section shall prevail.

1784 Section 23. Paragraph (n) of subsection (2) of section  
 1785 348.754, Florida Statutes, is amended to read:

1786 348.754 Purposes and powers.--

1787 (2) The authority is hereby granted, and shall have and  
 1788 may exercise all powers necessary, appurtenant, convenient or  
 1789 incidental to the carrying out of the aforesaid purposes,  
 1790 including, but without being limited to, the following rights  
 1791 and powers:

1792 (n) With the consent of Orange County and the county  
 1793 within whose jurisdiction the following activities occur, the  
 1794 authority shall have the right to construct, operate, and  
 1795 maintain roads, bridges, avenues of access, thoroughfares, and  
 1796 boulevards outside the jurisdictional boundaries of Orange  
 1797 County, together with the right to construct, repair, replace,  
 1798 operate, install, and maintain electronic toll payment systems  
 1799 thereon, with all necessary and incidental powers to accomplish  
 1800 the foregoing.

1801 Section 24. Paragraph (m) of subsection (2) of section  
 1802 348.0004, Florida Statutes, is repealed.

1803 Section 25. Subsection (9) is added to section 348.0004,  
 1804 Florida Statutes, to read:

1805 348.0004 Purposes and powers.--

1806        (9) The Legislature declares that there is a public need  
 1807 for rapid construction of safe and efficient transportation  
 1808 facilities for travel within the state and that it is in the  
 1809 public's interest to provide for public-private partnership  
 1810 agreements to effectuate the construction of additional safe,  
 1811 convenient, and economical transportation facilities.

1812        (a) Notwithstanding any other provision of the Florida  
 1813 Expressway Authority Act, any expressway authority may receive  
 1814 or solicit proposals and enter into agreements with private  
 1815 entities, or consortia thereof, for the building, operation,  
 1816 ownership, or financing of expressway authority transportation  
 1817 facilities or new transportation facilities within the  
 1818 jurisdiction of the expressway authority. An expressway  
 1819 authority is authorized to adopt rules to implement this  
 1820 subsection and shall, by rule, establish an application fee for  
 1821 the submission of unsolicited proposals under this subsection.  
 1822 The fee must be sufficient to pay the costs of evaluating the  
 1823 proposals. An expressway authority may engage private  
 1824 consultants to assist in the evaluation. Before approval, an  
 1825 expressway authority must determine that a proposed project:

- 1826            1. Is in the public's best interest.
- 1827            2. Would not require state funds to be used unless the  
 1828 project is on or provides increased mobility on the State  
 1829 Highway System.
- 1830            3. Would have adequate safeguards to ensure that no  
 1831 additional costs or service disruptions would be realized by the  
 1832 traveling public and citizens of the state in the event of

1833 default or the cancellation of the agreement by the expressway  
1834 authority.

1835 (b) An expressway authority shall ensure that all  
1836 reasonable costs to the state, related to transportation  
1837 facilities that are not part of the State Highway System, are  
1838 borne by the private entity. An expressway authority shall also  
1839 ensure that all reasonable costs to the state and substantially  
1840 affected local governments and utilities related to the private  
1841 transportation facility are borne by the private entity for  
1842 transportation facilities that are owned by private entities.  
1843 For projects on the State Highway System, the department may use  
1844 state resources to participate in funding and financing the  
1845 project as provided for under the department's enabling  
1846 legislation.

1847 (c) The expressway authority may request proposals for  
1848 public-private transportation projects or, if it receives an  
1849 unsolicited proposal, it must publish a notice in the Florida  
1850 Administrative Weekly and a newspaper of general circulation in  
1851 the county in which it is located at least once a week for 2  
1852 weeks, stating that it has received the proposal and will  
1853 accept, for 60 days after the initial date of publication, other  
1854 proposals for the same project purpose. A copy of the notice  
1855 must be mailed to each local government in the affected areas.  
1856 After the public notification period has expired, the expressway  
1857 authority shall rank the proposals in order of preference. In  
1858 ranking the proposals, the expressway authority shall consider  
1859 professional qualifications, general business terms, innovative  
1860 engineering or cost-reduction terms, finance plans, and the need

1861 for state funds to deliver the proposal. If the expressway  
 1862 authority is not satisfied with the results of the negotiations,  
 1863 it may, at its sole discretion, terminate negotiations with the  
 1864 proposer. If these negotiations are unsuccessful, the expressway  
 1865 authority may go to the second and lower-ranked firms, in order,  
 1866 using the same procedure. If only one proposal is received, the  
 1867 expressway authority may negotiate in good faith, and if it is  
 1868 not satisfied with the results, it may, at its sole discretion,  
 1869 terminate negotiations with the proposer. Notwithstanding this  
 1870 paragraph, the expressway authority may, at its discretion,  
 1871 reject all proposals at any point in the process up to  
 1872 completion of a contract with the proposer.

1873 (d) The department may lend funds from the Toll Facilities  
 1874 Revolving Trust Fund, as outlined in s. 338.251, to public-  
 1875 private partnerships. To be eligible a private entity must  
 1876 comply with s. 338.251 and must provide an indication from a  
 1877 nationally recognized rating agency that the senior bonds for  
 1878 the project will be investment grade or must provide credit  
 1879 support, such as a letter of credit or other means acceptable to  
 1880 the department, to ensure that the loans will be fully repaid.

1881 (e) Agreements entered into pursuant to this subsection  
 1882 may authorize the public-private entity to impose tolls or fares  
 1883 for the use of the facility. However, the amount and use of toll  
 1884 or fare revenues shall be regulated by the expressway authority  
 1885 to avoid unreasonable costs to users of the facility.

1886 (f) Each public-private transportation facility  
 1887 constructed pursuant to this subsection shall comply with all  
 1888 requirements of federal, state, and local laws; state, regional,

1889 and local comprehensive plans; the expressway authority's rules,  
 1890 policies, procedures, and standards for transportation  
 1891 facilities; and any other conditions that the expressway  
 1892 authority determines to be in the public's best interest.

1893 (g) An expressway authority may exercise any power  
 1894 possessed by it, including eminent domain, to facilitate the  
 1895 development and construction of transportation projects pursuant  
 1896 to this subsection. An expressway authority may pay all or part  
 1897 of the cost of operating and maintaining the facility or may  
 1898 provide services to the private entity for which it receives  
 1899 full or partial reimbursement for services rendered.

1900 (h) Except as herein provided, this subsection is not  
 1901 intended to amend existing laws by granting additional powers to  
 1902 or further restricting the governmental entities from regulating  
 1903 and entering into cooperative arrangements with the private  
 1904 sector for the planning, construction, and operation of  
 1905 transportation facilities.

1906 Section 26. Subsection (2) of section 2 of chapter 88-418,  
 1907 Laws of Florida, as amended by section 99 of chapter 2002-20,  
 1908 Laws of Florida, is amended to read:

1909 Section 2. Crandon Boulevard is hereby designated as a  
 1910 state historic highway. No public funds shall be expended for:

1911 (2) The alteration of the physical dimensions or location  
 1912 of Crandon Boulevard, the median strip thereof, or the land  
 1913 adjacent thereto, except for:

1914 (a) The routine or emergency utilities maintenance  
 1915 activities necessitated to maintain the road as a utility  
 1916 corridor serving the village of Key Biscayne; ~~or~~

1917 (b) The modification or improvements made to provide for  
 1918 vehicular ingress and egress of governmental public safety  
 1919 vehicles; ~~or-~~

1920 (c) Alterations, modifications, or improvements made for  
 1921 the purpose of enhancing life safety vehicular use or pedestrian  
 1922 use of Crandon Boulevard, or both, so long as such alterations,  
 1923 modifications, or improvements are heard in a public hearing and  
 1924 subsequently approved by the Village Council of the Village of  
 1925 Key Biscayne.

1926 Section 27. This act shall take effect upon becoming a  
 1927 law.