

By the Committee on Transportation

596-2124-07

1                                   A bill to be entitled  
2           An act relating to transportation; amending s.  
3           20.23, F.S.; providing that the salary and  
4           benefits of the executive director of the  
5           Florida Transportation Commission shall be set  
6           in accordance with the Senior Management  
7           Service; amending s. 112.061, F.S.; authorizing  
8           metropolitan planning organizations and certain  
9           separate entities to establish per diem and  
10          travel reimbursement rates; amending s.  
11          121.021, F.S.; defining the term "metropolitan  
12          planning organization" for purposes of the  
13          Florida Retirement System Act; revising  
14          definitions to include M.P.O.'s and positions  
15          in M.P.O.'s; amending s. 121.051, F.S.;  
16          providing for M.P.O.'s to participate in the  
17          Florida Retirement System; amending s. 121.055,  
18          F.S.; requiring certain M.P.O. staff positions  
19          to be in the Senior Management Service Class;  
20          amending s. 121.061, F.S.; providing for  
21          enforcement of certain employer funding  
22          contributions required under the Florida  
23          Retirement System; authorizing deductions of  
24          amounts owed from certain funds distributed to  
25          an M.P.O.; authorizing the governing body of an  
26          M.P.O. to file and maintain an action in court  
27          to require an employer to remit retirement or  
28          social security member contributions or  
29          employer matching payments; amending s.  
30          121.081, F.S.; providing for M.P.O. officers  
31          and staff to claim credit for past service for

1 retirement benefits; amending s. 212.055, F.S.;  
2 deleting a provision prohibiting a school  
3 district, county, or municipality from issuing  
4 bonds more than once each year pledging the  
5 proceeds of certain discretionary taxes;  
6 amending s. 215.615, F.S.; revising the  
7 Department of Transportation's requirement to  
8 share certain costs of fixed-guideway system  
9 projects; revising criteria for an interlocal  
10 agreement to establish bond financing for  
11 fixed-guideway system projects; revising  
12 provisions for sources of funds for the payment  
13 of bonds; amending s. 255.20, F.S.; increasing  
14 a threshold for public works projects of  
15 specified local governments which must be  
16 competitively awarded; amending s. 336.41,  
17 F.S.; increasing the threshold for certain road  
18 construction and maintenance by counties which  
19 is exempt from a competitive-bid requirement;  
20 amending s. 316.605, F.S.; providing height and  
21 placement requirements for vehicle license  
22 plates; prohibiting display that obscures  
23 identification of the letters and numbers on a  
24 license plate; providing penalties; amending s.  
25 316.650, F.S.; revising procedures for  
26 disposition of citations issued for failure to  
27 pay toll; providing that the citation will not  
28 be submitted to the court and no points will be  
29 assessed on the driver's license if the person  
30 cited elects to make payment directly to the  
31 governmental entity that issued the citation;

1 providing for reporting of the citation by the  
2 governmental entity to the Department of  
3 Highway Safety and Motor Vehicles; amending s.  
4 318.14, F.S.; providing for the amount required  
5 to be paid under certain procedures for  
6 disposition of a citation issued for failure to  
7 pay toll; providing for the person cited to  
8 request a court hearing; amending s. 318.18,  
9 F.S.; revising penalties for failure to pay a  
10 prescribed toll; providing for disposition of  
11 amounts received by the clerk of court;  
12 removing procedures for withholding of  
13 adjudication; providing for suspension of a  
14 driver's license under certain circumstances;  
15 amending s. 320.061, F.S.; prohibiting  
16 interfering with the legibility, angular  
17 visibility, or detectability of any feature or  
18 detail on a license plate or interfering with  
19 the ability to record any feature or detail on  
20 a license plate; amending s. 336.025, F.S.;  
21 deleting a prohibition against local  
22 governments issuing certain bonds secured by  
23 revenues from local option fuel taxes more than  
24 once a year; amending s. 339.175, F.S.;  
25 revising intent; providing the method of  
26 creation and operation of M.P.O.'s required to  
27 be designated pursuant to federal law;  
28 specifying that an M.P.O. is separate from the  
29 state or the governing body of a local  
30 government that is represented on the governing  
31 board of the M.P.O. or that is a signatory to

1 the interlocal agreement creating the M.P.O. ;  
2 providing specified powers and privileges to  
3 the M.P.O. ; providing for the designation and  
4 duties of certain officials; revising  
5 requirements for voting membership; defining  
6 the term "elected officials of a  
7 general-purpose local government" to exclude  
8 certain constitutional officers for voting  
9 membership purposes; providing for the  
10 appointment of alternates and advisers;  
11 providing that members of an M.P.O. technical  
12 advisory committee shall serve at the pleasure  
13 of the M.P.O. ; providing for the appointment of  
14 an executive or staff director and other  
15 personnel; authorizing an M.P.O. to enter into  
16 contracts with public or private entities to  
17 accomplish its duties and functions; providing  
18 for the training of certain persons who serve  
19 on an M.P.O. for certain purposes; requiring  
20 that certain plans, programs, and amendments  
21 that affect projects be approved by each M.P.O.  
22 on a recorded roll call vote, or hand-counted  
23 vote, of a majority of the membership present;  
24 amending s. 339.2819, F.S. ; revising the share  
25 of matching funds for a public transportation  
26 project provided from the Transportation  
27 Regional Incentive Program; creating s.  
28 339.282, F.S. ; providing legislative findings;  
29 providing that property owners or developers  
30 who voluntarily contribute right-of-way and  
31 physically construct or expand a state

1 transportation facility or segment may receive  
2 certain credits against any future  
3 transportation concurrency requirements under  
4 certain conditions; amending s. 343.81, F.S.;  
5 prohibiting elected officials from serving on  
6 the Northwest Florida Transportation Corridor  
7 Authority; providing for application of the  
8 prohibition to apply to persons appointed to  
9 serve on the authority after a certain date;  
10 amending s. 343.82, F.S.; directing the  
11 authority to plan for and study the feasibility  
12 of constructing, operating, and maintaining a  
13 bridge or bridges, and appurtenant structures,  
14 spanning Choctawhatchee Bay or Santa Rosa  
15 Sound; authorizing the authority to construct,  
16 operate, and maintain said bridges and  
17 structures; amending s. 348.0004, F.S.;  
18 authorizing certain transportation-related  
19 authorities to enter into agreements with  
20 private entities for the building, operation,  
21 ownership, or financing of transportation  
22 facilities; amending s. 348.0012, F.S.;  
23 revising provisions for certain exemptions from  
24 the Florida Expressway Authority Act; amending  
25 s. 348.754, F.S.; authorizing the  
26 Orlando-Orange County Expressway Authority to  
27 waive payment and performance bonds on certain  
28 construction contracts if the contract is  
29 awarded pursuant to an economic development  
30 program for the encouragement of local small  
31 businesses; providing criteria for

1 participation in the program; providing  
2 criteria for the bond waiver; providing for  
3 certain determinations by the authority's  
4 executive director or a designee as to the  
5 suitability of a project; providing for certain  
6 payment obligations if a payment and  
7 performance bond is waived; requiring the  
8 authority to record notice of the obligation;  
9 limiting eligibility to bid on the projects;  
10 providing for the authority to conduct bond  
11 eligibility training for certain businesses;  
12 requiring the authority to submit biennial  
13 reports to the Orange County legislative  
14 delegation; amending ss. 163.3177, 339.176, and  
15 341.828, F.S.; correcting cross-references;  
16 amending s. 2, ch. 89-383, Laws of Florida;  
17 providing for certain alterations to and along  
18 Red Road in Miami-Dade County for  
19 transportation safety purposes; providing an  
20 effective date.

21  
22 Be It Enacted by the Legislature of the State of Florida:  
23

24 Section 1. Paragraph (h) of subsection (2) and  
25 paragraph (a) of subsection (4) of section 20.23, Florida  
26 Statutes, are amended to read:

27 20.23 Department of Transportation.--There is created  
28 a Department of Transportation which shall be a decentralized  
29 agency.

30 (2)  
31

1           (h) The commission shall appoint an executive director  
2 and assistant executive director, who shall serve under the  
3 direction, supervision, and control of the commission. The  
4 executive director, with the consent of the commission, shall  
5 employ such staff as are necessary to perform adequately the  
6 functions of the commission, within budgetary limitations. All  
7 employees of the commission are exempt from part II of chapter  
8 110 and shall serve at the pleasure of the commission. The  
9 salaries and benefits of all employees of the commission,  
10 except for the executive director, shall be set in accordance  
11 with the Selected Exempt Service; ~~provided,~~ however, that the  
12 salary and benefits of the executive director shall be set in  
13 accordance with the Senior Management Service. The commission  
14 shall have complete authority for fixing the salary of the  
15 executive director and assistant executive director.

16           (4)(a) The operations of the department shall be  
17 organized into seven districts, each headed by a district  
18 secretary and a turnpike enterprise, headed by an executive  
19 director. The district secretaries and the turnpike executive  
20 director shall be registered professional engineers in  
21 accordance with the provisions of chapter 471 or, in lieu of  
22 professional engineer registration, a district secretary or  
23 turnpike executive director may hold an advanced degree in an  
24 appropriate related discipline, such as a Master of Business  
25 Administration. The headquarters of the districts shall be  
26 located in Polk, Columbia, Washington, Broward, Volusia, Dade,  
27 and Hillsborough Counties. The headquarters of the turnpike  
28 enterprise shall be located in Orange County. In order to  
29 provide for efficient operations and to expedite the  
30 decisionmaking process, the department shall provide for  
31 maximum decentralization to the districts.

1 Section 2. Subsection (14) of section 112.061, Florida  
2 Statutes, is amended to read:

3 112.061 Per diem and travel expenses of public  
4 officers, employees, and authorized persons.--

5 (14) APPLICABILITY TO COUNTIES, COUNTY OFFICERS,  
6 DISTRICT SCHOOL BOARDS, ~~AND~~ SPECIAL DISTRICTS, AND  
7 METROPOLITAN PLANNING ORGANIZATIONS.--

8 (a) The following entities may establish rates that  
9 vary from the per diem rate provided in paragraph (6)(a), the  
10 subsistence rates provided in paragraph (6)(b), or the mileage  
11 rate provided in paragraph (7)(d) if those rates are not less  
12 than the statutorily established rates that are in effect for  
13 the 2005-2006 fiscal year:

14 1. The governing body of a county by the enactment of  
15 an ordinance or resolution;

16 2. A county constitutional officer, pursuant to s.  
17 1(d), Art. VIII of the State Constitution, by the  
18 establishment of written policy;

19 3. The governing body of a district school board by  
20 the adoption of rules; ~~or~~

21 4. The governing body of a special district, as  
22 defined in s. 189.403(1), except those special districts that  
23 are subject to s. 166.021(10), by the enactment of a  
24 resolution; or

25 5. Any metropolitan planning organization created  
26 pursuant to s. 339.175 or any other separate legal or  
27 administrative entity created pursuant to s. 339.175 of which  
28 a metropolitan planning organization is a member, by the  
29 enactment of a resolution.

30 (b) Rates established pursuant to paragraph (a) must  
31 apply uniformly to all travel by the county, county



1 constitutional officer and entity governed by that officer,  
2 district school board, ~~or~~ special district, or metropolitan  
3 planning organization.

4 (c) Except as otherwise provided in this subsection,  
5 counties, county constitutional officers and entities governed  
6 by those officers, district school boards, ~~and~~ special  
7 districts, and metropolitan planning organizations, other than  
8 those subject to s. 166.021(10), remain subject to the  
9 requirements of this section.

10 Section 3. Subsection (11), paragraph (a) of  
11 subsection (42), and paragraph (b) of subsection (52) of  
12 section 121.021, Florida Statutes, are amended, and subsection  
13 (62) is added to that section, to read:

14 121.021 Definitions.--The following words and phrases  
15 as used in this chapter have the respective meanings set forth  
16 unless a different meaning is plainly required by the context:

17 (11) "Officer or employee" means any person receiving  
18 salary payments for work performed in a regularly established  
19 position and, if employed by a city, a metropolitan planning  
20 organization, or a special district, employed in a covered  
21 group.

22 (42)(a) "Local agency employer" means the board of  
23 county commissioners or other legislative governing body of a  
24 county, however styled, including that of a consolidated or  
25 metropolitan government; a clerk of the circuit court,  
26 sheriff, property appraiser, tax collector, or supervisor of  
27 elections, provided such officer is elected or has been  
28 appointed to fill a vacancy in an elective office; a community  
29 college board of trustees or district school board; or the  
30 governing body of any city, metropolitan planning organization  
31 created pursuant to s. 339.175 or any other separate legal or

1 administrative entity created pursuant to s. 339.175, or  
2 special district of the state which participates in the system  
3 for the benefit of certain of its employees.

4 (52) "Regularly established position" is defined as  
5 follows:

6 (b) In a local agency (district school board, county  
7 agency, community college, city, metropolitan planning  
8 organization, or special district), the term means a regularly  
9 established position which will be in existence for a period  
10 beyond 6 consecutive months, except as provided by rule.

11 (62) "Metropolitan planning organization" means an  
12 entity created by an interlocal agreement pursuant to s.  
13 339.175 or any other entity created pursuant to s. 339.175.

14 Section 4. Paragraph (b) of subsection (2) of section  
15 121.051, Florida Statutes, is amended to read:

16 121.051 Participation in the system.--

17 (2) OPTIONAL PARTICIPATION.--

18 (b)1. The governing body of any municipality,  
19 metropolitan planning organization, or special district in the  
20 state may elect to participate in the system upon proper  
21 application to the administrator and may cover all or any of  
22 its units as approved by the Secretary of Health and Human  
23 Services and the administrator. The department shall adopt  
24 rules establishing provisions for the submission of documents  
25 necessary for such application. Prior to being approved for  
26 participation in the Florida Retirement System, the governing  
27 body of any such municipality, metropolitan planning  
28 organization, or special district that has a local retirement  
29 system shall submit to the administrator a certified financial  
30 statement showing the condition of the local retirement system  
31 as of a date within 3 months prior to the proposed effective

1 date of membership in the Florida Retirement System. The  
2 statement must be certified by a recognized accounting firm  
3 that is independent of the local retirement system. All  
4 required documents necessary for extending Florida Retirement  
5 System coverage must be received by the department for  
6 consideration at least 15 days prior to the proposed effective  
7 date of coverage. If the municipality, metropolitan planning  
8 organization, or special district does not comply with this  
9 requirement, the department may require that the effective  
10 date of coverage be changed.

11         2. Any city, metropolitan planning organization, or  
12 special district that has an existing retirement system  
13 covering the employees in the units that are to be brought  
14 under the Florida Retirement System may participate only after  
15 holding a referendum in which all employees in the affected  
16 units have the right to participate. Only those employees  
17 electing coverage under the Florida Retirement System by  
18 affirmative vote in said referendum shall be eligible for  
19 coverage under this chapter, and those not participating or  
20 electing not to be covered by the Florida Retirement System  
21 shall remain in their present systems and shall not be  
22 eligible for coverage under this chapter. After the referendum  
23 is held, all future employees shall be compulsory members of  
24 the Florida Retirement System.

25         3. The governing body of any city, metropolitan  
26 planning organization, or special district complying with  
27 subparagraph 1. may elect to provide, or not provide, benefits  
28 based on past service of officers and employees as described  
29 in s. 121.081(1). However, if such employer elects to provide  
30 past service benefits, such benefits must be provided for all  
31 officers and employees of its covered group.

1           4. Once this election is made and approved it may not  
2 be revoked, except pursuant to subparagraphs 5. and 6., and  
3 all present officers and employees electing coverage under  
4 this chapter and all future officers and employees shall be  
5 compulsory members of the Florida Retirement System.

6           5. Subject to the conditions set forth in subparagraph  
7 6., the governing body of any hospital licensed under chapter  
8 395 which is governed by the board of a special district as  
9 defined in s. 189.403(1) or by the board of trustees of a  
10 public health trust created under s. 154.07, hereinafter  
11 referred to as "hospital district," and which participates in  
12 the system, may elect to cease participation in the system  
13 with regard to future employees in accordance with the  
14 following procedure:

15           a. No more than 30 days and at least 7 days before  
16 adopting a resolution to partially withdraw from the Florida  
17 Retirement System and establish an alternative retirement plan  
18 for future employees, a public hearing must be held on the  
19 proposed withdrawal and proposed alternative plan.

20           b. From 7 to 15 days before such hearing, notice of  
21 intent to withdraw, specifying the time and place of the  
22 hearing, must be provided in writing to employees of the  
23 hospital district proposing partial withdrawal and must be  
24 published in a newspaper of general circulation in the area  
25 affected, as provided by ss. 50.011-50.031. Proof of  
26 publication of such notice shall be submitted to the  
27 Department of Management Services.

28           c. The governing body of any hospital district seeking  
29 to partially withdraw from the system must, before such  
30 hearing, have an actuarial report prepared and certified by an  
31 enrolled actuary, as defined in s. 112.625(3), illustrating

1 the cost to the hospital district of providing, through the  
2 retirement plan that the hospital district is to adopt,  
3 benefits for new employees comparable to those provided under  
4 the Florida Retirement System.

5 d. Upon meeting all applicable requirements of this  
6 subparagraph, and subject to the conditions set forth in  
7 subparagraph 6., partial withdrawal from the system and  
8 adoption of the alternative retirement plan may be  
9 accomplished by resolution duly adopted by the hospital  
10 district board. The hospital district board must provide  
11 written notice of such withdrawal to the division by mailing a  
12 copy of the resolution to the division, postmarked no later  
13 than December 15, 1995. The withdrawal shall take effect  
14 January 1, 1996.

15 6. Following the adoption of a resolution under  
16 sub-subparagraph 5.d., all employees of the withdrawing  
17 hospital district who were participants in the Florida  
18 Retirement System prior to January 1, 1996, shall remain as  
19 participants in the system for as long as they are employees  
20 of the hospital district, and all rights, duties, and  
21 obligations between the hospital district, the system, and the  
22 employees shall remain in full force and effect. Any employee  
23 who is hired or appointed on or after January 1, 1996, may not  
24 participate in the Florida Retirement System, and the  
25 withdrawing hospital district shall have no obligation to the  
26 system with respect to such employees.

27 Section 5. Paragraph (1) is added to subsection (1) of  
28 section 121.055, Florida Statutes, to read:

29 121.055 Senior Management Service Class.--There is  
30 hereby established a separate class of membership within the  
31 Florida Retirement System to be known as the "Senior

1 Management Service Class," which shall become effective  
2 February 1, 1987.

3 (1)

4 (1) For each metropolitan planning organization that  
5 has opted to become part of the Florida Retirement System,  
6 participation in the Senior Management Service Class shall be  
7 compulsory for the executive director or staff director of  
8 that metropolitan planning organization.

9 Section 6. Paragraphs (a) and (c) of subsection (2) of  
10 section 121.061, Florida Statutes, are amended to read:

11 121.061 Funding.--

12 (2)(a) Should any employer other than a state employer  
13 fail to make the retirement and social security contributions,  
14 both member and employer contributions, required by this  
15 chapter, then, upon request by the administrator, the  
16 Department of Revenue or the Department of Financial Services,  
17 as the case may be, shall deduct the amount owed by the  
18 employer from any funds to be distributed by it to the county,  
19 city, metropolitan planning organization, special district, or  
20 consolidated form of government. The amounts so deducted shall  
21 be transferred to the administrator for further distribution  
22 to the trust funds in accordance with this chapter.

23 (c) The governing body of each county, city,  
24 metropolitan planning organization, special district, or  
25 consolidated form of government participating under this  
26 chapter or the administrator, acting individually or jointly,  
27 is hereby authorized to file and maintain an action in the  
28 courts of the state to require any employer to remit any  
29 retirement or social security member contributions or employer  
30 matching payments due the retirement or social security trust  
31 funds under the provisions of this chapter.

1 Section 7. Paragraphs (a), (b), and (e) of subsection  
2 (1) of section 121.081, Florida Statutes, are amended to read:

3 121.081 Past service; prior service;  
4 contributions.--Conditions under which past service or prior  
5 service may be claimed and credited are:

6 (1)(a) Past service, as defined in s. 121.021(18), may  
7 be claimed as creditable service by officers or employees of a  
8 city, metropolitan planning organization, or special district  
9 that become a covered group under this system. The governing  
10 body of a covered group in compliance with s. 121.051(2)(b)  
11 may elect to provide benefits with respect to past service  
12 earned prior to January 1, 1975, in accordance with this  
13 chapter, and the cost for such past service shall be  
14 established by applying the following formula: The member  
15 contribution for both regular and special risk members shall  
16 be 4 percent of the gross annual salary for each year of past  
17 service claimed, plus 4-percent employer matching  
18 contribution, plus 4 percent interest thereon compounded  
19 annually, figured on each year of past service, with interest  
20 compounded from date of annual salary earned until July 1,  
21 1975, and 6.5 percent interest compounded annually thereafter  
22 until date of payment. Once the total cost for a member has  
23 been figured to date, then after July 1, 1975, 6.5 percent  
24 compounded interest shall be added each June 30 thereafter on  
25 any unpaid balance until the cost of such past service  
26 liability is paid in full. The following formula shall be used  
27 in calculating past service earned prior to January 1, 1975:  
28 (Annual gross salary multiplied by 8 percent) multiplied by  
29 the 4 percent or 6.5 percent compound interest table factor,  
30 as may be applicable. The resulting product equals cost to  
31 date for each particular year of past service.

1 (b) Past service earned after January 1, 1975, may be  
2 claimed by officers or employees of a city, metropolitan  
3 planning organization, or special district that becomes a  
4 covered group under this system. The governing body of a  
5 covered group may elect to provide benefits with respect to  
6 past service earned after January 1, 1975, in accordance with  
7 this chapter, and the cost for such past service shall be  
8 established by applying the following formula: The employer  
9 shall contribute an amount equal to the contribution rate in  
10 effect at the time the service was earned, multiplied by the  
11 employee's gross salary for each year of past service claimed,  
12 plus 6.5 percent interest thereon, compounded annually,  
13 figured on each year of past service, with interest compounded  
14 from date of annual salary earned until date of payment.

15 (e) Past service, as defined in s. 121.021(18), may be  
16 claimed as creditable service by a member of the Florida  
17 Retirement System who formerly was an officer or employee of a  
18 city, metropolitan planning organization, or special district,  
19 notwithstanding the status or form of the retirement system,  
20 if any, of that city, metropolitan planning organization, or  
21 special district and irrespective of whether officers or  
22 employees of that city, metropolitan planning organization, or  
23 special district now or hereafter become a covered group under  
24 the Florida Retirement System. Such member may claim  
25 creditable service and be entitled to the benefits accruing to  
26 the regular class of members as provided for the past service  
27 claimed under this paragraph by paying into the retirement  
28 trust fund an amount equal to the total actuarial cost of  
29 providing the additional benefit resulting from such  
30 past-service credit, discounted by the applicable actuarial  
31 factors to date of retirement.



1           Section 8. Paragraph (e) of subsection (2) of section  
2 212.055, Florida Statutes, is amended to read:

3           212.055 Discretionary sales surtaxes; legislative  
4 intent; authorization and use of proceeds.--It is the  
5 legislative intent that any authorization for imposition of a  
6 discretionary sales surtax shall be published in the Florida  
7 Statutes as a subsection of this section, irrespective of the  
8 duration of the levy. Each enactment shall specify the types  
9 of counties authorized to levy; the rate or rates which may be  
10 imposed; the maximum length of time the surtax may be imposed,  
11 if any; the procedure which must be followed to secure voter  
12 approval, if required; the purpose for which the proceeds may  
13 be expended; and such other requirements as the Legislature  
14 may provide. Taxable transactions and administrative  
15 procedures shall be as provided in s. 212.054.

16           (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--

17           (e) School districts, counties, and municipalities  
18 receiving proceeds under the provisions of this subsection may  
19 pledge such proceeds for the purpose of servicing new bond  
20 indebtedness incurred pursuant to law. Local governments may  
21 use the services of the Division of Bond Finance of the State  
22 Board of Administration pursuant to the State Bond Act to  
23 issue any bonds through the provisions of this subsection. ~~In~~  
24 ~~no case may a jurisdiction issue bonds pursuant to this~~  
25 ~~subsection more frequently than once per year.~~ Counties and  
26 municipalities may join together for the issuance of bonds  
27 authorized by this subsection.

28           Section 9. Subsection (1) of section 215.615, Florida  
29 Statutes, is amended to read:

30           215.615 Fixed-guideway transportation systems  
31 funding.--

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

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

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

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

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

31

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.

17  
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 10. Subsection (2) of section 255.20, Florida  
26 Statutes, is amended to read:

27 255.20 Local bids and contracts for public  
28 construction works; specification of state-produced lumber.--

29 (2) The threshold amount of ~~\$400,000~~~~\$200,000~~ for  
30 construction or ~~\$100,000~~~~\$50,000~~ for electrical work must be  
31 adjusted by the percentage change in the Consumer Price Index

1 from January 1, 2007 ~~1994~~, to January 1 of the year in which  
2 the project is scheduled to begin.

3 Section 11. Subsection (3) of section 336.41, Florida  
4 Statutes, is amended to read:

5 336.41 Counties; employing labor and providing road  
6 equipment; accounting; when competitive bidding required.--

7 (3) All construction and reconstruction of roads and  
8 bridges, including resurfacing, full scale mineral seal  
9 coating, and major bridge and bridge system repairs, to be  
10 performed utilizing the proceeds of the 80-percent portion of  
11 the surplus of the constitutional gas tax shall be let to  
12 contract to the lowest responsible bidder by competitive bid,  
13 except for:

14 (a) Construction and maintenance in emergency  
15 situations, and

16 (b) In addition to emergency work, construction and  
17 reconstruction, including resurfacing, mineral seal coating,  
18 and bridge repairs, having a total cumulative annual value not  
19 to exceed 5 percent of its 80-percent portion of the  
20 constitutional gas tax or ~~\$400,000~~\$250,000, whichever is  
21 greater,

22  
23 for which the county may utilize its own forces. However, if,  
24 after proper advertising, no bids are received by a county for  
25 a specific project, the county may use its own forces to  
26 construct the project, notwithstanding the limitation of this  
27 subsection. Nothing in this section shall prevent the county  
28 from performing routine maintenance as authorized by law.

29 Section 12. Subsection (1) of section 316.605, Florida  
30 Statutes, is amended to read:

31 316.605 Licensing of vehicles.--

1           (1) Every vehicle, at all times while driven, stopped,  
2 or parked upon any highways, roads, or streets of this state,  
3 shall be licensed in the name of the owner thereof in  
4 accordance with the laws of this state unless such vehicle is  
5 not required by the laws of this state to be licensed in this  
6 state and shall, except as otherwise provided in s. 320.0706  
7 for front-end registration license plates on truck tractors  
8 and s. 320.086(5) which exempts display of license plates on  
9 described former military vehicles, display the license plate  
10 or both of the license plates assigned to it by the state, one  
11 on the rear and, if two, the other on the front of the  
12 vehicle, each to be securely fastened to the vehicle outside  
13 the main body of the vehicle not higher than 60 inches and not  
14 lower than 12 inches from the ground, not more than 24 inches  
15 to the left or right of the centerline of the vehicle, and  
16 fastened in such manner as to prevent the plates from  
17 swinging, and all letters, numerals, printing, writing, and  
18 other identification marks upon the plates regarding the word  
19 "Florida," the registration decal, and the alphanumeric  
20 designation shall be clear and distinct and free from  
21 defacement, mutilation, grease, and other obscuring matter, so  
22 that they will be plainly visible and legible at all times 100  
23 feet from the rear or front. Vehicle license plates shall be  
24 affixed and displayed in such a manner that the letters and  
25 numerals shall be read from left to right parallel to the  
26 ground. No vehicle license plate may be displayed in an  
27 inverted or reversed position or in such a manner that the  
28 letters and numbers and their proper sequence are not readily  
29 identifiable. Nothing shall be placed upon the face of a  
30 Florida plate except as permitted by law or by rule or  
31 regulation of a governmental agency. No license plates other

1 | than those furnished by the state shall be used. However, if  
2 | the vehicle is not required to be licensed in this state, the  
3 | license plates on such vehicle issued by another state, by a  
4 | territory, possession, or district of the United States, or by  
5 | a foreign country, substantially complying with the provisions  
6 | hereof, shall be considered as complying with this chapter. A  
7 | violation of this subsection is a noncriminal traffic  
8 | infraction, punishable as a nonmoving violation as provided in  
9 | chapter 318.

10 |         Section 13. Paragraph (b) of subsection (3) of section  
11 | 316.650, Florida Statutes, is amended to read:

12 |             316.650 Traffic citations.--

13 |             (3)

14 |             (b) If a traffic citation is issued pursuant to s.  
15 | 316.1001, a traffic enforcement officer may deposit the  
16 | original and one copy of such traffic citation or, in the case  
17 | of a traffic enforcement agency that has an automated citation  
18 | system, may provide an electronic facsimile with a court  
19 | having jurisdiction over the alleged offense or with its  
20 | traffic violations bureau within 45 days after the date of  
21 | issuance of the citation to the violator. If the person cited  
22 | for the violation of s. 316.1001 makes the election provided  
23 | by s. 318.14(12) and pays the fine imposed by the governmental  
24 | entity owning the applicable toll facility plus the amount of  
25 | the unpaid toll that is shown on the traffic citation directly  
26 | to the governmental entity that issued the citation or on  
27 | whose behalf the citation was issued in accordance with s.  
28 | 318.14(12), the traffic citation will not be submitted to the  
29 | court, the disposition will be reported to the department by  
30 | the governmental entity that issued the citation or on whose

31 |

1 behalf the citation was issued, and no points will be assessed  
2 against the person's driver's license.

3 Section 14. Subsection (12) of section 318.14, Florida  
4 Statutes, is amended to read:

5 318.14 Noncriminal traffic infractions; exception;  
6 procedures.--

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

24 Section 15. Subsection (7) of section 318.18, Florida  
25 Statutes, is amended to read:

26 318.18 Amount of civil penalties.--The penalties  
27 required for a noncriminal disposition pursuant to s. 318.14  
28 are as follows:

29 (7) Mandatory \$100 fine ~~one hundred dollars~~ for each a  
30 violation of s. 316.1001 plus the required payment of the  
31 unpaid toll amount shown on the traffic citation for each



1 citation issued. The clerk of the court shall forward \$25 of  
2 the \$100 fine received, plus the amount of the unpaid toll  
3 that is shown on the citation, to the governmental entity that  
4 issued the citation or on whose behalf the citation was  
5 issued. If a plea arrangement is reached prior to the date set  
6 for a scheduled evidentiary hearing, there shall be a  
7 mandatory fine assessed per citation of not less than \$50 and  
8 not more than \$100 for each citation issued, plus the amount  
9 of the unpaid toll for each citation issued. The clerk of the  
10 court shall forward \$25 of the fine imposed, plus the amount  
11 of the unpaid toll that is shown on the citation, to the  
12 governmental entity that issued the citation or on whose  
13 behalf the citation was issued. The court shall have specific  
14 authority to consolidate issued citations for the same  
15 defendant for the purpose of sentencing and aggregate  
16 jurisdiction. In addition, the department shall suspend for 60  
17 days the driver's license of a person who is convicted of 10  
18 violations of s. 316.1001 within a 36-month period. However, a  
19 ~~person may elect to pay \$30 to the clerk of the court, in~~  
20 ~~which case adjudication is withheld, and no points are~~  
21 ~~assessed under s. 322.27. Upon receipt of the fine, the clerk~~  
22 ~~of the court must retain \$5 for administrative purposes and~~  
23 ~~must forward the \$25 to the governmental entity that issued~~  
24 ~~the citation.~~ Any funds received by a governmental entity for  
25 this violation may be used for any lawful purpose related to  
26 the operation or maintenance of a toll facility.

27 Section 16. Section 320.061, Florida Statutes, is  
28 amended to read:

29 320.061 Unlawful to alter motor vehicle registration  
30 certificates, license plates, mobile home stickers, or  
31 validation stickers or to obscure license plates; penalty.--No

1 person shall alter the original appearance of any registration  
2 license plate, mobile home sticker, validation sticker, or  
3 vehicle registration certificate issued for and assigned to  
4 any motor vehicle or mobile home, whether by mutilation,  
5 alteration, defacement, or change of color or in any other  
6 manner. No person shall apply or attach any substance,  
7 reflective matter, illuminated device, spray, coating,  
8 covering, or other material onto or around any license plate  
9 that interferes with the legibility, angular visibility, or  
10 detectability of any feature or detail on the license plate or  
11 interferes with the ability to record any feature or detail on  
12 the license plate. Any person who violates ~~the provisions of~~  
13 ~~this section commits~~ ~~section is guilty of~~ a misdemeanor of the  
14 second degree, punishable as provided in s. 775.082 or s.  
15 775.083.

16 Section 17. Paragraph (c) of subsection (1) of section  
17 336.025, Florida Statutes, is amended to read:

18 336.025 County transportation system; levy of local  
19 option fuel tax on motor fuel and diesel fuel.--

20 (1)

21 (c) Local governments may use the services of the  
22 Division of Bond Finance of the State Board of Administration  
23 pursuant to the State Bond Act to issue any bonds through the  
24 provisions of this section and may pledge the revenues from  
25 local option fuel taxes to secure the payment of the bonds. ~~In~~  
26 ~~no case may a jurisdiction issue bonds pursuant to this~~  
27 ~~section more frequently than once per year.~~ Counties and  
28 municipalities may join together for the issuance of bonds  
29 issued pursuant to this section.

30 Section 18. Section 339.175, Florida Statutes, is  
31 amended to read:

1           339.175 Metropolitan planning organization.--  
2           (1) PURPOSE.--It is the intent of the Legislature to  
3 encourage and promote the safe and efficient management,  
4 operation, and development of surface transportation systems  
5 that will serve the mobility needs of people and freight and  
6 foster economic growth and development within and through  
7 urbanized areas of this state while minimizing  
8 transportation-related fuel consumption and air pollution  
9 through metropolitan transportation planning processes  
10 identified in this section. To accomplish these objectives,  
11 metropolitan planning organizations, referred to in this  
12 section as M.P.O.'s, shall develop, in cooperation with the  
13 state and public transit operators, transportation plans and  
14 programs for metropolitan areas. The plans and programs for  
15 each metropolitan area must provide for the development and  
16 integrated management and operation of transportation systems  
17 and facilities, including pedestrian walkways and bicycle  
18 transportation facilities that will function as an intermodal  
19 transportation system for the metropolitan area, based upon  
20 the prevailing principles provided in s. 334.046(1). The  
21 process for developing such plans and programs shall provide  
22 for consideration of all modes of transportation and shall be  
23 continuing, cooperative, and comprehensive, to the degree  
24 appropriate, based on the complexity of the transportation  
25 problems to be addressed. To ensure that the process is  
26 integrated with the statewide planning process, M.P.O.'s shall  
27 develop plans and programs that identify transportation  
28 facilities that should function as an integrated metropolitan  
29 transportation system, giving emphasis to facilities that  
30 serve important national, state, and regional transportation  
31 functions. For the purposes of this section, those facilities

1 include the facilities on the Strategic Intermodal System  
2 designated under s. 339.63 and facilities for which projects  
3 have been identified pursuant to s. 339.2819(4).

4 ~~(2)(1)~~ DESIGNATION.--

5 (a)1. An M.P.O. shall be designated for each urbanized  
6 area of the state; however, this does not require that an  
7 individual M.P.O. be designated for each such area. Such  
8 designation shall be accomplished by agreement between the  
9 Governor and units of general-purpose local government  
10 representing at least 75 percent of the population of the  
11 urbanized area; however, the unit of general-purpose local  
12 government that represents the central city or cities within  
13 the M.P.O. jurisdiction, as defined by the United States  
14 Bureau of the Census, must be a party to such agreement.

15 2. More than one M.P.O. may be designated within an  
16 existing metropolitan planning area only if the Governor and  
17 the existing M.P.O. determine that the size and complexity of  
18 the existing metropolitan planning area makes the designation  
19 of more than one M.P.O. for the area appropriate.

20 (b) Each M.P.O. designated in a manner prescribed by  
21 Title 23 U.S.C. shall be created and operated under the  
22 provisions of this section pursuant to an interlocal agreement  
23 entered into pursuant to s. 163.01. The signatories to the  
24 interlocal agreement shall be the department and the  
25 governmental entities designated by the Governor for  
26 membership on the M.P.O. Each M.P.O. shall be considered  
27 separate from the state or the governing body of a local  
28 government that is represented on the governing board of the  
29 M.P.O. or that is a signatory to the interlocal agreement  
30 creating the M.P.O. and shall have such powers and privileges

1 that are provided under s. 163.01. If there is a conflict  
2 between this section and s. 163.01, this section prevails.

3 (c) The jurisdictional boundaries of an M.P.O. shall  
4 be determined by agreement between the Governor and the  
5 applicable M.P.O. The boundaries must include at least the  
6 metropolitan planning area, which is the existing urbanized  
7 area and the contiguous area expected to become urbanized  
8 within a 20-year forecast period, and may encompass the entire  
9 metropolitan statistical area or the consolidated metropolitan  
10 statistical area.

11 (d) In the case of an urbanized area designated as a  
12 nonattainment area for ozone or carbon monoxide under the  
13 Clean Air Act, 42 U.S.C. ss. 7401 et seq., the boundaries of  
14 the metropolitan planning area in existence as of the date of  
15 enactment of this paragraph shall be retained, except that the  
16 boundaries may be adjusted by agreement of the Governor and  
17 affected metropolitan planning organizations in the manner  
18 described in this section. If more than one M.P.O. has  
19 authority within a metropolitan area or an area that is  
20 designated as a nonattainment area, each M.P.O. shall consult  
21 with other M.P.O.'s designated for such area and with the  
22 state in the coordination of plans and programs required by  
23 this section.

24 (e) The governing body of the M.P.O. shall designate,  
25 at a minimum, a chair, vice chair, and agency clerk. The chair  
26 and vice chair shall be selected from among the member  
27 delegates comprising the governing board. The agency clerk  
28 shall be charged with the responsibility of preparing meeting  
29 minutes and maintaining agency records. The clerk shall be a  
30 member of the M.P.O. governing board, an employee of the  
31 M.P.O., or other natural person.

1  
2 Each M.P.O. required under this section must be fully  
3 operative no later than 6 months following its designation.

4 ~~(3)(2)~~ VOTING MEMBERSHIP.--

5 (a) The voting membership of an M.P.O. shall consist  
6 of not fewer than 5 or more than 19 apportioned members, the  
7 exact number to be determined on an equitable  
8 geographic-population ratio basis by the Governor, based on an  
9 agreement among the affected units of general-purpose local  
10 government as required by federal rules and regulations. The  
11 Governor, in accordance with 23 U.S.C. s. 134, may also  
12 provide for M.P.O. members who represent municipalities to  
13 alternate with representatives from other municipalities  
14 within the metropolitan planning area that do not have members  
15 on the M.P.O. County commission members shall compose not less  
16 than one-third of the M.P.O. membership, except for an M.P.O.  
17 with more than 15 members located in a county with a 5-member  
18 ~~five member~~ county commission or an M.P.O. with 19 members  
19 located in a county with no more than 6 county commissioners,  
20 in which case county commission members may compose less than  
21 one-third percent of the M.P.O. membership, but all county  
22 commissioners must be members. All voting members shall be  
23 elected officials of general-purpose local governments, except  
24 that an M.P.O. may include, as part of its apportioned voting  
25 members, a member of a statutorily authorized planning board,  
26 an official of an agency that operates or administers a major  
27 mode of transportation, or an official of the Florida Space  
28 Authority. As used in this section, the term "elected  
29 officials of a general-purpose local government" shall exclude  
30 constitutional officers, including sheriffs, tax collectors,  
31 supervisors of elections, property appraisers, clerks of the

1 court, and similar types of officials. County commissioners  
2 ~~The county commission~~ shall compose not less than 20 percent  
3 of the M.P.O. membership if an official of an agency that  
4 operates or administers a major mode of transportation has  
5 been appointed to an M.P.O.

6 (b) In metropolitan areas in which authorities or  
7 other agencies have been or may be created by law to perform  
8 transportation functions and are performing transportation  
9 functions that are not under the jurisdiction of a  
10 general-purpose ~~general purpose~~ local government represented  
11 on the M.P.O., they shall be provided voting membership on the  
12 M.P.O. In all other M.P.O.'s where transportation authorities  
13 or agencies are to be represented by elected officials from  
14 general-purpose ~~general purpose~~ local governments, the M.P.O.  
15 shall establish a process by which the collective interests of  
16 such authorities or other agencies are expressed and conveyed.

17 (c) Any other provision of this section to the  
18 contrary notwithstanding, a chartered county with over 1  
19 million population may elect to reapportion the membership of  
20 an M.P.O. whose jurisdiction is wholly within the county. The  
21 charter county may exercise the provisions of this paragraph  
22 if:

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

25 2. The M.P.O. and the charter county determine that  
26 the reapportionment plan is needed to fulfill specific goals  
27 and policies applicable to that metropolitan planning area;  
28 and

29 3. The charter county determines the reapportionment  
30 plan otherwise complies with all federal requirements  
31 pertaining to M.P.O. membership.

1  
2 Any charter county that elects to exercise the provisions of  
3 this paragraph shall notify the Governor in writing.

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

19 ~~(4)(3)~~ APPORTIONMENT.--

20 (a) The Governor shall, with the agreement of the  
21 affected units of general-purpose local government as required  
22 by federal rules and regulations, apportion the membership on  
23 the applicable M.P.O. among the various governmental entities  
24 within the area. At the request of a majority of the affected  
25 units of general-purpose local government comprising an  
26 M.P.O., the Governor and a majority of units of  
27 general-purpose local government serving on an M.P.O. shall  
28 cooperatively agree upon and prescribe who may serve as an  
29 alternate member and ~~shall prescribe~~ a method for appointing  
30 alternate members who may vote at any M.P.O. meeting that an  
31 alternate member attends in place of a regular member. The



1 method shall be set forth as a part of the interlocal  
2 agreement describing the M.P.O.'s membership or in the  
3 M.P.O.'s operating procedures and bylaws. An appointed  
4 ~~alternate member must be an elected official serving the same~~  
5 ~~governmental entity or a general purpose local government with~~  
6 ~~jurisdiction within all or part of the area that the regular~~  
7 ~~member serves.~~ The governmental entity so designated shall  
8 appoint the appropriate number of members to the M.P.O. from  
9 eligible officials. Representatives of the department shall  
10 serve as nonvoting members of the M.P.O. governing board.  
11 Nonvoting advisers may be appointed by the M.P.O. as deemed  
12 necessary; however, to the maximum extent feasible, each  
13 M.P.O. shall seek to appoint nonvoting representatives of  
14 various multimodal forms of transportation not otherwise  
15 represented by voting members of the M.P.O. An M.P.O. shall  
16 appoint nonvoting advisers representing major military  
17 installations located within the jurisdictional boundaries of  
18 the M.P.O. upon the request of the aforesaid major military  
19 installations and subject to the agreement of the M.P.O. All  
20 nonvoting advisers may attend and participate fully in  
21 governing board meetings but shall not have a vote and shall  
22 not be members of the governing board. The Governor shall  
23 review the composition of the M.P.O. membership in conjunction  
24 with the decennial census as prepared by the United States  
25 Department of Commerce, Bureau of the Census, and reapportion  
26 it as necessary to comply with subsection(3)(2).

27 (b) Except for members who represent municipalities on  
28 the basis of alternating with representatives from other  
29 municipalities that do not have members on the M.P.O. as  
30 provided in paragraph(3)(a)(2)(a), the members of an M.P.O.  
31 shall serve 4-year terms. Members who represent municipalities

1 on the basis of alternating with representatives from other  
2 municipalities that do not have members on the M.P.O. as  
3 provided in paragraph(3)(a)(2)(a) may serve terms of up to 4  
4 years as further provided in the interlocal agreement  
5 described in paragraph(2)(b)(1)(b). The membership of a  
6 member who is a public official automatically terminates upon  
7 the member's leaving his or her elective or appointive office  
8 for any reason, or may be terminated by a majority vote of the  
9 total membership of the entity's governing board ~~a county or~~  
10 ~~city governing entity~~ represented by the member. A vacancy  
11 shall be filled by the original appointing entity. A member  
12 may be reappointed for one or more additional 4-year terms.

13 (c) If a governmental entity fails to fill an assigned  
14 appointment to an M.P.O. within 60 days after notification by  
15 the Governor of its duty to appoint, that appointment shall be  
16 made by the Governor from the eligible representatives of that  
17 governmental entity.

18 ~~(5)(4)~~ AUTHORITY AND RESPONSIBILITY.--The authority  
19 and responsibility of an M.P.O. is to manage a continuing,  
20 cooperative, and comprehensive transportation planning process  
21 that, based upon the prevailing principles provided in s.  
22 334.046(1), results in the development of plans and programs  
23 which are consistent, to the maximum extent feasible, with the  
24 approved local government comprehensive plans of the units of  
25 local government the boundaries of which are within the  
26 metropolitan area of the M.P.O. An M.P.O. shall be the forum  
27 for cooperative decisionmaking by officials of the affected  
28 governmental entities in the development of the plans and  
29 programs required by subsections~~(5)~~, (6), (7), ~~and~~ (8), and  
30 (9).

1           ~~(6)~~(5) POWERS, DUTIES, AND RESPONSIBILITIES.--The  
2 powers, privileges, and authority of an M.P.O. are those  
3 specified in this section or incorporated in an interlocal  
4 agreement authorized under s. 163.01. Each M.P.O. shall  
5 perform all acts required by federal or state laws or rules,  
6 now and subsequently applicable, which are necessary to  
7 qualify for federal aid. It is the intent of this section that  
8 each M.P.O. shall be involved in the planning and programming  
9 of transportation facilities, including, but not limited to,  
10 airports, intercity and high-speed rail lines, seaports, and  
11 intermodal facilities, to the extent permitted by state or  
12 federal law.

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

15           1. A long-range transportation plan pursuant to the  
16 requirements of subsection~~(7)~~(6);

17           2. An annually updated transportation improvement  
18 program pursuant to the requirements of subsection~~(8)~~(7);  
19 and

20           3. An annual unified planning work program pursuant to  
21 the requirements of subsection~~(9)~~(8).

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

26           1. Support the economic vitality of the metropolitan  
27 area, especially by enabling global competitiveness,  
28 productivity, and efficiency;

29           2. Increase the safety and security of the  
30 transportation system for motorized and nonmotorized users;

31

1           3. Increase the accessibility and mobility options  
2 available to people and for freight;

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

5           5. Enhance the integration and connectivity of the  
6 transportation system, across and between modes, for people  
7 and freight;

8           6. Promote efficient system management and operation;  
9 and

10          7. Emphasize the preservation of the existing  
11 transportation system.

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

15           1. Prepare a congestion management system for the  
16 metropolitan area and cooperate with the department in the  
17 development of all other transportation management systems  
18 required by state or federal law;

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

21           3. Assist the department in performing its duties  
22 relating to access management, functional classification of  
23 roads, and data collection;

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

26           5. Represent all the jurisdictional areas within the  
27 metropolitan area in the formulation of transportation plans  
28 and programs required by this section; and

29           6. Perform all other duties required by state or  
30 federal law.  
31

1           (d) Each M.P.O. shall appoint a technical advisory  
2 committee, the members of which shall serve at the pleasure of  
3 the M.P.O. The membership of the technical advisory committee  
4 must include, whenever possible, ~~that includes~~ planners;  
5 engineers; representatives of local aviation authorities, port  
6 authorities, and public transit authorities or representatives  
7 of aviation departments, seaport departments, and public  
8 transit departments of municipal or county governments, as  
9 applicable; the school superintendent of each county within  
10 the jurisdiction of the M.P.O. or the superintendent's  
11 designee; and other appropriate representatives of affected  
12 local governments. In addition to any other duties assigned to  
13 it by the M.P.O. or by state or federal law, the technical  
14 advisory committee is responsible for considering safe access  
15 to schools in its review of transportation project priorities,  
16 long-range transportation plans, and transportation  
17 improvement programs, and shall advise the M.P.O. on such  
18 matters. In addition, the technical advisory committee shall  
19 coordinate its actions with local school boards and other  
20 local programs and organizations within the metropolitan area  
21 which participate in school safety activities, such as locally  
22 established community traffic safety teams. Local school  
23 boards must provide the appropriate M.P.O. with information  
24 concerning future school sites and in the coordination of  
25 transportation service.

26           (e)1. Each M.P.O. shall appoint a citizens' advisory  
27 committee, the members of which serve at the pleasure of the  
28 M.P.O. The membership on the citizens' advisory committee must  
29 reflect a broad cross section of local residents with an  
30 interest in the development of an efficient, safe, and  
31

1 cost-effective transportation system. Minorities, the elderly,  
2 and the handicapped must be adequately represented.

3 2. Notwithstanding the provisions of subparagraph 1.,  
4 an M.P.O. may, with the approval of the department and the  
5 applicable federal governmental agency, adopt an alternative  
6 program or mechanism to ensure citizen involvement in the  
7 transportation planning process.

8 (f) The department shall allocate to each M.P.O., for  
9 the purpose of accomplishing its transportation planning and  
10 programming duties, an appropriate amount of federal  
11 transportation planning funds.

12 (g) Each M.P.O. shall have an executive or staff  
13 director who reports directly to the M.P.O. governing board  
14 for all matters regarding the administration and operation of  
15 the M.P.O. and any additional personnel as deemed necessary.  
16 The executive director and any additional personnel may be  
17 employed either by an M.P.O. or by another governmental  
18 entity, such as a county, city, or regional planning council,  
19 that has a staff services agreement signed and in effect with  
20 the M.P.O. Each M.P.O. may ~~employ personnel or may~~ enter into  
21 contracts with local or state agencies, private planning  
22 firms, ~~or~~ private engineering firms, or other public or  
23 private entities to accomplish its transportation planning and  
24 programming duties and administrative functions ~~required by~~  
25 ~~state or federal law.~~

26 (h) In order to enhance their knowledge,  
27 effectiveness, and participation in the urbanized area  
28 transportation planning process, each M.P.O. shall provide  
29 training opportunities and training funds specifically for  
30 local elected officials and others who serve on an M.P.O. The  
31 training opportunities may be conducted by an individual

1 M.P.O. or through statewide and federal training programs and  
2 initiatives that are specifically designed to meet the needs  
3 of M.P.O. board members.

4 ~~(i)(h)~~ A chair's coordinating committee is created,  
5 composed of the M.P.O.'s serving Hernando, Hillsborough,  
6 Manatee, Pasco, Pinellas, Polk, and Sarasota Counties. The  
7 committee must, at a minimum:

8 1. Coordinate transportation projects deemed to be  
9 regionally significant by the committee.

10 2. Review the impact of regionally significant land  
11 use decisions on the region.

12 3. Review all proposed regionally significant  
13 transportation projects in the respective transportation  
14 improvement programs which affect more than one of the  
15 M.P.O.'s represented on the committee.

16 4. Institute a conflict resolution process to address  
17 any conflict that may arise in the planning and programming of  
18 such regionally significant projects.

19 ~~(j)(i)~~1. The Legislature finds that the state's rapid  
20 growth in recent decades has caused many urbanized areas  
21 subject to M.P.O. jurisdiction to become contiguous to each  
22 other. As a result, various transportation projects may cross  
23 from the jurisdiction of one M.P.O. into the jurisdiction of  
24 another M.P.O. To more fully accomplish the purposes for which  
25 M.P.O.'s have been mandated, M.P.O.'s shall develop  
26 coordination mechanisms with one another to expand and improve  
27 transportation within the state. The appropriate method of  
28 coordination between M.P.O.'s shall vary depending upon the  
29 project involved and given local and regional needs.  
30 Consequently, it is appropriate to set forth a flexible  
31 methodology that can be used by M.P.O.'s to coordinate with

1 other M.P.O.'s and appropriate political subdivisions as  
2 circumstances demand.

3         2. Any M.P.O. may join with any other M.P.O. or any  
4 individual political subdivision to coordinate activities or  
5 to achieve any federal or state transportation planning or  
6 development goals or purposes consistent with federal or state  
7 law. When an M.P.O. determines that it is appropriate to join  
8 with another M.P.O. or any political subdivision to coordinate  
9 activities, the M.P.O. or political subdivision shall enter  
10 into an interlocal agreement pursuant to s. 163.01, which, at  
11 a minimum, creates a separate legal or administrative entity  
12 to coordinate the transportation planning or development  
13 activities required to achieve the goal or purpose; provides  
14 ~~provide~~ the purpose for which the entity is created; provides  
15 ~~provide~~ the duration of the agreement and the entity, and  
16 specifies ~~specify~~ how the agreement may be terminated,  
17 modified, or rescinded; describes ~~describe~~ the precise  
18 organization of the entity, including who has voting rights on  
19 the governing board, whether alternative voting members are  
20 provided for, how voting members are appointed, and what the  
21 relative voting strength is for each constituent M.P.O. or  
22 political subdivision; provides ~~provide~~ the manner in which  
23 the parties to the agreement will provide for the financial  
24 support of the entity and payment of costs and expenses of the  
25 entity; provides ~~provide~~ the manner in which funds may be paid  
26 to and disbursed from the entity; and provides ~~provide~~ how  
27 members of the entity will resolve disagreements regarding  
28 interpretation of the interlocal agreement or disputes  
29 relating to the operation of the entity. Such interlocal  
30 agreement shall become effective upon its recordation in the  
31 official public records of each county in which a member of



1 the entity created by the interlocal agreement has a voting  
2 member. This paragraph does not require any M.P.O.'s to merge,  
3 combine, or otherwise join together as a single M.P.O.

4 (7)~~(6)~~ LONG-RANGE TRANSPORTATION PLAN.--Each M.P.O.  
5 must develop a long-range transportation plan that addresses  
6 at least a 20-year planning horizon. The plan must include  
7 both long-range and short-range strategies and must comply  
8 with all other state and federal requirements. The prevailing  
9 principles to be considered in the long-range transportation  
10 plan are: preserving the existing transportation  
11 infrastructure; enhancing Florida's economic competitiveness;  
12 and improving travel choices to ensure mobility. The  
13 long-range transportation plan must be consistent, to the  
14 maximum extent feasible, with future land use elements and the  
15 goals, objectives, and policies of the approved local  
16 government comprehensive plans of the units of local  
17 government located within the jurisdiction of the M.P.O. The  
18 approved long-range transportation plan must be considered by  
19 local governments in the development of the transportation  
20 elements in local government comprehensive plans and any  
21 amendments thereto. The long-range transportation plan must,  
22 at a minimum:

23 (a) Identify transportation facilities, including, but  
24 not limited to, major roadways, airports, seaports,  
25 spaceports, commuter rail systems, transit systems, and  
26 intermodal or multimodal terminals that will function as an  
27 integrated metropolitan transportation system. The long-range  
28 transportation plan must give emphasis to those transportation  
29 facilities that serve national, statewide, or regional  
30 functions, and must consider the goals and objectives  
31 identified in the Florida Transportation Plan as provided in

1 s. 339.155. If a project is located within the boundaries of  
2 more than one M.P.O., the M.P.O.'s must coordinate plans  
3 regarding the project in the long-range transportation plan.

4 (b) Include a financial plan that demonstrates how the  
5 plan can be implemented, indicating resources from public and  
6 private sources which are reasonably expected to be available  
7 to carry out the plan, and recommends any additional financing  
8 strategies for needed projects and programs. The financial  
9 plan may include, for illustrative purposes, additional  
10 projects that would be included in the adopted long-range  
11 transportation plan if reasonable additional resources beyond  
12 those identified in the financial plan were available. For the  
13 purpose of developing the long-range transportation plan, the  
14 M.P.O. and the department shall cooperatively develop  
15 estimates of funds that will be available to support the plan  
16 implementation. Innovative financing techniques may be used to  
17 fund needed projects and programs. Such techniques may include  
18 the assessment of tolls, the use of value capture financing,  
19 or the use of value pricing.

20 (c) Assess capital investment and other measures  
21 necessary to:

22 1. Ensure the preservation of the existing  
23 metropolitan transportation system including requirements for  
24 the operation, resurfacing, restoration, and rehabilitation of  
25 major roadways and requirements for the operation,  
26 maintenance, modernization, and rehabilitation of public  
27 transportation facilities; and

28 2. Make the most efficient use of existing  
29 transportation facilities to relieve vehicular congestion and  
30 maximize the mobility of people and goods.

31

1 (d) Indicate, as appropriate, proposed transportation  
2 enhancement activities, including, but not limited to,  
3 pedestrian and bicycle facilities, scenic easements,  
4 landscaping, historic preservation, mitigation of water  
5 pollution due to highway runoff, and control of outdoor  
6 advertising.

7 (e) In addition to the requirements of paragraphs  
8 (a)-(d), in metropolitan areas that are classified as  
9 nonattainment areas for ozone or carbon monoxide, the M.P.O.  
10 must coordinate the development of the long-range  
11 transportation plan with the State Implementation Plan  
12 developed pursuant to the requirements of the federal Clean  
13 Air Act.

14  
15 In the development of its long-range transportation plan, each  
16 M.P.O. must provide the public, affected public agencies,  
17 representatives of transportation agency employees, freight  
18 shippers, providers of freight transportation services,  
19 private providers of transportation, representatives of users  
20 of public transit, and other interested parties with a  
21 reasonable opportunity to comment on the long-range  
22 transportation plan. The long-range transportation plan must  
23 be approved by the M.P.O.

24 (8)~~(7)~~ TRANSPORTATION IMPROVEMENT PROGRAM.--Each  
25 M.P.O. shall, in cooperation with the state and affected  
26 public transportation operators, develop a transportation  
27 improvement program for the area within the jurisdiction of  
28 the M.P.O. In the development of the transportation  
29 improvement program, each M.P.O. must provide the public,  
30 affected public agencies, representatives of transportation  
31 agency employees, freight shippers, providers of freight

1 transportation services, private providers of transportation,  
2 representatives of users of public transit, and other  
3 interested parties with a reasonable opportunity to comment on  
4 the proposed transportation improvement program.

5 (a) Each M.P.O. is responsible for developing,  
6 annually, a list of project priorities and a transportation  
7 improvement program. The prevailing principles to be  
8 considered by each M.P.O. when developing a list of project  
9 priorities and a transportation improvement program are:  
10 preserving the existing transportation infrastructure;  
11 enhancing Florida's economic competitiveness; and improving  
12 travel choices to ensure mobility. The transportation  
13 improvement program will be used to initiate federally aided  
14 transportation facilities and improvements as well as other  
15 transportation facilities and improvements including transit,  
16 rail, aviation, spaceport, and port facilities to be funded  
17 from the State Transportation Trust Fund within its  
18 metropolitan area in accordance with existing and subsequent  
19 federal and state laws and rules and regulations related  
20 thereto. The transportation improvement program shall be  
21 consistent, to the maximum extent feasible, with the approved  
22 local government comprehensive plans of the units of local  
23 government whose boundaries are within the metropolitan area  
24 of the M.P.O. and include those projects programmed pursuant  
25 to s. 339.2819(4).

26 (b) Each M.P.O. annually shall prepare a list of  
27 project priorities and shall submit the list to the  
28 appropriate district of the department by October 1 of each  
29 year; however, the department and a metropolitan planning  
30 organization may, in writing, agree to vary this submittal  
31 date. The list of project priorities must be formally reviewed

1 | by the technical and citizens' advisory committees, and  
2 | approved by the M.P.O., before it is transmitted to the  
3 | district. The approved list of project priorities must be used  
4 | by the district in developing the district work program and  
5 | must be used by the M.P.O. in developing its transportation  
6 | improvement program. The annual list of project priorities  
7 | must be based upon project selection criteria that, at a  
8 | minimum, consider the following:

- 9 |       1. The approved M.P.O. long-range transportation plan;
- 10 |       2. The Strategic Intermodal System Plan developed  
11 | under s. 339.64.
- 12 |       3. The priorities developed pursuant to s.  
13 | 339.2819(4).
- 14 |       4. The results of the transportation management  
15 | systems; and
- 16 |       5. The M.P.O.'s public-involvement procedures.

17 |       (c) The transportation improvement program must, at a  
18 | minimum:

- 19 |       1. Include projects and project phases to be funded  
20 | with state or federal funds within the time period of the  
21 | transportation improvement program and which are recommended  
22 | for advancement during the next fiscal year and 4 subsequent  
23 | fiscal years. Such projects and project phases must be  
24 | consistent, to the maximum extent feasible, with the approved  
25 | local government comprehensive plans of the units of local  
26 | government located within the jurisdiction of the M.P.O. For  
27 | informational purposes, the transportation improvement program  
28 | shall also include a list of projects to be funded from local  
29 | or private revenues.
- 30 |       2. Include projects within the metropolitan area which  
31 | are proposed for funding under 23 U.S.C. s. 134 of the Federal

1 Transit Act and which are consistent with the long-range  
2 transportation plan developed under subsection (7)~~(6)~~.

3           3. Provide a financial plan that demonstrates how the  
4 transportation improvement program can be implemented;  
5 indicates the resources, both public and private, that are  
6 reasonably expected to be available to accomplish the program;  
7 identifies any innovative financing techniques that may be  
8 used to fund needed projects and programs; and may include,  
9 for illustrative purposes, additional projects that would be  
10 included in the approved transportation improvement program if  
11 reasonable additional resources beyond those identified in the  
12 financial plan were available. Innovative financing techniques  
13 may include the assessment of tolls, the use of value capture  
14 financing, or the use of value pricing. The transportation  
15 improvement program may include a project or project phase  
16 only if full funding can reasonably be anticipated to be  
17 available for the project or project phase within the time  
18 period contemplated for completion of the project or project  
19 phase.

20           4. Group projects and project phases of similar  
21 urgency and anticipated staging into appropriate staging  
22 periods.

23           5. Indicate how the transportation improvement program  
24 relates to the long-range transportation plan developed under  
25 subsection (7)~~(6)~~, including providing examples of specific  
26 projects or project phases that further the goals and policies  
27 of the long-range transportation plan.

28           6. Indicate whether any project or project phase is  
29 inconsistent with an approved comprehensive plan of a unit of  
30 local government located within the jurisdiction of the M.P.O.  
31 If a project is inconsistent with an affected comprehensive

1 plan, the M.P.O. must provide justification for including the  
2 project in the transportation improvement program.

3 7. Indicate how the improvements are consistent, to  
4 the maximum extent feasible, with affected seaport, airport,  
5 and spaceport master plans and with public transit development  
6 plans of the units of local government located within the  
7 jurisdiction of the M.P.O. If a project is located within the  
8 boundaries of more than one M.P.O., the M.P.O.'s must  
9 coordinate plans regarding the project in the transportation  
10 improvement program.

11 (d) Projects included in the transportation  
12 improvement program and that have advanced to the design stage  
13 of preliminary engineering may be removed from or rescheduled  
14 in a subsequent transportation improvement program only by the  
15 joint action of the M.P.O. and the department. Except when  
16 recommended in writing by the district secretary for good  
17 cause, any project removed from or rescheduled in a subsequent  
18 transportation improvement program shall not be rescheduled by  
19 the M.P.O. in that subsequent program earlier than the 5th  
20 year of such program.

21 (e) During the development of the transportation  
22 improvement program, the M.P.O. shall, in cooperation with the  
23 department and any affected public transit operation, provide  
24 citizens, affected public agencies, representatives of  
25 transportation agency employees, freight shippers, providers  
26 of freight transportation services, private providers of  
27 transportation, representatives of users of public transit,  
28 and other interested parties with reasonable notice of and an  
29 opportunity to comment on the proposed program.

30 (f) The adopted annual transportation improvement  
31 program for M.P.O.'s in nonattainment or maintenance areas

1 must be submitted to the district secretary and the Department  
2 of Community Affairs at least 90 days before the submission of  
3 the state transportation improvement program by the department  
4 to the appropriate federal agencies. The annual transportation  
5 improvement program for M.P.O.'s in attainment areas must be  
6 submitted to the district secretary and the Department of  
7 Community Affairs at least 45 days before the department  
8 submits the state transportation improvement program to the  
9 appropriate federal agencies; however, the department, the  
10 Department of Community Affairs, and a metropolitan planning  
11 organization may, in writing, agree to vary this submittal  
12 date. The Governor or the Governor's designee shall review and  
13 approve each transportation improvement program and any  
14 amendments thereto.

15 (g) The Department of Community Affairs shall review  
16 the annual transportation improvement program of each M.P.O.  
17 for consistency with the approved local government  
18 comprehensive plans of the units of local government whose  
19 boundaries are within the metropolitan area of each M.P.O. and  
20 shall identify those projects that are inconsistent with such  
21 comprehensive plans. The Department of Community Affairs shall  
22 notify an M.P.O. of any transportation projects contained in  
23 its transportation improvement program which are inconsistent  
24 with the approved local government comprehensive plans of the  
25 units of local government whose boundaries are within the  
26 metropolitan area of the M.P.O.

27 (h) The M.P.O. shall annually publish or otherwise  
28 make available for public review the annual listing of  
29 projects for which federal funds have been obligated in the  
30 preceding year. Project monitoring systems must be maintained  
31



1 | by those agencies responsible for obligating federal funds and  
2 | made accessible to the M.P.O.'s.

3 |       ~~(9)~~~~(8)~~ UNIFIED PLANNING WORK PROGRAM.--Each M.P.O.  
4 | shall develop, in cooperation with the department and public  
5 | transportation providers, a unified planning work program that  
6 | lists all planning tasks to be undertaken during the program  
7 | year. The unified planning work program must provide a  
8 | complete description of each planning task and an estimated  
9 | budget therefor and must comply with applicable state and  
10 | federal law.

11 |       ~~(10)~~~~(9)~~ AGREEMENTS.--

12 |           (a) Each M.P.O. shall execute the following written  
13 | agreements, which shall be reviewed, and updated as necessary,  
14 | every 5 years:

15 |           1. An agreement with the department clearly  
16 | establishing the cooperative relationship essential to  
17 | accomplish the transportation planning requirements of state  
18 | and federal law.

19 |           2. An agreement with the metropolitan and regional  
20 | intergovernmental coordination and review agencies serving the  
21 | metropolitan areas, specifying the means by which activities  
22 | will be coordinated and how transportation planning and  
23 | programming will be part of the comprehensive planned  
24 | development of the area.

25 |           3. An agreement with operators of public  
26 | transportation systems, including transit systems, commuter  
27 | rail systems, airports, seaports, and spaceports, describing  
28 | the means by which activities will be coordinated and  
29 | specifying how public transit, commuter rail, aviation,  
30 | seaport, and aerospace planning and programming will be part  
31 |

1 of the comprehensive planned development of the metropolitan  
2 area.

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

6 ~~(11)~~~~(10)~~ METROPOLITAN PLANNING ORGANIZATION ADVISORY  
7 COUNCIL.--

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

12 (b) The council shall consist of one representative  
13 from each M.P.O. and shall elect a chairperson annually from  
14 its number. Each M.P.O. shall also elect an alternate  
15 representative from each M.P.O. to vote in the absence of the  
16 representative. Members of the council do not receive any  
17 compensation for their services, but may be reimbursed from  
18 funds made available to council members for travel and per  
19 diem expenses incurred in the performance of their council  
20 duties as provided in s. 112.061.

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

23 1. Enter into contracts with individuals, private  
24 corporations, and public agencies.

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

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

29 4. Establish bylaws and adopt rules pursuant to ss.  
30 120.536(1) and 120.54 to implement provisions of law  
31 conferring powers or duties upon it.

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

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

9           7. Employ an executive director and such other staff  
10 as necessary to perform adequately the functions of the  
11 council, within budgetary limitations. The executive director  
12 and staff are exempt from part II of chapter 110 and serve at  
13 the direction and control of the council. The council is  
14 assigned to the Office of the Secretary of the Department of  
15 Transportation for fiscal and accountability purposes, but it  
16 shall otherwise function independently of the control and  
17 direction of the department.

18           8. Adopt an agency strategic plan that provides the  
19 priority directions the agency will take to carry out its  
20 mission within the context of the state comprehensive plan and  
21 any other statutory mandates and directions given to the  
22 agency.

23           ~~(12)~~(11) APPLICATION OF FEDERAL LAW.--Upon  
24 notification by an agency of the Federal Government that any  
25 provision of this section conflicts with federal laws or  
26 regulations, such federal laws or regulations will take  
27 precedence to the extent of the conflict until such conflict  
28 is resolved. The department or an M.P.O. may take any  
29 necessary action to comply with such federal laws and  
30 regulations or to continue to remain eligible to receive  
31 federal funds.

1           ~~(13)(12)~~ VOTING REQUIREMENTS.--Each long-range  
2 transportation plan required pursuant to subsection~~(7)(6)~~,  
3 each annually updated Transportation Improvement Program  
4 required under subsection~~(8)(7)~~, and each amendment that  
5 affects projects in the first 3 years of such plans and  
6 programs must be approved by each M.P.O. on a recorded roll  
7 call vote, or hand-counted vote, of a majority of the  
8 membership present.

9           Section 19. Subsection (2) of section 339.2819,  
10 Florida Statutes, is amended to read:

11           339.2819 Transportation Regional Incentive Program.--

12           (2) The percentage of matching funds provided from the  
13 Transportation Regional Incentive Program shall be 50 percent  
14 of project costs, ~~or up to 50 percent of the nonfederal share~~  
15 ~~of the eligible project cost for a public transportation~~  
16 ~~facility project.~~

17           Section 20. Section 339.282, Florida Statutes, is  
18 created to read:

19           339.282 Transportation concurrency incentives.--The  
20 Legislature finds that allowing private-sector entities to  
21 finance, construct, and improve public transportation  
22 facilities can provide significant benefits to the citizens of  
23 this state by facilitating transportation of the general  
24 public without the need for additional public tax revenues. In  
25 order to encourage the more efficient and proactive provision  
26 of transportation improvements by the private sector, if a  
27 developer or property owner voluntarily contributes  
28 right-of-way and physically constructs or expands a state  
29 transportation facility or segment, and such construction or  
30 expansion improves traffic flow, capacity, or safety, the  
31 voluntary contribution may be applied as a credit for that

1 property owner or developer against any future transportation  
2 concurrency requirements pursuant to chapter 163, provided  
3 such contributions and credits are set forth in a legally  
4 binding agreement executed by the property owner or developer,  
5 the local government of the jurisdiction in which the facility  
6 is located, and the department. If the developer or property  
7 owner voluntarily contributes right-of-way and physically  
8 constructs or expands a local government facility or segment  
9 and such construction or expansion meets the requirements in  
10 this section and is set forth in a legally binding agreement  
11 between the property owner or developer and the applicable  
12 local government, the contribution to the local government  
13 collector and the arterial system may be applied as credit  
14 against any future transportation concurrency requirements  
15 within the jurisdiction under chapter 163.

16 Section 21. Paragraph (a) of subsection (2) of section  
17 343.81, Florida Statutes, is amended to read:

18 343.81 Northwest Florida Transportation Corridor  
19 Authority.--

20 (2)(a) The governing body of the authority shall  
21 consist of eight voting members, one each from Escambia, Santa  
22 Rosa, Walton, Okaloosa, Bay, Gulf, Franklin, and Wakulla  
23 Counties, appointed by the Governor to a 4-year term. The  
24 appointees shall be residents of their respective counties and  
25 may not hold an elected office. Upon the effective date of his  
26 or her appointment, or as soon thereafter as practicable, each  
27 appointed member of the authority shall enter upon his or her  
28 duties. Each appointed member shall hold office until his or  
29 her successor has been appointed and has qualified. A vacancy  
30 occurring during a term shall be filled only for the balance  
31 of the unexpired term. Any member of the authority shall be

1 eligible for reappointment. Members of the authority may be  
2 removed from office by the Governor for misconduct,  
3 malfeasance, misfeasance, or nonfeasance in office.

4       Section 22. The amendments made by this act to s.  
5 343.81, Florida Statutes, prohibiting the appointment of a  
6 person holding an elected office to the Northwest Florida  
7 Transportation Corridor Authority shall not prohibit any  
8 member appointed prior to the effective date of this act from  
9 completing his or her current term, and the prohibition shall  
10 only apply to members appointed after the effective date of  
11 this act.

12       Section 23. Subsection (2) of section 343.82, Florida  
13 Statutes, is amended to read:

14       343.82 Purposes and powers.--

15       (2)(a) The authority is authorized to construct any  
16 feeder roads, reliever roads, connector roads, bypasses, or  
17 appurtenant facilities that are intended to improve mobility  
18 along the U.S. 98 corridor. The transportation improvement  
19 projects may also include all necessary approaches, roads,  
20 bridges, and avenues of access that are desirable and proper  
21 with the concurrence, where applicable, of the department if  
22 the project is to be part of the State Highway System or the  
23 respective county or municipal governing boards. Any  
24 transportation facilities constructed by the authority may be  
25 tolled.

26       (b) Notwithstanding any special act to the contrary,  
27 the authority shall plan for and study the feasibility of  
28 constructing, operating, and maintaining a bridge or bridges  
29 spanning Choctawhatchee Bay or Santa Rosa Sound, or both, and  
30 access roads to such bridge or bridges, including studying the  
31 environmental and economic feasibility of such bridge or

1 bridges and access roads, and such other transportation  
2 facilities that become part of such bridge system. The  
3 authority may construct, operate, and maintain the bridge  
4 system if the authority determines that the bridge system  
5 project is feasible and consistent with the authority's  
6 primary purpose and master plan.

7 Section 24. Subsection (9) of section 348.0004,  
8 Florida Statutes, is amended to read:

9 348.0004 Purposes and powers.--

10 (9) The Legislature declares that there is a public  
11 need for rapid construction of safe and efficient  
12 transportation facilities for travel within the state and that  
13 it is in the public's interest to provide for public-private  
14 partnership agreements to effectuate the construction of  
15 additional safe, convenient, and economical transportation  
16 facilities.

17 (a) Notwithstanding any other provision of the Florida  
18 Expressway Authority Act, any expressway authority,  
19 transportation authority, bridge authority, or toll authority  
20 established under this part or any other statute may receive  
21 or solicit proposals and enter into agreements with private  
22 entities, or consortia thereof, for the building, operation,  
23 ownership, or financing of ~~expressway~~ authority transportation  
24 facilities or new transportation facilities within the  
25 jurisdiction of the ~~expressway~~ authority. An ~~expressway~~  
26 authority is authorized to adopt rules to implement this  
27 subsection and shall, by rule, establish an application fee  
28 for the submission of unsolicited proposals under this  
29 subsection. The fee must be sufficient to pay the costs of  
30 evaluating the proposals. An ~~expressway~~ authority may engage  
31 private consultants to assist in the evaluation. Before

1 approval, an ~~expressway~~ authority must determine that a  
2 proposed project:

- 3 1. Is in the public's best interest.
- 4 2. Would not require state funds to be used unless the  
5 project is on or provides increased mobility on the State  
6 Highway System.
- 7 3. Would have adequate safeguards to ensure that no  
8 additional costs or service disruptions would be realized by  
9 the traveling public and residents ~~citizens~~ of the state in  
10 the event of default or the cancellation of the agreement by  
11 the ~~expressway~~ authority.

12 (b) An ~~expressway~~ authority shall ensure that all  
13 reasonable costs to the state which are, related to  
14 transportation facilities that are not part of the State  
15 Highway System, are borne by the private entity. An ~~expressway~~  
16 authority shall also ensure that all reasonable costs to the  
17 state and substantially affected local governments and  
18 utilities related to the private transportation facility are  
19 borne by the private entity for transportation facilities that  
20 are owned by private entities. For projects on the State  
21 Highway System, the department may use state resources to  
22 participate in funding and financing the project as provided  
23 for under the department's enabling legislation.

24 (c) The ~~expressway~~ authority may request proposals for  
25 public-private transportation projects or, if it receives an  
26 unsolicited proposal, it must publish a notice in the Florida  
27 Administrative Weekly and a newspaper of general circulation  
28 in the county in which it is located at least once a week for  
29 2 weeks, stating that it has received the proposal and will  
30 accept, for 60 days after the initial date of publication,  
31 other proposals for the same project purpose. A copy of the



1 notice must be mailed to each local government in the affected  
2 areas. After the public notification period has expired, the  
3 ~~expressway~~ authority shall rank the proposals in order of  
4 preference. In ranking the proposals, the ~~expressway~~ authority  
5 shall consider professional qualifications, general business  
6 terms, innovative engineering or cost-reduction terms, finance  
7 plans, and the need for state funds to deliver the proposal.  
8 If the ~~expressway~~ authority is not satisfied with the results  
9 of the negotiations, it may, at its sole discretion, terminate  
10 negotiations with the proposer. If these negotiations are  
11 unsuccessful, the ~~expressway~~ authority may go to the second  
12 and lower-ranked firms, in order, using the same procedure. If  
13 only one proposal is received, the ~~expressway~~ authority may  
14 negotiate in good faith, and if it is not satisfied with the  
15 results, it may, at its sole discretion, terminate  
16 negotiations with the proposer. Notwithstanding this  
17 paragraph, the ~~expressway~~ authority may, at its discretion,  
18 reject all proposals at any point in the process up to  
19 completion of a contract with the proposer.

20 (d) The department may lend funds from the Toll  
21 Facilities Revolving Trust Fund, as outlined in s. 338.251, to  
22 public-private partnerships. To be eligible, a private entity  
23 must comply with s. 338.251 and must provide an indication  
24 from a nationally recognized rating agency that the senior  
25 bonds for the project will be investment grade or must provide  
26 credit support, such as a letter of credit or other means  
27 acceptable to the department, to ensure that the loans will be  
28 fully repaid.

29 (e) Agreements entered into pursuant to this  
30 subsection may authorize the public-private entity to impose  
31 tolls or fares for the use of the facility. However, the

1 amount and use of toll or fare revenues shall be regulated by  
2 the ~~expressway~~ authority to avoid unreasonable costs to users  
3 of the facility.

4 (f) Each public-private transportation facility  
5 constructed pursuant to this subsection shall comply with all  
6 requirements of federal, state, and local laws; state,  
7 regional, and local comprehensive plans; the ~~expressway~~  
8 authority's rules, policies, procedures, and standards for  
9 transportation facilities; and any other conditions that the  
10 ~~expressway~~ authority determines to be in the public's best  
11 interest.

12 (g) An ~~expressway~~ authority may exercise any power  
13 possessed by it, including eminent domain, to facilitate the  
14 development and construction of transportation projects  
15 pursuant to this subsection. An ~~expressway~~ authority may pay  
16 all or part of the cost of operating and maintaining the  
17 facility or may provide services to the private entity for  
18 which it receives full or partial reimbursement for services  
19 rendered.

20 (h) Except as herein provided, this subsection is not  
21 intended to amend existing laws by granting additional powers  
22 to or further restricting the governmental entities from  
23 regulating and entering into cooperative arrangements with the  
24 private sector for the planning, construction, and operation  
25 of transportation facilities. Use of the powers granted in  
26 this subsection may not subject a statutorily created  
27 expressway authority, transportation authority, bridge  
28 authority, or toll authority, other than one statutorily  
29 created under this part, to any of the requirements of this  
30 part other than those contained in this subsection.  
31

1           Section 25. Section 348.0012, Florida Statutes, is  
2 amended to read:

3           348.0012 Exemptions from applicability.--The Florida  
4 Expressway Authority Act does not apply:

5           (1) In a county in which an expressway authority has  
6 been created pursuant to parts II-IX of this chapter, except  
7 as expressly provided in this part; or

8           (2) To a transportation authority created pursuant to  
9 chapter 349.

10          Section 26. Subsection (6) is added to section  
11 348.754, Florida Statutes, to read:

12          348.754 Purposes and powers.--

13          (6)(a) Notwithstanding s. 255.05, the Orlando-Orange  
14 County Expressway Authority may waive payment and performance  
15 bonds on construction contracts for the construction of a  
16 public building, for the prosecution and completion of a  
17 public work, or for repairs on a public building or public  
18 work that has a cost of \$500,000 or less and when the project  
19 is awarded pursuant to an economic development program for the  
20 encouragement of local small businesses that has been adopted  
21 by the governing body of the Orlando-Orange County Expressway  
22 Authority pursuant to a resolution or policy.

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

26           1. Be an independent business.

27           2. Be principally domiciled in the Orange County  
28 Standard Metropolitan Statistical Area.

29           3. Employ 25 or fewer full-time employees.

30  
31

1           4. Have gross annual sales averaging \$3 million or  
2 less over the immediately preceding 3 calendar years with  
3 regard to any construction element of the program.

4           5. Be accepted as a participant in the Orlando-Orange  
5 County Expressway Authority's microcontracts program or such  
6 other small business program as may be hereinafter enacted by  
7 the Orlando-Orange County Expressway Authority.

8           6. Participate in an educational curriculum or  
9 technical assistance program for business development that  
10 will assist the small business in becoming eligible for  
11 bonding.

12           (c) The authority's adopted procedures for waiving  
13 payment and performance bonds on projects with values not less  
14 than \$200,000 and not exceeding \$500,000 shall provide that  
15 payment and performance bonds may only be waived on projects  
16 that have been set aside to be competitively bid on by  
17 participants in an economic development program for local  
18 small businesses. The authority's executive director or his or  
19 her designee shall determine whether specific construction  
20 projects are suitable for:

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

23           2. Waiver of the payment and performance bond.

24  
25 The decision of the authority's executive director or deputy  
26 executive director to waive the payment and performance bond  
27 shall be based upon his or her investigation and conclusion  
28 that there exists sufficient competition so that the authority  
29 receives a fair price and does not undertake any unusual risk  
30 with respect to such project.

31

1           (d) For any contract for which a payment and  
2 performance bond has been waived pursuant to the authority set  
3 forth in this section, the Orlando-Orange County Expressway  
4 Authority shall pay all persons defined in s. 713.01 who  
5 furnish labor, services, or materials for the prosecution of  
6 the work provided for in the contract to the same extent and  
7 upon the same conditions that a surety on the payment bond  
8 under s. 255.05 would have been obligated to pay such persons  
9 if the payment and performance bond had not been waived. The  
10 authority shall record notice of this obligation in the manner  
11 and location that surety bonds are recorded. The notice shall  
12 include the information describing the contract that s.  
13 255.05(1) requires be stated on the front page of the bond.  
14 Notwithstanding that s. 255.05(9) generally applies when a  
15 performance and payment bond is required, s. 255.05(9) shall  
16 apply under this subsection to any contract on which  
17 performance or payment bonds are waived and any claim to  
18 payment under this subsection shall be treated as a contract  
19 claim pursuant to s. 255.05(9).

20           (e) A small business that has been the successful  
21 bidder on six projects for which the payment and performance  
22 bond was waived by the authority pursuant to paragraph (a)  
23 shall be ineligible to bid on additional projects for which  
24 the payment and performance bond is to be waived. The local  
25 small business may continue to participate in other elements  
26 of the economic development program for local small businesses  
27 as long as it is eligible.

28           (f) The authority shall conduct bond eligibility  
29 training for businesses qualifying for bond waiver under this  
30 subsection to encourage and promote bond eligibility for such  
31 businesses.

1           (g) The authority shall prepare a biennial report on  
2 the activities undertaken pursuant to this subsection to be  
3 submitted to the Orange County legislative delegation. The  
4 initial report shall be due December 31, 2008.

5           Section 27. Paragraph (a) of subsection (3) of section  
6 163.3177, Florida Statutes, is amended to read:

7           163.3177 Required and optional elements of  
8 comprehensive plan; studies and surveys.--

9           (3)(a) The comprehensive plan shall contain a capital  
10 improvements element designed to consider the need for and the  
11 location of public facilities in order to encourage the  
12 efficient utilization of such facilities and set forth:

13           1. A component which outlines principles for  
14 construction, extension, or increase in capacity of public  
15 facilities, as well as a component which outlines principles  
16 for correcting existing public facility deficiencies, which  
17 are necessary to implement the comprehensive plan. The  
18 components shall cover at least a 5-year period.

19           2. Estimated public facility costs, including a  
20 delineation of when facilities will be needed, the general  
21 location of the facilities, and projected revenue sources to  
22 fund the facilities.

23           3. Standards to ensure the availability of public  
24 facilities and the adequacy of those facilities including  
25 acceptable levels of service.

26           4. Standards for the management of debt.

27           5. A schedule of capital improvements which includes  
28 publicly funded projects, and which may include privately  
29 funded projects for which the local government has no fiscal  
30 responsibility, necessary to ensure that adopted  
31 level-of-service standards are achieved and maintained. For

1 capital improvements that will be funded by the developer,  
2 financial feasibility shall be demonstrated by being  
3 guaranteed in an enforceable development agreement or  
4 interlocal agreement pursuant to paragraph (10)(h), or other  
5 enforceable agreement. These development agreements and  
6 interlocal agreements shall be reflected in the schedule of  
7 capital improvements if the capital improvement is necessary  
8 to serve development within the 5-year schedule. If the local  
9 government uses planned revenue sources that require referenda  
10 or other actions to secure the revenue source, the plan must,  
11 in the event the referenda are not passed or actions do not  
12 secure the planned revenue source, identify other existing  
13 revenue sources that will be used to fund the capital projects  
14 or otherwise amend the plan to ensure financial feasibility.

15         6. The schedule must include transportation  
16 improvements included in the applicable metropolitan planning  
17 organization's transportation improvement program adopted  
18 pursuant to s. 339.175(8)(~~7~~) to the extent that such  
19 improvements are relied upon to ensure concurrency and  
20 financial feasibility. The schedule must also be coordinated  
21 with the applicable metropolitan planning organization's  
22 long-range transportation plan adopted pursuant to s.  
23 339.175(7)(~~6~~).

24         Section 28. Section 339.176, Florida Statutes, is  
25 amended to read:

26         339.176 Voting membership for M.P.O. with boundaries  
27 including certain counties.--In addition to the voting  
28 membership established by s. 339.175(3)(~~2~~) and notwithstanding  
29 any other provision of law to the contrary, the voting  
30 membership of any Metropolitan Planning Organization whose  
31 geographical boundaries include any county as defined in s.

1 125.011(1) must include an additional voting member appointed  
2 by that city's governing body for each city with a population  
3 of 50,000 or more residents.

4 Section 29. Subsection (1) of section 341.828, Florida  
5 Statutes, is amended to read:

6 341.828 Permitting.--

7 (1) The authority, for the purposes of permitting, may  
8 utilize one or more permitting processes provided for in  
9 statute, including, but not limited to, the metropolitan  
10 planning organization long-range transportation planning  
11 process as defined in s. 339.175~~(6)~~ and (7) and (8), in  
12 conjunction with the Department of Transportation's work  
13 program process as defined in s. 339.135, or any permitting  
14 process now in effect or that may be in effect at the time of  
15 permitting and will provide the most timely and cost-effective  
16 permitting process.

17 Section 30. Section 2 of chapter 89-383, Laws of  
18 Florida, is amended to read:

19 Section 2. Red Road is hereby designated as a state  
20 historic highway. No public funds shall be expended for:

21 (1) The removal of any healthy tree which is not a  
22 safety hazard.

23 (2) Any alteration of the physical dimensions or  
24 location of Red Road, the median strip thereof, the land  
25 adjacent thereto, or any part of the original composition of  
26 the entranceway, including the towers, the walls, and the  
27 lampposts.

28 (3) Any construction on or along Red Road of any new  
29 structure, or any building, clearing, filling, or excavating  
30 on or along Red Road except for routine maintenance or  
31 alterations, modifications, or improvements to it and the



1 adjacent right-of-way made for the purpose of enhancing life  
2 safety for vehicular or pedestrian use of Red Road if the  
3 number of traffic lanes is not altered ~~work which is essential~~  
4 ~~to the health, safety, or welfare of the environment.~~

5 Section 31. This act shall take effect July 1, 2007.

6  
7 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
8 COMMITTEE SUBSTITUTE FOR  
9 Senate Bill 1928

10 The CS removed revisions to FDOT District Secretary  
11 qualifications and added new sections:

- 12 -- doubling the dollar thresholds at which certain  
13 construction or road projects must be subject to  
14 competitive bid;  
15 -- removing the once-per-year limitation on the bonding of  
16 local infrastructure surtax revenues by counties;  
17 -- creating a new section of statute allowing property  
18 owners and developers to apply donations of right-of-way  
19 or road improvements to future transportation concurrency  
20 requirements through legally binding contracts.  
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