

Bill No. CS for SB 1134

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	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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11 The Conference Committee on CS for SB 1134 recommended the

12 following amendment:

Conference Committee Amendment (with title amendment)

Delete everything after the enacting clause

17 and insert:

18 Section 1. Subsection (1) of section 215.615, Florida

19 Statutes, is amended to read:

20 215.615 Fixed-guideway transportation systems

21 funding.--

22 (1) The issuance of revenue bonds by the Division of

23 Bond Finance, on behalf of the Department of Transportation,

24 pursuant to s. 11, Art. VII of the State Constitution, is

25 authorized, pursuant to the State Bond Act, to finance or

26 refinance fixed capital expenditures for fixed-guideway

27 transportation systems, as defined in s. 341.031, including

28 facilities appurtenant thereto, costs of issuance, and other

29 amounts relating to such financing or refinancing. ~~Such~~

30 ~~revenue bonds shall be matched on a 50-50 basis with funds~~

31 ~~from sources other than revenues of the Department of~~

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1 ~~Transportation, in a manner acceptable to the Department of~~
 2 ~~Transportation.~~ The Division of Bond Finance is authorized to
 3 consider innovative financing techniques that ~~technologies~~
 4 ~~which~~ may include, but are not limited to, innovative bidding
 5 and structures of potential financings ~~findings~~ that may
 6 result in negotiated transactions.

7 (a) The department and any participating commuter rail
 8 authority or regional transportation authority established
 9 under chapter 343, local governments, or local governments
 10 collectively by interlocal agreement having jurisdiction of a
 11 fixed-guideway transportation system may enter into an
 12 interlocal agreement to promote the efficient and
 13 cost-effective financing or refinancing of fixed-guideway
 14 transportation system projects by revenue bonds issued
 15 pursuant to this subsection. The terms of such interlocal
 16 agreements shall include provisions for the Department of
 17 Transportation to request the issuance of the bonds on behalf
 18 of the parties; shall provide that the department's share may
 19 be up to 50 percent of the eligible project cost, which may
 20 include a share of the annual ~~each party to the agreement is~~
 21 ~~contractually liable for an equal share of funding an amount~~
 22 ~~equal to the~~ debt service requirements of such bonds; and
 23 shall include any other terms, provisions, or covenants
 24 necessary to the making of and full performance under such
 25 interlocal agreement. Repayments made to the department under
 26 any interlocal agreement are not pledged to the repayment of
 27 bonds issued hereunder, and failure of the local governmental
 28 authority to make such payment shall not affect the obligation
 29 of the department to pay debt service on the bonds.

30 (b) Revenue bonds issued pursuant to this subsection
 31 shall not constitute a general obligation of, or a pledge of

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1 the full faith and credit of, the State of Florida. Bonds
 2 issued pursuant to this section shall be payable from funds
 3 available pursuant to s. 206.46(3), or other funds available
 4 to the project, subject to annual appropriation. The amount of
 5 revenues available for debt service shall never exceed a
 6 maximum of 2 percent of all state revenues deposited into the
 7 State Transportation Trust Fund.

8 (c) The projects to be financed or refinanced with the
 9 proceeds of the revenue bonds issued hereunder are designated
 10 as state fixed capital outlay projects for purposes of s.
 11 11(d), Art. VII of the State Constitution, and the specific
 12 projects to be financed or refinanced shall be determined by
 13 the Department of Transportation in accordance with state law
 14 and appropriations from the State Transportation Trust Fund.
 15 Each project to be financed with the proceeds of the bonds
 16 issued pursuant to this subsection must first be approved by
 17 the Legislature by an act of general law.

18 (d) Any complaint for validation of bonds issued
 19 pursuant to this section shall be filed in the circuit court
 20 of the county where the seat of state government is situated,
 21 the notice required to be published by s. 75.06 shall be
 22 published only in the county where the complaint is filed, and
 23 the complaint and order of the circuit court shall be served
 24 only on the state attorney of the circuit in which the action
 25 is pending.

26 (e) The state does hereby covenant with holders of
 27 such revenue bonds or other instruments of indebtedness issued
 28 hereunder, that it will not repeal or impair or amend these
 29 provisions in any manner that will materially and adversely
 30 affect the rights of such holders as long as bonds authorized
 31 by this subsection are outstanding.

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1 (f) This subsection supersedes any inconsistent
2 provisions in existing law.

3
4 Notwithstanding this subsection, the lien of revenue bonds
5 issued pursuant to this subsection on moneys deposited into
6 the State Transportation Trust Fund shall be subordinate to
7 the lien on such moneys of bonds issued under ss. 215.605,
8 320.20, and 215.616, and any pledge of such moneys to pay
9 operating and maintenance expenses under s. 206.46(5) and
10 chapter 348, as may be amended.

11 Section 2. Section 334.351, Florida Statutes, is
12 amended to read:

13 334.351 Youth work experience program; findings and
14 intent; authority to contract; limitation.--

15 (1) The Legislature finds and declares that young men
16 and women of the state should be given an opportunity to
17 obtain public service work and training experience that
18 protects and conserves the valuable resources of the state and
19 promotes participation in other community enhancement
20 projects. Notwithstanding the requirements of chapters 287 and
21 337, the Department of Transportation is authorized to
22 contract with public agencies and nonprofit organizations for
23 the performance of work related to the construction and
24 maintenance of transportation-related facilities by youths
25 enrolled in youth work experience programs. The total amount
26 of contracts entered into by the department under this section
27 in any fiscal year may not exceed the amount specifically
28 appropriated by the Legislature for this program.

29 (2) Each nonprofit youth organization that provides
30 services under a contract with the department must certify
31 that each young person enrolled in its work experience program

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1 is a resident of this state and possesses a valid Florida
2 driver's license or identification card.

3 (3) When selecting a nonprofit youth organization to
4 perform work on transportation-related facilities and before
5 awarding a contract under this section, the department must
6 consider the following criteria:

7 (a) The number of participants receiving
8 life-management skills training;

9 (b) The number of participants receiving high school
10 diplomas or GEDs;

11 (c) The number of participants receiving scholarships;

12 (d) The number of participants receiving bonuses;

13 (e) The number of participants who have secured
14 full-time jobs; and

15 (f) The other programs or services that support the
16 development of disadvantaged youths.

17 (4) Each nonprofit youth organization under contract
18 with the department must:

19 (a) Submit an annual report to the department by
20 January 1 of each year. The report must include, but need not
21 be limited to, the applicable performance of the organization
22 when measured by the criteria in subsection (3) for the
23 organization's most recently completed fiscal year.

24 (b) Submit an independent audit of the organization's
25 financial records to the department each year. The
26 organization's contract with the department must allow the
27 department the right to inspect the organization's financial
28 and program records.

29 (c) Demonstrate participation in a peer assessment or
30 review process, such as the Excellence in Corps Operations of
31 the National Association of Service and Conservation Corps.

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1 Section 3. Paragraph (a) of subsection (3) of section
2 337.11, Florida Statutes, is amended to read:

3 337.11 Contracting authority of department; bids;
4 emergency repairs, supplemental agreements, and change orders;
5 combined design and construction contracts; progress payments;
6 records; requirements of vehicle registration.--

7 (3)(a) On all construction contracts of \$250,000 or
8 less, as well as any construction contract of less than
9 \$500,000 for which the department has waived prequalification
10 pursuant to s. 337.14, the department shall advertise for bids
11 in a newspaper having general circulation in the county where
12 the proposed work is located. Publication shall be at least
13 once a week for no less than 2 consecutive weeks, and the
14 first publication shall be no less than 14 days prior to the
15 date on which bids are to be received.

16 Section 4. Subsection (1) of section 337.14, Florida
17 Statutes, is amended to read:

18 337.14 Application for qualification; certificate of
19 qualification; restrictions; request for hearing.--

20 (1) Any person desiring to bid for the performance of
21 any construction contract in excess of \$250,000 which the
22 department proposes to let must first be certified by the
23 department as qualified pursuant to this section and rules of
24 the department. The rules of the department shall address the
25 qualification of persons to bid on construction contracts in
26 excess of \$250,000 and shall include requirements with respect
27 to the equipment, past record, experience, financial
28 resources, and organizational personnel of the applicant
29 necessary to perform the specific class of work for which the
30 person seeks certification. The department is authorized to
31 limit the dollar amount of any contract upon which a person is

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1 qualified to bid or the aggregate total dollar volume of
2 contracts such person is allowed to have under contract at any
3 one time. Each applicant seeking qualification to bid on
4 construction contracts in excess of \$250,000 shall furnish the
5 department a statement under oath, on such forms as the
6 department may prescribe, setting forth detailed information
7 as required on the application. Each application for
8 certification shall be accompanied by the latest annual
9 financial statement of the applicant completed within the last
10 12 months. If the annual financial statement shows the
11 financial condition of the applicant more than 4 months prior
12 to the date on which the application is received by the
13 department, then an interim financial statement must also be
14 submitted. The interim financial statement must cover the
15 period from the end date of the annual statement and must show
16 the financial condition of the applicant no more than 4 months
17 prior to the date on which the application is received by the
18 department. Each required annual or interim financial
19 statement must be audited and accompanied by the opinion of a
20 certified public accountant or a public accountant approved by
21 the department. The information required by this subsection is
22 confidential and exempt from the provisions of s. 119.07(1).
23 The department shall act upon the application for
24 qualification within 30 days after the department determines
25 that the application is complete. The department may waive the
26 requirements of this subsection for projects having a contract
27 price of \$500,000 or less if the department determines that
28 the project is of a noncritical nature and noncompliance with
29 the subsection will not endanger public health, safety, or
30 property.

31 Section 5. Paragraph (a) of subsection (1) of section

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1 337.18, Florida Statutes, is amended to read:

2 337.18 Surety bonds for construction or maintenance
3 contracts; requirement with respect to contract award; bond
4 requirements; defaults; damage assessments.--

5 (1)(a) A surety bond shall be required of the
6 successful bidder in an amount equal to the awarded contract
7 price. However, the department may choose, in its discretion
8 and applicable only to multiyear maintenance contracts, to
9 allow for incremental annual contract bonds that cumulatively
10 total the full, awarded multiyear contract price. For a
11 project for which the contract price is ~~\$250,000~~ \$150,000 or
12 less, the department may waive the requirement for all or a
13 portion of a surety bond if it determines the project is of a
14 noncritical nature and nonperformance will not endanger public
15 health, safety, or property. If the Secretary of
16 Transportation or the secretary's designee determines that it
17 is in the best interests of the department to do so and that a
18 reduced bonding requirement for a project will not endanger
19 public health, safety, or property, the department may waive
20 the requirement of a surety bond in an amount equal to the
21 awarded contract price for a project having a contract price
22 of \$250 million or more, and, in its place, may set a surety
23 bond amount that is a portion of the total contract price and
24 provide an alternate means of security for the balance of the
25 contract amount which is not covered by the surety bond or
26 provide for incremental surety bonding and provide an
27 alternate means of security for the balance of the contract
28 amount which is not covered by the surety bond. Such alternate
29 means of security may include letters of credit, United States
30 bonds and notes, parent company guarantees, and cash
31 collateral. The department may require alternate means of

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1 security if a surety bond is waived. The surety on such bond
2 shall be a surety company authorized to do business in the
3 state. All bonds shall be payable to the department and
4 conditioned for the prompt, faithful, and efficient
5 performance of the contract according to plans and
6 specifications and within the time period specified, and for
7 the prompt payment of all persons defined in s. 713.01
8 furnishing labor, material, equipment, and supplies for work
9 provided in the contract; however, whenever an improvement,
10 demolition, or removal contract price is \$25,000 or less, the
11 security may, in the discretion of the bidder, be in the form
12 of a cashier's check, bank money order of any state or
13 national bank, certified check, or postal money order. The
14 department shall adopt rules to implement this subsection.
15 Such rules shall include provisions under which the department
16 shall refuse to accept bonds on contracts when a surety
17 wrongfully fails or refuses to settle or provide a defense for
18 claims or actions arising under a contract for which the
19 surety previously furnished a bond.

20 Section 6. Subsection (1) of section 338.2275, Florida
21 Statutes, is amended to read:

22 338.2275 Approved turnpike projects.--

23 (1) Legislative approval of the department's tentative
24 work program that contains the turnpike project constitutes
25 approval to issue bonds as required by s. 11(f), Art. VII of
26 the State Constitution. No more than \$10 ~~Turnpike projects~~
27 ~~approved to be included in future tentative work programs~~
28 ~~include, but are not limited to, projects contained in the~~
29 ~~2003-2004 tentative work program. A maximum of \$4.5 billion of~~
30 bonds may be outstanding ~~issued~~ to fund approved turnpike
31 projects.

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1 Section 7. Subsection (9) of section 479.07, Florida
2 Statutes, is amended to read:

3 479.07 Sign permits.--

4 (9)(a) A permit shall not be granted for any sign for
5 which a permit had not been granted by the effective date of
6 this act unless such sign is located at least:

7 1. One thousand five hundred feet from any other
8 permitted sign on the same side of the highway, if on an
9 interstate highway.

10 2. One thousand feet from any other permitted sign on
11 the same side of the highway, if on a federal-aid primary
12 highway.

13
14 The minimum spacing provided in this paragraph does not
15 preclude the permitting of V-type, back-to-back, side-to-side,
16 stacked, or double-faced signs at the permitted sign site.

17 (b) A permit shall not be granted for a sign pursuant
18 to this chapter to locate such sign on any portion of the
19 interstate or federal-aid primary highway system, which sign:

20 1. Exceeds 50 feet in sign structure height above the
21 crown of the main-traveled way, if outside an incorporated
22 area;

23 2. Exceeds 65 feet in sign structure height above the
24 crown of the main-traveled way, if inside an incorporated
25 area; or

26 3. Exceeds 950 square feet of sign facing including
27 all embellishments.

28 (c) Notwithstanding subparagraph (a)1., there is
29 established a pilot program in Orange and Osceola Counties
30 under which the distance between permitted signs on the same
31 side of an interstate highway may be reduced to 1,000 feet if

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1 all other requirements of this chapter are met and if:

2 1. The local government has adopted a plan, program,
3 resolution, ordinance, or other policy encouraging the
4 voluntary removal of signs in a downtown, historic,
5 redevelopment, infill, or other designated area which also
6 provides for a new or replacement sign to be erected on an
7 interstate highway within that jurisdiction if a sign in the
8 designated area is removed;

9 2. The sign owner and the local government mutually
10 agree to the terms of the removal and replacement; and

11 3. The local government notifies the department of its
12 intention to allow such removal and replacement as agreed upon
13 pursuant to subparagraph 2.

14
15 The department shall maintain statistics tracking the use of
16 the provisions of this pilot program based on the
17 notifications received by the department from local
18 governments under this paragraph.

19 (d)(c) Nothing in this subsection shall be construed
20 so as to cause a sign which was conforming on October 1, 1984,
21 to become nonconforming.

22 Section 8. The Department of Highway Safety and Motor
23 Vehicles shall implement a secure print-on-demand electronic
24 temporary license plate registration, record retention, and
25 issue system for use by every department-authorized issuer of
26 temporary license plates by the end of the 2007-2008 fiscal
27 year. Secure print-on-demand for this purpose means validating
28 state registration data using higher levels of commercially
29 accepted data encryption methods from the point of department
30 connectivity to the license plate printer. The temporary
31 license plate media used for this purpose shall be a

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1 nonpermeable material that maintains its structural integrity,
 2 including graphic and data adhesion, in all weather conditions
 3 after being placed on a vehicle. For public safety in general
 4 and for the safety of law enforcement officers, placement of
 5 temporary license plates on the outside of the vehicle and in
 6 the provided license plate mount when available is encouraged.
 7 The department may adopt rules as necessary to implement this
 8 program in the 2007-2008 fiscal year. The department may
 9 provide such exemptions as may be feasibly required.

10 Section 9. This act shall take effect July 1, 2007.

11
12

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

14 And the title is amended as follows:

15 Delete everything before the enacting clause

16
17 and insert:

18 A bill to be entitled
 19 An act relating to transportation; amending s.
 20 215.615, F.S.; revising the Department of
 21 Transportation's requirement to share certain
 22 costs of fixed-guideway system projects;
 23 revising criteria for an interlocal agreement
 24 to establish bond financing for fixed-guideway
 25 system projects; revising provisions for
 26 sources of funds for the payment of bonds;
 27 amending s. 334.351, F.S.; requiring nonprofit
 28 youth organizations that contract with the
 29 Department of Transportation for the purpose of
 30 operating youth work experience programs to
 31 certify that the program participants are

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1 residents of the state and possess valid
2 identification; specifying criteria for the
3 department to consider in awarding contracts to
4 such organizations; requiring that the
5 nonprofit youth organizations submit certain
6 reports and audits to the department and
7 demonstrate participation in a peer assessment
8 or review process; amending s. 337.11, F.S.;
9 providing that certain construction projects be
10 advertised for bids in local newspapers;
11 amending s. 337.14, F.S.; authorizing the
12 department to waive specified prequalification
13 requirements for certain transportation
14 projects under certain conditions; amending s.
15 337.18, F.S.; revising surety bond requirements
16 for construction or maintenance contracts;
17 providing for incremental annual surety bonds
18 for multiyear maintenance contracts under
19 certain conditions; revising the threshold for
20 transportation projects eligible for a waiver
21 of surety bond requirements; authorizing the
22 department to provide for phased surety bond
23 coverage or an alternate means of security for
24 a portion of the contract amount in lieu of the
25 surety bond; amending s. 338.2275, F.S.;
26 raising the limit on outstanding bonds to fund
27 turnpike projects; amending s. 479.07, F.S.;
28 establishing a pilot program in specified
29 counties authorizing a reduction in the
30 distance between permitted signs on the same
31 side of an interstate highway; providing

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1 requirements for the local government and the
2 sign owner with respect to participating in the
3 pilot program; requiring that the department
4 maintain statistics concerning the program;
5 requiring the Department of Highway Safety and
6 Motor Vehicles to implement by a certain date a
7 system whereby department-authorized issuers of
8 temporary license plates may issue
9 print-on-demand electronic temporary license
10 plates; specifying requirements for the
11 material used for the temporary plates;
12 authorizing the department to adopt rules and
13 provide exemptions as required; providing an
14 effective date.

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