

1 authorities; providing for transportation
2 concurrency backlog plans; providing for the
3 issuance of revenue bonds for certain purposes;
4 providing for the establishment of a local
5 trust fund within each county or municipality
6 having an identified transportation concurrency
7 backlog; providing exemptions from
8 transportation concurrency requirements;
9 providing for the satisfaction of concurrency
10 requirements; providing for dissolution of
11 transportation concurrency backlog authorities;
12 amending s. 212.055, F.S.; deleting a provision
13 prohibiting a school district, county, or
14 municipality from issuing bonds more than once
15 each year pledging the proceeds of certain
16 discretionary taxes; amending s. 215.615, F.S.;
17 revising the Department of Transportation's
18 requirement to share certain costs of
19 fixed-guideway system projects; revising
20 criteria for an interlocal agreement to
21 establish bond financing for fixed-guideway
22 system projects; revising provisions for
23 sources of funds for the payment of bonds;
24 amending s. 311.22, F.S.; revising funding for
25 certain dredging projects; amending s. 336.41,
26 F.S.; increasing the threshold for certain road
27 construction and maintenance by counties which
28 is exempt from a competitive-bid requirement;
29 amending s. 316.605, F.S.; providing height and
30 placement requirements for vehicle license
31 plates; prohibiting display that obscures

1 identification of the letters and numbers on a
2 license plate; providing penalties; amending s.
3 316.650, F.S.; revising procedures for
4 disposition of citations issued for failure to
5 pay toll; providing that the citation will not
6 be submitted to the court and no points will be
7 assessed on the driver's license if the person
8 cited elects to make payment directly to the
9 governmental entity that issued the citation;
10 providing for reporting of the citation by the
11 governmental entity to the Department of
12 Highway Safety and Motor Vehicles; amending s.
13 318.14, F.S.; providing for the amount required
14 to be paid under certain procedures for
15 disposition of a citation issued for failure to
16 pay toll; providing for the person cited to
17 request a court hearing; amending s. 318.18,
18 F.S.; revising penalties for failure to pay a
19 prescribed toll; providing for disposition of
20 amounts received by the clerk of court;
21 removing procedures for withholding of
22 adjudication; providing for suspension of a
23 driver's license under certain circumstances;
24 amending s. 320.061, F.S.; prohibiting
25 interfering with the legibility, angular
26 visibility, or detectability of any feature or
27 detail on a license plate or interfering with
28 the ability to record any feature or detail on
29 a license plate; amending s. 334.351, F.S.;
30 requiring nonprofit youth organizations that
31 contract with the Department of Transportation

1 for the purpose of operating youth work
2 experience programs to certify that the program
3 participants are residents of the state and
4 possess valid identification; specifying
5 criteria for the department to consider in
6 awarding contracts to such organizations;
7 requiring that the nonprofit youth
8 organizations submit certain reports and audits
9 to the department and demonstrate participation
10 in a peer assessment or review process;
11 amending s. 336.025, F.S.; deleting a
12 prohibition against local governments issuing
13 certain bonds secured by revenues from local
14 option fuel taxes more than once a year;
15 amending s. 338.161, F.S.; providing for the
16 Department of Transportation and certain toll
17 agencies to enter into agreements with public
18 or private entities for additional uses of
19 electronic toll collection products and
20 services; authorizing feasibility studies by
21 the department or a toll agency of additional
22 uses of electronic toll devices for legislative
23 consideration; amending s. 339.08, F.S.;
24 allowing moneys in the State Transportation
25 Trust Fund to be used to pay the cost of the
26 Enhanced Bridge Program for Sustainable
27 Transportation; amending s. 339.175, F.S.;
28 revising intent; providing the method of
29 creation and operation of M.P.O.'s required to
30 be designated pursuant to federal law;
31 specifying that an M.P.O. is separate from the

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

1 providing that property owners or developers
2 who voluntarily contribute right-of-way and
3 physically construct or expand a state
4 transportation facility or segment may receive
5 certain credits against any future
6 transportation concurrency requirements under
7 certain conditions; creating s. 339.285, F.S.;
8 creating the Enhanced Bridge Program for
9 Sustainable Transportation within the
10 Department of Transportation; providing for the
11 use of funds in the program; providing project
12 guidelines for program funding; amending s.
13 343.81, F.S.; prohibiting elected officials
14 from serving on the Northwest Florida
15 Transportation Corridor Authority; providing
16 for application of the prohibition to apply to
17 persons appointed to serve on the authority
18 after a certain date; amending s. 343.82, F.S.;
19 directing the authority to plan for and study
20 the feasibility of constructing, operating, and
21 maintaining a bridge or bridges, and
22 appurtenant structures, spanning Choctawhatchee
23 Bay or Santa Rosa Sound; authorizing the
24 authority to construct, operate, and maintain
25 said bridges and structures; amending s.
26 348.0004, F.S.; authorizing certain
27 transportation-related authorities to enter
28 into agreements with private entities for the
29 building, operation, ownership, or financing of
30 transportation facilities; amending s.
31 348.0012, F.S.; revising provisions for certain

1 exemptions from the Florida Expressway
2 Authority Act; amending s. 348.754, F.S.;
3 authorizing the Orlando-Orange County
4 Expressway Authority to waive payment and
5 performance bonds on certain construction
6 contracts if the contract is awarded pursuant
7 to an economic development program for the
8 encouragement of local small businesses;
9 providing criteria for participation in the
10 program; providing criteria for the bond
11 waiver; providing for certain determinations by
12 the authority's executive director or a
13 designee as to the suitability of a project;
14 providing for certain payment obligations if a
15 payment and performance bond is waived;
16 requiring the authority to record notice of the
17 obligation; limiting eligibility to bid on the
18 projects; providing for the authority to
19 conduct bond eligibility training for certain
20 businesses; requiring the authority to submit
21 biennial reports to the Orange County
22 legislative delegation; amending ss. 163.3177,
23 339.176, and 341.828, F.S.; correcting
24 cross-references; amending s. 2, ch. 89-383,
25 Laws of Florida; providing for certain
26 alterations to and along Red Road in Miami-Dade
27 County for transportation safety purposes;
28 amending s. 479.01, F.S.; defining the term
29 "wall mural"; creating s. 479.156, F.S.;
30 providing for the regulation of wall murals by
31 municipalities and counties; requiring that

1 certain wall murals be located in areas zoned
2 for industrial or commercial use; requiring
3 that the local regulation of wall murals be
4 consistent with specified criteria; requiring
5 the Department of Transportation to approve a
6 wall mural under certain conditions; providing
7 an effective date.

8

9 Be It Enacted by the Legislature of the State of Florida:

10

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

13 112.061 Per diem and travel expenses of public
14 officers, employees, and authorized persons.--

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

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

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

26 2. A county constitutional officer, pursuant to s.
27 1(d), Art. VIII of the State Constitution, by the
28 establishment of written policy;

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

31

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

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

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

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

21 Section 2. Subsection (11), paragraph (a) of
22 subsection (42), and paragraph (b) of subsection (52) of
23 section 121.021, Florida Statutes, are amended, and subsection
24 (62) is added to that section, to read:

25 121.021 Definitions.--The following words and phrases
26 as used in this chapter have the respective meanings set forth
27 unless a different meaning is plainly required by the context:

28 (11) "Officer or employee" means any person receiving
29 salary payments for work performed in a regularly established
30 position and, if employed by a city, a metropolitan planning

31

1 organization, or a special district, employed in a covered
2 group.

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

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

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

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

26 Section 3. Paragraph (b) of subsection (2) of section
27 121.051, Florida Statutes, is amended to read:

28 121.051 Participation in the system.--

29 (2) OPTIONAL PARTICIPATION.--

30 (b)1. The governing body of any municipality,
31 metropolitan planning organization, or special district in the

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

23 2. Any city, metropolitan planning organization, or
24 special district that has an existing retirement system
25 covering the employees in the units that are to be brought
26 under the Florida Retirement System may participate only after
27 holding a referendum in which all employees in the affected
28 units have the right to participate. Only those employees
29 electing coverage under the Florida Retirement System by
30 affirmative vote in said referendum shall be eligible for
31 coverage under this chapter, and those not participating or

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

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

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

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

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

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

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

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

27 6. Following the adoption of a resolution under
28 sub-subparagraph 5.d., all employees of the withdrawing
29 hospital district who were participants in the Florida
30 Retirement System prior to January 1, 1996, shall remain as
31 participants in the system for as long as they are employees

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

8 Section 4. Paragraph (1) is added to subsection (1) of
9 section 121.055, Florida Statutes, to read:

10 121.055 Senior Management Service Class.--There is
11 hereby established a separate class of membership within the
12 Florida Retirement System to be known as the "Senior
13 Management Service Class," which shall become effective
14 February 1, 1987.

15 (1)

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

21 Section 5. Paragraphs (a) and (c) of subsection (2) of
22 section 121.061, Florida Statutes, are amended to read:

23 121.061 Funding.--

24 (2)(a) Should any employer other than a state employer
25 fail to make the retirement and social security contributions,
26 both member and employer contributions, required by this
27 chapter, then, upon request by the administrator, the
28 Department of Revenue or the Department of Financial Services,
29 as the case may be, shall deduct the amount owed by the
30 employer from any funds to be distributed by it to the county,
31 city, metropolitan planning organization, special district, or

1 consolidated form of government. The amounts so deducted shall
2 be transferred to the administrator for further distribution
3 to the trust funds in accordance with this chapter.

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

13 Section 6. Paragraphs (a), (b), and (e) of subsection
14 (1) of section 121.081, Florida Statutes, are amended to read:

15 121.081 Past service; prior service;
16 contributions.--Conditions under which past service or prior
17 service may be claimed and credited are:

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

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

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

27 | (e) Past service, as defined in s. 121.021(18), may be
28 | claimed as creditable service by a member of the Florida
29 | Retirement System who formerly was an officer or employee of a
30 | city, metropolitan planning organization, or special district,
31 | notwithstanding the status or form of the retirement system,

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

13 | Section 7. Section 163.3182, Florida Statutes, is
14 | created to read:

15 | 163.3182 Transportation concurrency backlogs.--

16 | (1) DEFINITIONS.--For purposes of this section, the
17 | term:

18 | (a) "Transportation construction backlog area" means
19 | the geographic area within the unincorporated portion of a
20 | county or within the municipal boundary of a municipality
21 | designated in a local government comprehensive plan for which
22 | a transportation concurrency backlog authority is created
23 | pursuant to this section.

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

27 | (c) "Governing body" means the council, commission, or
28 | other legislative body charged with governing the county or
29 | municipality within which a transportation concurrency backlog
30 | authority is created pursuant to this section.

31 |

1 (d) "Transportation concurrency backlog" means an
2 identified deficiency where the existing extent of traffic
3 volume exceeds the level of service standard adopted in a
4 local government comprehensive plan for a transportation
5 facility.

6 (e) "Transportation concurrency backlog plan" means
7 the plan adopted as part of a local government comprehensive
8 plan by the governing body of a county or municipality acting
9 as a transportation concurrency backlog authority.

10 (f) "Transportation concurrency backlog project" means
11 any designated transportation project identified for
12 construction within the jurisdiction of a transportation
13 construction backlog authority.

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

16 (h) "Increment revenue" means the amount calculated
17 pursuant to s. 163.31825.

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

21 (2) CREATION OF TRANSPORTATION CONCURRENCY BACKLOG
22 AUTHORITIES.--

23 (a) A county or municipality may create a
24 transportation concurrency backlog authority if it has an
25 identified transportation concurrency backlog.

26 (b) Acting as the transportation concurrency backlog
27 authority within its jurisdictional boundary, the governing
28 body of a county or municipality shall adopt and implement a
29 plan to eliminate all identified transportation concurrency
30 backlogs within its jurisdiction using funds provided pursuant
31

1 to s. 163.31825 and as otherwise provided pursuant to this
2 section.

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

8 (a) To make and execute contracts and other
9 instruments necessary or convenient to the exercise of its
10 powers under this section.

11 (b) To undertake and carry out transportation
12 concurrency backlog projects for all transportation facilities
13 that have a concurrency backlog within the authority's
14 jurisdiction. Concurrency backlog projects may include
15 transportation facilities that provide for alternative modes
16 of travel including sidewalks, bikeways, and mass transit
17 which are related to a backlogged transportation facility.

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

27 (d) To borrow money, apply for and accept advances,
28 loans, grants, contributions, and any other forms of financial
29 assistance from the Federal Government or the state, county,
30 or any other public body or from any sources, public or
31 private, for the purposes of this part, to give such security

1 as is required, to enter into and carry out contracts or
2 agreements, and to include in any contracts for financial
3 assistance with the Federal Government for or with respect to
4 a transportation concurrency backlog project and related
5 activities such conditions imposed pursuant to federal laws as
6 the transportation concurrency backlog authority considers
7 reasonable and appropriate and which are not inconsistent with
8 the purposes of this section.

9 (e) To make or have made all surveys and plans
10 necessary to the carrying out of the purposes of this section,
11 to contract with any persons, public or private, in making and
12 carrying out such plans, and to adopt, approve, modify, or
13 amend such transportation concurrency backlog plans.

14 (f) To appropriate such funds and make such
15 expenditures as are necessary to carry out the purposes of
16 this section, and to enter into agreements with other public
17 bodies which agreements may extend over any period
18 notwithstanding any provision or rule of law to the contrary.

19 (4) TRANSPORTATION CONCURRENCY BACKLOG PLANS.--Each
20 transportation concurrency backlog authority shall adopt a
21 transportation concurrency backlog plan as a part of the local
22 government comprehensive plan within 6 months after the
23 creation of the authority. The plan shall:

24 (a) Identify all transportation facilities that have
25 been designated as deficient and require the expenditure of
26 moneys to upgrade, modify, or mitigate the deficiency.

27 (b) Include a priority listing of all transportation
28 facilities that have been designated as deficient and do not
29 satisfy concurrency requirements pursuant to s. 163.3180 and
30 the applicable local government comprehensive plan.

31

1 (c) Establish a schedule for financing and
2 construction of transportation concurrency backlog projects
3 which will eliminate transportation concurrency backlogs
4 within the jurisdiction of the authority within 10 years after
5 the transportation concurrency backlog plan adoption. The
6 schedule shall be adopted as part of the local government
7 comprehensive plan.

8 (d) The adoption of the transportation concurrency
9 backlog plan shall be exempt from the provisions of s.
10 163.3187(1).

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

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

28 (b) The amount of ad valorem taxes that would have
29 been produced by a rate upon which the tax is levied each year
30 by or for each taxing authority exclusive of any debt service
31 millage upon the total of the assessed value of the taxable

1 real property within the transportation concurrency backlog
2 area as shown on the most recent assessment roll used in
3 connection with the taxation of such property by each taxing
4 authority.

5 (6) EXEMPTIONS.--

6 (a) The following public bodies or taxing authorities
7 are exempt from the provision of this section:

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

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

17 3. A library district.

18 4. A neighborhood improvement district created under
19 the Safe Neighborhoods Act.

20 5. A metropolitan transportation authority.

21 6. A water management district created under s.
22 373.069.

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

27 (7) TRANSPORTATION CONCURRENCY SATISFACTION.--Upon
28 adoption of a transportation concurrency backlog plan as a
29 part of the local government comprehensive plan, and the plan
30 going into effect, the area subject to the plan shall be
31 deemed to have achieved and maintained transportation level of

1 service standards, and to have met requirements for financial
2 feasibility for transportation facilities, and for the purpose
3 of proposed development transportation concurrency has been
4 satisfied. Proportionate fair share mitigation shall be
5 limited to ensure that a development inside a transportation
6 concurrency backlog area is not responsible for the additional
7 costs of eliminating backlogs.

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

18 Section 8. Paragraph (e) of subsection (2) of section
19 212.055, Florida Statutes, is amended to read:

20 212.055 Discretionary sales surtaxes; legislative
21 intent; authorization and use of proceeds.--It is the
22 legislative intent that any authorization for imposition of a
23 discretionary sales surtax shall be published in the Florida
24 Statutes as a subsection of this section, irrespective of the
25 duration of the levy. Each enactment shall specify the types
26 of counties authorized to levy; the rate or rates which may be
27 imposed; the maximum length of time the surtax may be imposed,
28 if any; the procedure which must be followed to secure voter
29 approval, if required; the purpose for which the proceeds may
30 be expended; and such other requirements as the Legislature

31

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 9. 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 10. Subsection (1) of section 311.22, Florida
12 Statutes, is amended to read:

13 311.22 Additional authorization for funding certain
14 dredging projects.--

15 (1) The Florida Seaport Transportation and Economic
16 Development Council shall establish a program to fund dredging
17 projects in counties having a population of fewer than 300,000
18 according to the last official census. Funds made available
19 under this program may be used to fund approved projects for
20 the dredging or deepening of channels, turning basins, or
21 harbors on a 25-percent local ~~50-50~~ matching basis with any
22 port authority, as such term is defined in s. 315.02(2), which
23 complies with the permitting requirements in part IV of
24 chapter 373 and the local financial management and reporting
25 provisions of part III of chapter 218.

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

28 336.41 Counties; employing labor and providing road
29 equipment; accounting; when competitive bidding required.--

30 (3) All construction and reconstruction of roads and
31 bridges, including resurfacing, full scale mineral seal

1 coating, and major bridge and bridge system repairs, to be
2 performed utilizing the proceeds of the 80-percent portion of
3 the surplus of the constitutional gas tax shall be let to
4 contract to the lowest responsible bidder by competitive bid,
5 except for:

6 (a) Construction and maintenance in emergency
7 situations; ~~and~~

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

14 (c) Construction of sidewalks, curbing, accessibility
15 ramps, or appurtenances incidental to roads and bridges where
16 each project is estimated in accordance with generally
17 accepted cost-accounting principles to have total construction
18 project costs of less than \$400,000, or as adjusted by the
19 percentage change in the Construction Cost Index from January
20 1, 2008,

21
22 for which the county may utilize its own forces. However, if,
23 after proper advertising, no bids are received by a county for
24 a specific project, the county may use its own forces to
25 construct the project, notwithstanding the limitation of this
26 subsection. Nothing in this section shall prevent the county
27 from performing routine maintenance as authorized by law.

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

30 316.605 Licensing of vehicles.--
31

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

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

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

12 | 316.650 Traffic citations.--

13 | (3)

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

31 |

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

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

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

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

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

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

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

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

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

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

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

16 Section 17. Section 334.351, Florida Statutes, is
17 amended to read:

18 334.351 Youth work experience program; findings and
19 intent; authority to contract; limitation.--

20 (1) The Legislature finds and declares that young men
21 and women of the state should be given an opportunity to
22 obtain public service work and training experience that
23 protects and conserves the valuable resources of the state and
24 promotes participation in other community enhancement
25 projects. Notwithstanding the requirements of chapters 287 and
26 337, the Department of Transportation is authorized to
27 contract with public agencies and nonprofit organizations for
28 the performance of work related to the construction and
29 maintenance of transportation-related facilities by youths
30 enrolled in youth work experience programs. The total amount
31 of contracts entered into by the department under this section

1 in any fiscal year may not exceed the amount specifically
2 appropriated by the Legislature for this program.

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

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

12 (a) The number of participants receiving
13 life-management skills training;

14 (b) The number of participants receiving high school
15 diplomas or GEDs;

16 (c) The number of participants receiving scholarships;

17 (d) The number of participants receiving bonuses;

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

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

22 (4) Each nonprofit youth organization under contract
23 with the department must:

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

29 (b) Submit an independent audit of the organization's
30 financial records to the department each year. The
31 organization's contract with the department must allow the

1 department the right to inspect the organization's financial
2 and program records.

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

6 Section 18. Paragraph (c) of subsection (1) of section
7 336.025, Florida Statutes, is amended to read:

8 336.025 County transportation system; levy of local
9 option fuel tax on motor fuel and diesel fuel.--

10 (1)

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

20 Section 19. Section 338.161, Florida Statutes, is
21 amended to read:

22 338.161 Authority of department or toll agencies to
23 advertise and promote electronic toll collection; expanded
24 uses of electronic toll collection system; studies
25 authorized.--

26 (1) The department is authorized to incur expenses for
27 paid advertising, marketing, and promotion of toll facilities
28 and electronic toll collection products and services.
29 Promotions may include discounts and free products.

30 (2) The department is authorized to receive funds from
31 advertising placed on electronic toll collection products and

1 promotional materials to defray the costs of products and
2 services.

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

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

17 Section 20. Paragraph (j) of subsection (1) of section
18 339.08, Florida Statutes, is amended to read:

19 339.08 Use of moneys in State Transportation Trust
20 Fund.--

21 (1) The department shall expend moneys in the State
22 Transportation Trust Fund accruing to the department, in
23 accordance with its annual budget. The use of such moneys
24 shall be restricted to the following purposes:

25 (j) To pay the cost of county or municipal road
26 projects selected in accordance with the County Incentive
27 Grant Program created in s. 339.2817, ~~and~~ the Small County
28 Outreach Program created in s. 339.2818, and the Enhanced
29 Bridge Program for Sustainable Transportation created in s.
30 339.285.

1 Section 21. Section 339.175, Florida Statutes, is
2 amended to read:

3 339.175 Metropolitan planning organization.--

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

1 | serve important national, state, and regional transportation
2 | functions. For the purposes of this section, those facilities
3 | include the facilities on the Strategic Intermodal System
4 | designated under s. 339.63 and facilities for which projects
5 | have been identified pursuant to s. 339.2819(4).

6 | ~~(2)~~(1) DESIGNATION.--

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

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

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

1 creating the M.P.O. and shall have such powers and privileges
2 that are provided under s. 163.01. If there is a conflict
3 between this section and s. 163.01, this section prevails.

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

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

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

1 member of the M.P.O. governing board, an employee of the
2 M.P.O., or other natural person.

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

6 ~~(3)(2)~~ VOTING MEMBERSHIP.--

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

1 constitutional officers, including sheriffs, tax collectors,
2 supervisors of elections, property appraisers, clerks of the
3 court, and similar types of officials. County commissioners

4 ~~The county commission~~ shall compose not less than 20 percent
5 of the M.P.O. membership if an official of an agency that
6 operates or administers a major mode of transportation has
7 been appointed to an M.P.O.

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

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

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

27 2. The M.P.O. and the charter county determine that
28 the reapportionment plan is needed to fulfill specific goals
29 and policies applicable to that metropolitan planning area;
30 and
31

1 3. The charter county determines the reapportionment
2 plan otherwise complies with all federal requirements
3 pertaining to M.P.O. membership.
4

5 Any charter county that elects to exercise the provisions of
6 this paragraph shall notify the Governor in writing.

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

22 ~~(4)(3)~~ APPORTIONMENT.--

23 (a) The Governor shall, with the agreement of the
24 affected units of general-purpose local government as required
25 by federal rules and regulations, apportion the membership on
26 the applicable M.P.O. among the various governmental entities
27 within the area. At the request of a majority of the affected
28 units of general-purpose local government comprising an
29 M.P.O., the Governor and a majority of units of
30 general-purpose local government serving on an M.P.O. shall
31 cooperatively agree upon and prescribe who may serve as an

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

30 (b) Except for members who represent municipalities on
31 the basis of alternating with representatives from other

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

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

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

1 programs required by subsections~~(5)~~, (6), (7), ~~and~~ (8), and
2 (9).

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

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

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

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

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

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

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

31

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

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

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

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

10 6. Promote efficient system management and operation;
11 and

12 7. Emphasize the preservation of the existing
13 transportation system.

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

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

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

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

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

28 5. Represent all the jurisdictional areas within the
29 metropolitan area in the formulation of transportation plans
30 and programs required by this section; and
31

1 6. Perform all other duties required by state or
2 federal law.

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

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

1 interest in the development of an efficient, safe, and
2 cost-effective transportation system. Minorities, the elderly,
3 and the handicapped must be adequately represented.

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

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

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

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

1 training opportunities may be conducted by an individual
2 M.P.O. or through statewide and federal training programs and
3 initiatives that are specifically designed to meet the needs
4 of M.P.O. board members.

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

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

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

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

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

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

1 methodology that can be used by M.P.O.'s to coordinate with
2 other M.P.O.'s and appropriate political subdivisions as
3 circumstances demand.

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

1 | official public records of each county in which a member of
2 | the entity created by the interlocal agreement has a voting
3 | member. This paragraph does not require any M.P.O.'s to merge,
4 | combine, or otherwise join together as a single M.P.O.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 Section 22. Subsection (2) of section 339.2819,
10 Florida Statutes, is amended to read:

11 339.2819 Transportation Regional Incentive Program.--

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

17 Section 23. Section 339.282, Florida Statutes, is
18 created to read:

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

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

16 Section 24. Section 339.285, Florida Statutes, is
17 created to read:

18 339.285 Enhanced Bridge Program for Sustainable
19 Transportation.--

20 (1) There is created within the Department of
21 Transportation the Enhanced Bridge Program for Sustainable
22 Transportation for the purpose of providing funds to improve
23 the sufficiency rating of local bridges and to improve
24 congested roads on the State Highway System or local corridors
25 on which high-cost bridges are located in order to improve a
26 corridor or provide an alternative corridor.

27 (2) Matching funds provided from the program may fund
28 up to 50 percent of project costs.

29 (3) The department shall allocate a minimum of 25
30 percent of funding available for the program for local bridge
31 projects to replace, rehabilitate, paint, or install scour

1 countermeasures to highway bridges located on public roads,
2 other than those on the State Highway System. A project to be
3 funded must, at a minimum:

4 (a) Be classified as a structurally deficient bridge
5 having a poor condition rating for the deck, superstructure,
6 substructure component, or culvert;

7 (b) Have a sufficiency rating of 35 or below; and

8 (c) Have average daily traffic of at least 500
9 vehicles.

10 (4) Special consideration shall be given to bridges
11 that are closed to all traffic or that have a load restriction
12 of less than 10 tons.

13 (5) The department shall allocate remaining funding
14 available for the program to improve highly congested roads on
15 the State Highway System or local corridors on which high-cost
16 bridges are located in order to improve the corridor or
17 provide an alternative corridor. A project to be funded must,
18 at a minimum:

19 (a) Be on or provide direct relief to an existing
20 corridor that is backlogged or constrained; and

21 (b) Be a major bridge having an estimated cost greater
22 than \$25 million.

23 (6) Preference shall be given to bridge projects
24 located on corridors that connect to the Strategic Intermodal
25 System, created under s. 339.64, and that have been identified
26 as regionally significant in accordance with s. 339.155(5)(c),
27 (d), and (e).

28 Section 25. Paragraph (a) of subsection (2) of section
29 343.81, Florida Statutes, is amended to read:

30 343.81 Northwest Florida Transportation Corridor
31 Authority.--

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

16 Section 26. The amendments made by this act to s.
17 343.81, Florida Statutes, prohibiting the appointment of a
18 person holding an elected office to the Northwest Florida
19 Transportation Corridor Authority shall not prohibit any
20 member appointed prior to the effective date of this act from
21 completing his or her current term, and the prohibition shall
22 only apply to members appointed after the effective date of
23 this act and shall not preclude the reappointment of any
24 existing member.

25 Section 27. Subsection (2) of section 343.82, Florida
26 Statutes, is amended to read:

27 343.82 Purposes and powers.--

28 (2)(a) The authority is authorized to construct any
29 feeder roads, reliever roads, connector roads, bypasses, or
30 appurtenant facilities that are intended to improve mobility
31 along the U.S. 98 corridor. The transportation improvement

1 projects may also include all necessary approaches, roads,
2 bridges, and avenues of access that are desirable and proper
3 with the concurrence, where applicable, of the department if
4 the project is to be part of the State Highway System or the
5 respective county or municipal governing boards. Any
6 transportation facilities constructed by the authority may be
7 tolled.

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

20 Section 28. Subsection (9) of section 348.0004,
21 Florida Statutes, is amended to read:

22 348.0004 Purposes and powers.--

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

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

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

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

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

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

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

1 reject all proposals at any point in the process up to
2 completion of a contract with the proposer.

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

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

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

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

1 | which it receives full or partial reimbursement for services
2 | rendered.

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

14 | Section 29. Section 348.0012, Florida Statutes, is
15 | amended to read:

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

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

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

23 | Section 30. Subsection (6) is added to section
24 | 348.754, Florida Statutes, to read:

25 | 348.754 Purposes and powers.--

26 | (6)(a) Notwithstanding s. 255.05, the Orlando-Orange
27 | County Expressway Authority may waive payment and performance
28 | bonds on construction contracts for the construction of a
29 | public building, for the prosecution and completion of a
30 | public work, or for repairs on a public building or public
31 | work that has a cost of \$500,000 or less and when the project

1 is awarded pursuant to an economic development program for the
2 encouragement of local small businesses that has been adopted
3 by the governing body of the Orlando-Orange County Expressway
4 Authority pursuant to a resolution or policy.

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

8 1. Be an independent business.

9 2. Be principally domiciled in the Orange County
10 Standard Metropolitan Statistical Area.

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

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

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

19 6. Participate in an educational curriculum or
20 technical assistance program for business development that
21 will assist the small business in becoming eligible for
22 bonding.

23 (c) The authority's adopted procedures for waiving
24 payment and performance bonds on projects with values not less
25 than \$200,000 and not exceeding \$500,000 shall provide that
26 payment and performance bonds may only be waived on projects
27 that have been set aside to be competitively bid on by
28 participants in an economic development program for local
29 small businesses. The authority's executive director or his or
30 her designee shall determine whether specific construction
31 projects are suitable for:

- 1 1. Bidding under the authority's microcontracts
2 program by registered local small businesses; and
3 2. Waiver of the payment and performance bond.
4

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

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

30 (e) A small business that has been the successful
31 bidder on six projects for which the payment and performance

1 bond was waived by the authority pursuant to paragraph (a)
2 shall be ineligible to bid on additional projects for which
3 the payment and performance bond is to be waived. The local
4 small business may continue to participate in other elements
5 of the economic development program for local small businesses
6 as long as it is eligible.

7 (f) The authority shall conduct bond eligibility
8 training for businesses qualifying for bond waiver under this
9 subsection to encourage and promote bond eligibility for such
10 businesses.

11 (g) The authority shall prepare a biennial report on
12 the activities undertaken pursuant to this subsection to be
13 submitted to the Orange County legislative delegation. The
14 initial report shall be due December 31, 2010.

15 Section 31. Paragraph (a) of subsection (3) of section
16 163.3177, Florida Statutes, is amended to read:

17 163.3177 Required and optional elements of
18 comprehensive plan; studies and surveys.--

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

23 1. A component which outlines principles for
24 construction, extension, or increase in capacity of public
25 facilities, as well as a component which outlines principles
26 for correcting existing public facility deficiencies, which
27 are necessary to implement the comprehensive plan. The
28 components shall cover at least a 5-year period.

29 2. Estimated public facility costs, including a
30 delineation of when facilities will be needed, the general
31

1 location of the facilities, and projected revenue sources to
2 fund the facilities.

3 3. Standards to ensure the availability of public
4 facilities and the adequacy of those facilities including
5 acceptable levels of service.

6 4. Standards for the management of debt.

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

26 6. The schedule must include transportation
27 improvements included in the applicable metropolitan planning
28 organization's transportation improvement program adopted
29 pursuant to s. 339.175(8)(7) to the extent that such
30 improvements are relied upon to ensure concurrency and
31 financial feasibility. The schedule must also be coordinated

1 with the applicable metropolitan planning organization's
2 long-range transportation plan adopted pursuant to s.
3 339.175~~(7)~~~~(6)~~.

4 Section 32. Section 339.176, Florida Statutes, is
5 amended to read:

6 339.176 Voting membership for M.P.O. with boundaries
7 including certain counties.--In addition to the voting
8 membership established by s. 339.175~~(3)~~~~(2)~~ and notwithstanding
9 any other provision of law to the contrary, the voting
10 membership of any Metropolitan Planning Organization whose
11 geographical boundaries include any county as defined in s.
12 125.011(1) must include an additional voting member appointed
13 by that city's governing body for each city with a population
14 of 50,000 or more residents.

15 Section 33. Subsection (1) of section 341.828, Florida
16 Statutes, is amended to read:

17 341.828 Permitting.--

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

28 Section 34. Section 2 of chapter 89-383, Laws of
29 Florida, is amended to read:

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

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

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

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

16 Section 35. Subsection (27) is added to section
17 479.01, Florida Statutes, to read:

18 479.01 Definitions.--As used in this chapter, the
19 term:

20 (27) "Wall mural" means a sign that is a painting or
21 an artistic work composed of photographs or arrangements of
22 color and that displays a commercial or noncommercial message,
23 relies solely on the side of the building for rigid structural
24 support, and is painted on the building or depicted on vinyl,
25 fabric, or other similarly flexible material that is held in
26 place flush or flat against the surface of the building. The
27 term excludes a painting or work placed on a structure that is
28 erected for the sole or primary purpose of signage.

29 Section 36. Section 479.156, Florida Statutes, is
30 created to read:

31

1 479.156 Wall murals.--Notwithstanding any other
2 provision of this chapter, a municipality or county may permit
3 and regulate wall murals within areas designated by such
4 government. If a municipality or county permits wall murals, a
5 wall mural that displays a commercial message and is within
6 660 feet of the nearest edge of the right-of-way within an
7 area adjacent to the interstate highway system or the
8 federal-aid primary highway system shall be located in an area
9 that is zoned for industrial or commercial use and the
10 municipality or county shall establish and enforce regulations
11 for such areas that, at a minimum, set forth criteria
12 governing the size, lighting, and spacing of wall murals
13 consistent with the intent of the Highway Beautification Act
14 of 1965 and with customary use. A wall mural that is subject
15 to municipal or county regulation and the Highway
16 Beautification Act of 1965 must be approved by the Department
17 of Transportation and the Federal Highway Administration and
18 may not violate the agreement between the state and the United
19 States Department of Transportation or violate federal
20 regulations enforced by the Department of Transportation under
21 s. 479.02(1). The existence of a wall mural as defined in s.
22 479.01(27) shall not be considered in determining whether a
23 sign as defined in s. 479.01(17), either existing or new, is
24 in compliance with s. 479.07(9)(a).

25 Section 37. This act shall take effect July 1, 2007.
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 CS/CS Senate Bill 1928
4 The Committee Substitute for CS/CS Senate Bill 1928:
5 -- Imposes a \$3 surcharge on the penalties for moving
6 violations to be used for the state agency law
7 enforcement radio system;
8 -- Reduces the local matching fund requirement in the small
9 county dredging program from 50% to 25%;
10 -- Establishes a number of criteria for youth work
11 experience programs contracting with the Florida
12 Department of Transportation;
13 -- Extends the requirement to program 90% of turnpike
14 revenues originating in Miami-Dade, Broward, and Palm
15 Beach Counties in those counties through 2017;
16 -- Establishes additional criteria for public-private
17 partnerships and clarifies the ability of all expressway
18 authorities to engage in public-private partnerships; and
19 -- Creates the "Support Our Troops" specialty license plate.
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