

By the Committees on Governmental Operations; and
Transportation

585-2544-07

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; creating s. 163.3182,
2 F.S.; providing a short title; providing for
3 the creation of transportation concurrency
4 backlog authorities; providing powers and
5 responsibilities of such authorities; providing
6 for transportation concurrency backlog plans;
7 providing for the issuance of revenue bonds for
8 certain purposes; providing for the
9 establishment of a trust fund within each
10 county or municipality with an identified
11 transportation concurrency backlog; providing
12 exemptions from transportation concurrency
13 requirements; providing for the satisfaction of
14 concurrency requirements; providing for
15 dissolution of transportation concurrency
16 backlog authorities; amending s. 212.055, F.S.;
17 deleting a provision prohibiting a school
18 district, county, or municipality from issuing
19 bonds more than once each year pledging the
20 proceeds of certain discretionary taxes;
21 amending s. 215.615, F.S.; revising the
22 Department of Transportation's requirement to
23 share certain costs of fixed-guideway system
24 projects; revising criteria for an interlocal
25 agreement to establish bond financing for
26 fixed-guideway system projects; revising
27 provisions for sources of funds for the payment
28 of bonds; amending s. 336.41, F.S.; increasing
29 the threshold for certain road construction and
30 maintenance by counties which is exempt from a
31 competitive-bid requirement; amending s.

1 316.605, F.S.; providing height and placement
2 requirements for vehicle license plates;
3 prohibiting display that obscures
4 identification of the letters and numbers on a
5 license plate; providing penalties; amending s.
6 316.650, F.S.; revising procedures for
7 disposition of citations issued for failure to
8 pay toll; providing that the citation will not
9 be submitted to the court and no points will be
10 assessed on the driver's license if the person
11 cited elects to make payment directly to the
12 governmental entity that issued the citation;
13 providing for reporting of the citation by the
14 governmental entity to the Department of
15 Highway Safety and Motor Vehicles; amending s.
16 318.14, F.S.; providing for the amount required
17 to be paid under certain procedures for
18 disposition of a citation issued for failure to
19 pay toll; providing for the person cited to
20 request a court hearing; amending s. 318.18,
21 F.S.; revising penalties for failure to pay a
22 prescribed toll; providing for disposition of
23 amounts received by the clerk of court;
24 removing procedures for withholding of
25 adjudication; providing for suspension of a
26 driver's license under certain circumstances;
27 amending s. 320.061, F.S.; prohibiting
28 interfering with the legibility, angular
29 visibility, or detectability of any feature or
30 detail on a license plate or interfering with
31 the ability to record any feature or detail on

1 a license plate; amending s. 336.025, F.S.;

2 deleting a prohibition against local

3 governments issuing certain bonds secured by

4 revenues from local option fuel taxes more than

5 once a year; amending s. 338.161, F.S.;

6 providing for the Department of Transportation

7 and certain toll agencies to enter into

8 agreements with public or private entities for

9 additional uses of electronic toll collection

10 products and services; authorizing feasibility

11 studies by the department or a toll agency of

12 additional uses of electronic toll devices for

13 legislative consideration; amending s. 339.175,

14 F.S.; revising intent; providing the method of

15 creation and operation of M.P.O.'s required to

16 be designated pursuant to federal law;

17 specifying that an M.P.O. is separate from the

18 state or the governing body of a local

19 government that is represented on the governing

20 board of the M.P.O. or that is a signatory to

21 the interlocal agreement creating the M.P.O.;

22 providing specified powers and privileges to

23 the M.P.O.; providing for the designation and

24 duties of certain officials; revising

25 requirements for voting membership; defining

26 the term "elected officials of a

27 general-purpose local government" to exclude

28 certain constitutional officers for voting

29 membership purposes; providing for the

30 appointment of alternates and advisers;

31 providing that members of an M.P.O. technical

1 advisory committee shall serve at the pleasure
2 of the M.P.O.; providing for the appointment of
3 an executive or staff director and other
4 personnel; authorizing an M.P.O. to enter into
5 contracts with public or private entities to
6 accomplish its duties and functions; providing
7 for the training of certain persons who serve
8 on an M.P.O. for certain purposes; requiring
9 that certain plans, programs, and amendments
10 that affect projects be approved by each M.P.O.
11 on a recorded roll call vote, or hand-counted
12 vote, of a majority of the membership present;
13 amending s. 339.2819, F.S.; revising the share
14 of matching funds for a public transportation
15 project provided from the Transportation
16 Regional Incentive Program; creating s.
17 339.282, F.S.; providing legislative findings;
18 providing that property owners or developers
19 who voluntarily contribute right-of-way and
20 physically construct or expand a state
21 transportation facility or segment may receive
22 certain credits against any future
23 transportation concurrency requirements under
24 certain conditions; amending s. 343.81, F.S.;
25 prohibiting elected officials from serving on
26 the Northwest Florida Transportation Corridor
27 Authority; providing for application of the
28 prohibition to apply to persons appointed to
29 serve on the authority after a certain date;
30 amending s. 343.82, F.S.; directing the
31 authority to plan for and study the feasibility

1 of constructing, operating, and maintaining a
2 bridge or bridges, and appurtenant structures,
3 spanning Choctawhatchee Bay or Santa Rosa
4 Sound; authorizing the authority to construct,
5 operate, and maintain said bridges and
6 structures; amending s. 348.0004, F.S.;
7 authorizing certain transportation-related
8 authorities to enter into agreements with
9 private entities for the building, operation,
10 ownership, or financing of transportation
11 facilities; amending s. 348.0012, F.S.;
12 revising provisions for certain exemptions from
13 the Florida Expressway Authority Act; amending
14 s. 348.754, F.S.; authorizing the
15 Orlando-Orange County Expressway Authority to
16 waive payment and performance bonds on certain
17 construction contracts if the contract is
18 awarded pursuant to an economic development
19 program for the encouragement of local small
20 businesses; providing criteria for
21 participation in the program; providing
22 criteria for the bond waiver; providing for
23 certain determinations by the authority's
24 executive director or a designee as to the
25 suitability of a project; providing for certain
26 payment obligations if a payment and
27 performance bond is waived; requiring the
28 authority to record notice of the obligation;
29 limiting eligibility to bid on the projects;
30 providing for the authority to conduct bond
31 eligibility training for certain businesses;

1 requiring the authority to submit biennial
2 reports to the Orange County legislative
3 delegation; amending ss. 163.3177, 339.176, and
4 341.828, F.S.; correcting cross-references;
5 amending s. 2, ch. 89-383, Laws of Florida;
6 providing for certain alterations to and along
7 Red Road in Miami-Dade County for
8 transportation safety purposes; amending s.
9 479.01, F.S.; defining the term "wall mural";
10 creating s. 479.156, F.S.; providing for the
11 regulation of wall murals by municipalities and
12 counties; requiring that certain wall murals be
13 located in areas zoned for industrial or
14 commercial use; requiring that the local
15 regulation of wall murals be consistent with
16 specified criteria; requiring the Department of
17 Transportation to approve a wall mural under
18 certain conditions; providing an effective
19 date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Paragraph (h) of subsection (2) of section
24 20.23, Florida Statutes, is amended to read:

25 20.23 Department of Transportation.--There is created
26 a Department of Transportation which shall be a decentralized
27 agency.

28 (2)

29 (h) The commission shall appoint an executive director
30 and assistant executive director, who shall serve under the
31 direction, supervision, and control of the commission. The

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

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

15 112.061 Per diem and travel expenses of public
16 officers, employees, and authorized persons.--

17 (14) APPLICABILITY TO COUNTIES, COUNTY OFFICERS,
18 DISTRICT SCHOOL BOARDS, ~~AND~~ SPECIAL DISTRICTS, AND
19 METROPOLITAN PLANNING ORGANIZATIONS.--

20 (a) The following entities may establish rates that
21 vary from the per diem rate provided in paragraph (6)(a), the
22 subsistence rates provided in paragraph (6)(b), or the mileage
23 rate provided in paragraph (7)(d) if those rates are not less
24 than the statutorily established rates that are in effect for
25 the 2005-2006 fiscal year:

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

28 2. A county constitutional officer, pursuant to s.
29 1(d), Art. VIII of the State Constitution, by the
30 establishment of written policy;

31

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

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

7 5. Any metropolitan planning organization created
8 pursuant to s. 339.175 or any other separate legal or
9 administrative entity created pursuant to s. 339.175 of which
10 a metropolitan planning organization is a member, by the
11 enactment of a resolution.

12 (b) Rates established pursuant to paragraph (a) must
13 apply uniformly to all travel by the county, county
14 constitutional officer and entity governed by that officer,
15 district school board, ~~or~~ special district, or metropolitan
16 planning organization.

17 (c) Except as otherwise provided in this subsection,
18 counties, county constitutional officers and entities governed
19 by those officers, district school boards, ~~and~~ special
20 districts, and metropolitan planning organizations, other than
21 those subject to s. 166.021(10), remain subject to the
22 requirements of this section.

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

27 121.021 Definitions.--The following words and phrases
28 as used in this chapter have the respective meanings set forth
29 unless a different meaning is plainly required by the context:

30 (11) "Officer or employee" means any person receiving
31 salary payments for work performed in a regularly established

1 position and, if employed by a city, a metropolitan planning
2 organization, or a special district, employed in a covered
3 group.

4 (42)(a) "Local agency employer" means the board of
5 county commissioners or other legislative governing body of a
6 county, however styled, including that of a consolidated or
7 metropolitan government; a clerk of the circuit court,
8 sheriff, property appraiser, tax collector, or supervisor of
9 elections, provided such officer is elected or has been
10 appointed to fill a vacancy in an elective office; a community
11 college board of trustees or district school board; or the
12 governing body of any city, metropolitan planning organization
13 created pursuant to s. 339.175 or any other separate legal or
14 administrative entity created pursuant to s. 339.175, or
15 special district of the state which participates in the system
16 for the benefit of certain of its employees.

17 (52) "Regularly established position" is defined as
18 follows:

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

24 (62) "Metropolitan planning organization" means an
25 entity created by an interlocal agreement pursuant to s.
26 339.175 or any other entity created pursuant to s. 339.175.

27 Section 4. Paragraph (b) of subsection (2) of section
28 121.051, Florida Statutes, is amended to read:

29 121.051 Participation in the system.--

30 (2) OPTIONAL PARTICIPATION.--

31

1 (b)1. The governing body of any municipality,
2 metropolitan planning organization, or special district in the
3 state may elect to participate in the system upon proper
4 application to the administrator and may cover all or any of
5 its units as approved by the Secretary of Health and Human
6 Services and the administrator. The department shall adopt
7 rules establishing provisions for the submission of documents
8 necessary for such application. Prior to being approved for
9 participation in the Florida Retirement System, the governing
10 body of any such municipality, metropolitan planning
11 organization, or special district that has a local retirement
12 system shall submit to the administrator a certified financial
13 statement showing the condition of the local retirement system
14 as of a date within 3 months prior to the proposed effective
15 date of membership in the Florida Retirement System. The
16 statement must be certified by a recognized accounting firm
17 that is independent of the local retirement system. All
18 required documents necessary for extending Florida Retirement
19 System coverage must be received by the department for
20 consideration at least 15 days prior to the proposed effective
21 date of coverage. If the municipality, metropolitan planning
22 organization, or special district does not comply with this
23 requirement, the department may require that the effective
24 date of coverage be changed.

25 2. Any city, metropolitan planning organization, or
26 special district that has an existing retirement system
27 covering the employees in the units that are to be brought
28 under the Florida Retirement System may participate only after
29 holding a referendum in which all employees in the affected
30 units have the right to participate. Only those employees
31 electing coverage under the Florida Retirement System by

1 affirmative vote in said referendum shall be eligible for
2 coverage under this chapter, and those not participating or
3 electing not to be covered by the Florida Retirement System
4 shall remain in their present systems and shall not be
5 eligible for coverage under this chapter. After the referendum
6 is held, all future employees shall be compulsory members of
7 the Florida Retirement System.

8 3. The governing body of any city, metropolitan
9 planning organization, or special district complying with
10 subparagraph 1. may elect to provide, or not provide, benefits
11 based on past service of officers and employees as described
12 in s. 121.081(1). However, if such employer elects to provide
13 past service benefits, such benefits must be provided for all
14 officers and employees of its covered group.

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

20 5. Subject to the conditions set forth in subparagraph
21 6., the governing body of any hospital licensed under chapter
22 395 which is governed by the board of a special district as
23 defined in s. 189.403(1) or by the board of trustees of a
24 public health trust created under s. 154.07, hereinafter
25 referred to as "hospital district," and which participates in
26 the system, may elect to cease participation in the system
27 with regard to future employees in accordance with the
28 following procedure:

29 a. No more than 30 days and at least 7 days before
30 adopting a resolution to partially withdraw from the Florida
31 Retirement System and establish an alternative retirement plan

1 for future employees, a public hearing must be held on the
2 proposed withdrawal and proposed alternative plan.

3 b. From 7 to 15 days before such hearing, notice of
4 intent to withdraw, specifying the time and place of the
5 hearing, must be provided in writing to employees of the
6 hospital district proposing partial withdrawal and must be
7 published in a newspaper of general circulation in the area
8 affected, as provided by ss. 50.011-50.031. Proof of
9 publication of such notice shall be submitted to the
10 Department of Management Services.

11 c. The governing body of any hospital district seeking
12 to partially withdraw from the system must, before such
13 hearing, have an actuarial report prepared and certified by an
14 enrolled actuary, as defined in s. 112.625(3), illustrating
15 the cost to the hospital district of providing, through the
16 retirement plan that the hospital district is to adopt,
17 benefits for new employees comparable to those provided under
18 the Florida Retirement System.

19 d. Upon meeting all applicable requirements of this
20 subparagraph, and subject to the conditions set forth in
21 subparagraph 6., partial withdrawal from the system and
22 adoption of the alternative retirement plan may be
23 accomplished by resolution duly adopted by the hospital
24 district board. The hospital district board must provide
25 written notice of such withdrawal to the division by mailing a
26 copy of the resolution to the division, postmarked no later
27 than December 15, 1995. The withdrawal shall take effect
28 January 1, 1996.

29 6. Following the adoption of a resolution under
30 sub-subparagraph 5.d., all employees of the withdrawing
31 hospital district who were participants in the Florida

1 Retirement System prior to January 1, 1996, shall remain as
2 participants in the system for as long as they are employees
3 of the hospital district, and all rights, duties, and
4 obligations between the hospital district, the system, and the
5 employees shall remain in full force and effect. Any employee
6 who is hired or appointed on or after January 1, 1996, may not
7 participate in the Florida Retirement System, and the
8 withdrawing hospital district shall have no obligation to the
9 system with respect to such employees.

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

12 121.055 Senior Management Service Class.--There is
13 hereby established a separate class of membership within the
14 Florida Retirement System to be known as the "Senior
15 Management Service Class," which shall become effective
16 February 1, 1987.

17 (1)

18 (1) For each metropolitan planning organization that
19 has opted to become part of the Florida Retirement System,
20 participation in the Senior Management Service Class shall be
21 compulsory for the executive director or staff director of
22 that metropolitan planning organization.

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

25 121.061 Funding.--

26 (2)(a) Should any employer other than a state employer
27 fail to make the retirement and social security contributions,
28 both member and employer contributions, required by this
29 chapter, then, upon request by the administrator, the
30 Department of Revenue or the Department of Financial Services,
31 as the case may be, shall deduct the amount owed by the

1 employer from any funds to be distributed by it to the county,
2 city, metropolitan planning organization, special district, or
3 consolidated form of government. The amounts so deducted shall
4 be transferred to the administrator for further distribution
5 to the trust funds in accordance with this chapter.

6 (c) The governing body of each county, city,
7 metropolitan planning organization, special district, or
8 consolidated form of government participating under this
9 chapter or the administrator, acting individually or jointly,
10 is hereby authorized to file and maintain an action in the
11 courts of the state to require any employer to remit any
12 retirement or social security member contributions or employer
13 matching payments due the retirement or social security trust
14 funds under the provisions of this chapter.

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

17 121.081 Past service; prior service;
18 contributions.--Conditions under which past service or prior
19 service may be claimed and credited are:

20 (1)(a) Past service, as defined in s. 121.021(18), may
21 be claimed as creditable service by officers or employees of a
22 city, metropolitan planning organization, or special district
23 that become a covered group under this system. The governing
24 body of a covered group in compliance with s. 121.051(2)(b)
25 may elect to provide benefits with respect to past service
26 earned prior to January 1, 1975, in accordance with this
27 chapter, and the cost for such past service shall be
28 established by applying the following formula: The member
29 contribution for both regular and special risk members shall
30 be 4 percent of the gross annual salary for each year of past
31 service claimed, plus 4-percent employer matching

1 contribution, plus 4 percent interest thereon compounded
2 annually, figured on each year of past service, with interest
3 compounded from date of annual salary earned until July 1,
4 1975, and 6.5 percent interest compounded annually thereafter
5 until date of payment. Once the total cost for a member has
6 been figured to date, then after July 1, 1975, 6.5 percent
7 compounded interest shall be added each June 30 thereafter on
8 any unpaid balance until the cost of such past service
9 liability is paid in full. The following formula shall be used
10 in calculating past service earned prior to January 1, 1975:
11 (Annual gross salary multiplied by 8 percent) multiplied by
12 the 4 percent or 6.5 percent compound interest table factor,
13 as may be applicable. The resulting product equals cost to
14 date for each particular year of past service.

15 (b) Past service earned after January 1, 1975, may be
16 claimed by officers or employees of a city, metropolitan
17 planning organization, or special district that becomes a
18 covered group under this system. The governing body of a
19 covered group may elect to provide benefits with respect to
20 past service earned after January 1, 1975, in accordance with
21 this chapter, and the cost for such past service shall be
22 established by applying the following formula: The employer
23 shall contribute an amount equal to the contribution rate in
24 effect at the time the service was earned, multiplied by the
25 employee's gross salary for each year of past service claimed,
26 plus 6.5 percent interest thereon, compounded annually,
27 figured on each year of past service, with interest compounded
28 from date of annual salary earned until date of payment.

29 (e) Past service, as defined in s. 121.021(18), may be
30 claimed as creditable service by a member of the Florida
31 Retirement System who formerly was an officer or employee of a

1 | city, metropolitan planning organization, or special district,
2 | notwithstanding the status or form of the retirement system,
3 | if any, of that city, metropolitan planning organization, or
4 | special district and irrespective of whether officers or
5 | employees of that city, metropolitan planning organization, or
6 | special district now or hereafter become a covered group under
7 | the Florida Retirement System. Such member may claim
8 | creditable service and be entitled to the benefits accruing to
9 | the regular class of members as provided for the past service
10 | claimed under this paragraph by paying into the retirement
11 | trust fund an amount equal to the total actuarial cost of
12 | providing the additional benefit resulting from such
13 | past-service credit, discounted by the applicable actuarial
14 | factors to date of retirement.

15 | Section 8. Section 163.3182, Florida Statutes, is
16 | created to read:

17 | 163.3182 Transportation concurrency.--

18 | (1) SHORT TITLE.--This section may be cited as the
19 | "Transportation Concurrency Backlog Act."

20 | (2) DEFINITIONS.--For purposes of this section, the
21 | term:

22 | (a) "Transportation construction backlog area" means
23 | the geographic area within the unincorporated portion of a
24 | county or within the municipal boundary of a municipality for
25 | which a transportation concurrency backlog authority is
26 | created pursuant to this section.

27 | (b) "Authority" or "transportation concurrency backlog
28 | authority" means the governing body of a county or
29 | municipality within which an authority is created.

30 | (c) "Governing body" means the council, commission, or
31 | other legislative body charged with governing the county or

1 municipality within which a transportation concurrency backlog
2 authority is created pursuant to this section.

3 (d) "Transportation concurrency backlog" means an
4 identified failure or failing of a given transportation link
5 within any county or municipality, as identified and
6 designated pursuant to this part, and the applicable local
7 government comprehensive plan and related documents. Such
8 backlog includes a failed or failing transportation link the
9 condition of which has been caused in whole or in part by the
10 failure to construct adequate facilities or because of the
11 grant of a transportation concurrency exemption or exception
12 by the responsible local government.

13 (e) "Transportation concurrency backlog plan" means
14 the plan adopted by the governing body of a county or
15 municipality acting as a transportation concurrency backlog
16 authority.

17 (f) "Transportation concurrency backlog project" means
18 any designated transportation project identified for
19 construction within the jurisdiction of a transportation
20 construction backlog authority.

21 (g) "Debt service millage" means any millage levied
22 pursuant to s. 12, Art. VII of the State Constitution.

23 (h) "Increment revenue" means the amount calculated
24 pursuant to s. 163.31825.

25 (i) "Taxing authority" means a public body that levies
26 or is authorized to levy an ad valorem tax on real property
27 located within a transportation concurrency backlog area.

28 (3) CREATION OF TRANSPORTATION CONCURRENCY BACKLOG
29 AUTHORITIES.--

30
31

1 (a) A county or municipality may create a
2 transportation concurrency backlog authority if it has an
3 identified transportation concurrency backlog.

4 (b) Acting as the transportation concurrency backlog
5 authority within its jurisdictional boundary, the governing
6 board of each county or municipality shall adopt and implement
7 a plan to eliminate all identified transportation concurrency
8 backlogs within its jurisdiction using funds provided pursuant
9 to s. 163.31825 and as otherwise provided pursuant to this
10 section.

11 (4) POWERS OF A TRANSPORTATION CONCURRENCY BACKLOG
12 AUTHORITY.--Each transportation concurrency backlog authority
13 has the powers necessary or convenient to carry out the
14 purposes of this section, including the following powers in
15 addition to others granted in this section:

16 (a) To make and execute contracts and other
17 instruments necessary or convenient to the exercise of its
18 powers under this section.

19 (b) To undertake and carry out transportation
20 concurrency backlog projects for all streets, roads, and
21 related public facilities that have a transportation
22 concurrency backlog within the authority's jurisdiction.

23 (c) To invest any transportation concurrency backlog
24 funds held in reserves, sinking funds, or any such funds not
25 required for immediate disbursement in property or securities
26 in which savings banks may legally invest funds subject to the
27 control of the authority and to redeem such bonds as have been
28 issued pursuant to this section at the redemption price
29 established therein, or to purchase such bonds at less than
30 redemption price. All such bonds redeemed or purchased shall
31 be canceled.

1 (d) To borrow money, apply for and accept advances,
2 loans, grants, contributions, and any other forms of financial
3 assistance from the Federal Government or the state, county,
4 or any other public body or from any sources, public or
5 private, for the purposes of this part, to give such security
6 as may be required, to enter into and carry out contracts or
7 agreements, and to include in any contracts for financial
8 assistance with the Federal Government for or with respect to
9 a transportation concurrency backlog project and related
10 activities such conditions imposed pursuant to federal laws as
11 the transportation concurrency backlog authority considers
12 reasonable and appropriate and which are not inconsistent with
13 purposes of this section.

14 (e) To make or have made all surveys and plans
15 necessary to the carrying out of the purposes of this section,
16 to contract with any persons, public or private, in making and
17 carrying out such plans, and to adopt, approve, modify, or
18 amend such transportation concurrency backlog plans.

19 (f) To appropriate such funds and make such
20 expenditures as are necessary to carry out the purposes of
21 this part, and to zone or rezone any part of the
22 transportation concurrency backlog area or make exceptions
23 from regulations and to enter into agreements with other
24 public bodies which agreements may extend over any period,
25 notwithstanding any provision or rule of law to the contrary.

26 (5) TRANSPORTATION CONCURRENCY BACKLOG PLANS.--Each
27 transportation concurrency backlog authority shall adopt a
28 transportation concurrency backlog plan within 6 months after
29 the creation of the authority. The plan shall:

30 (a) Identify all transportation links that have been
31 designated as failing or failed links and require the

1 expenditure of moneys to upgrade, modify, or mitigate the
2 links.

3 (b) Include a priority listing of all transportation
4 links that have been designated as failed or failing links and
5 do not satisfy concurrency requirements as specified pursuant
6 to this part, and the applicable local government
7 comprehensive plan and land development regulations.

8 (c) Establish a schedule for financing and
9 construction of transportation concurrency backlog projects
10 that will eliminate transportation concurrency backlogs within
11 the jurisdiction of the authority within 10 years after
12 transportation concurrency backlog plan adoption.

13 (d) The transportation concurrency backlog plan
14 adopted by each authority is not subject to review or approval
15 by the Department of Community Affairs.

16 (6) ESTABLISHMENT OF TRUST FUND.--The transportation
17 concurrency backlog authority shall establish a transportation
18 concurrency backlog trust fund upon creation of the authority.
19 Each trust fund shall be administered by the transportation
20 concurrency backlog authority within which a transportation
21 concurrency backlog has been identified. Beginning in the
22 first fiscal year after the creation of the authority, each
23 trust fund shall be funded by the proceeds of an ad valorem
24 tax increment collected within each transportation concurrency
25 backlog area to be determined annually and shall be the amount
26 equal to 25 percent of the difference between:

27 (a) The amount of ad valorem tax levied each year by
28 each taxing authority, exclusive of any amount from any debt
29 service millage, on taxable real property contained within the
30 jurisdiction of the transportation concurrency backlog
31 authority and within the transportation backlog area; and

1 (b) The amount of ad valorem taxes which would have
2 been produced by a rate upon which the tax is levied each year
3 by or for each taxing authority exclusive of any debt service
4 millage upon the total of the assessed value of the taxable
5 real property within the transportation concurrency backlog
6 area as shown on the most recent assessment roll used in
7 connection with the taxation of such property by each taxing
8 authority.

9 (7) EXEMPTIONS.--

10 (a) The following public bodies or taxing authorities
11 are exempt from the provisions of this section:

12 1. A special district that levies ad valorem taxes on
13 taxable real property in more than one county.

14 2. A special district for which the sole available
15 source of revenue the district has the authority to levy ad
16 valorem taxes at the time an ordinance is adopted under this
17 section. However, revenues or aid that may be dispensed or
18 appropriated to a district as defined in s. 388.011 at the
19 discretion of an entity other than such district shall not be
20 deemed available.

21 3. A library district.

22 4. A neighborhood improvement district created under
23 the Safe Neighborhoods Act.

24 5. A metropolitan transportation authority.

25 6. A water management district created under s.
26 373.069.

27 (b) A transportation concurrency exemption authority
28 may also exempt from this section a special district that
29 levies ad valorem taxes within the transportation concurrency
30 backlog area pursuant to s. 163.387(2)d.

31

1 (8) TRANSPORTATION CONCURRENCY SATISFACTION.--Upon
2 adoption of a transportation concurrency backlog plan by an
3 authority, all transportation concurrency backlogs within the
4 jurisdiction of an authority shall be deemed to be financed
5 and fully financially feasible for purposes of calculating
6 transportation concurrency pursuant to this part. A landowner
7 may proceed with development of a specific parcel of land if
8 all other applicable provisions of s. 163.3180(11) have been
9 satisfied and the landowner may not be assessed any
10 proportionate share or impact fees for backlog.

11 (9) DISSOLUTION.--Upon completion of all
12 transportation concurrency backlog projects, a transportation
13 concurrency backlog authority shall be dissolved and its
14 assets and liabilities shall be transferred to the county or
15 municipality within which the authority is located. All
16 remaining assets of the authority must be used for
17 implementation of transportation projects within the
18 jurisdiction of the authority.

19 Section 9. Paragraph (e) of subsection (2) of section
20 212.055, Florida Statutes, is amended to read:

21 212.055 Discretionary sales surtaxes; legislative
22 intent; authorization and use of proceeds.--It is the
23 legislative intent that any authorization for imposition of a
24 discretionary sales surtax shall be published in the Florida
25 Statutes as a subsection of this section, irrespective of the
26 duration of the levy. Each enactment shall specify the types
27 of counties authorized to levy; the rate or rates which may be
28 imposed; the maximum length of time the surtax may be imposed,
29 if any; the procedure which must be followed to secure voter
30 approval, if required; the purpose for which the proceeds may
31 be expended; and such other requirements as the Legislature

1 may provide. Taxable transactions and administrative
2 procedures shall be as provided in s. 212.054.

3 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--

4 (e) School districts, counties, and municipalities
5 receiving proceeds under the provisions of this subsection may
6 pledge such proceeds for the purpose of servicing new bond
7 indebtedness incurred pursuant to law. Local governments may
8 use the services of the Division of Bond Finance of the State
9 Board of Administration pursuant to the State Bond Act to
10 issue any bonds through the provisions of this subsection. ~~In~~
11 ~~no case may a jurisdiction issue bonds pursuant to this~~
12 ~~subsection more frequently than once per year.~~ Counties and
13 municipalities may join together for the issuance of bonds
14 authorized by this subsection.

15 Section 10. Subsection (1) of section 215.615, Florida
16 Statutes, is amended to read:

17 215.615 Fixed-guideway transportation systems
18 funding.--

19 (1) The issuance of revenue bonds by the Division of
20 Bond Finance, on behalf of the Department of Transportation,
21 pursuant to s. 11, Art. VII of the State Constitution, is
22 authorized, pursuant to the State Bond Act, to finance or
23 refinance fixed capital expenditures for fixed-guideway
24 transportation systems, as defined in s. 341.031, including
25 facilities appurtenant thereto, costs of issuance, and other
26 amounts relating to such financing or refinancing. ~~Such~~
27 ~~revenue bonds shall be matched on a 50-50 basis with funds~~
28 ~~from sources other than revenues of the Department of~~
29 ~~Transportation, in a manner acceptable to the Department of~~
30 ~~Transportation.~~ The Division of Bond Finance is authorized to
31 consider innovative financing techniques, ~~technologies~~ which

1 may include, but are not limited to, innovative bidding and
2 structures of potential ~~financings findings~~ that may result in
3 negotiated transactions. The following conditions apply to the
4 issuance of revenue bonds for fixed-guideway transportation
5 systems:

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

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

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

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

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

26 (e) The state does hereby covenant with holders of
27 such revenue bonds or other instruments of indebtedness issued
28 hereunder~~7~~ that it will not repeal or impair or amend these
29 provisions in any manner that will materially and adversely
30 affect the rights of such holders as long as bonds authorized
31 by this subsection are outstanding.

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

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

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

13 336.41 Counties; employing labor and providing road
14 equipment; accounting; when competitive bidding required.--

15 (3) All construction and reconstruction of roads and
16 bridges, including resurfacing, full scale mineral seal
17 coating, and major bridge and bridge system repairs, to be
18 performed utilizing the proceeds of the 80-percent portion of
19 the surplus of the constitutional gas tax shall be let to
20 contract to the lowest responsible bidder by competitive bid,
21 except for:

22 (a) Construction and maintenance in emergency
23 situations; ~~and~~

24 (b) In addition to emergency work, construction and
25 reconstruction, including resurfacing, mineral seal coating,
26 and bridge repairs, having a total cumulative annual value not
27 to exceed 5 percent of its 80-percent portion of the
28 constitutional gas tax or ~~\$400,000~~ ~~\$250,000~~, whichever is
29 greater; ~~and~~

30 (c) Construction of sidewalks, curbing, accessibility
31 ramps, or appurtenances incidental to roads and bridges where

1 each project is estimated in accordance with generally
2 accepted cost-accounting principles to have total construction
3 project costs of less than \$400,000, or as adjusted by the
4 percentage change in the Construction Cost Index from January
5 1, 2008,

6
7 for which the county may utilize its own forces. However, if,
8 after proper advertising, no bids are received by a county for
9 a specific project, the county may use its own forces to
10 construct the project, notwithstanding the limitation of this
11 subsection. Nothing in this section shall prevent the county
12 from performing routine maintenance as authorized by law.

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

15 316.605 Licensing of vehicles.--

16 (1) Every vehicle, at all times while driven, stopped,
17 or parked upon any highways, roads, or streets of this state,
18 shall be licensed in the name of the owner thereof in
19 accordance with the laws of this state unless such vehicle is
20 not required by the laws of this state to be licensed in this
21 state and shall, except as otherwise provided in s. 320.0706
22 for front-end registration license plates on truck tractors
23 and s. 320.086(5) which exempts display of license plates on
24 described former military vehicles, display the license plate
25 or both of the license plates assigned to it by the state, one
26 on the rear and, if two, the other on the front of the
27 vehicle, each to be securely fastened to the vehicle outside
28 the main body of the vehicle not higher than 60 inches and not
29 lower than 12 inches from the ground, not more than 24 inches
30 to the left or right of the centerline of the vehicle, and
31 fastened in such manner as to prevent the plates from

1 swinging, and all letters, numerals, printing, writing, and
2 other identification marks upon the plates regarding the word
3 "Florida," the registration decal, and the alphanumeric
4 designation shall be clear and distinct and free from
5 defacement, mutilation, grease, and other obscuring matter, so
6 that they will be plainly visible and legible at all times 100
7 feet from the rear or front. Vehicle license plates shall be
8 affixed and displayed in such a manner that the letters and
9 numerals shall be read from left to right parallel to the
10 ground. No vehicle license plate may be displayed in an
11 inverted or reversed position or in such a manner that the
12 letters and numbers and their proper sequence are not readily
13 identifiable. Nothing shall be placed upon the face of a
14 Florida plate except as permitted by law or by rule or
15 regulation of a governmental agency. No license plates other
16 than those furnished by the state shall be used. However, if
17 the vehicle is not required to be licensed in this state, the
18 license plates on such vehicle issued by another state, by a
19 territory, possession, or district of the United States, or by
20 a foreign country, substantially complying with the provisions
21 hereof, shall be considered as complying with this chapter. A
22 violation of this subsection is a noncriminal traffic
23 infraction, punishable as a nonmoving violation as provided in
24 chapter 318.

25 Section 13. Paragraph (b) of subsection (3) of section
26 316.650, Florida Statutes, is amended to read:

27 316.650 Traffic citations.--

28 (3)

29 (b) If a traffic citation is issued pursuant to s.
30 316.1001, a traffic enforcement officer may deposit the
31 original and one copy of such traffic citation or, in the case

1 of a traffic enforcement agency that has an automated citation
2 system, may provide an electronic facsimile with a court
3 having jurisdiction over the alleged offense or with its
4 traffic violations bureau within 45 days after the date of
5 issuance of the citation to the violator. If the person cited
6 for the violation of s. 316.1001 makes the election provided
7 by s. 318.14(12) and pays the fine imposed by the governmental
8 entity owning the applicable toll facility plus the amount of
9 the unpaid toll that is shown on the traffic citation directly
10 to the governmental entity that issued the citation or on
11 whose behalf the citation was issued in accordance with s.
12 318.14(12), the traffic citation will not be submitted to the
13 court, the disposition will be reported to the department by
14 the governmental entity that issued the citation or on whose
15 behalf the citation was issued, and no points will be assessed
16 against the person's driver's license.

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

19 318.14 Noncriminal traffic infractions; exception;
20 procedures.--

21 (12) Any person cited for a violation of s. 316.1001
22 may, in lieu of making an election as set forth in subsection
23 (4) or s. 318.18(7), elect to pay a his or her fine of \$25
24 plus the amount of the unpaid toll that is shown on the
25 traffic citation directly to the governmental entity that
26 issued the citation or on whose behalf the citation was
27 issued, within 30 days after the date of issuance of the
28 citation. Any person cited for a violation of s. 316.1001 who
29 does not elect to pay the \$25 fine plus the amount of the
30 unpaid toll that is shown on the traffic citation directly to
31 the governmental entity that issued the citation or on whose

1 behalf the citation was issued as described in this subsection
2 ~~section~~ shall have an additional 45 days after the date of the
3 issuance of the citation in which to request a court hearing
4 or to pay the civil penalty and delinquent fee, if applicable,
5 as provided in s. 318.18(7), either by mail or in person, in
6 accordance with subsection (4).

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

9 318.18 Amount of civil penalties.--The penalties
10 required for a noncriminal disposition pursuant to s. 318.14
11 are as follows:

12 (7) Mandatory \$100 fine ~~one hundred dollars~~ for each a
13 violation of s. 316.1001 plus the required payment of the
14 unpaid toll amount shown on the traffic citation for each
15 citation issued. The clerk of the court shall forward \$25 of
16 the \$100 fine received, plus the amount of the unpaid toll
17 that is shown on the citation, to the governmental entity that
18 issued the citation or on whose behalf the citation was
19 issued. If a plea arrangement is reached prior to the date set
20 for a scheduled evidentiary hearing, there shall be a
21 mandatory fine assessed per citation of not less than \$50 and
22 not more than \$100 for each citation issued, plus the amount
23 of the unpaid toll for each citation issued. The clerk of the
24 court shall forward \$25 of the fine imposed, plus the amount
25 of the unpaid toll that is shown on the citation, to the
26 governmental entity that issued the citation or on whose
27 behalf the citation was issued. The court shall have specific
28 authority to consolidate issued citations for the same
29 defendant for the purpose of sentencing and aggregate
30 jurisdiction. In addition, the department shall suspend for 60
31 days the driver's license of a person who is convicted of 10

1 ~~violations of s. 316.1001 within a 36-month period. However, a~~
2 ~~person may elect to pay \$30 to the clerk of the court, in~~
3 ~~which case adjudication is withheld, and no points are~~
4 ~~assessed under s. 322.27. Upon receipt of the fine, the clerk~~
5 ~~of the court must retain \$5 for administrative purposes and~~
6 ~~must forward the \$25 to the governmental entity that issued~~
7 ~~the citation.~~ Any funds received by a governmental entity for
8 this violation may be used for any lawful purpose related to
9 the operation or maintenance of a toll facility.

10 Section 16. Section 320.061, Florida Statutes, is
11 amended to read:

12 320.061 Unlawful to alter motor vehicle registration
13 certificates, license plates, mobile home stickers, or
14 validation stickers or to obscure license plates; penalty.--No
15 person shall alter the original appearance of any registration
16 license plate, mobile home sticker, validation sticker, or
17 vehicle registration certificate issued for and assigned to
18 any motor vehicle or mobile home, whether by mutilation,
19 alteration, defacement, or change of color or in any other
20 manner. No person shall apply or attach any substance,
21 reflective matter, illuminated device, spray, coating,
22 covering, or other material onto or around any license plate
23 that interferes with the legibility, angular visibility, or
24 detectability of any feature or detail on the license plate or
25 interferes with the ability to record any feature or detail on
26 the license plate. Any person who violates ~~the provisions of~~
27 this section commits ~~section is guilty of~~ a misdemeanor of the
28 second degree, punishable as provided in s. 775.082 or s.
29 775.083.

30 Section 17. Paragraph (c) of subsection (1) of section
31 336.025, Florida Statutes, is amended to read:

1 336.025 County transportation system; levy of local
2 option fuel tax on motor fuel and diesel fuel.--

3 (1)

4 (c) Local governments may use the services of the
5 Division of Bond Finance of the State Board of Administration
6 pursuant to the State Bond Act to issue any bonds through the
7 provisions of this section and may pledge the revenues from
8 local option fuel taxes to secure the payment of the bonds. ~~In~~
9 ~~no case may a jurisdiction issue bonds pursuant to this~~
10 ~~section more frequently than once per year.~~ Counties and
11 municipalities may join together for the issuance of bonds
12 issued pursuant to this section.

13 Section 18. Section 338.161, Florida Statutes, is
14 amended to read:

15 338.161 Authority of department or toll agencies to
16 advertise and promote electronic toll collection; expanded
17 uses of electronic toll collection system; studies
18 authorized--

19 (1) The department is authorized to incur expenses for
20 paid advertising, marketing, and promotion of toll facilities
21 and electronic toll collection products and services.
22 Promotions may include discounts and free products.

23 (2) The department is authorized to receive funds from
24 advertising placed on electronic toll collection products and
25 promotional materials to defray the costs of products and
26 services.

27 (3)(a) The department or any toll agency created by
28 statute may incur expenses to advertise or promote its
29 electronic toll collection system to consumers on or off the
30 turnpike or toll system.

31

1 (b) If the department or any toll agency created by
2 statute finds that it can increase nontoll revenues or add
3 convenience or other value for its customers, the department
4 or toll agency may enter into agreements with any private or
5 public entity allowing the use of its electronic toll
6 collection system to pay parking fees for vehicles equipped
7 with a transponder or similar device. The department or toll
8 agency may initiate feasibility studies of additional future
9 uses of its electronic toll collection system and make
10 recommendations to the Legislature to authorize such uses.

11 Section 19. Section 339.175, Florida Statutes, is
12 amended to read:

13 339.175 Metropolitan planning organization.--

14 (1) PURPOSE.--It is the intent of the Legislature to
15 encourage and promote the safe and efficient management,
16 operation, and development of surface transportation systems
17 that will serve the mobility needs of people and freight and
18 foster economic growth and development within and through
19 urbanized areas of this state while minimizing
20 transportation-related fuel consumption and air pollution
21 through metropolitan transportation planning processes
22 identified in this section. To accomplish these objectives,
23 metropolitan planning organizations, referred to in this
24 section as M.P.O.'s, shall develop, in cooperation with the
25 state and public transit operators, transportation plans and
26 programs for metropolitan areas. The plans and programs for
27 each metropolitan area must provide for the development and
28 integrated management and operation of transportation systems
29 and facilities, including pedestrian walkways and bicycle
30 transportation facilities that will function as an intermodal
31 transportation system for the metropolitan area, based upon

1 | the prevailing principles provided in s. 334.046(1). The
2 | process for developing such plans and programs shall provide
3 | for consideration of all modes of transportation and shall be
4 | continuing, cooperative, and comprehensive, to the degree
5 | appropriate, based on the complexity of the transportation
6 | problems to be addressed. To ensure that the process is
7 | integrated with the statewide planning process, M.P.O.'s shall
8 | develop plans and programs that identify transportation
9 | facilities that should function as an integrated metropolitan
10 | transportation system, giving emphasis to facilities that
11 | serve important national, state, and regional transportation
12 | functions. For the purposes of this section, those facilities
13 | include the facilities on the Strategic Intermodal System
14 | designated under s. 339.63 and facilities for which projects
15 | have been identified pursuant to s. 339.2819(4).

16 | ~~(2)~~(1) DESIGNATION.--

17 | (a)1. An M.P.O. shall be designated for each urbanized
18 | area of the state; however, this does not require that an
19 | individual M.P.O. be designated for each such area. Such
20 | designation shall be accomplished by agreement between the
21 | Governor and units of general-purpose local government
22 | representing at least 75 percent of the population of the
23 | urbanized area; however, the unit of general-purpose local
24 | government that represents the central city or cities within
25 | the M.P.O. jurisdiction, as defined by the United States
26 | Bureau of the Census, must be a party to such agreement.

27 | 2. More than one M.P.O. may be designated within an
28 | existing metropolitan planning area only if the Governor and
29 | the existing M.P.O. determine that the size and complexity of
30 | the existing metropolitan planning area makes the designation
31 | of more than one M.P.O. for the area appropriate.

1 (b) Each M.P.O. designated in a manner prescribed by
2 Title 23 U.S.C. shall be created and operated under the
3 provisions of this section pursuant to an interlocal agreement
4 entered into pursuant to s. 163.01. The signatories to the
5 interlocal agreement shall be the department and the
6 governmental entities designated by the Governor for
7 membership on the M.P.O. Each M.P.O. shall be considered
8 separate from the state or the governing body of a local
9 government that is represented on the governing board of the
10 M.P.O. or that is a signatory to the interlocal agreement
11 creating the M.P.O. and shall have such powers and privileges
12 that are provided under s. 163.01. If there is a conflict
13 between this section and s. 163.01, this section prevails.

14 (c) The jurisdictional boundaries of an M.P.O. shall
15 be determined by agreement between the Governor and the
16 applicable M.P.O. The boundaries must include at least the
17 metropolitan planning area, which is the existing urbanized
18 area and the contiguous area expected to become urbanized
19 within a 20-year forecast period, and may encompass the entire
20 metropolitan statistical area or the consolidated metropolitan
21 statistical area.

22 (d) In the case of an urbanized area designated as a
23 nonattainment area for ozone or carbon monoxide under the
24 Clean Air Act, 42 U.S.C. ss. 7401 et seq., the boundaries of
25 the metropolitan planning area in existence as of the date of
26 enactment of this paragraph shall be retained, except that the
27 boundaries may be adjusted by agreement of the Governor and
28 affected metropolitan planning organizations in the manner
29 described in this section. If more than one M.P.O. has
30 authority within a metropolitan area or an area that is
31 designated as a nonattainment area, each M.P.O. shall consult

1 with other M.P.O.'s designated for such area and with the
2 state in the coordination of plans and programs required by
3 this section.

4 (e) The governing body of the M.P.O. shall designate,
5 at a minimum, a chair, vice chair, and agency clerk. The chair
6 and vice chair shall be selected from among the member
7 delegates comprising the governing board. The agency clerk
8 shall be charged with the responsibility of preparing meeting
9 minutes and maintaining agency records. The clerk shall be a
10 member of the M.P.O. governing board, an employee of the
11 M.P.O., or other natural person.

12
13 Each M.P.O. required under this section must be fully
14 operative no later than 6 months following its designation.

15 ~~(3)(2)~~ VOTING MEMBERSHIP.--

16 (a) The voting membership of an M.P.O. shall consist
17 of not fewer than 5 or more than 19 apportioned members, the
18 exact number to be determined on an equitable
19 geographic-population ratio basis by the Governor, based on an
20 agreement among the affected units of general-purpose local
21 government as required by federal rules and regulations. The
22 Governor, in accordance with 23 U.S.C. s. 134, may also
23 provide for M.P.O. members who represent municipalities to
24 alternate with representatives from other municipalities
25 within the metropolitan planning area that do not have members
26 on the M.P.O. County commission members shall compose not less
27 than one-third of the M.P.O. membership, except for an M.P.O.
28 with more than 15 members located in a county with a 5-member
29 ~~five-member~~ county commission or an M.P.O. with 19 members
30 located in a county with no more than 6 county commissioners,
31 in which case county commission members may compose less than

1 one-third percent of the M.P.O. membership, but all county
2 commissioners must be members. All voting members shall be
3 elected officials of general-purpose local governments, except
4 that an M.P.O. may include, as part of its apportioned voting
5 members, a member of a statutorily authorized planning board,
6 an official of an agency that operates or administers a major
7 mode of transportation, or an official of the Florida Space
8 Authority. As used in this section, the term "elected
9 officials of a general-purpose local government" shall exclude
10 constitutional officers, including sheriffs, tax collectors,
11 supervisors of elections, property appraisers, clerks of the
12 court, and similar types of officials. County commissioners
13 ~~The county commission~~ shall compose not less than 20 percent
14 of the M.P.O. membership if an official of an agency that
15 operates or administers a major mode of transportation has
16 been appointed to an M.P.O.

17 (b) In metropolitan areas in which authorities or
18 other agencies have been or may be created by law to perform
19 transportation functions and are performing transportation
20 functions that are not under the jurisdiction of a
21 general-purpose ~~general-purpose~~ local government represented
22 on the M.P.O., they shall be provided voting membership on the
23 M.P.O. In all other M.P.O.'s where transportation authorities
24 or agencies are to be represented by elected officials from
25 general-purpose ~~general-purpose~~ local governments, the M.P.O.
26 shall establish a process by which the collective interests of
27 such authorities or other agencies are expressed and conveyed.

28 (c) Any other provision of this section to the
29 contrary notwithstanding, a chartered county with over 1
30 million population may elect to reapportion the membership of
31 an M.P.O. whose jurisdiction is wholly within the county. The

1 charter county may exercise the provisions of this paragraph
2 if:

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

5 2. The M.P.O. and the charter county determine that
6 the reapportionment plan is needed to fulfill specific goals
7 and policies applicable to that metropolitan planning area;
8 and

9 3. The charter county determines the reapportionment
10 plan otherwise complies with all federal requirements
11 pertaining to M.P.O. membership.

12
13 Any charter county that elects to exercise the provisions of
14 this paragraph shall notify the Governor in writing.

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

30 (4)~~(3)~~ APPORTIONMENT.--

31

1 (a) The Governor shall, with the agreement of the
2 affected units of general-purpose local government as required
3 by federal rules and regulations, apportion the membership on
4 the applicable M.P.O. among the various governmental entities
5 within the area. At the request of a majority of the affected
6 units of general-purpose local government comprising an
7 M.P.O., the Governor and a majority of units of
8 general-purpose local government serving on an M.P.O. shall
9 cooperatively agree upon and prescribe who may serve as an
10 alternate member and ~~shall prescribe~~ a method for appointing
11 alternate members who may vote at any M.P.O. meeting that an
12 alternate member attends in place of a regular member. The
13 method shall be set forth as a part of the interlocal
14 agreement describing the M.P.O.'s membership or in the
15 M.P.O.'s operating procedures and bylaws. An appointed
16 ~~alternate member must be an elected official serving the same~~
17 ~~governmental entity or a general purpose local government with~~
18 ~~jurisdiction within all or part of the area that the regular~~
19 ~~member serves.~~ The governmental entity so designated shall
20 appoint the appropriate number of members to the M.P.O. from
21 eligible officials. Representatives of the department shall
22 serve as nonvoting members of the M.P.O. governing board.
23 Nonvoting advisers may be appointed by the M.P.O. as deemed
24 necessary; however, to the maximum extent feasible, each
25 M.P.O. shall seek to appoint nonvoting representatives of
26 various multimodal forms of transportation not otherwise
27 represented by voting members of the M.P.O. An M.P.O. shall
28 appoint nonvoting advisers representing major military
29 installations located within the jurisdictional boundaries of
30 the M.P.O. upon the request of the aforesaid major military
31 installations and subject to the agreement of the M.P.O. All

1 nonvoting advisers may attend and participate fully in
2 governing board meetings but shall not have a vote and shall
3 not be members of the governing board. The Governor shall
4 review the composition of the M.P.O. membership in conjunction
5 with the decennial census as prepared by the United States
6 Department of Commerce, Bureau of the Census, and reapportion
7 it as necessary to comply with subsection(3)(2).

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

25 (c) If a governmental entity fails to fill an assigned
26 appointment to an M.P.O. within 60 days after notification by
27 the Governor of its duty to appoint, that appointment shall be
28 made by the Governor from the eligible representatives of that
29 governmental entity.

30 (5)(4) AUTHORITY AND RESPONSIBILITY.--The authority
31 and responsibility of an M.P.O. is to manage a continuing,

1 cooperative, and comprehensive transportation planning process
2 that, based upon the prevailing principles provided in s.
3 334.046(1), results in the development of plans and programs
4 which are consistent, to the maximum extent feasible, with the
5 approved local government comprehensive plans of the units of
6 local government the boundaries of which are within the
7 metropolitan area of the M.P.O. An M.P.O. shall be the forum
8 for cooperative decisionmaking by officials of the affected
9 governmental entities in the development of the plans and
10 programs required by subsections~~(5)~~, (6), (7), ~~and~~ (8), and
11 (9).

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

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

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

28 2. An annually updated transportation improvement
29 program pursuant to the requirements of subsection~~(8)~~(7);

30 and

31

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

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

7 1. Support the economic vitality of the metropolitan
8 area, especially by enabling global competitiveness,
9 productivity, and efficiency;

10 2. Increase the safety and security of the
11 transportation system for motorized and nonmotorized users;

12 3. Increase the accessibility and mobility options
13 available to people and for freight;

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

16 5. Enhance the integration and connectivity of the
17 transportation system, across and between modes, for people
18 and freight;

19 6. Promote efficient system management and operation;
20 and

21 7. Emphasize the preservation of the existing
22 transportation system.

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

26 1. Prepare a congestion management system for the
27 metropolitan area and cooperate with the department in the
28 development of all other transportation management systems
29 required by state or federal law;

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

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

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

6 5. Represent all the jurisdictional areas within the
7 metropolitan area in the formulation of transportation plans
8 and programs required by this section; and

9 6. Perform all other duties required by state or
10 federal law.

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

1 established community traffic safety teams. Local school
2 boards must provide the appropriate M.P.O. with information
3 concerning future school sites and in the coordination of
4 transportation service.

5 (e)1. Each M.P.O. shall appoint a citizens' advisory
6 committee, the members of which serve at the pleasure of the
7 M.P.O. The membership on the citizens' advisory committee must
8 reflect a broad cross section of local residents with an
9 interest in the development of an efficient, safe, and
10 cost-effective transportation system. Minorities, the elderly,
11 and the handicapped must be adequately represented.

12 2. Notwithstanding the provisions of subparagraph 1.,
13 an M.P.O. may, with the approval of the department and the
14 applicable federal governmental agency, adopt an alternative
15 program or mechanism to ensure citizen involvement in the
16 transportation planning process.

17 (f) The department shall allocate to each M.P.O., for
18 the purpose of accomplishing its transportation planning and
19 programming duties, an appropriate amount of federal
20 transportation planning funds.

21 (g) Each M.P.O. shall have an executive or staff
22 director who reports directly to the M.P.O. governing board
23 for all matters regarding the administration and operation of
24 the M.P.O. and any additional personnel as deemed necessary.
25 The executive director and any additional personnel may be
26 employed either by an M.P.O. or by another governmental
27 entity, such as a county, city, or regional planning council,
28 that has a staff services agreement signed and in effect with
29 the M.P.O. Each M.P.O. may ~~employ personnel or may~~ enter into
30 contracts with local or state agencies, private planning
31 firms, ~~or~~ private engineering firms, or other public or

1 private entities to accomplish its transportation planning and
2 programming duties and administrative functions ~~required by~~
3 ~~state or federal law.~~

4 (h) In order to enhance their knowledge,
5 effectiveness, and participation in the urbanized area
6 transportation planning process, each M.P.O. shall provide
7 training opportunities and training funds specifically for
8 local elected officials and others who serve on an M.P.O. The
9 training opportunities may be conducted by an individual
10 M.P.O. or through statewide and federal training programs and
11 initiatives that are specifically designed to meet the needs
12 of M.P.O. board members.

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

17 1. Coordinate transportation projects deemed to be
18 regionally significant by the committee.

19 2. Review the impact of regionally significant land
20 use decisions on the region.

21 3. Review all proposed regionally significant
22 transportation projects in the respective transportation
23 improvement programs which affect more than one of the
24 M.P.O.'s represented on the committee.

25 4. Institute a conflict resolution process to address
26 any conflict that may arise in the planning and programming of
27 such regionally significant projects.

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

1 from the jurisdiction of one M.P.O. into the jurisdiction of
2 another M.P.O. To more fully accomplish the purposes for which
3 M.P.O.'s have been mandated, M.P.O.'s shall develop
4 coordination mechanisms with one another to expand and improve
5 transportation within the state. The appropriate method of
6 coordination between M.P.O.'s shall vary depending upon the
7 project involved and given local and regional needs.
8 Consequently, it is appropriate to set forth a flexible
9 methodology that can be used by M.P.O.'s to coordinate with
10 other M.P.O.'s and appropriate political subdivisions as
11 circumstances demand.

12 2. Any M.P.O. may join with any other M.P.O. or any
13 individual political subdivision to coordinate activities or
14 to achieve any federal or state transportation planning or
15 development goals or purposes consistent with federal or state
16 law. When an M.P.O. determines that it is appropriate to join
17 with another M.P.O. or any political subdivision to coordinate
18 activities, the M.P.O. or political subdivision shall enter
19 into an interlocal agreement pursuant to s. 163.01, which, at
20 a minimum, creates a separate legal or administrative entity
21 to coordinate the transportation planning or development
22 activities required to achieve the goal or purpose; provides
23 ~~provide~~ the purpose for which the entity is created; provides
24 ~~provide~~ the duration of the agreement and the entity, and
25 specifies ~~specify~~ how the agreement may be terminated,
26 modified, or rescinded; describes ~~describe~~ the precise
27 organization of the entity, including who has voting rights on
28 the governing board, whether alternative voting members are
29 provided for, how voting members are appointed, and what the
30 relative voting strength is for each constituent M.P.O. or
31 political subdivision; provides ~~provide~~ the manner in which

1 the parties to the agreement will provide for the financial
2 support of the entity and payment of costs and expenses of the
3 entity; provides ~~provide~~ the manner in which funds may be paid
4 to and disbursed from the entity; and provides ~~provide~~ how
5 members of the entity will resolve disagreements regarding
6 interpretation of the interlocal agreement or disputes
7 relating to the operation of the entity. Such interlocal
8 agreement shall become effective upon its recordation in the
9 official public records of each county in which a member of
10 the entity created by the interlocal agreement has a voting
11 member. This paragraph does not require any M.P.O.'s to merge,
12 combine, or otherwise join together as a single M.P.O.

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

1 (a) Identify transportation facilities, including, but
2 not limited to, major roadways, airports, seaports,
3 spaceports, commuter rail systems, transit systems, and
4 intermodal or multimodal terminals that will function as an
5 integrated metropolitan transportation system. The long-range
6 transportation plan must give emphasis to those transportation
7 facilities that serve national, statewide, or regional
8 functions, and must consider the goals and objectives
9 identified in the Florida Transportation Plan as provided in
10 s. 339.155. If a project is located within the boundaries of
11 more than one M.P.O., the M.P.O.'s must coordinate plans
12 regarding the project in the long-range transportation plan.

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

29 (c) Assess capital investment and other measures
30 necessary to:
31

1 1. Ensure the preservation of the existing
2 metropolitan transportation system including requirements for
3 the operation, resurfacing, restoration, and rehabilitation of
4 major roadways and requirements for the operation,
5 maintenance, modernization, and rehabilitation of public
6 transportation facilities; and

7 2. Make the most efficient use of existing
8 transportation facilities to relieve vehicular congestion and
9 maximize the mobility of people and goods.

10 (d) Indicate, as appropriate, proposed transportation
11 enhancement activities, including, but not limited to,
12 pedestrian and bicycle facilities, scenic easements,
13 landscaping, historic preservation, mitigation of water
14 pollution due to highway runoff, and control of outdoor
15 advertising.

16 (e) In addition to the requirements of paragraphs
17 (a)-(d), in metropolitan areas that are classified as
18 nonattainment areas for ozone or carbon monoxide, the M.P.O.
19 must coordinate the development of the long-range
20 transportation plan with the State Implementation Plan
21 developed pursuant to the requirements of the federal Clean
22 Air Act.

23
24 In the development of its long-range transportation plan, each
25 M.P.O. must provide the public, affected public agencies,
26 representatives of transportation agency employees, freight
27 shippers, providers of freight transportation services,
28 private providers of transportation, representatives of users
29 of public transit, and other interested parties with a
30 reasonable opportunity to comment on the long-range
31

1 transportation plan. The long-range transportation plan must
2 be approved by the M.P.O.

3 (8)~~(7)~~ TRANSPORTATION IMPROVEMENT PROGRAM.--Each
4 M.P.O. shall, in cooperation with the state and affected
5 public transportation operators, develop a transportation
6 improvement program for the area within the jurisdiction of
7 the M.P.O. In the development of the transportation
8 improvement program, each M.P.O. must provide the public,
9 affected public agencies, representatives of transportation
10 agency employees, freight shippers, providers of freight
11 transportation services, private providers of transportation,
12 representatives of users of public transit, and other
13 interested parties with a reasonable opportunity to comment on
14 the proposed transportation improvement program.

15 (a) Each M.P.O. is responsible for developing,
16 annually, a list of project priorities and a transportation
17 improvement program. The prevailing principles to be
18 considered by each M.P.O. when developing a list of project
19 priorities and a transportation improvement program are:
20 preserving the existing transportation infrastructure;
21 enhancing Florida's economic competitiveness; and improving
22 travel choices to ensure mobility. The transportation
23 improvement program will be used to initiate federally aided
24 transportation facilities and improvements as well as other
25 transportation facilities and improvements including transit,
26 rail, aviation, spaceport, and port facilities to be funded
27 from the State Transportation Trust Fund within its
28 metropolitan area in accordance with existing and subsequent
29 federal and state laws and rules and regulations related
30 thereto. The transportation improvement program shall be
31 consistent, to the maximum extent feasible, with the approved

1 | local government comprehensive plans of the units of local
2 | government whose boundaries are within the metropolitan area
3 | of the M.P.O. and include those projects programmed pursuant
4 | to s. 339.2819(4).

5 | (b) Each M.P.O. annually shall prepare a list of
6 | project priorities and shall submit the list to the
7 | appropriate district of the department by October 1 of each
8 | year; however, the department and a metropolitan planning
9 | organization may, in writing, agree to vary this submittal
10 | date. The list of project priorities must be formally reviewed
11 | by the technical and citizens' advisory committees, and
12 | approved by the M.P.O., before it is transmitted to the
13 | district. The approved list of project priorities must be used
14 | by the district in developing the district work program and
15 | must be used by the M.P.O. in developing its transportation
16 | improvement program. The annual list of project priorities
17 | must be based upon project selection criteria that, at a
18 | minimum, consider the following:

- 19 | 1. The approved M.P.O. long-range transportation plan;
20 | 2. The Strategic Intermodal System Plan developed
21 | under s. 339.64.
22 | 3. The priorities developed pursuant to s.
23 | 339.2819(4).
24 | 4. The results of the transportation management
25 | systems; and
26 | 5. The M.P.O.'s public-involvement procedures.

27 | (c) The transportation improvement program must, at a
28 | minimum:

- 29 | 1. Include projects and project phases to be funded
30 | with state or federal funds within the time period of the
31 | transportation improvement program and which are recommended

1 for advancement during the next fiscal year and 4 subsequent
2 fiscal years. Such projects and project phases must be
3 consistent, to the maximum extent feasible, with the approved
4 local government comprehensive plans of the units of local
5 government located within the jurisdiction of the M.P.O. For
6 informational purposes, the transportation improvement program
7 shall also include a list of projects to be funded from local
8 or private revenues.

9 2. Include projects within the metropolitan area which
10 are proposed for funding under 23 U.S.C. s. 134 of the Federal
11 Transit Act and which are consistent with the long-range
12 transportation plan developed under subsection (7)~~(6)~~.

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

30
31

1 4. Group projects and project phases of similar
2 urgency and anticipated staging into appropriate staging
3 periods.

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

9 6. Indicate whether any project or project phase is
10 inconsistent with an approved comprehensive plan of a unit of
11 local government located within the jurisdiction of the M.P.O.
12 If a project is inconsistent with an affected comprehensive
13 plan, the M.P.O. must provide justification for including the
14 project in the transportation improvement program.

15 7. Indicate how the improvements are consistent, to
16 the maximum extent feasible, with affected seaport, airport,
17 and spaceport master plans and with public transit development
18 plans of the units of local government located within the
19 jurisdiction of the M.P.O. If a project is located within the
20 boundaries of more than one M.P.O., the M.P.O.'s must
21 coordinate plans regarding the project in the transportation
22 improvement program.

23 (d) Projects included in the transportation
24 improvement program and that have advanced to the design stage
25 of preliminary engineering may be removed from or rescheduled
26 in a subsequent transportation improvement program only by the
27 joint action of the M.P.O. and the department. Except when
28 recommended in writing by the district secretary for good
29 cause, any project removed from or rescheduled in a subsequent
30 transportation improvement program shall not be rescheduled by
31

1 | the M.P.O. in that subsequent program earlier than the 5th
2 | year of such program.

3 | (e) During the development of the transportation
4 | improvement program, the M.P.O. shall, in cooperation with the
5 | department and any affected public transit operation, provide
6 | citizens, affected public agencies, representatives of
7 | transportation agency employees, freight shippers, providers
8 | of freight transportation services, private providers of
9 | transportation, representatives of users of public transit,
10 | and other interested parties with reasonable notice of and an
11 | opportunity to comment on the proposed program.

12 | (f) The adopted annual transportation improvement
13 | program for M.P.O.'s in nonattainment or maintenance areas
14 | must be submitted to the district secretary and the Department
15 | of Community Affairs at least 90 days before the submission of
16 | the state transportation improvement program by the department
17 | to the appropriate federal agencies. The annual transportation
18 | improvement program for M.P.O.'s in attainment areas must be
19 | submitted to the district secretary and the Department of
20 | Community Affairs at least 45 days before the department
21 | submits the state transportation improvement program to the
22 | appropriate federal agencies; however, the department, the
23 | Department of Community Affairs, and a metropolitan planning
24 | organization may, in writing, agree to vary this submittal
25 | date. The Governor or the Governor's designee shall review and
26 | approve each transportation improvement program and any
27 | amendments thereto.

28 | (g) The Department of Community Affairs shall review
29 | the annual transportation improvement program of each M.P.O.
30 | for consistency with the approved local government
31 | comprehensive plans of the units of local government whose

1 | boundaries are within the metropolitan area of each M.P.O. and
2 | shall identify those projects that are inconsistent with such
3 | comprehensive plans. The Department of Community Affairs shall
4 | notify an M.P.O. of any transportation projects contained in
5 | its transportation improvement program which are inconsistent
6 | with the approved local government comprehensive plans of the
7 | units of local government whose boundaries are within the
8 | metropolitan area of the M.P.O.

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

15 | ~~(9)~~~~(8)~~ UNIFIED PLANNING WORK PROGRAM.--Each M.P.O.
16 | shall develop, in cooperation with the department and public
17 | transportation providers, a unified planning work program that
18 | lists all planning tasks to be undertaken during the program
19 | year. The unified planning work program must provide a
20 | complete description of each planning task and an estimated
21 | budget therefor and must comply with applicable state and
22 | federal law.

23 | ~~(10)~~~~(9)~~ AGREEMENTS.--

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

27 | 1. An agreement with the department clearly
28 | establishing the cooperative relationship essential to
29 | accomplish the transportation planning requirements of state
30 | and federal law.

31 |

1 2. An agreement with the metropolitan and regional
2 intergovernmental coordination and review agencies serving the
3 metropolitan areas, specifying the means by which activities
4 will be coordinated and how transportation planning and
5 programming will be part of the comprehensive planned
6 development of the area.

7 3. An agreement with operators of public
8 transportation systems, including transit systems, commuter
9 rail systems, airports, seaports, and spaceports, describing
10 the means by which activities will be coordinated and
11 specifying how public transit, commuter rail, aviation,
12 seaport, and aerospace planning and programming will be part
13 of the comprehensive planned development of the metropolitan
14 area.

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

18 ~~(11)(10)~~ METROPOLITAN PLANNING ORGANIZATION ADVISORY
19 COUNCIL.--

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

24 (b) The council shall consist of one representative
25 from each M.P.O. and shall elect a chairperson annually from
26 its number. Each M.P.O. shall also elect an alternate
27 representative from each M.P.O. to vote in the absence of the
28 representative. Members of the council do not receive any
29 compensation for their services, but may be reimbursed from
30 funds made available to council members for travel and per
31

1 diem expenses incurred in the performance of their council
2 duties as provided in s. 112.061.

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

5 1. Enter into contracts with individuals, private
6 corporations, and public agencies.

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

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

11 4. Establish bylaws and adopt rules pursuant to ss.
12 120.536(1) and 120.54 to implement provisions of law
13 conferring powers or duties upon it.

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

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

22 7. Employ an executive director and such other staff
23 as necessary to perform adequately the functions of the
24 council, within budgetary limitations. The executive director
25 and staff are exempt from part II of chapter 110 and serve at
26 the direction and control of the council. The council is
27 assigned to the Office of the Secretary of the Department of
28 Transportation for fiscal and accountability purposes, but it
29 shall otherwise function independently of the control and
30 direction of the department.

31

1 8. Adopt an agency strategic plan that provides the
2 priority directions the agency will take to carry out its
3 mission within the context of the state comprehensive plan and
4 any other statutory mandates and directions given to the
5 agency.

6 ~~(12)~~~~(11)~~ APPLICATION OF FEDERAL LAW.--Upon
7 notification by an agency of the Federal Government that any
8 provision of this section conflicts with federal laws or
9 regulations, such federal laws or regulations will take
10 precedence to the extent of the conflict until such conflict
11 is resolved. The department or an M.P.O. may take any
12 necessary action to comply with such federal laws and
13 regulations or to continue to remain eligible to receive
14 federal funds.

15 ~~(13)~~~~(12)~~ VOTING REQUIREMENTS.--Each long-range
16 transportation plan required pursuant to subsection~~(7)~~~~(6)~~,
17 each annually updated Transportation Improvement Program
18 required under subsection~~(8)~~~~(7)~~, and each amendment that
19 affects projects in the first 3 years of such plans and
20 programs must be approved by each M.P.O. on a recorded roll
21 call vote, or hand-counted vote, of a majority of the
22 membership present.

23 Section 20. Subsection (2) of section 339.2819,
24 Florida Statutes, is amended to read:

25 339.2819 Transportation Regional Incentive Program.--

26 (2) The percentage of matching funds provided from the
27 Transportation Regional Incentive Program shall be 50 percent
28 of project costs, ~~or up to 50 percent of the nonfederal share~~
29 ~~of the eligible project cost for a public transportation~~
30 ~~facility project.~~

31

1 Section 21. Section 339.282, Florida Statutes, is
2 created to read:

3 339.282 Transportation concurrency incentives.--The
4 Legislature finds that allowing private-sector entities to
5 finance, construct, and improve public transportation
6 facilities can provide significant benefits to the citizens of
7 this state by facilitating transportation of the general
8 public without the need for additional public tax revenues. In
9 order to encourage the more efficient and proactive provision
10 of transportation improvements by the private sector, if a
11 developer or property owner voluntarily contributes
12 right-of-way and physically constructs or expands a state
13 transportation facility or segment, and such construction or
14 expansion improves traffic flow, capacity, or safety, the
15 voluntary contribution may be applied as a credit for that
16 property owner or developer against any future transportation
17 concurrency requirements pursuant to chapter 163, provided
18 such contributions and credits are set forth in a legally
19 binding agreement executed by the property owner or developer,
20 the local government of the jurisdiction in which the facility
21 is located, and the department. If the developer or property
22 owner voluntarily contributes right-of-way and physically
23 constructs or expands a local government facility or segment
24 and such construction or expansion meets the requirements in
25 this section and is set forth in a legally binding agreement
26 between the property owner or developer and the applicable
27 local government, the contribution to the local government
28 collector and the arterial system may be applied as credit
29 against any future transportation concurrency requirements
30 within the jurisdiction under chapter 163.

1 Section 22. Paragraph (a) of subsection (2) of section
2 343.81, Florida Statutes, is amended to read:

3 343.81 Northwest Florida Transportation Corridor
4 Authority.--

5 (2)(a) The governing body of the authority shall
6 consist of eight voting members, one each from Escambia, Santa
7 Rosa, Walton, Okaloosa, Bay, Gulf, Franklin, and Wakulla
8 Counties, appointed by the Governor to a 4-year term. The
9 appointees shall be residents of their respective counties and
10 may not hold an elected office. Upon the effective date of his
11 or her appointment, or as soon thereafter as practicable, each
12 appointed member of the authority shall enter upon his or her
13 duties. Each appointed member shall hold office until his or
14 her successor has been appointed and has qualified. A vacancy
15 occurring during a term shall be filled only for the balance
16 of the unexpired term. Any member of the authority shall be
17 eligible for reappointment. Members of the authority may be
18 removed from office by the Governor for misconduct,
19 malfeasance, misfeasance, or nonfeasance in office.

20 Section 23. The amendments made by this act to s.
21 343.81, Florida Statutes, prohibiting the appointment of a
22 person holding an elected office to the Northwest Florida
23 Transportation Corridor Authority shall not prohibit any
24 member appointed prior to the effective date of this act from
25 completing his or her current term, and the prohibition shall
26 only apply to members appointed after the effective date of
27 this act and shall not preclude the reappointment of any
28 existing member.

29 Section 24. Subsection (2) of section 343.82, Florida
30 Statutes, is amended to read:

31 343.82 Purposes and powers.--

1 (2)(a) The authority is authorized to construct any
2 feeder roads, reliever roads, connector roads, bypasses, or
3 appurtenant facilities that are intended to improve mobility
4 along the U.S. 98 corridor. The transportation improvement
5 projects may also include all necessary approaches, roads,
6 bridges, and avenues of access that are desirable and proper
7 with the concurrence, where applicable, of the department if
8 the project is to be part of the State Highway System or the
9 respective county or municipal governing boards. Any
10 transportation facilities constructed by the authority may be
11 tolled.

12 (b) Notwithstanding any special act to the contrary,
13 the authority shall plan for and study the feasibility of
14 constructing, operating, and maintaining a bridge or bridges
15 spanning Choctawhatchee Bay or Santa Rosa Sound, or both, and
16 access roads to such bridge or bridges, including studying the
17 environmental and economic feasibility of such bridge or
18 bridges and access roads, and such other transportation
19 facilities that become part of such bridge system. The
20 authority may construct, operate, and maintain the bridge
21 system if the authority determines that the bridge system
22 project is feasible and consistent with the authority's
23 primary purpose and master plan.

24 Section 25. Subsection (9) of section 348.0004,
25 Florida Statutes, is amended to read:

26 348.0004 Purposes and powers.--

27 (9) The Legislature declares that there is a public
28 need for rapid construction of safe and efficient
29 transportation facilities for travel within the state and that
30 it is in the public's interest to provide for public-private
31 partnership agreements to effectuate the construction of

1 additional safe, convenient, and economical transportation
2 facilities.

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

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

29 (b) An ~~expressway~~ authority shall ensure that all
30 reasonable costs to the state which are, related to
31 transportation facilities that are not part of the State

1 Highway System~~7~~ are borne by the private entity. An ~~expressway~~
2 authority shall also ensure that all reasonable costs to the
3 state and substantially affected local governments and
4 utilities related to the private transportation facility are
5 borne by the private entity for transportation facilities that
6 are owned by private entities. For projects on the State
7 Highway System, the department may use state resources to
8 participate in funding and financing the project as provided
9 for under the department's enabling legislation.

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

1 results, it may, at its sole discretion, terminate
2 negotiations with the proposer. Notwithstanding this
3 paragraph, the ~~expressway~~ authority may, at its discretion,
4 reject all proposals at any point in the process up to
5 completion of a contract with the proposer.

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

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

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

29 (g) An ~~expressway~~ authority may exercise any power
30 possessed by it, including eminent domain, to facilitate the
31 development and construction of transportation projects

1 pursuant to this subsection. An ~~expressway~~ authority may pay
2 all or part of the cost of operating and maintaining the
3 facility or may provide services to the private entity for
4 which it receives full or partial reimbursement for services
5 rendered.

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

17 Section 26. Section 348.0012, Florida Statutes, is
18 amended to read:

19 348.0012 Exemptions from applicability.--The Florida
20 Expressway Authority Act does not apply:

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

24 (2) To a transportation authority created pursuant to
25 chapter 349.

26 Section 27. Subsection (6) is added to section
27 348.754, Florida Statutes, to read:

28 348.754 Purposes and powers.--

29 (6)(a) Notwithstanding s. 255.05, the Orlando-Orange
30 County Expressway Authority may waive payment and performance
31 bonds on construction contracts for the construction of a

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

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

11 1. Be an independent business.

12 2. Be principally domiciled in the Orange County
13 Standard Metropolitan Statistical Area.

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

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

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

22 6. Participate in an educational curriculum or
23 technical assistance program for business development that
24 will assist the small business in becoming eligible for
25 bonding.

26 (c) The authority's adopted procedures for waiving
27 payment and performance bonds on projects with values not less
28 than \$200,000 and not exceeding \$500,000 shall provide that
29 payment and performance bonds may only be waived on projects
30 that have been set aside to be competitively bid on by
31 participants in an economic development program for local

1 small businesses. The authority's executive director or his or
2 her designee shall determine whether specific construction
3 projects are suitable for:

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

6 2. Waiver of the payment and performance bond.

7
8 The decision of the authority's executive director or deputy
9 executive director to waive the payment and performance bond
10 shall be based upon his or her investigation and conclusion
11 that there exists sufficient competition so that the authority
12 receives a fair price and does not undertake any unusual risk
13 with respect to such project.

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

1 payment under this subsection shall be treated as a contract
2 claim pursuant to s. 255.05(9).

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

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

15 (g) The authority shall prepare a biennial report on
16 the activities undertaken pursuant to this subsection to be
17 submitted to the Orange County legislative delegation. The
18 initial report shall be due December 31, 2010.

19 Section 28. Paragraph (a) of subsection (3) of section
20 163.3177, Florida Statutes, is amended to read:

21 163.3177 Required and optional elements of
22 comprehensive plan; studies and surveys.--

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

27 1. A component which outlines principles for
28 construction, extension, or increase in capacity of public
29 facilities, as well as a component which outlines principles
30 for correcting existing public facility deficiencies, which
31

1 are necessary to implement the comprehensive plan. The
2 components shall cover at least a 5-year period.

3 2. Estimated public facility costs, including a
4 delineation of when facilities will be needed, the general
5 location of the facilities, and projected revenue sources to
6 fund the facilities.

7 3. Standards to ensure the availability of public
8 facilities and the adequacy of those facilities including
9 acceptable levels of service.

10 4. Standards for the management of debt.

11 5. A schedule of capital improvements which includes
12 publicly funded projects, and which may include privately
13 funded projects for which the local government has no fiscal
14 responsibility, necessary to ensure that adopted
15 level-of-service standards are achieved and maintained. For
16 capital improvements that will be funded by the developer,
17 financial feasibility shall be demonstrated by being
18 guaranteed in an enforceable development agreement or
19 interlocal agreement pursuant to paragraph (10)(h), or other
20 enforceable agreement. These development agreements and
21 interlocal agreements shall be reflected in the schedule of
22 capital improvements if the capital improvement is necessary
23 to serve development within the 5-year schedule. If the local
24 government uses planned revenue sources that require referenda
25 or other actions to secure the revenue source, the plan must,
26 in the event the referenda are not passed or actions do not
27 secure the planned revenue source, identify other existing
28 revenue sources that will be used to fund the capital projects
29 or otherwise amend the plan to ensure financial feasibility.

30 6. The schedule must include transportation
31 improvements included in the applicable metropolitan planning

1 organization's transportation improvement program adopted
2 pursuant to s. 339.175(8)(~~7~~) to the extent that such
3 improvements are relied upon to ensure concurrency and
4 financial feasibility. The schedule must also be coordinated
5 with the applicable metropolitan planning organization's
6 long-range transportation plan adopted pursuant to s.
7 339.175(7)(~~6~~).

8 Section 29. Section 339.176, Florida Statutes, is
9 amended to read:

10 339.176 Voting membership for M.P.O. with boundaries
11 including certain counties.--In addition to the voting
12 membership established by s. 339.175(3)(~~2~~) and notwithstanding
13 any other provision of law to the contrary, the voting
14 membership of any Metropolitan Planning Organization whose
15 geographical boundaries include any county as defined in s.
16 125.011(1) must include an additional voting member appointed
17 by that city's governing body for each city with a population
18 of 50,000 or more residents.

19 Section 30. Subsection (1) of section 341.828, Florida
20 Statutes, is amended to read:

21 341.828 Permitting.--

22 (1) The authority, for the purposes of permitting, may
23 utilize one or more permitting processes provided for in
24 statute, including, but not limited to, the metropolitan
25 planning organization long-range transportation planning
26 process as defined in s. 339.175(~~6~~) ~~and~~ (7) and (8), in
27 conjunction with the Department of Transportation's work
28 program process as defined in s. 339.135, or any permitting
29 process now in effect or that may be in effect at the time of
30 permitting and will provide the most timely and cost-effective
31 permitting process.

1 Section 31. Section 2 of chapter 89-383, Laws of
2 Florida, is amended to read:

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

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

7 (2) Any alteration of the physical dimensions or
8 location of Red Road, the median strip thereof, the land
9 adjacent thereto, or any part of the original composition of
10 the entranceway, including the towers, the walls, and the
11 lampposts.

12 (3) Any construction on or along Red Road of any new
13 structure, or any building, clearing, filling, or excavating
14 on or along Red Road except for routine maintenance or
15 alterations, modifications, or improvements to it and the
16 adjacent right-of-way made for the purpose of enhancing life
17 safety for vehicular or pedestrian use of Red Road if the
18 number of traffic lanes is not altered ~~work which is essential~~
19 ~~to the health, safety, or welfare of the environment.~~

20 Section 32. Subsection (27) is added to section
21 479.01, Florida Statutes, to read:

22 479.01 Definitions.--As used in this chapter, the
23 term:

24 (27) "Wall mural" means a sign that is a painting or
25 an artistic work composed of photographs or arrangements of
26 color and that displays a commercial or noncommercial message,
27 relies solely on the side of the building for rigid structural
28 support, and is painted on the building or depicted on vinyl,
29 fabric, or other similarly flexible material that is held in
30 place flush or flat against the surface of the building. The
31

1 term excludes a painting or work placed on a structure that is
2 erected for the sole or primary purpose of signage.

3 Section 33. Section 479.156, Florida Statutes, is
4 created to read:

5 479.156 Wall murals.--Notwithstanding any other
6 provision of this chapter, a municipality or county may permit
7 and regulate wall murals within areas designated by such
8 government. If a municipality or county permits wall murals, a
9 wall mural that displays a commercial message and is within
10 660 feet of the nearest edge of the right-of-way within an
11 area adjacent to the interstate highway system or the
12 federal-aid primary highway system shall be located in an area
13 that is zoned for industrial or commercial use and the
14 municipality or county shall establish and enforce regulations
15 for such areas that, at a minimum, set forth criteria
16 governing the size, lighting, and spacing of wall murals
17 consistent with the intent of the Highway Beautification Act
18 of 1965 and with customary use. A wall mural that is subject
19 to municipal or county regulation and the Highway
20 Beautification Act of 1965 must be approved by the Department
21 of Transportation and the Federal Highway Administration and
22 may not violate the agreement between the state and the United
23 States Department of Transportation or violate federal
24 regulations enforced by the Department of Transportation under
25 s. 479.02(1).

26 Section 34. This act shall take effect July 1, 2007.
27
28
29
30
31

1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 CS/SB 1928

4 CS for CS for SB 1928 permits the issuance of contracts for
5 the use of transponders for parking fees; defines wall murals
6 and authorizes their regulation by local governments; permits
7 local governments to act as transportation backlog concurrency
8 authorities and engage in tax increment financing for the
9 elimination of transportation backlogs; alters the date for
10 the delivery of a report on micro-contracts; permits existing
11 elected officials who are members of a transportation corridor
12 authority to be reappointed; and removes a procurement
13 threshold for local government construction contracts.
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31