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1 the traffic citation directly to the governmental entity that
 2 issued the citation in accordance with s. 318.14(12), the
 3 traffic citation will not be submitted to the court, the
 4 disposition will be reported to the department by the
 5 governmental entity that issued the citation, and no points
 6 will be assessed against the person's driver's license.

7 Section 18. Subsection (12) of section 318.14, Florida
 8 Statutes, is amended to read:

9 318.14 Noncriminal traffic infractions; exception;
 10 procedures.--

11 (12) Any person cited for a violation of s. 316.1001
 12 may, in lieu of making an election as set forth in subsection
 13 (4) or s. 318.18(7), elect to pay a his or her fine of \$25 or,
 14 such other amount as imposed by the toll authority, plus the
 15 amount of the unpaid toll which is shown on the traffic
 16 citation directly to the governmental entity that issued the
 17 citation, within 30 days after the date of issuance of the
 18 citation. Any person cited for a violation of s. 316.1001 who
 19 does not elect to pay the fine imposed by the toll authority
 20 plus the amount of the unpaid toll which is shown on the
 21 traffic citation directly to the governmental entity that
 22 issued the citation as described in this subsection ~~section~~
 23 shall have an additional 45 days after the date of the
 24 issuance of the citation in which to request a court hearing
 25 or to pay the civil penalty and delinquent fee, if applicable,
 26 as provided in s. 318.18(7), either by mail or in person, in
 27 accordance with subsection (4).

28 Section 19. Subsection (7) of section 318.18, Florida
 29 Statutes, is amended to read:

30 318.18 Amount of civil penalties.--The penalties
 31 required for a noncriminal disposition pursuant to s. 318.14

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1 are as follows:

2 (7) A mandatory fine of \$100 ~~One hundred dollars~~ for
3 ~~each~~ a violation of s. 316.1001 plus the amount of the unpaid
4 toll shown on the traffic citation for each citation issued.
5 The clerk of the court shall forward \$25 of the \$100 fine
6 received plus the amount of the unpaid toll which is shown on
7 the citation to the governmental entity that issued the
8 citation. If adjudication is withheld or there is a plea
9 arrangement prior to a hearing, there shall be a minimum
10 mandatory fine assessed per citation of \$100 plus the amount
11 of the unpaid toll for each citation issued. The clerk of the
12 court shall forward \$25 of the \$100 plus the amount of the
13 unpaid toll as shown on the citation to the governmental
14 entity that issued the citation. The court shall have specific
15 authority to consolidate issued citations for the same
16 defendant for the purpose of sentencing and aggregate
17 jurisdiction. In addition, the department shall suspend for 60
18 days the driver's license of a person who is convicted of 10
19 violations of s. 316.1001 within a 36-month period. ~~However, a~~
20 ~~person may elect to pay \$30 to the clerk of the court, in~~
21 ~~which case adjudication is withheld, and no points are~~
22 ~~assessed under s. 322.27. Upon receipt of the fine, the clerk~~
23 ~~of the court must retain \$5 for administrative purposes and~~
24 ~~must forward the \$25 to the governmental entity that issued~~
25 ~~the citation. Any funds received by a governmental entity for~~
26 ~~this violation may be used for any lawful purpose related to~~
27 ~~the operation or maintenance of a toll facility.~~

28 Section 20. Subsection (6) is added to section
29 348.754, Florida Statutes, to read:

30 348.754 Purposes and powers.--

31 (6)(a) Notwithstanding s. 255.05, the Orlando-Orange

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1 County Expressway Authority may waive payment and performance
 2 bonds on construction contracts for the construction of a
 3 public building, for the prosecution and completion of a
 4 public work, or for repairs on a public building or public
 5 work that has a cost of \$500,000 or less and when the project
 6 is awarded pursuant to an economic development program for the
 7 encouragement of local small businesses which has been adopted
 8 by the governing body of the Orlando-Orange County Expressway
 9 Authority pursuant to a resolution or policy.

10 (b) The authority's adopted criteria for participation
 11 in the economic development program for local small businesses
 12 requires that a participant:

- 13 1. Be an independent business.
- 14 2. Be principally domiciled in the Orange County
 15 Standard Metropolitan Statistical Area.
- 16 3. Employ 25 or fewer full-time employees.
- 17 4. Have gross annual sales averaging \$3 million or
 18 less over the immediately preceding 3 calendar years with
 19 regard to any construction element of the program.
- 20 5. Be accepted as a participant in the Orlando-Orange
 21 County Expressway Authority's microcontracts program or such
 22 other small business program as may be hereinafter enacted by
 23 the Orlando-Orange County Expressway Authority.
- 24 6. Participate in an educational curriculum or
 25 technical assistance program for business development which
 26 will assist the small business in becoming eligible for
 27 bonding.

28 (c) The authority's adopted procedures for waiving
 29 payment and performance bonds on projects having values not
 30 less than \$200,000 and not exceeding \$500,000 shall provide
 31 that payment and performance bonds may be waived only on

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1 projects that have been set aside to be competitively bid on
2 by participants in an economic development program for local
3 small businesses. The authority's executive director or his or
4 her designee shall determine whether specific construction
5 projects are suitable for:

6 1. Bidding under the authority's microcontracts
7 program by registered local small businesses; and

8 2. Waiver of the payment and performance bond.

9
10 The decision of the authority's executive director or deputy
11 executive director to waive the payment and performance bond
12 shall be based upon his or her investigation and conclusion
13 that there exists sufficient competition so that the authority
14 receives a fair price and does not undertake any unusual risk
15 with respect to such project.

16 (d) For any contract for which a payment and
17 performance bond has been waived pursuant to the authority set
18 forth in this section, the Orlando-Orange County Expressway
19 Authority shall pay all persons defined in s. 713.01 who
20 furnish labor, services, or materials for the prosecution of
21 the work provided for in the contract to the same extent and
22 upon the same conditions that a surety on the payment bond
23 under s. 255.05 would have been obligated to pay such persons
24 if the payment and performance bond had not been waived. The
25 authority shall record notice of this obligation in the manner
26 in which and at the location where surety bonds are recorded.
27 The notice must include the information describing the
28 contract that s. 255.05(1) requires be stated on the front
29 page of the bond. Notwithstanding that s. 255.05(9) generally
30 applies when a performance and payment bond is required, s.
31 255.05(9) shall apply under this subsection to any contract

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1 for which performance or payment bonds are waived, and any
2 claim to payment under this subsection shall be treated as a
3 contract claim pursuant to s. 255.05(9).

4 (e) A small business that has been the successful
5 bidder on six projects for which the payment and performance
6 bond was waived by the authority pursuant to paragraph (a)
7 shall be ineligible to bid on additional projects for which
8 the payment and performance bond is to be waived. The local
9 small business may continue to participate in other elements
10 of the economic development program for local small businesses
11 as long as it is eligible to do so.

12 (f) The authority shall conduct bond-eligibility
13 training for businesses qualifying for bond waiver under this
14 subsection to encourage and promote bond eligibility for such
15 businesses.

16 (g) The authority shall prepare a biennial report on
17 the activities undertaken pursuant to this subsection to be
18 submitted to the Orange County legislative delegation. The
19 initial report shall be due December 31, 2008.

20 Section 21. Subsection (9) of section 348.0004,
21 Florida Statutes, is amended to read:

22 348.0004 Purposes and powers.--

23 (9) The Legislature declares that there is a public
24 need for rapid construction of safe and efficient
25 transportation facilities for travel within the state and that
26 it is in the public's interest to provide for public-private
27 partnership agreements to effectuate the construction of
28 additional safe, convenient, and economical transportation
29 facilities.

30 (a) Notwithstanding any other provision of the Florida
31 Expressway Authority Act, any expressway authority,

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1 transportation authority, bridge authority, or toll authority
 2 established under this part or any other statute may receive
 3 or solicit proposals and enter into agreements with private
 4 entities, or consortia thereof, for the building, operation,
 5 ownership, or financing of ~~expressway~~ authority transportation
 6 facilities or new transportation facilities within the
 7 jurisdiction of the ~~expressway~~ authority. An ~~expressway~~
 8 authority is authorized to adopt rules to implement this
 9 subsection and shall, by rule, establish an application fee
 10 for the submission of unsolicited proposals under this
 11 subsection. The fee must be sufficient to pay the costs of
 12 evaluating the proposals. An ~~expressway~~ authority may engage
 13 private consultants to assist in the evaluation. Before
 14 approval, an ~~expressway~~ authority must determine that a
 15 proposed project:

- 16 1. Is in the public's best interest.
- 17 2. Would not require state funds to be used unless the
 18 project is on or provides increased mobility on the State
 19 Highway System.
- 20 3. Would have adequate safeguards to ensure that no
 21 additional costs or service disruptions would be realized by
 22 the traveling public and residents ~~citizens~~ of the state in
 23 the event of default or the cancellation of the agreement by
 24 the ~~expressway~~ authority.

25 (b) An ~~expressway~~ authority shall ensure that all
 26 reasonable costs to the state which are~~7~~ related to
 27 transportation facilities that are not part of the State
 28 Highway System~~7~~ are borne by the private entity. An ~~expressway~~
 29 authority shall also ensure that all reasonable costs to the
 30 state and substantially affected local governments and
 31 utilities related to the private transportation facility are

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1 borne by the private entity for transportation facilities that
2 are owned by private entities. For projects on the State
3 Highway System, the department may use state resources to
4 participate in funding and financing the project as provided
5 for under the department's enabling legislation.

6 (c) The ~~expressway~~ authority may request proposals for
7 public-private transportation projects or, if it receives an
8 unsolicited proposal, it must publish a notice in the Florida
9 Administrative Weekly and a newspaper of general circulation
10 in the county in which it is located at least once a week for
11 2 weeks, stating that it has received the proposal and will
12 accept, for 60 days after the initial date of publication,
13 other proposals for the same project purpose. A copy of the
14 notice must be mailed to each local government in the affected
15 areas. After the public notification period has expired, the
16 ~~expressway~~ authority shall rank the proposals in order of
17 preference. In ranking the proposals, the ~~expressway~~ authority
18 shall consider professional qualifications, general business
19 terms, innovative engineering or cost-reduction terms, finance
20 plans, and the need for state funds to deliver the proposal.
21 If the ~~expressway~~ authority is not satisfied with the results
22 of the negotiations, it may, at its sole discretion, terminate
23 negotiations with the proposer. If these negotiations are
24 unsuccessful, the ~~expressway~~ authority may go to the second
25 and lower-ranked firms, in order, using the same procedure. If
26 only one proposal is received, the ~~expressway~~ authority may
27 negotiate in good faith, and if it is not satisfied with the
28 results, it may, at its sole discretion, terminate
29 negotiations with the proposer. Notwithstanding this
30 paragraph, the ~~expressway~~ authority may, at its discretion,
31 reject all proposals at any point in the process up to

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1 completion of a contract with the proposer.

2 (d) The department may lend funds from the Toll
3 Facilities Revolving Trust Fund, as outlined in s. 338.251, to
4 public-private partnerships. To be eligible a private entity
5 must comply with s. 338.251 and must provide an indication
6 from a nationally recognized rating agency that the senior
7 bonds for the project will be investment grade or must provide
8 credit support, such as a letter of credit or other means
9 acceptable to the department, to ensure that the loans will be
10 fully repaid.

11 (e) Agreements entered into pursuant to this
12 subsection may authorize the public-private entity to impose
13 tolls or fares for the use of the facility. However, the
14 amount and use of toll or fare revenues shall be regulated by
15 the ~~expressway~~ authority to avoid unreasonable costs to users
16 of the facility.

17 (f) Each public-private transportation facility
18 constructed pursuant to this subsection shall comply with all
19 requirements of federal, state, and local laws; state,
20 regional, and local comprehensive plans; the ~~expressway~~
21 authority's rules, policies, procedures, and standards for
22 transportation facilities; and any other conditions that the
23 ~~expressway~~ authority determines to be in the public's best
24 interest.

25 (g) An ~~expressway~~ authority may exercise any power
26 possessed by it, including eminent domain, to facilitate the
27 development and construction of transportation projects
28 pursuant to this subsection. An ~~expressway~~ authority may pay
29 all or part of the cost of operating and maintaining the
30 facility or may provide services to the private entity for
31 which it receives full or partial reimbursement for services

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1 rendered.

2 (h) Except as herein provided, this subsection is not
3 intended to amend existing laws by granting additional powers
4 to or further restricting the governmental entities from
5 regulating and entering into cooperative arrangements with the
6 private sector for the planning, construction, and operation
7 of transportation facilities. Use of the powers granted in
8 this subsection may not subject a statutorily created
9 expressway authority, transportation authority, bridge
10 authority, or toll authority, other than one statutorily
11 created under this part, to any of the requirements of this
12 part other than those contained in this subsection.

13 Section 22. Section 348.0012, Florida Statutes, is
14 amended to read:

15 348.0012 Exemptions from applicability.--The Florida
16 Expressway Authority Act does not apply:

17 (1) In a county in which an expressway authority has
18 been created pursuant to other parts ~~II-IX~~ of this chapter,
19 except as expressly provided in this part; or

20 (2) To a transportation authority created pursuant to
21 chapter 349.

22
23 (Redesignate subsequent sections.)

24
25

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

27 And the title is amended as follows:

28 On page 6, line 2, after the semicolon,

29

30 insert:

31 amending s. 316.650, F.S.; revising procedures

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1 for disposition of citations issued for failure
2 to pay toll; providing that the citation will
3 not be submitted to the court and no points
4 will be assessed on the driver's license if the
5 person cited elects to make payment directly to
6 the governmental entity that issued the
7 citation; providing for reporting of the
8 citation by the governmental entity to the
9 Department of Highway Safety and Motor
10 Vehicles; amending s. 318.14, F.S.; providing
11 for the amount required to be paid under
12 certain procedures for disposition of a
13 citation issued for failure to pay a toll;
14 providing for the person cited to request a
15 court hearing; amending s. 318.18, F.S.;
16 revising penalties for failure to pay a
17 prescribed toll; providing for disposition of
18 amounts received by the clerk of court;
19 revising procedures for withholding of
20 adjudication; providing for suspension of a
21 driver's license under certain circumstances;
22 amending s. 348.754, F.S.; authorizing the
23 Orlando-Orange County Expressway Authority to
24 waive payment and performance bonds on certain
25 construction contracts if the contract is
26 awarded pursuant to an economic development
27 program for the encouragement of local small
28 businesses; providing criteria for
29 participation in the program; providing
30 criteria for the bond waiver; providing for
31 certain determinations by the authority's

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1 executive director or a designee as to the
2 suitability of a project; providing for certain
3 payment obligations if a payment and
4 performance bond is waived; requiring the
5 authority to record notice of the obligation;
6 limiting eligibility to bid on the projects;
7 providing for the authority to conduct
8 bond-eligibility training for certain
9 businesses; requiring the authority to submit
10 biennial reports to the Orange County
11 legislative delegation; amending s. 348.0004,
12 F.S.; authorizing transportation authorities,
13 bridge authorities, or toll authorities to
14 enter agreements with private entities to
15 provide transportation facilities; amending s.
16 348.0012, F.S.; clarifying certain exemptions
17 from the Florida Expressway Authority Act;

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