

1 A bill to be entitled
2 An act relating to transportation; amending s.
3 215.615, F.S.; revising the Department of
4 Transportation's requirement to share certain
5 costs of fixed-guideway system projects;
6 revising criteria for an interlocal agreement
7 to establish bond financing for fixed-guideway
8 system projects; revising provisions for
9 sources of funds for the payment of bonds;
10 amending s. 334.351, F.S.; requiring nonprofit
11 youth organizations that contract with the
12 Department of Transportation for the purpose of
13 operating youth work experience programs to
14 certify that the program participants are
15 residents of the state and possess valid
16 identification; specifying criteria for the
17 department to consider in awarding contracts to
18 such organizations; requiring that the
19 nonprofit youth organizations submit certain
20 reports and audits to the department and
21 demonstrate participation in a peer assessment
22 or review process; amending s. 337.11, F.S.;
23 providing that certain construction projects be
24 advertised for bids in local newspapers;
25 amending s. 337.14, F.S.; authorizing the
26 department to waive specified prequalification
27 requirements for certain transportation
28 projects under certain conditions; amending s.
29 337.18, F.S.; revising surety bond requirements
30 for construction or maintenance contracts;
31 providing for incremental annual surety bonds

1 for multiyear maintenance contracts under
2 certain conditions; revising the threshold for
3 transportation projects eligible for a waiver
4 of surety bond requirements; authorizing the
5 department to provide for phased surety bond
6 coverage or an alternate means of security for
7 a portion of the contract amount in lieu of the
8 surety bond; amending s. 338.2275, F.S.;
9 raising the limit on outstanding bonds to fund
10 turnpike projects; amending s. 479.07, F.S.;
11 establishing a pilot program in specified
12 counties authorizing a reduction in the
13 distance between permitted signs on the same
14 side of an interstate highway; providing
15 requirements for the local government and the
16 sign owner with respect to participating in the
17 pilot program; requiring that the department
18 maintain statistics concerning the program;
19 requiring the Department of Highway Safety and
20 Motor Vehicles to implement by a certain date a
21 system whereby department-authorized issuers of
22 temporary license plates may issue
23 print-on-demand electronic temporary license
24 plates; specifying requirements for the
25 material used for the temporary plates;
26 authorizing the department to adopt rules and
27 provide exemptions as required; providing an
28 effective date.

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30 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. Subsection (1) of section 215.615, Florida
2 Statutes, is amended to read:

3 215.615 Fixed-guideway transportation systems
4 funding.--

5 (1) The issuance of revenue bonds by the Division of
6 Bond Finance, on behalf of the Department of Transportation,
7 pursuant to s. 11, Art. VII of the State Constitution, is
8 authorized, pursuant to the State Bond Act, to finance or
9 refinance fixed capital expenditures for fixed-guideway
10 transportation systems, as defined in s. 341.031, including
11 facilities appurtenant thereto, costs of issuance, and other
12 amounts relating to such financing or refinancing. ~~Such~~
13 ~~revenue bonds shall be matched on a 50-50 basis with funds~~
14 ~~from sources other than revenues of the Department of~~
15 ~~Transportation, in a manner acceptable to the Department of~~
16 ~~Transportation.~~ The Division of Bond Finance is authorized to
17 consider innovative financing techniques that technologies
18 ~~which~~ may include, but are not limited to, innovative bidding
19 and structures of potential financings findings that may
20 result in negotiated transactions.

21 (a) The department and any participating commuter rail
22 authority or regional transportation authority established
23 under chapter 343, local governments, or local governments
24 collectively by interlocal agreement having jurisdiction of a
25 fixed-guideway transportation system may enter into an
26 interlocal agreement to promote the efficient and
27 cost-effective financing or refinancing of fixed-guideway
28 transportation system projects by revenue bonds issued
29 pursuant to this subsection. The terms of such interlocal
30 agreements shall include provisions for the Department of
31 Transportation to request the issuance of the bonds on behalf

1 of the parties; shall provide that the department's share may
2 be up to 50 percent of the eligible project cost, which may
3 include a share of the annual ~~each party to the agreement is~~
4 ~~contractually liable for an equal share of funding an amount~~
5 ~~equal to the~~ debt service requirements of such bonds; and
6 shall include any other terms, provisions, or covenants
7 necessary to the making of and full performance under such
8 interlocal agreement. Repayments made to the department under
9 any interlocal agreement are not pledged to the repayment of
10 bonds issued hereunder, and failure of the local governmental
11 authority to make such payment shall not affect the obligation
12 of the department to pay debt service on the bonds.

13 (b) Revenue bonds issued pursuant to this subsection
14 shall not constitute a general obligation of, or a pledge of
15 the full faith and credit of, the State of Florida. Bonds
16 issued pursuant to this section shall be payable from funds
17 available pursuant to s. 206.46(3), or other funds available
18 to the project, subject to annual appropriation. The amount of
19 revenues available for debt service shall never exceed a
20 maximum of 2 percent of all state revenues deposited into the
21 State Transportation Trust Fund.

22 (c) The projects to be financed or refinanced with the
23 proceeds of the revenue bonds issued hereunder are designated
24 as state fixed capital outlay projects for purposes of s.
25 11(d), Art. VII of the State Constitution, and the specific
26 projects to be financed or refinanced shall be determined by
27 the Department of Transportation in accordance with state law
28 and appropriations from the State Transportation Trust Fund.
29 Each project to be financed with the proceeds of the bonds
30 issued pursuant to this subsection must first be approved by
31 the Legislature by an act of general law.

1 (d) Any complaint for validation of bonds issued
2 pursuant to this section shall be filed in the circuit court
3 of the county where the seat of state government is situated,
4 the notice required to be published by s. 75.06 shall be
5 published only in the county where the complaint is filed, and
6 the complaint and order of the circuit court shall be served
7 only on the state attorney of the circuit in which the action
8 is pending.

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

15 (f) This subsection supersedes any inconsistent
16 provisions in existing law.

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18 Notwithstanding this subsection, the lien of revenue bonds
19 issued pursuant to this subsection on moneys deposited into
20 the State Transportation Trust Fund shall be subordinate to
21 the lien on such moneys of bonds issued under ss. 215.605,
22 320.20, and 215.616, and any pledge of such moneys to pay
23 operating and maintenance expenses under s. 206.46(5) and
24 chapter 348, as may be amended.

25 Section 2. Section 334.351, Florida Statutes, is
26 amended to read:

27 334.351 Youth work experience program; findings and
28 intent; authority to contract; limitation.--

29 (1) The Legislature finds and declares that young men
30 and women of the state should be given an opportunity to
31 obtain public service work and training experience that

1 protects and conserves the valuable resources of the state and
2 promotes participation in other community enhancement
3 projects. Notwithstanding the requirements of chapters 287 and
4 337, the Department of Transportation is authorized to
5 contract with public agencies and nonprofit organizations for
6 the performance of work related to the construction and
7 maintenance of transportation-related facilities by youths
8 enrolled in youth work experience programs. The total amount
9 of contracts entered into by the department under this section
10 in any fiscal year may not exceed the amount specifically
11 appropriated by the Legislature for this program.

12 (2) Each nonprofit youth organization that provides
13 services under a contract with the department must certify
14 that each young person enrolled in its work experience program
15 is a resident of this state and possesses a valid Florida
16 driver's license or identification card.

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

21 (a) The number of participants receiving
22 life-management skills training;

23 (b) The number of participants receiving high school
24 diplomas or GEDs;

25 (c) The number of participants receiving scholarships;

26 (d) The number of participants receiving bonuses;

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

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

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1 (4) Each nonprofit youth organization under contract
2 with the department must:

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

8 (b) Submit an independent audit of the organization's
9 financial records to the department each year. The
10 organization's contract with the department must allow the
11 department the right to inspect the organization's financial
12 and program records.

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

16 Section 3. Paragraph (a) of subsection (3) of section
17 337.11, Florida Statutes, is amended to read:

18 337.11 Contracting authority of department; bids;
19 emergency repairs, supplemental agreements, and change orders;
20 combined design and construction contracts; progress payments;
21 records; requirements of vehicle registration.--

22 (3)(a) On all construction contracts of \$250,000 or
23 less, as well as any construction contract of less than
24 \$500,000 for which the department has waived prequalification
25 pursuant to s. 337.14, the department shall advertise for bids
26 in a newspaper having general circulation in the county where
27 the proposed work is located. Publication shall be at least
28 once a week for no less than 2 consecutive weeks, and the
29 first publication shall be no less than 14 days prior to the
30 date on which bids are to be received.

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

3 337.14 Application for qualification; certificate of
4 qualification; restrictions; request for hearing.--

5 (1) Any person desiring to bid for the performance of
6 any construction contract in excess of \$250,000 which the
7 department proposes to let must first be certified by the
8 department as qualified pursuant to this section and rules of
9 the department. The rules of the department shall address the
10 qualification of persons to bid on construction contracts in
11 excess of \$250,000 and shall include requirements with respect
12 to the equipment, past record, experience, financial
13 resources, and organizational personnel of the applicant
14 necessary to perform the specific class of work for which the
15 person seeks certification. The department is authorized to
16 limit the dollar amount of any contract upon which a person is
17 qualified to bid or the aggregate total dollar volume of
18 contracts such person is allowed to have under contract at any
19 one time. Each applicant seeking qualification to bid on
20 construction contracts in excess of \$250,000 shall furnish the
21 department a statement under oath, on such forms as the
22 department may prescribe, setting forth detailed information
23 as required on the application. Each application for
24 certification shall be accompanied by the latest annual
25 financial statement of the applicant completed within the last
26 12 months. If the annual financial statement shows the
27 financial condition of the applicant more than 4 months prior
28 to the date on which the application is received by the
29 department, then an interim financial statement must also be
30 submitted. The interim financial statement must cover the
31 period from the end date of the annual statement and must show

1 the financial condition of the applicant no more than 4 months
 2 prior to the date on which the application is received by the
 3 department. Each required annual or interim financial
 4 statement must be audited and accompanied by the opinion of a
 5 certified public accountant or a public accountant approved by
 6 the department. The information required by this subsection is
 7 confidential and exempt from the provisions of s. 119.07(1).
 8 The department shall act upon the application for
 9 qualification within 30 days after the department determines
 10 that the application is complete. The department may waive the
 11 requirements of this subsection for projects having a contract
 12 price of \$500,000 or less if the department determines that
 13 the project is of a noncritical nature and noncompliance with
 14 the subsection will not endanger public health, safety, or
 15 property.

16 Section 5. Paragraph (a) of subsection (1) of section
 17 337.18, Florida Statutes, is amended to read:

18 337.18 Surety bonds for construction or maintenance
 19 contracts; requirement with respect to contract award; bond
 20 requirements; defaults; damage assessments.--

21 (1)(a) A surety bond shall be required of the
 22 successful bidder in an amount equal to the awarded contract
 23 price. However, the department may choose, in its discretion
 24 and applicable only to multiyear maintenance contracts, to
 25 allow for incremental annual contract bonds that cumulatively
 26 total the full, awarded multiyear contract price. For a
 27 project for which the contract price is ~~\$250,000~~~~\$150,000~~ or
 28 less, the department may waive the requirement for all or a
 29 portion of a surety bond if it determines the project is of a
 30 noncritical nature and nonperformance will not endanger public
 31 health, safety, or property. If the Secretary of

1 Transportation or the secretary's designee determines that it
2 is in the best interests of the department to do so and that a
3 reduced bonding requirement for a project will not endanger
4 public health, safety, or property, the department may waive
5 the requirement of a surety bond in an amount equal to the
6 awarded contract price for a project having a contract price
7 of \$250 million or more, and, in its place, may set a surety
8 bond amount that is a portion of the total contract price and
9 provide an alternate means of security for the balance of the
10 contract amount which is not covered by the surety bond or
11 provide for incremental surety bonding and provide an
12 alternate means of security for the balance of the contract
13 amount which is not covered by the surety bond. Such alternate
14 means of security may include letters of credit, United States
15 bonds and notes, parent company guarantees, and cash
16 collateral. The department may require alternate means of
17 security if a surety bond is waived. The surety on such bond
18 shall be a surety company authorized to do business in the
19 state. All bonds shall be payable to the department and
20 conditioned for the prompt, faithful, and efficient
21 performance of the contract according to plans and
22 specifications and within the time period specified, and for
23 the prompt payment of all persons defined in s. 713.01
24 furnishing labor, material, equipment, and supplies for work
25 provided in the contract; however, whenever an improvement,
26 demolition, or removal contract price is \$25,000 or less, the
27 security may, in the discretion of the bidder, be in the form
28 of a cashier's check, bank money order of any state or
29 national bank, certified check, or postal money order. The
30 department shall adopt rules to implement this subsection.
31 Such rules shall include provisions under which the department

1 shall refuse to accept bonds on contracts when a surety
2 wrongfully fails or refuses to settle or provide a defense for
3 claims or actions arising under a contract for which the
4 surety previously furnished a bond.

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

7 338.2275 Approved turnpike projects.--

8 (1) Legislative approval of the department's tentative
9 work program that contains the turnpike project constitutes
10 approval to issue bonds as required by s. 11(f), Art. VII of
11 the State Constitution. No more than \$10 ~~Turnpike projects~~
12 ~~approved to be included in future tentative work programs~~
13 ~~include, but are not limited to, projects contained in the~~
14 ~~2003-2004 tentative work program. A maximum of \$4.5 billion of~~
15 bonds may be outstanding ~~issued~~ to fund approved turnpike
16 projects.

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

19 479.07 Sign permits.--

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

23 1. One thousand five hundred feet from any other
24 permitted sign on the same side of the highway, if on an
25 interstate highway.

26 2. One thousand feet from any other permitted sign on
27 the same side of the highway, if on a federal-aid primary
28 highway.

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

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

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

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

13 3. Exceeds 950 square feet of sign facing including
14 all embellishments.

15 (c) Notwithstanding subparagraph (a)1., there is
16 established a pilot program in Orange and Osceola Counties
17 under which the distance between permitted signs on the same
18 side of an interstate highway may be reduced to 1,000 feet if
19 all other requirements of this chapter are met and if:

20 1. The local government has adopted a plan, program,
21 resolution, ordinance, or other policy encouraging the
22 voluntary removal of signs in a downtown, historic,
23 redevelopment, infill, or other designated area which also
24 provides for a new or replacement sign to be erected on an
25 interstate highway within that jurisdiction if a sign in the
26 designated area is removed;

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

29 3. The local government notifies the department of its
30 intention to allow such removal and replacement as agreed upon
31 pursuant to subparagraph 2.

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2 The department shall maintain statistics tracking the use of
3 the provisions of this pilot program based on the
4 notifications received by the department from local
5 governments under this paragraph.

6 ~~(d)(e)~~ Nothing in this subsection shall be construed
7 so as to cause a sign which was conforming on October 1, 1984,
8 to become nonconforming.

9 Section 8. The Department of Highway Safety and Motor
10 Vehicles shall implement a secure print-on-demand electronic
11 temporary license plate registration, record retention, and
12 issue system for use by every department-authorized issuer of
13 temporary license plates by the end of the 2007-2008 fiscal
14 year. Secure print-on-demand for this purpose means validating
15 state registration data using higher levels of commercially
16 accepted data encryption methods from the point of department
17 connectivity to the license plate printer. The temporary
18 license plate media used for this purpose shall be a
19 nonpermeable material that maintains its structural integrity,
20 including graphic and data adhesion, in all weather conditions
21 after being placed on a vehicle. For public safety in general
22 and for the safety of law enforcement officers, placement of
23 temporary license plates on the outside of the vehicle and in
24 the provided license plate mount when available is encouraged.
25 The department may adopt rules as necessary to implement this
26 program in the 2007-2008 fiscal year. The department may
27 provide such exemptions as may be feasibly required.

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