

1 A bill to be entitled
2 An act relating to transportation; amending s.
3 20.23, F.S.; requiring the commission to
4 monitor transportation authorities and conduct
5 periodic reviews of each authority; prohibiting
6 a member of the commission from entering into
7 the day-to-day operation of a monitored
8 authority; amending s. 112.061, F.S.;
9 authorizing metropolitan planning organizations
10 and certain separate entities to establish per
11 diem and travel reimbursement rates; amending
12 s. 120.52, F.S.; excluding expressway
13 authorities under ch. 349, F.S., from the
14 definition of the term "agency" for certain
15 purposes; amending s. 349.03, F.S.; revising
16 provisions for officers and employees of the
17 Jacksonville Transportation Authority; amending
18 s. 349.04, F.S.; providing for the adoption of
19 rules by the Jacksonville Transportation
20 Authority for certain purposes; amending s.
21 121.021, F.S.; defining the term "metropolitan
22 planning organization" for purposes of the
23 Florida Retirement System Act; revising
24 definitions to include M.P.O.'s and positions
25 in M.P.O.'s; amending s. 121.051, F.S.;
26 providing for M.P.O.'s to participate in the
27 Florida Retirement System; amending s. 121.055,
28 F.S.; requiring certain M.P.O. staff positions
29 to be in the Senior Management Service Class;
30 amending s. 121.061, F.S.; providing for
31 enforcement of certain employer funding

1 contributions required under the Florida
2 Retirement System; authorizing deductions of
3 amounts owed from certain funds distributed to
4 an M.P.O.; authorizing the governing body of an
5 M.P.O. to file and maintain an action in court
6 to require an employer to remit retirement or
7 social security member contributions or
8 employer matching payments; amending s.
9 121.081, F.S.; providing for M.P.O. officers
10 and staff to claim credit for past service for
11 retirement benefits; creating s. 163.3182,
12 F.S.; providing for the creation of
13 transportation concurrency backlog authorities;
14 providing powers and responsibilities of such
15 authorities; providing for transportation
16 concurrency backlog plans; providing for the
17 issuance of revenue bonds for certain purposes;
18 providing for the establishment of a local
19 trust fund within each county or municipality
20 having an identified transportation concurrency
21 backlog; providing exemptions from
22 transportation concurrency requirements;
23 providing for the satisfaction of concurrency
24 requirements; providing for dissolution of
25 transportation concurrency backlog authorities;
26 amending s. 212.055, F.S.; renaming the charter
27 county transit system surtax; expanding
28 eligibility to levy the surtax to all charter
29 counties; deleting a provision prohibiting a
30 school district, county, or municipality from
31 issuing bonds more than once each year pledging

1 the proceeds of certain discretionary taxes;
2 amending s. 215.615, F.S.; revising the
3 Department of Transportation's requirement to
4 share certain costs of fixed-guideway system
5 projects; revising criteria for an interlocal
6 agreement to establish bond financing for
7 fixed-guideway system projects; revising
8 provisions for sources of funds for the payment
9 of bonds; amending s. 311.22, F.S.; revising
10 funding for certain dredging projects; amending
11 s. 316.2123, F.S.; authorizing a county to
12 designate certain unpaved roadways where an ATV
13 may be operated; providing conditions for such
14 operation; amending s. 316.605, F.S.; providing
15 height and placement requirements for vehicle
16 license plates; prohibiting display that
17 obscures identification of the letters and
18 numbers on a license plate; providing
19 penalties; amending s. 316.650, F.S.; revising
20 procedures for disposition of citations issued
21 for failure to pay toll; providing that the
22 citation will not be submitted to the court and
23 no points will be assessed on the driver's
24 license if the person cited elects to make
25 payment directly to the governmental entity
26 that issued the citation; providing for
27 reporting of the citation by the governmental
28 entity to the Department of Highway Safety and
29 Motor Vehicles; amending s. 318.14, F.S.;
30 providing for the amount required to be paid
31 under certain procedures for disposition of a

1 citation issued for failure to pay toll;
2 providing for the person cited to request a
3 court hearing; amending s. 318.18, F.S.;
4 revising penalties for failure to pay a
5 prescribed toll; providing for disposition of
6 amounts received by the clerk of court;
7 removing procedures for withholding of
8 adjudication; providing for suspension of a
9 driver's license under certain circumstances;
10 revising authorized uses of revenue received by
11 a county from a certain surcharge; revising
12 penalty provisions to provide for certain
13 criminal penalties; imposing a surcharge to be
14 paid for specified traffic-related criminal
15 offenses and all moving traffic violations;
16 providing for distribution of the proceeds of
17 the surcharge to be used for the state agency
18 law enforcement radio system; providing for
19 future expiration; amending s. 318.21, F.S.;
20 revising distribution provisions to provide for
21 distribution of the surcharge; providing for
22 future expiration; amending s. 320.061, F.S.;
23 prohibiting interfering with the legibility,
24 angular visibility, or detectability of any
25 feature or detail on a license plate or
26 interfering with the ability to photograph or
27 otherwise record any feature or detail on a
28 license plate; providing penalties; amending s.
29 332.007, F.S.; authorizing the Department of
30 Transportation to provide funds for certain
31 general aviation projects under certain

1 | circumstances; extending the timeframe that the
2 | department is authorized to provide operational
3 | and maintenance assistance to certain airports
4 | and may redirect the use of certain funds to
5 | security-related or economic-impact projects
6 | related to the events of September 11, 2001;
7 | amending s. 332.14, F.S.; providing that
8 | certain members of the Secure Airports for
9 | Florida's Economy Council shall be nonvoting
10 | members; authorizing certain members to
11 | overrule certain actions of the council;
12 | amending s. 334.351, F.S.; amending s. 334.351,
13 | F.S.; requiring nonprofit youth organizations
14 | that contract with the Department of
15 | Transportation for the purpose of operating
16 | youth work experience programs to certify that
17 | the program participants are residents of the
18 | state and possess valid identification;
19 | specifying criteria for the department to
20 | consider in awarding contracts to such
21 | organizations; requiring that the nonprofit
22 | youth organizations submit certain reports and
23 | audits to the department and demonstrate
24 | participation in a peer assessment or review
25 | process; amending s. 336.025, F.S.; deleting a
26 | prohibition against local governments issuing
27 | certain bonds secured by revenues from local
28 | option fuel taxes more than once a year;
29 | amending s. 336.41, F.S.; revising an exception
30 | to competitive-bid requirements for certain
31 | county road construction and reconstruction

1 projects; increasing the value threshold under
2 which the exception applies; defining the term
3 "construction aggregate materials"; providing
4 legislative intent; prohibiting a local
5 government from approving or denying a land use
6 zoning change, comprehensive plan amendment,
7 land use permit, ordinance, or order regarding
8 construction aggregate materials without
9 considering information provided by the
10 Department of Transportation and considering
11 the effect of such decision; prohibiting an
12 agency from imposing a moratorium on the mining
13 and extraction of construction aggregate
14 materials of longer than a specified period;
15 providing that limerock environmental resource
16 permitting and reclamation applications are
17 eligible to be expedited; establishing the
18 Strategic Aggregates Review Task Force;
19 providing for membership, staffing, reporting,
20 and expiration; providing for support and the
21 coordination of data and information for the
22 task force; requiring that the task force
23 report its findings to the Governor and the
24 Legislature; providing report requirements;
25 providing for the dissolution of the task
26 force; creating s. 337.026, F.S.; authorizing
27 the Department of Transportation to pursue
28 procurement techniques relating to construction
29 aggregate materials; authorizing the department
30 to enter into agreements for construction
31 aggregate materials; providing exceptions;

1 providing requirements for such exceptions;
2 amending s. 337.11, F.S.; providing that
3 certain construction projects be advertised for
4 bids in local newspapers; amending s. 337.14,
5 F.S.; authorizing the department to waive
6 specified prequalification requirements for
7 certain transportation projects under certain
8 conditions; amending s. 337.18, F.S.; revising
9 surety bond requirements for construction or
10 maintenance contracts; providing for
11 incremental annual surety bonds for multiyear
12 maintenance contracts under certain conditions;
13 revising the threshold for transportation
14 projects eligible for a waiver of surety bond
15 requirements; authorizing the department to
16 provide for phased surety bond coverage or an
17 alternate means of security for a portion of
18 the contract amount in lieu of the surety bond;
19 amending s. 338.161, F.S.; providing for the
20 Department of Transportation and certain toll
21 agencies to enter into agreements with public
22 or private entities for additional uses of
23 electronic toll collection products and
24 services; authorizing feasibility studies by
25 the department or a toll agency of additional
26 uses of electronic toll devices for legislative
27 consideration; amending s. 338.2275, F.S.;
28 raising the limit on outstanding bonds to fund
29 turnpike projects; removing a provision
30 authorizing the department to acquire the
31 Sawgrass Expressway from the Broward County

1 | Expressway Authority; amending s. 338.231,
2 | F.S.; extending the timeframe for application
3 | of requirement that the department program in
4 | the tentative work program certain funds
5 | relative to the share of toll collections
6 | attributable to users of the turnpike system in
7 | certain areas; removing a reference to conform;
8 | amending s. 339.08, F.S.; allowing moneys in
9 | the State Transportation Trust Fund to be used
10 | to pay the cost of the Enhanced Bridge Program
11 | for Sustainable Transportation; amending s.
12 | 339.175, F.S.; revising intent; providing the
13 | method of creation and operation of M.P.O.'s
14 | required to be designated pursuant to federal
15 | law; specifying that an M.P.O. is separate from
16 | the state or the governing body of a local
17 | government that is represented on the governing
18 | board of the M.P.O. or that is a signatory to
19 | the interlocal agreement creating the M.P.O.;
20 | providing specified powers and privileges to
21 | the M.P.O.; providing for the designation and
22 | duties of certain officials; revising
23 | requirements for voting membership; defining
24 | the term "elected officials of a
25 | general-purpose local government" to exclude
26 | certain constitutional officers for voting
27 | membership purposes; providing for the
28 | appointment of alternates and advisers;
29 | providing that members of an M.P.O. technical
30 | advisory committee shall serve at the pleasure
31 | of the M.P.O.; providing for the appointment of

1 an executive or staff director and other
2 personnel; authorizing an M.P.O. to enter into
3 contracts with public or private entities to
4 accomplish its duties and functions; providing
5 for the training of certain persons who serve
6 on an M.P.O. for certain purposes; requiring
7 that certain plans, programs, and amendments
8 that affect projects be approved by each M.P.O.
9 on a recorded roll call vote, or hand-counted
10 vote, of a majority of the membership present;
11 amending s. 339.2819, F.S.; revising the share
12 of matching funds for a public transportation
13 project provided from the Transportation
14 Regional Incentive Program; creating s.
15 339.282, F.S.; providing legislative findings;
16 providing that property owners or developers
17 who voluntarily contribute right-of-way and
18 physically construct or expand a state
19 transportation facility or segment may receive
20 certain credits against any future
21 transportation concurrency requirements under
22 certain conditions; creating s. 339.285, F.S.;
23 creating the Enhanced Bridge Program for
24 Sustainable Transportation within the
25 Department of Transportation; providing for the
26 use of funds in the program; providing project
27 guidelines for program funding; amending s.
28 339.55, F.S.; providing for the use of State
29 Infrastructure Bank loans for certain damaged
30 transportation facilities in areas officially
31 declared to be in a state of emergency;

1 providing criteria; amending s. 341.071, F.S.;
2 requiring certain public transit providers to
3 annually report potential productivity and
4 performance enhancements; amending s. 343.81,
5 F.S.; prohibiting elected officials from
6 serving on the Northwest Florida Transportation
7 Corridor Authority; providing for application
8 of the prohibition to apply to persons
9 appointed to serve on the authority after a
10 certain date; amending s. 343.82, F.S.;
11 directing the authority to plan for and study
12 the feasibility of constructing, operating, and
13 maintaining a bridge or bridges, and
14 appurtenant structures, spanning Choctawhatchee
15 Bay or Santa Rosa Sound; authorizing the
16 authority to construct, operate, and maintain
17 said bridges and structures; amending s.
18 334.30, F.S.; authorizing the Department of
19 Transportation to enter into agreements with
20 private entities for the building, operation,
21 ownership, or financing of transportation
22 facilities; revising criteria for approving
23 agreements; amending s. 338.234, F.S.; granting
24 the Florida Turnpike Enterprise, its lessees,
25 and licensees an exemption from paying
26 commercial rental tax on capital improvements;
27 amending s. 348.0004, F.S.; authorizing certain
28 transportation-related authorities to enter
29 into agreements with private entities for the
30 building, operation, ownership, or financing of
31 transportation facilities; amending s.

1 348.0012, F.S.; revising provisions for certain
2 exemptions from the Florida Expressway
3 Authority Act; amending s. 348.754, F.S.;
4 authorizing the Orlando-Orange County
5 Expressway Authority to waive payment and
6 performance bonds on certain construction
7 contracts if the contract is awarded pursuant
8 to an economic development program for the
9 encouragement of local small businesses;
10 providing criteria for participation in the
11 program; providing criteria for the bond
12 waiver; providing for certain determinations by
13 the authority's executive director or a
14 designee as to the suitability of a project;
15 providing for certain payment obligations if a
16 payment and performance bond is waived;
17 requiring the authority to record notice of the
18 obligation; limiting eligibility to bid on the
19 projects; providing for the authority to
20 conduct bond eligibility training for certain
21 businesses; requiring the authority to submit
22 biennial reports to the Orange County
23 legislative delegation; amending ss. 163.3177,
24 339.176, and 341.828, F.S.; correcting
25 cross-references; amending s. 2, ch. 89-383,
26 Laws of Florida; providing for certain
27 alterations to and along Red Road in Miami-Dade
28 County for transportation safety purposes;
29 amending s. 479.01, F.S.; defining the term
30 "wall mural"; creating s. 479.156, F.S.;
31 providing for the regulation of wall murals by

1 municipalities and counties; requiring that
2 certain wall murals be located in areas zoned
3 for industrial or commercial use; requiring
4 that the local regulation of wall murals be
5 consistent with specified criteria; requiring
6 the Department of Transportation to approve a
7 wall mural under certain conditions; amending
8 s. 316.1951, F.S.; revising provisions relating
9 to parking vehicles on public property for the
10 purpose of displaying the vehicles for sale,
11 hire, or rental; providing exceptions;
12 prohibiting certain acts in the sale of motor
13 vehicles; providing an effective date.

14

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

16

17 Section 1. Paragraphs (b) and (c) of subsection (2) of
18 section 20.23, Florida Statutes, are amended to read:

19 20.23 Department of Transportation.--There is created
20 a Department of Transportation which shall be a decentralized
21 agency.

22 (2)

23 (b) The commission shall have the primary functions
24 to:

25 1. Recommend major transportation policies for the
26 Governor's approval, and assure that approved policies and any
27 revisions thereto are properly executed.

28 2. Periodically review the status of the state
29 transportation system including highway, transit, rail,
30 seaport, intermodal development, and aviation components of

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1 the system and recommend improvements therein to the Governor
2 and the Legislature.

3 3. Perform an in-depth evaluation of the annual
4 department budget request, the Florida Transportation Plan,
5 and the tentative work program for compliance with all
6 applicable laws and established departmental policies. Except
7 as specifically provided in s. 339.135(4)(c)2., (d), and (f),
8 the commission may not consider individual construction
9 projects, but shall consider methods of accomplishing the
10 goals of the department in the most effective, efficient, and
11 businesslike manner.

12 4. Monitor the financial status of the department on a
13 regular basis to assure that the department is managing
14 revenue and bond proceeds responsibly and in accordance with
15 law and established policy.

16 5. Monitor on at least a quarterly basis, the
17 efficiency, productivity, and management of the department,
18 using performance and production standards developed by the
19 commission pursuant to s. 334.045.

20 6. Perform an in-depth evaluation of the factors
21 causing disruption of project schedules in the adopted work
22 program and recommend to the Legislature and the Governor
23 methods to eliminate or reduce the disruptive effects of these
24 factors.

25 7. Recommend to the Governor and the Legislature
26 improvements to the department's organization in order to
27 streamline and optimize the efficiency of the department. In
28 reviewing the department's organization, the commission shall
29 determine if the current district organizational structure is
30 responsive to Florida's changing economic and demographic
31 development patterns. The initial report by the commission

1 must be delivered to the Governor and Legislature by December
2 15, 2000, and each year thereafter, as appropriate. The
3 commission may retain such experts as are reasonably necessary
4 to effectuate this subparagraph, and the department shall pay
5 the expenses of such experts.

6 8. Monitor the efficiency, productivity, and
7 management of the authorities created under chapters 343 and
8 348, including any authority formed using the provisions of
9 part I of chapter 348. The commission shall also conduct
10 periodic reviews of each authority's operations and budget,
11 acquisition of property, management of revenue and bond
12 proceeds, and compliance with applicable laws and generally
13 accepted accounting principles.

14 (c) The commission or a member thereof may not enter
15 into the day-to-day operation of the department or a monitored
16 authority and is specifically prohibited from taking part in:

- 17 1. The awarding of contracts.
- 18 2. The selection of a consultant or contractor or the
19 prequalification of any individual consultant or contractor.
20 However, the commission may recommend to the secretary
21 standards and policies governing the procedure for selection
22 and prequalification of consultants and contractors.
- 23 3. The selection of a route for a specific project.
- 24 4. The specific location of a transportation facility.
- 25 5. The acquisition of rights-of-way.
- 26 6. The employment, promotion, demotion, suspension,
27 transfer, or discharge of any department personnel.
- 28 7. The granting, denial, suspension, or revocation of
29 any license or permit issued by the department.

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

1 112.061 Per diem and travel expenses of public
2 officers, employees, and authorized persons.--

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

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

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

14 2. A county constitutional officer, pursuant to s.
15 1(d), Art. VIII of the State Constitution, by the
16 establishment of written policy;

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

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

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

28 (b) Rates established pursuant to paragraph (a) must
29 apply uniformly to all travel by the county, county
30 constitutional officer and entity governed by that officer,
31

1 district school board, ~~or~~ special district, or metropolitan
2 planning organization.

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

9 Section 3. Subsection (1) of section 120.52, Florida
10 Statutes, is amended to read:

11 120.52 Definitions.--As used in this act:

12 (1) "Agency" means:

13 (a) The Governor in the exercise of all executive
14 powers other than those derived from the constitution.

15 (b) Each:

16 1. State officer and state department, and each
17 departmental unit described in s. 20.04.

18 2. Authority, including a regional water supply
19 authority.

20 3. Board.

21 4. Commission, including the Commission on Ethics and
22 the Fish and Wildlife Conservation Commission when acting
23 pursuant to statutory authority derived from the Legislature.

24 5. Regional planning agency.

25 6. Multicounty special district with a majority of its
26 governing board comprised of nonelected persons.

27 7. Educational units.

28 8. Entity described in chapters 163, 373, 380, and 582
29 and s. 186.504.

30 (c) Each other unit of government in the state,
31 including counties and municipalities, to the extent they are

1 expressly made subject to this act by general or special law
2 or existing judicial decisions.

3
4 This definition does not include any legal entity or agency
5 created in whole or in part pursuant to chapter 361, part II,
6 any metropolitan planning organization created pursuant to s.
7 339.175, any separate legal or administrative entity created
8 pursuant to s. 339.175 of which a metropolitan planning
9 organization is a member, an expressway authority pursuant to
10 chapter 348 or transportation authority under chapter 349, any
11 legal or administrative entity created by an interlocal
12 agreement pursuant to s. 163.01(7), unless any party to such
13 agreement is otherwise an agency as defined in this
14 subsection, or any multicounty special district with a
15 majority of its governing board comprised of elected persons;
16 however, this definition shall include a regional water supply
17 authority.

18 Section 4. Subsection (3) of section 349.03, Florida
19 Statutes, is amended to read:

20 349.03 Jacksonville Transportation Authority.--

21 (3) The terms of appointed members shall be for 4
22 years deemed to have commenced on June 1 of the year in which
23 they are appointed. Each member shall hold office until a
24 successor has been appointed and has qualified. A vacancy
25 during a term shall be filled by the respective appointing
26 authority only for the balance of the unexpired term. Any
27 member appointed to the authority for two consecutive full
28 terms shall not be eligible for appointment to the next
29 succeeding term. One of the members so appointed shall be
30 designated annually by the members as chair of the authority,
31 one member shall be designated annually as the vice chair of

1 the authority, one member shall be designated annually as the
2 secretary of the authority, and one member shall be designated
3 annually as the treasurer of the authority. The members of the
4 authority shall not be entitled to compensation, but shall be
5 reimbursed for travel expenses or other expenses actually
6 incurred in their duties as provided by law. Four voting
7 members of the authority shall constitute a quorum, and no
8 resolution adopted by the authority shall become effective
9 unless with the affirmative vote of at least four members. The
10 authority shall ~~may~~ employ an executive director, and the
11 executive director may hire such staff, permanent or
12 temporary, as he or she may determine and may organize the
13 staff of the authority into such departments and units as he
14 or she may determine ~~divisions as it deems necessary.~~ The
15 executive director ~~It~~ may appoint department directors, deputy
16 directors, division chiefs, and staff assistants to the
17 executive director, as he or she may determine. In so
18 appointing the executive director, the authority may fix the
19 compensation of such appointee ~~those appointees,~~ who shall
20 serve at the pleasure of the authority. All employees of the
21 authority shall be exempt from the provisions of part II of
22 chapter 110. The authority may employ such financial advisers
23 and consultants, technical experts, engineers, and agents and
24 employees, permanent or temporary, as it may require and may
25 fix the compensation and qualifications of such persons,
26 firms, or corporations. The authority may delegate to one or
27 more of its agents or employees such of its powers as it shall
28 deem necessary to carry out the purposes of this chapter,
29 subject always to the supervision and control of the governing
30 body of the authority.

31

1 Section 5. Paragraph (n) is added to subsection (2) of
2 section 349.04, Florida Statutes, to read:

3 349.04 Purposes and powers.--

4 (2) The authority is hereby granted, and shall have
5 and may exercise all powers necessary, appurtenant,
6 convenient, or incidental to the carrying out of the aforesaid
7 purposes, including, but without being limited to, the right
8 and power:

9 (n) To adopt rules to carry out the powers and
10 obligations herein granted, which set forth a purpose,
11 necessary definitions, forms, general conditions and
12 procedures, and fines and penalties, including, without
13 limitation, suspension or debarment, and charges for
14 nonperformance, with respect to any aspect of the work or
15 function of the authority for the permitting, planning,
16 funding, design, acquisition, construction, equipping,
17 operation, and maintenance of transportation facilities,
18 transit and highway, within the state, provided or operated by
19 the authority or others in cooperation with or at the
20 direction of the authority, and for carrying out all other
21 purposes of the authority set forth or authorized in this
22 chapter.

23 Section 6. Subsection (11), paragraph (a) of
24 subsection (42), and paragraph (b) of subsection (52) of
25 section 121.021, Florida Statutes, are amended, and subsection
26 (62) is added to that section, to read:

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

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

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

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

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

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

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

27 Section 7. Paragraph (b) of subsection (2) of section
 28 121.051, Florida Statutes, is amended to read:

29 121.051 Participation in the system.--

30 (2) OPTIONAL PARTICIPATION.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (1)

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

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

25 121.061 Funding.--

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

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

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

15 Section 10. Paragraphs (a), (b), and (e) of subsection
16 (1) of section 121.081, Florida Statutes, are amended to read:

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

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

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

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

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

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

15 Section 11. Section 163.3182, Florida Statutes, is
 16 created to read:

17 163.3182 Transportation concurrency backlogs.--

18 (1) DEFINITIONS.--For purposes of this section, the
 19 term:

20 (a) "Transportation construction backlog area" means
 21 the geographic area within the unincorporated portion of a
 22 county or within the municipal boundary of a municipality
 23 designated in a local government comprehensive plan for which
 24 a transportation concurrency backlog authority is created
 25 pursuant to this section. A transportation concurrency backlog
 26 area created within the corporate boundary of a municipality
 27 shall be made pursuant to an interlocal agreement between a
 28 county, a municipality or municipalities, and any affected
 29 taxing authority or authorities.

30
 31

1 (b) "Authority" or "transportation concurrency backlog
2 authority" means the governing body of a county or
3 municipality within which an authority is created.

4 (c) "Governing body" means the council, commission, or
5 other legislative body charged with governing the county or
6 municipality within which a transportation concurrency backlog
7 authority is created pursuant to this section.

8 (d) "Transportation concurrency backlog" means an
9 identified deficiency where the existing extent of traffic
10 volume exceeds the level of service standard adopted in a
11 local government comprehensive plan for a transportation
12 facility.

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

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

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

23 (h) "Increment revenue" means the amount calculated
24 pursuant to subsection (5).

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

29 (2) CREATION OF TRANSPORTATION CONCURRENCY BACKLOG
30 AUTHORITIES.--

31

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

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

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

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

19 (b) To undertake and carry out transportation
20 concurrency backlog projects for transportation facilities
21 that have a concurrency backlog within the authority's
22 jurisdiction. Concurrency backlog projects may include
23 transportation facilities that provide for alternative modes
24 of travel including sidewalks, bikeways, and mass transit
25 which are related to a backlogged transportation facility.

26 (c) To invest any transportation concurrency backlog
27 funds held in reserve, sinking funds, or any such funds not
28 required for immediate disbursement in property or securities
29 in which savings banks may legally invest funds subject to the
30 control of the authority and to redeem such bonds as have been
31 issued pursuant to this section at the redemption price

1 established therein, or to purchase such bonds at less than
2 redemption price. All such bonds redeemed or purchased shall
3 be canceled.

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

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

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

27 (4) TRANSPORTATION CONCURRENCY BACKLOG PLANS.--

28 (a) Each transportation concurrency backlog authority
29 shall adopt a transportation concurrency backlog plan as a
30 part of the local government comprehensive plan within 6
31 months after the creation of the authority. The plan shall:

1 1. Identify all transportation facilities that have
2 been designated as deficient and require the expenditure of
3 moneys to upgrade, modify, or mitigate the deficiency.

4 2. Include a priority listing of all transportation
5 facilities that have been designated as deficient and do not
6 satisfy concurrency requirements pursuant to s. 163.3180, and
7 the applicable local government comprehensive plan.

8 3. Establish a schedule for financing and construction
9 of transportation concurrency backlog projects that will
10 eliminate transportation concurrency backlogs within the
11 jurisdiction of the authority within 10 years after the
12 transportation concurrency backlog plan adoption. The schedule
13 shall be adopted as part of the local government comprehensive
14 plan.

15 (b) The adoption of the transportation concurrency
16 backlog plan shall be exempt from the provisions of s.
17 163.3187(1).

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

30 (a) The amount of ad valorem tax levied each year by
31 each taxing authority, exclusive of any amount from any debt

1 service millage, on taxable real property contained within the
2 jurisdiction of the transportation concurrency backlog
3 authority and within the transportation backlog area; and

4 (b) The amount of ad valorem taxes which would have
5 been produced by the rate upon which the tax is levied each
6 year by or for each taxing authority, exclusive of any debt
7 service millage, upon the total of the assessed value of the
8 taxable real property within the transportation concurrency
9 backlog area as shown on the most recent assessment roll used
10 in connection with the taxation of such property of each
11 taxing authority prior to the effective date of the ordinance
12 funding the trust fund.

13 (6) EXEMPTIONS.--

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

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

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

24 3. A library district.

25 4. A neighborhood improvement district created under
26 the Safe Neighborhoods Act.

27 5. A metropolitan transportation authority.

28 6. A water management district created under s.
29 373.069.

30 7. A community redevelopment agency.

31

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

5 (7) TRANSPORTATION CONCURRENCY SATISFACTION.--Upon
6 adoption of a transportation concurrency backlog plan as a
7 part of the local government comprehensive plan, and the plan
8 going into effect, the area subject to the plan shall be
9 deemed to have achieved and maintained transportation level of
10 service standards, and to have met requirements for financial
11 feasibility for transportation facilities, and for the purpose
12 of proposed development transportation concurrency has been
13 satisfied. Proportionate fair share mitigation shall be
14 limited to ensure that a development inside a transportation
15 concurrency backlog area is not responsible for the additional
16 costs of eliminating backlogs.

17 (8) DISSOLUTION.--Upon completion of all
18 transportation concurrency backlog projects, a transportation
19 concurrency backlog authority shall be dissolved and its
20 assets and liabilities shall be transferred to the county or
21 municipality within which the authority is located. All
22 remaining assets of the authority must be used for
23 implementation of transportation projects within the
24 jurisdiction of the authority. The local government
25 comprehensive plan shall be amended to remove the
26 transportation concurrency backlog plan.

27 Section 12. Subsection (1) and paragraph (e) of
28 subsection (2) of section 212.055, Florida Statutes, are
29 amended to read:

30 212.055 Discretionary sales surtaxes; legislative
31 intent; authorization and use of proceeds.--It is the

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

12 (1) CHARTER COUNTY TRANSPORTATION ~~TRANSIT~~ SYSTEM
13 SURTAX.--

14 (a) Each charter county that has ~~which~~ adopted a
15 charter ~~prior to January 1, 1984~~, and each county the
16 government of which is consolidated with that of one or more
17 municipalities, may levy a discretionary sales surtax, subject
18 to approval by a majority vote of the electorate of the county
19 or by a charter amendment approved by a majority vote of the
20 electorate of the county.

21 (b) The rate shall be up to 1 percent.

22 (c) The proposal to adopt a discretionary sales surtax
23 as provided in this subsection and to create a trust fund
24 within the county accounts shall be placed on the ballot in
25 accordance with law at a time to be set at the discretion of
26 the governing body.

27 (d) Proceeds from the surtax shall be applied to as
28 many or as few of the uses enumerated below in whatever
29 combination the county commission deems appropriate:

30 1. Deposited by the county in the trust fund and shall
31 be used for the purposes of development, construction,

1 equipment, maintenance, operation, supportive services,
2 including a countywide bus system, and related costs of a
3 fixed guideway rapid transit system;

4 2. Remitted by the governing body of the county to an
5 expressway, transit, or transportation authority created by
6 law to be used, at the discretion of such authority, for the
7 development, construction, operation, or maintenance of roads
8 or bridges in the county, for the operation and maintenance of
9 a bus system, for the payment of principal and interest on
10 existing bonds issued for the construction of such roads or
11 bridges, and, upon approval by the county commission, such
12 proceeds may be pledged for bonds issued to refinance existing
13 bonds or new bonds issued for the construction of such roads
14 or bridges;

15 3. Used by the charter county for the development,
16 construction, operation, and maintenance of roads and bridges
17 in the county; for the expansion, operation, and maintenance
18 of bus and fixed guideway systems; and for the payment of
19 principal and interest on bonds issued for the construction of
20 fixed guideway rapid transit systems, bus systems, roads, or
21 bridges; and such proceeds may be pledged by the governing
22 body of the county for bonds issued to refinance existing
23 bonds or new bonds issued for the construction of such fixed
24 guideway rapid transit systems, bus systems, roads, or bridges
25 and no more than 25 percent used for nontransit uses; and

26 4. Used by the charter county for the planning,
27 development, construction, operation, and maintenance of roads
28 and bridges in the county; for the planning, development,
29 expansion, operation, and maintenance of bus and fixed
30 guideway systems; and for the payment of principal and
31 interest on bonds issued for the construction of fixed

1 | guideway rapid transit systems, bus systems, roads, or
2 | bridges; and such proceeds may be pledged by the governing
3 | body of the county for bonds issued to refinance existing
4 | bonds or new bonds issued for the construction of such fixed
5 | guideway rapid transit systems, bus systems, roads, or
6 | bridges. Pursuant to an interlocal agreement entered into
7 | pursuant to chapter 163, the governing body of the charter
8 | county may distribute proceeds from the tax to a municipality,
9 | or an expressway or transportation authority created by law to
10 | be expended for the purpose authorized by this paragraph.

11 | (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--

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

23 | Section 13. Subsection (1) of section 215.615, Florida
24 | Statutes, is amended to read:

25 | 215.615 Fixed-guideway transportation systems
26 | funding.--

27 | (1) The issuance of revenue bonds by the Division of
28 | Bond Finance, on behalf of the Department of Transportation,
29 | pursuant to s. 11, Art. VII of the State Constitution, is
30 | authorized, pursuant to the State Bond Act, to finance or
31 | refinance fixed capital expenditures for fixed-guideway

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

14 (a) The department and any participating commuter rail
15 authority or regional transportation authority established
16 under chapter 343, local governments, or local governments
17 collectively by interlocal agreement having jurisdiction of a
18 fixed-guideway transportation system may enter into an
19 interlocal agreement to promote the efficient and
20 cost-effective financing or refinancing of fixed-guideway
21 transportation system projects by revenue bonds issued
22 pursuant to this subsection. The terms of such interlocal
23 agreements shall include provisions for the Department of
24 Transportation to request the issuance of the bonds on behalf
25 of the parties; shall provide that after reimbursement
26 pursuant to interlocal agreement, the department's share may
27 be up to 50 percent of the eligible project cost, which may
28 include a share of annual ~~each party to the agreement is~~
29 ~~contractually liable for an equal share of funding an amount~~
30 ~~equal to the debt service requirements of such bonds; and~~
31 shall include any other terms, provisions, or covenants

1 necessary to the making of and full performance under such
2 interlocal agreement. Repayments made to the department under
3 any interlocal agreement are not pledged to the repayment of
4 bonds issued hereunder, and failure of the local governmental
5 authority to make such payment shall not affect the obligation
6 of the department to pay debt service on the bonds.

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

16 (c) The projects to be financed or refinanced with the
17 proceeds of the revenue bonds issued hereunder are designated
18 as state fixed capital outlay projects for purposes of s.
19 11(d), Art. VII of the State Constitution, and the specific
20 projects to be financed or refinanced shall be determined by
21 the Department of Transportation in accordance with state law
22 and appropriations from the State Transportation Trust Fund.
23 Each project to be financed with the proceeds of the bonds
24 issued pursuant to this subsection must first be approved by
25 the Legislature by an act of general law.

26 (d) Any complaint for validation of bonds issued
27 pursuant to this section shall be filed in the circuit court
28 of the county where the seat of state government is situated,
29 the notice required to be published by s. 75.06 shall be
30 published only in the county where the complaint is filed, and
31 the complaint and order of the circuit court shall be served

1 only on the state attorney of the circuit in which the action
2 is pending.

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

9 (f) This subsection supersedes any inconsistent
10 provisions in existing law.

11
12 Notwithstanding this subsection, the lien of revenue bonds
13 issued pursuant to this subsection on moneys deposited into
14 the State Transportation Trust Fund shall be subordinate to
15 the lien on such moneys of bonds issued under ss. 215.605,
16 320.20, and 215.616, and any pledge of such moneys to pay
17 operating and maintenance expenses under s. 206.46(5) and
18 chapter 348, as may be amended.

19 Section 14. Subsection (1) of section 311.22, Florida
20 Statutes, is amended to read:

21 311.22 Additional authorization for funding certain
22 dredging projects.--

23 (1) The Florida Seaport Transportation and Economic
24 Development Council shall establish a program to fund dredging
25 projects in counties having a population of fewer than 300,000
26 according to the last official census. Funds made available
27 under this program may be used to fund approved projects for
28 the dredging or deepening of channels, turning basins, or
29 harbors on a 25-percent local ~~50-50~~ matching basis with any
30 port authority, as such term is defined in s. 315.02(2), which
31 complies with the permitting requirements in part IV of

1 chapter 373 and the local financial management and reporting
2 provisions of part III of chapter 218.

3 Section 15. Section 316.2123, Florida Statutes, is
4 amended to read:

5 316.2123 Operation of an ATV on certain roadways.--

6 (1) The operation of an ATV, as defined in s.
7 317.0003, upon the public roads or streets of this state is
8 prohibited, except that an ATV may be operated during the
9 daytime on an unpaved roadway where the posted speed limit is
10 less than 35 miles per hour ~~by a licensed driver or by a minor~~
11 ~~under the supervision of a licensed driver. The operator must~~
12 ~~provide proof of ownership pursuant to chapter 317 upon~~
13 ~~request by a law enforcement officer.~~

14 (2) A county is exempt from this section if the
15 governing body of the county, by majority vote, following a
16 noticed public hearing, votes to exempt the county from this
17 section. Alternatively, a county may, by majority vote after
18 such a hearing, designate certain unpaved roadways where an
19 ATV may be operated during the daytime as long as each such
20 designated roadway has a posted speed limit of less than 35
21 miles per hour and is appropriately marked to indicate
22 permissible ATV use.

23 (3) Any ATV operation that is permitted under
24 subsection (1) or subsection (2) may be undertaken only by a
25 licensed driver or a minor who is under the direct supervision
26 of a licensed driver. The operator must provide proof of
27 ownership under chapter 317 upon the request of a law
28 enforcement officer.

29 Section 16. Subsection (1) of section 316.605, Florida
30 Statutes, is amended to read:

31 316.605 Licensing of vehicles.--

1 (1) Every vehicle, at all times while driven, stopped,
2 or parked upon any highways, roads, or streets of this state,
3 shall be licensed in the name of the owner thereof in
4 accordance with the laws of this state unless such vehicle is
5 not required by the laws of this state to be licensed in this
6 state and shall, except as otherwise provided in s. 320.0706
7 for front-end registration license plates on truck tractors
8 and s. 320.086(5) which exempts display of license plates on
9 described former military vehicles, display the license plate
10 or both of the license plates assigned to it by the state, one
11 on the rear and, if two, the other on the front of the
12 vehicle, each to be securely fastened to the vehicle outside
13 the main body of the vehicle not higher than 60 inches and not
14 lower than 12 inches from the ground and no more than 24
15 inches to the left or right of the centerline of the vehicle,
16 and in such manner as to prevent the plates from swinging, and
17 all letters, numerals, printing, writing, and other
18 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 17. 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 \$25 fine, or such other amount
24 as imposed by the governmental entity owning the applicable
25 toll facility, plus the amount of the unpaid toll that is
26 shown on the traffic citation directly to the governmental
27 entity that issued the citation, or on whose behalf the
28 citation was issued, in accordance with s. 318.14(12), the
29 traffic citation will not be submitted to the court, the
30 disposition will be reported to the department by the
31 governmental entity that issued the citation, or on whose

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

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

27 Section 19. Section 318.18, Florida Statutes, is
28 amended to read:

29 318.18 Amount of ~~civil~~ penalties.--The penalties
30 required for a noncriminal disposition pursuant to s. 318.14
31 or a criminal offense listed in s. 318.17 are as follows:

- 1 (1) Fifteen dollars for:
- 2 (a) All infractions of pedestrian regulations.
- 3 (b) All infractions of s. 316.2065, unless otherwise
- 4 specified.
- 5 (c) Other violations of chapter 316 by persons 14
- 6 years of age or under who are operating bicycles, regardless
- 7 of the noncriminal traffic infraction's classification.
- 8 (2) Thirty dollars for all nonmoving traffic
- 9 violations and:
- 10 (a) For all violations of s. 322.19.
- 11 (b) For all violations of ss. 320.0605, 320.07(1),
- 12 322.065, and 322.15(1). Any person who is cited for a
- 13 violation of s. 320.07(1) shall be charged a delinquent fee
- 14 pursuant to s. 320.07(4).
- 15 1. If a person who is cited for a violation of s.
- 16 320.0605 or s. 320.07 can show proof of having a valid
- 17 registration at the time of arrest, the clerk of the court may
- 18 dismiss the case and may assess a dismissal fee of up to
- 19 \$7.50. A person who finds it impossible or impractical to
- 20 obtain a valid registration certificate must submit an
- 21 affidavit detailing the reasons for the impossibility or
- 22 impracticality. The reasons may include, but are not limited
- 23 to, the fact that the vehicle was sold, stolen, or destroyed;
- 24 that the state in which the vehicle is registered does not
- 25 issue a certificate of registration; or that the vehicle is
- 26 owned by another person.
- 27 2. If a person who is cited for a violation of s.
- 28 322.03, s. 322.065, or s. 322.15 can show a driver's license
- 29 issued to him or her and valid at the time of arrest, the
- 30 clerk of the court may dismiss the case and may assess a
- 31 dismissal fee of up to \$7.50.

1 3. If a person who is cited for a violation of s.
2 316.646 can show proof of security as required by s. 627.733,
3 issued to the person and valid at the time of arrest, the
4 clerk of the court may dismiss the case and may assess a
5 dismissal fee of up to \$7.50. A person who finds it impossible
6 or impractical to obtain proof of security must submit an
7 affidavit detailing the reasons for the impracticality. The
8 reasons may include, but are not limited to, the fact that the
9 vehicle has since been sold, stolen, or destroyed; that the
10 owner or registrant of the vehicle is not required by s.
11 627.733 to maintain personal injury protection insurance; or
12 that the vehicle is owned by another person.

13 (c) For all violations of ss. 316.2935 and 316.610.
14 However, for a violation of s. 316.2935 or s. 316.610, if the
15 person committing the violation corrects the defect and
16 obtains proof of such timely repair by an affidavit of
17 compliance executed by the law enforcement agency within 30
18 days from the date upon which the traffic citation was issued,
19 and pays \$4 to the law enforcement agency, thereby completing
20 the affidavit of compliance, then upon presentation of said
21 affidavit by the defendant to the clerk within the 30-day time
22 period set forth under s. 318.14(4), the fine must be reduced
23 to \$7.50, which the clerk of the court shall retain.

24 (d) For all violations of s. 316.126(1)(b), unless
25 otherwise specified.

26 (3)(a) Except as otherwise provided in this section,
27 \$60 for all moving violations not requiring a mandatory
28 appearance.

29 (b) For moving violations involving unlawful speed,
30 the fines are as follows:

31

For speed exceeding the limit by:	Fine:
1-5 m.p.h.....	Warning
6-9 m.p.h.....	\$25
10-14 m.p.h.....	\$100
15-19 m.p.h.....	\$125
20-29 m.p.h.....	\$150
30 m.p.h. and above.....	\$250

(c) Notwithstanding paragraph (b), a person cited for exceeding the speed limit by up to 5 m.p.h. in a legally posted school zone will be fined \$50. A person exceeding the speed limit in a school zone shall pay a fine double the amount listed in paragraph (b).

(d) A person cited for exceeding the speed limit in a posted construction zone, which posting must include notification of the speed limit and the doubling of fines, shall pay a fine double the amount listed in paragraph (b). The fine shall be doubled for construction zone violations only if construction personnel are present or operating equipment on the road or immediately adjacent to the road under construction.

(e) A person cited for exceeding the speed limit in an enhanced penalty zone shall pay a fine amount of \$50 plus the amount listed in paragraph (b). Notwithstanding paragraph (b), a person cited for exceeding the speed limit by up to 5 m.p.h. in a legally posted enhanced penalty zone shall pay a fine amount of \$50.

(f) If a violation of s. 316.1301 or s. 316.1303 results in an injury to the pedestrian or damage to the property of the pedestrian, an additional fine of up to \$250 shall be paid. This amount must be distributed pursuant to s. 318.21.

1 (g) A person cited for exceeding the speed limit
2 within a zone posted for any electronic or manual toll
3 collection facility shall pay a fine double the amount listed
4 in paragraph (b). However, no person cited for exceeding the
5 speed limit in any toll collection zone shall be subject to a
6 doubled fine unless the governmental entity or authority
7 controlling the toll collection zone first installs a traffic
8 control device providing warning that speeding fines are
9 doubled. Any such traffic control device must meet the
10 requirements of the uniform system of traffic control devices.

11 (h) A person cited for a second or subsequent
12 conviction of speed exceeding the limit by 30 miles per hour
13 and above within a 12-month period shall pay a fine that is
14 double the amount listed in paragraph (b). For purposes of
15 this paragraph, the term "conviction" means a finding of guilt
16 as a result of a jury verdict, nonjury trial, or entry of a
17 plea of guilty. Moneys received from the increased fine
18 imposed by this paragraph shall be remitted to the Department
19 of Revenue and deposited into the Department of Health
20 Administrative Trust Fund to provide financial support to
21 certified trauma centers to assure the availability and
22 accessibility of trauma services throughout the state. Funds
23 deposited into the Administrative Trust Fund under this
24 section shall be allocated as follows:

25 1. Fifty percent shall be allocated equally among all
26 Level I, Level II, and pediatric trauma centers in recognition
27 of readiness costs for maintaining trauma services.

28 2. Fifty percent shall be allocated among Level I,
29 Level II, and pediatric trauma centers based on each center's
30 relative volume of trauma cases as reported in the Department
31 of Health Trauma Registry.

1 (4) The penalty imposed under s. 316.545 shall be
2 determined by the officer in accordance with the provisions of
3 ss. 316.535 and 316.545.

4 (5)(a) One hundred dollars for a violation of s.
5 316.172(1)(a), failure to stop for a school bus. If, at a
6 hearing, the alleged offender is found to have committed this
7 offense, the court shall impose a minimum civil penalty of
8 \$100. In addition to this penalty, for a second or subsequent
9 offense within a period of 5 years, the department shall
10 suspend the driver's license of the person for not less than
11 90 days and not more than 6 months.

12 (b) Two hundred dollars for a violation of s.
13 316.172(1)(b), passing a school bus on the side that children
14 enter and exit when the school bus displays a stop signal. If,
15 at a hearing, the alleged offender is found to have committed
16 this offense, the court shall impose a minimum civil penalty
17 of \$200. In addition to this penalty, for a second or
18 subsequent offense within a period of 5 years, the department
19 shall suspend the driver's license of the person for not less
20 than 180 days and not more than 1 year.

21 (6) One hundred dollars or the fine amount designated
22 by county ordinance, plus court costs for illegally parking,
23 under s. 316.1955, in a parking space provided for people who
24 have disabilities. However, this fine will be waived if a
25 person provides to the law enforcement agency that issued the
26 citation for such a violation proof that the person committing
27 the violation has a valid parking permit or license plate
28 issued pursuant to s. 316.1958, s. 320.0842, s. 320.0843, s.
29 320.0845, or s. 320.0848 or a signed affidavit that the owner
30 of the disabled parking permit or license plate was present at
31 the time the violation occurred, and that such a parking

1 permit or license plate was valid at the time the violation
2 occurred. The law enforcement officer, upon determining that
3 all required documentation has been submitted verifying that
4 the required parking permit or license plate was valid at the
5 time of the violation, must sign an affidavit of compliance.
6 Upon provision of the affidavit of compliance and payment of a
7 dismissal fee of up to \$7.50 to the clerk of the circuit
8 court, the clerk shall dismiss the citation.

9 (7) Mandatory \$100 fine ~~One hundred dollars~~ for each a
10 violation of s. 316.1001 plus the amount of the unpaid toll
11 shown on the traffic citation for each citation issued. The
12 clerk of the court shall forward \$25 of the \$100 fine
13 received, plus the amount of the unpaid toll that is shown on
14 the citation, to the governmental entity that issued the
15 citation, or on whose behalf the citation was issued. If a
16 plea arrangement is reached prior to the date set for a
17 scheduled evidentiary hearing and adjudication is withheld,
18 there shall be a mandatory fine assessed per citation of not
19 less than \$50 and not more than \$100, plus the amount of the
20 unpaid toll for each citation issued. The clerk of the court
21 shall forward \$25 of the fine imposed plus the amount of the
22 unpaid toll that is shown on the citation to the governmental
23 entity that issued the citation or on whose behalf the
24 citation was issued. The court shall have specific authority
25 to consolidate issued citations for the same defendant for the
26 purpose of sentencing and aggregate jurisdiction. In addition,
27 the department shall suspend for 60 days the driver's license
28 of a person who is convicted of 10 violations of s. 316.1001
29 within a 36-month period. However, a person may elect to pay
30 ~~\$30 to the clerk of the court, in which case adjudication is~~
31 ~~withheld, and no points are assessed under s. 322.27. Upon~~

1 ~~receipt of the fine, the clerk of the court must retain \$5 for~~
2 ~~administrative purposes and must forward the \$25 to the~~
3 ~~governmental entity that issued the citation.~~ Any funds
4 received by a governmental entity for this violation may be
5 used for any lawful purpose related to the operation or
6 maintenance of a toll facility.

7 (8)(a) Any person who fails to comply with the court's
8 requirements or who fails to pay the civil penalties specified
9 in this section within the 30-day period provided for in s.
10 318.14 must pay an additional civil penalty of \$12, \$2.50 of
11 which must be remitted to the Department of Revenue for
12 deposit in the General Revenue Fund, and \$9.50 of which must
13 be remitted to the Department of Revenue for deposit in the
14 Highway Safety Operating Trust Fund. The department shall
15 contract with the Florida Association of Court Clerks, Inc.,
16 to design, establish, operate, upgrade, and maintain an
17 automated statewide Uniform Traffic Citation Accounting System
18 to be operated by the clerks of the court which shall include,
19 but not be limited to, the accounting for traffic infractions
20 by type, a record of the disposition of the citations, and an
21 accounting system for the fines assessed and the subsequent
22 fine amounts paid to the clerks of the court. On or before
23 December 1, 2001, the clerks of the court must provide the
24 information required by this chapter to be transmitted to the
25 department by electronic transmission pursuant to the
26 contract.

27 (b) Any person who fails to comply with the court's
28 requirements as to civil penalties specified in this section
29 due to demonstrable financial hardship shall be authorized to
30 satisfy such civil penalties by public works or community
31 service. Each hour of such service shall be applied, at the

1 rate of the minimum wage, toward payment of the person's civil
 2 penalties; provided, however, that if the person has a trade
 3 or profession for which there is a community service need and
 4 application, the rate for each hour of such service shall be
 5 the average standard wage for such trade or profession. Any
 6 person who fails to comply with the court's requirements as to
 7 such civil penalties who does not demonstrate financial
 8 hardship may also, at the discretion of the court, be
 9 authorized to satisfy such civil penalties by public works or
 10 community service in the same manner.

11 (c) If the noncriminal infraction has caused or
 12 resulted in the death of another, the person who committed the
 13 infraction may perform 120 community service hours under s.
 14 316.027(4), in addition to any other penalties.

15 (9) One hundred dollars for a violation of s.
 16 316.1575.

17 (10) Twenty-five dollars for a violation of s.
 18 316.2074.

19 (11)(a) In addition to the stated fine, court costs
 20 must be paid in the following amounts and shall be deposited
 21 by the clerk into the fine and forfeiture fund established
 22 pursuant to s. 142.01:

23

24 For pedestrian infractions.....	\$ 3.
25 For nonmoving traffic infractions.....	\$ 16.
26 For moving traffic infractions.....	\$ 30.

27

28 (b) In addition to the court cost required under
 29 paragraph (a), up to \$3 for each infraction shall be collected
 30 and distributed by the clerk in those counties that have been
 31 authorized to establish a criminal justice selection center or

1 a criminal justice access and assessment center pursuant to
2 the following special acts of the Legislature:

- 3 1. Chapter 87-423, Laws of Florida, for Brevard
4 County.
- 5 2. Chapter 89-521, Laws of Florida, for Bay County.
- 6 3. Chapter 94-444, Laws of Florida, for Alachua
7 County.
- 8 4. Chapter 97-333, Laws of Florida, for Pinellas
9 County.

10
11 Funds collected by the clerk pursuant to this paragraph shall
12 be distributed to the centers authorized by those special
13 acts.

14 (c) In addition to the court cost required under
15 paragraph (a), a \$2.50 court cost must be paid for each
16 infraction to be distributed by the clerk to the county to
17 help pay for criminal justice education and training programs
18 pursuant to s. 938.15. Funds from the distribution to the
19 county not directed by the county to fund these centers or
20 programs shall be retained by the clerk and used for funding
21 the court-related services of the clerk.

22 (d) In addition to the court cost required under
23 paragraph (a), a \$3 court cost must be paid for each
24 infraction to be distributed as provided in s. 938.01 and a \$2
25 court cost as provided in s. 938.15 when assessed by a
26 municipality or county.

27 (12) Two hundred dollars for a violation of s.
28 316.520(1) or (2). If, at a hearing, the alleged offender is
29 found to have committed this offense, the court shall impose a
30 minimum civil penalty of \$200. For a second or subsequent
31 adjudication within a period of 5 years, the department shall

1 suspend the driver's license of the person for not less than 1
2 year and not more than 2 years.

3 (13) In addition to any penalties imposed for
4 noncriminal traffic infractions pursuant to this chapter or
5 imposed for criminal violations listed in s. 318.17, a board
6 of county commissioners or any unit of local government which
7 is consolidated as provided by s. 9, Art. VIII of the State
8 Constitution of 1885, as preserved by s. 6(e), Art. VIII of
9 the Constitution of 1968:

10 (a) May impose by ordinance a surcharge of up to \$15
11 for any infraction or violation to fund state court
12 facilities. The court shall not waive this surcharge. Up to 25
13 percent of the revenue from such surcharge may be used to
14 support local law libraries provided that the county or unit
15 of local government provides a level of service equal to that
16 provided prior to July 1, 2004, which shall include the
17 continuation of library facilities located in or near the
18 county courthouse or annexes.

19 (b) That imposed increased fees or service charges by
20 ordinance under s. 28.2401, s. 28.241, or s. 34.041 for the
21 purpose of securing payment of the principal and interest on
22 bonds issued by the county before July 1, 2003, to finance
23 state court facilities, may impose by ordinance a surcharge
24 for any infraction or violation for the exclusive purpose of
25 securing payment of the principal and interest on bonds issued
26 by the county before July 1, 2003, to fund state court
27 facilities until the date of stated maturity. The court shall
28 not waive this surcharge. Such surcharge may not exceed an
29 amount per violation calculated as the quotient of the maximum
30 annual payment of the principal and interest on the bonds as
31 of July 1, 2003, divided by the number of traffic citations

1 for county fiscal year 2002-2003 certified as paid by the
2 clerk of the court of the county. Such quotient shall be
3 rounded up to the next highest dollar amount. The bonds may be
4 refunded only if savings will be realized on payments of debt
5 service and the refunding bonds are scheduled to mature on the
6 same date or before the bonds being refunded. Notwithstanding
7 any of the foregoing provisions of this paragraph that limit
8 the use of surcharge revenues, if the revenues generated as a
9 result of the adoption of this ordinance exceed the debt
10 service on the bonds, the surplus revenues may be used to pay
11 down the debt service on the bonds; fund other
12 state-court-facility construction projects as may be certified
13 by the chief judge as necessary to address unexpected growth
14 in caseloads, emergency requirements to accommodate public
15 access, threats to the safety of the public, judges, staff,
16 and litigants, or other exigent circumstances; or support
17 local law libraries in or near the county courthouse or
18 annexes.

19
20 A county may not impose both of the surcharges authorized
21 under paragraphs (a) and (b) concurrently. The clerk of court
22 shall report, no later than 30 days after the end of the
23 quarter, the amount of funds collected under this subsection
24 during each quarter of the fiscal year. The clerk shall submit
25 the report, in a format developed by the Office of State
26 Courts Administrator, to the chief judge of the circuit, the
27 Governor, the President of the Senate, and the Speaker of the
28 House of Representatives.

29 (14) In addition to any penalties imposed for
30 noncriminal traffic infractions under this chapter or imposed
31 for criminal violations listed in s. 318.17, any unit of local

1 government that is consolidated as provided by s. 9, Art. VIII
2 of the State Constitution of 1885, as preserved by s. 6(e),
3 Art. VIII of the State Constitution of 1968, and that is
4 granted the authority in the State Constitution to exercise
5 all the powers of a municipal corporation, and any unit of
6 local government operating under a home rule charter adopted
7 pursuant to ss. 10, 11, and 24, Art. VIII of the State
8 Constitution of 1885, as preserved by s. 6(e), Art. VIII of
9 the State Constitution of 1968, that is granted the authority
10 in the State Constitution to exercise all the powers conferred
11 now or hereafter by general law upon municipalities, may
12 impose by ordinance a surcharge of up to \$15 for any
13 infraction or violation. Revenue from the surcharge shall be
14 transferred to such unit of local government for the purpose
15 of replacing fine revenue deposited into the clerk's fine and
16 forfeiture fund under s. 142.01. The court may not waive this
17 surcharge. Proceeds from the imposition of the surcharge
18 authorized in this subsection shall not be used for the
19 purpose of securing payment of the principal and interest on
20 bonds. This subsection, and any surcharge imposed pursuant to
21 this subsection, shall stand repealed September 30, 2007.

22 (15) One hundred twenty-five dollars for a violation
23 of s. 316.074(1) or s. 316.075(1)(c)1. when a driver has
24 failed to stop at a traffic signal. Sixty dollars shall be
25 distributed as provided in s. 318.21, and the remaining \$65
26 shall be remitted to the Department of Revenue for deposit
27 into the Administrative Trust Fund of the Department of
28 Health.

29 (16) One hundred dollars for a violation of s.
30 316.622(3) or (4), for a vehicle that fails to display a
31 sticker authorizing it to transport migrant or seasonal farm

1 workers or fails to display standardized notification
2 instructions requiring passengers to fasten their seat belts.
3 Two hundred dollars for a violation of s. 316.622(1) or (2),
4 for operating a farm labor vehicle that fails to conform to
5 vehicle safety standards or lacks seat belt assemblies at each
6 passenger position.

7 (17) In addition to any penalties imposed, a surcharge
8 of \$3 must be paid for all criminal offenses listed in s.
9 318.17 and for all noncriminal moving traffic violations under
10 chapter 316. Revenue from the surcharge shall be remitted to
11 the Department of Revenue and deposited quarterly into the
12 State Agency Law Enforcement Radio System Trust Fund of the
13 Department of Management Services for the state agency law
14 enforcement radio system, as described in s. 282.1095. This
15 subsection expires July 1, 2012.

16 Section 20. Subsection (17) is added to section
17 318.21, Florida Statutes, to read:

18 318.21 Disposition of civil penalties by county
19 courts.--All civil penalties received by a county court
20 pursuant to the provisions of this chapter shall be
21 distributed and paid monthly as follows:

22 (17) Notwithstanding subsections (1) and (2), the
23 proceeds from the surcharge imposed under s. 318.18(17) shall
24 be distributed as provided in that subsection. This subsection
25 expires July 1, 2012.

26 Section 21. Section 320.061, Florida Statutes, is
27 amended to read:

28 320.061 Unlawful to alter motor vehicle registration
29 certificates, license plates, mobile home stickers, or
30 validation stickers or to obscure license plates; penalty.--No
31 person shall alter the original appearance of any registration

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

14 Section 22. Paragraph (c) of subsection (6) and
15 subsection (8) of section 332.007, Florida Statutes, are
16 amended to read:

17 332.007 Administration and financing of aviation and
18 airport programs and projects; state plan.--

19 (6) Subject to the availability of appropriated funds,
20 the department may participate in the capital cost of eligible
21 public airport and aviation development projects in accordance
22 with the following rates, unless otherwise provided in the
23 General Appropriations Act or the substantive bill
24 implementing the General Appropriations Act:

25 (c) When federal funds are not available, the
26 department may fund up to 80 percent of master planning and
27 eligible aviation development projects at publicly owned,
28 publicly operated airports. If federal funds are available,
29 the department may fund up to 80 percent of the nonfederal
30 share of such projects. Such funding is limited to airports
31 that have no scheduled commercial service.

1 (8) Notwithstanding any other provision of law to the
2 contrary, the department is authorized to fund security
3 projects at ~~provide operational and maintenance assistance to~~
4 publicly owned public-use airports. ~~Such assistance shall be~~
5 ~~to comply with enhanced federal security requirements or to~~
6 ~~address related economic impacts from the events of September~~
7 ~~11, 2001.~~ For projects in the current adopted work program, or
8 projects added using the available budget of the department,
9 airports may request the department change the project purpose
10 in accordance with this provision notwithstanding the
11 provisions of s. 339.135(7). For purposes of this subsection,
12 the department may fund up to 100 percent of eligible project
13 costs that are not funded by the Federal Government. ~~Prior to~~
14 ~~releasing any funds under this section, the department shall~~
15 ~~review and approve the expenditure plans submitted by the~~
16 ~~airport. The department shall inform the Legislature of any~~
17 ~~change that it approves under this subsection.~~ This subsection
18 shall expire on June 30, 2012 ~~2007~~.

19 Section 23. Subsection (4) of section 332.14, Florida
20 Statutes, is amended to read:

21 332.14 Secure Airports for Florida's Economy
22 Council.--

23 (4) The council shall adopt bylaws governing the
24 manner in which the business of the council will be conducted.
25 The bylaws shall specify the procedure by which the chair of
26 the council is elected. The council shall meet at the call of
27 its chair, at the request of a majority of its membership, or
28 at such times as may be prescribed in its bylaws. However, the
29 council must meet at least twice a year. Except for the
30 members under paragraphs (2)(d), (e), and (f), all members of
31 the council are voting members. A majority of voting members

1 of the council constitutes a quorum for the purpose of
2 transacting the business of the council. A vote of the
3 majority of the members present is sufficient for any action
4 of the council, except that a member representing the
5 Department of Transportation, the Department of Community
6 Affairs, the Department of Law Enforcement, or the Office of
7 Tourism, Trade, and Economic Development may ~~vote to~~ overrule
8 any action of the council approving a project pursuant to
9 paragraph (7)(a). The bylaws of the council may require a
10 greater vote for a particular action.

11 Section 24. Section 334.351, Florida Statutes, is
12 amended to read:

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

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

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

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

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

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

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

11 (c) The number of participants receiving scholarships;

12 (d) The number of participants receiving bonuses;

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

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

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

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

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

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

1 Section 25. Paragraph (c) of subsection (1) of section
2 336.025, Florida Statutes, is amended to read:

3 336.025 County transportation system; levy of local
4 option fuel tax on motor fuel and diesel fuel.--

5 (1)

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

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

17 336.41 Counties; employing labor and providing road
18 equipment; accounting; when competitive bidding required.--

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

26 (a) Construction and maintenance in emergency
27 situations, and

28 (b) In addition to emergency work, construction and
29 reconstruction, including resurfacing, mineral seal coating,
30 and bridge repairs, having a total cumulative annual value not
31 to exceed 5 percent of its 80-percent portion of the

1 constitutional gas tax or ~~\$400,000~~~~\$250,000~~, whichever is
 2 greater, and

3 (c) Construction of sidewalks, curbing, accessibility
 4 ramps, or appurtenances incidental to roads and bridges if
 5 each project is estimated in accordance with generally
 6 accepted cost-accounting principles to have total construction
 7 project costs of less than \$400,000 or as adjusted by the
 8 percentage change in the Construction Cost Index from January
 9 1, 2008,

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

17 Section 27. Construction aggregate materials.--

18 (1) DEFINITIONS.--"Construction aggregate materials"
 19 means crushed stone, limestone, dolomite, limerock, shell
 20 rock, cemented coquina, sand for use as a component of
 21 mortars, concrete, bituminous mixtures, or underdrain filters,
 22 and other mined resources providing the basic material for
 23 concrete, asphalt, and road base.

24 (2) LEGISLATIVE INTENT.--The Legislature finds that
 25 there is a strategic and critical need for an available supply
 26 of construction aggregate materials within the state and that
 27 a disruption of the supply would cause a significant detriment
 28 to the state's construction industry, transportation system,
 29 and overall health, safety, and welfare.

30 (3) LOCAL GOVERNMENT DECISIONMAKING.--No local
 31 government shall approve or deny a proposed land use zoning

1 change, comprehensive plan amendment, land use permit,
2 ordinance, or order regarding construction aggregate materials
3 without considering any information provided by the Department
4 of Transportation regarding the effect such change, amendment,
5 permit decision, ordinance, or order would have on the
6 availability, transportation, and potential extraction of
7 construction aggregate materials on the local area, the
8 region, and the state. The failure of the Department of
9 Transportation to provide this information shall not be a
10 basis for delay or invalidation of the local government
11 action. No local government may impose a moratorium, or
12 combination of moratoria, of more than 12 months' duration on
13 the mining or extraction of construction aggregate materials,
14 commencing on the date the vote was taken to impose the
15 moratorium. January 1, 2007, shall serve as the commencement
16 of the 12-month period for moratoria already in place as of
17 July 1, 2007.

18 (4) EXPEDITED PERMITTING.--Due to the state's critical
19 infrastructure needs and the potential shortfall in available
20 construction aggregate materials, limerock environmental
21 resource permitting and reclamation applications filed after
22 March 1, 2007, are eligible for the expedited permitting
23 processes contained in s. 403.973, Florida Statutes.
24 Challenges to state agency action in the expedited permitting
25 process for establishment of a limerock mine in this state
26 under s. 403.973, Florida Statutes, are subject to the same
27 requirements as challenges brought under s. 403.973(15)(a),
28 Florida Statutes, except that, notwithstanding s. 120.574,
29 Florida Statutes, summary proceedings must be conducted within
30 30 days after a party files the motion for summary hearing,
31

1 regardless of whether the parties agree to the summary
2 proceeding.

3 (5) STRATEGIC AGGREGATES REVIEW TASK FORCE.--

4 (a) The Strategic Aggregates Review Task Force is
5 created to evaluate the availability and disposition of
6 construction aggregate materials and related mining and land
7 use practices in this state.

8 (b) The task force shall be appointed by August 1,
9 2007, and shall be composed of the following 19 members:

10 1. The President of the Senate, the Speaker of the
11 House of Representatives, and the Governor shall each appoint
12 one member from each of the following groups:

13 a. The mining industry.

14 b. The construction industry.

15 c. The transportation industries, including seaports,
16 trucking, railroads, or roadbuilders.

17 d. Elected officials representing counties identified
18 by the Department of Transportation as limestone or sand
19 resource areas. Rural, midsize, and urban counties shall each
20 have one elected official on the task force.

21 e. Environmental advocacy groups.

22 2. The Secretary of Environmental Protection or
23 designee.

24 3. The Secretary of Community Affairs or designee.

25 4. The Secretary of Transportation or designee.

26 5. One member appointed by the Florida League of
27 Cities, Inc.

28 (c) Members of the commission shall serve without
29 compensation. Travel and per diem expenses for members who are
30 not state employees shall be paid by the Department of
31

1 Transportation in accordance with s. 112.061, Florida
2 Statutes.

3 (d) The Department of Transportation shall organize
4 and provide administrative support for the task force and
5 coordinate with other state agencies and local governments in
6 obtaining and providing such data and information as may be
7 needed by the task force to complete its evaluation. The
8 department may conduct any supporting studies as are required
9 to obtain needed information or otherwise assist the task
10 force in its review and deliberations.

11 (e) The Department of Transportation shall collect and
12 provide information to the task force relating to construction
13 aggregate materials and the amount of such materials used by
14 the department on state road infrastructure projects and shall
15 provide any technical and supporting information relating to
16 the use of such materials as is available to the department.

17 (f) The task force shall report its findings to the
18 Governor, the President of the Senate, and the Speaker of the
19 House of Representatives by February 1, 2008. The report must
20 identify locations with significant concentrations of
21 construction aggregate materials and recommend actions
22 intended to ensure the continued extraction and availability
23 of construction aggregate materials.

24 (g) The task force shall be dissolved on July 1, 2008.

25 Section 28. Section 337.026, Florida Statutes, is
26 created to read:

27 337.026 Authority of department to enter into
28 agreements for construction aggregate materials.--

29 (1) The department may pursue procurement techniques
30 that will provide the department with reliable and economic
31

1 supplies of construction aggregate materials and control time
2 and cost increases on construction projects.

3 (2) The department may enter into agreements with
4 private or public entities. Such agreements may include, but
5 are not limited to, department acquisition of materials or
6 resources or long-term leases for a term not to exceed 99
7 years that will advance the state's transportation needs.

8 (3) To the maximum extent practical, the department
9 must use the existing process to award and administer such
10 procurement techniques. When techniques authorized by this
11 section are to be used, the department is not required to
12 adhere to provisions of law that would prevent, preclude, or
13 prohibit it from using this procurement technique. However,
14 prior to using this procurement technique, the department must
15 document in writing the need for the exception and identify
16 the benefits the traveling public and the affected community
17 are anticipated to receive.

18 Section 29. Paragraph (a) of subsection (3) of section
19 337.11, Florida Statutes, is amended to read:

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

24 (3)(a) On all construction contracts of \$250,000 or
25 less, and any construction contract of less than \$500,000 for
26 which the department has waived prequalification under s.
27 337.14, the department shall advertise for bids in a newspaper
28 having general circulation in the county where the proposed
29 work is located. Publication shall be at least once a week for
30 no less than 2 consecutive weeks, and the first publication
31

1 shall be no less than 14 days prior to the date on which bids
2 are to be received.

3 Section 30. Subsection (1) of section 337.14, Florida
4 Statutes, is amended to read:

5 337.14 Application for qualification; certificate of
6 qualification; restrictions; request for hearing.--

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

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

17 Section 31. Paragraph (a) of subsection (1) of section
 18 337.18, Florida Statutes, is amended to read:

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

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

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

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

5 | Section 32. Section 338.161, Florida Statutes, is
6 | amended to read:

7 | 338.161 Authority of department or toll agencies to
8 | advertise and promote electronic toll collection; expanded
9 | uses of electronic toll collection system; studies
10 | authorized.--

11 | (1) The department is authorized to incur expenses for
12 | paid advertising, marketing, and promotion of toll facilities
13 | and electronic toll collection products and services.

14 | Promotions may include discounts and free products.

15 | (2) The department is authorized to receive funds from
16 | advertising placed on electronic toll collection products and
17 | promotional materials to defray the costs of products and
18 | services.

19 | (3)(a) The department or any toll agency created by
20 | statute may incur expenses to advertise or promote its
21 | electronic toll collection system to consumers on or off the
22 | turnpike or toll system.

23 | (b) If the department or any toll agency created by
24 | statute finds that it can increase nontoll revenues or add
25 | convenience or other value for its customers, the department
26 | or toll agency may enter into agreements with any private or
27 | public entity allowing the use of its electronic toll
28 | collection system to pay parking fees for vehicles equipped
29 | with a transponder or similar device. The department or toll
30 | agency may initiate feasibility studies of additional future
31 |

1 uses of its electronic toll collection system and make
2 recommendations to the Legislature to authorize such uses.

3 Section 33. Subsections (1), (3), and (4) of section
4 338.2275, Florida Statutes, are amended to read:

5 338.2275 Approved turnpike projects.--

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

16 ~~(3) Subject to verification of economic feasibility by~~
17 ~~the department in accordance with s. 338.221(8), the~~
18 ~~department shall acquire the assets and assume the liabilities~~
19 ~~of the Sawgrass Expressway as a candidate project from the~~
20 ~~Broward County Expressway Authority. The agreement to acquire~~
21 ~~the Sawgrass Expressway shall be subject to the terms and~~
22 ~~covenants of the Broward County Expressway Authority Bond~~
23 ~~Series 1984 and 1986A lease purchase agreements and shall not~~
24 ~~act to the detriment of the bondholders nor decrease the~~
25 ~~quality of the bonds. The department shall provide for the~~
26 ~~cost of operations and maintenance expenses and for the~~
27 ~~replacement of future Broward County gasoline tax funds~~
28 ~~pledged for the payment of principal and interest on such~~
29 ~~bonds. The department shall repay, to the extent possible,~~
30 ~~Broward County gasoline tax funds used since July 6, 1988, for~~
31 ~~debt service on such bonds. For the purpose of calculating the~~

1 ~~economic feasibility of this project, the department is~~
2 ~~authorized to exclude operations and maintenance expenses~~
3 ~~accumulated between July 6, 1988, and the date of the~~
4 ~~agreement. Upon performance of all terms of the agreement~~
5 ~~between the parties, the Sawgrass Expressway will become a~~
6 ~~part of the turnpike system.~~

7 (3)~~(4)~~ Bonds may not be issued to fund a turnpike
8 project until the department has made a final determination
9 that the project is economically feasible in accordance with
10 s. 338.221, based on the most current information available.

11 Section 34. Subsections (3), (4), and (6) of section
12 338.231, Florida Statutes, are amended to read:

13 338.231 Turnpike tolls, fixing; pledge of tolls and
14 other revenues.--The department shall at all times fix,
15 adjust, charge, and collect such tolls for the use of the
16 turnpike system as are required in order to provide a fund
17 sufficient with other revenues of the turnpike system to pay
18 the cost of maintaining, improving, repairing, and operating
19 such turnpike system; to pay the principal of and interest on
20 all bonds issued to finance or refinance any portion of the
21 turnpike system as the same become due and payable; and to
22 create reserves for all such purposes.

23 (3) The department shall publish a proposed change in
24 the toll rate for the use of an existing toll facility, in the
25 manner provided for in s. 120.54, which will provide for
26 public notice and the opportunity for a public hearing before
27 the adoption of the proposed rate change. When the department
28 is evaluating a proposed turnpike toll project under s.
29 338.223 and has determined that there is a high probability
30 that the project will pass the test of economic feasibility
31 predicated on proposed toll rates, the toll rate that is

1 proposed to be charged after the project is constructed must
2 be adopted during the planning and project development phase
3 of the project, in the manner provided for in s. 120.54,
4 including public notice and the opportunity for a public
5 hearing. For such a new project, the toll rate becomes
6 effective upon the opening of the project to traffic.

7 (4) For the period July 1, 1998, through June 30, 2017
8 ~~2007~~, the department shall, to the maximum extent feasible,
9 program sufficient funds in the tentative work program such
10 that the percentage of turnpike toll and bond financed
11 commitments in Dade County, Broward County, and Palm Beach
12 County as compared to total turnpike toll and bond financed
13 commitments shall be at least 90 percent of the share of net
14 toll collections attributable to users of the turnpike system
15 in Dade County, Broward County, and Palm Beach County as
16 compared to total net toll collections attributable to users
17 of the turnpike system. The requirements of this subsection do
18 not apply when the application of such requirements would
19 violate any covenant established in a resolution or trust
20 indenture relating to the issuance of turnpike bonds.

21 (6) In each fiscal year while any of the bonds of the
22 Broward County Expressway Authority series 1984 and series
23 1986-A remain outstanding, the department is authorized to
24 pledge revenues from the turnpike system to the payment of
25 principal and interest of such series of bonds, ~~the repayment~~
26 ~~of Broward County gasoline tax funds as provided in s.~~
27 ~~338.2275(3)~~, and the operation and maintenance expenses of the
28 Sawgrass Expressway, to the extent gross toll revenues of the
29 Sawgrass Expressway are insufficient to make such payments.
30 The terms of an agreement relative to the pledge of turnpike
31 system revenue will be negotiated with the parties of the 1984

1 and 1986 Broward County Expressway Authority lease-purchase
2 agreements, and subject to the covenants of those agreements.
3 The agreement shall establish that the Sawgrass Expressway
4 shall be subject to the planning, management, and operating
5 control of the department limited only by the terms of the
6 lease-purchase agreements. The department shall provide for
7 the payment of operation and maintenance expenses of the
8 Sawgrass Expressway until such agreement is in effect. This
9 pledge of turnpike system revenues shall be subordinate to the
10 debt service requirements of any future issue of turnpike
11 bonds, the payment of turnpike system operation and
12 maintenance expenses, and subject to provisions of any
13 subsequent resolution or trust indenture relating to the
14 issuance of such turnpike bonds.

15 Section 35. Paragraph (j) of subsection (1) of section
16 339.08, Florida Statutes, is amended to read:

17 339.08 Use of moneys in State Transportation Trust
18 Fund.--

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

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

29 Section 36. Section 339.175, Florida Statutes, is
30 amended to read:

31 339.175 Metropolitan planning organization.--

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

1 designated under s. 339.63 and facilities for which projects
2 have been identified pursuant to s. 339.2819(4).

3 ~~(2)(1)~~ DESIGNATION.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 ~~(4)(3)~~ APPORTIONMENT.--

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

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

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

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

17 (5)(4) AUTHORITY AND RESPONSIBILITY.--The authority
18 and responsibility of an M.P.O. is to manage a continuing,
19 cooperative, and comprehensive transportation planning process
20 that, based upon the prevailing principles provided in s.
21 334.046(1), results in the development of plans and programs
22 which are consistent, to the maximum extent feasible, with the
23 approved local government comprehensive plans of the units of
24 local government the boundaries of which are within the
25 metropolitan area of the M.P.O. An M.P.O. shall be the forum
26 for cooperative decisionmaking by officials of the affected
27 governmental entities in the development of the plans and
28 programs required by subsections~~(5)~~, (6), (7), ~~and~~ (8), and
29 (9).

30 (6)(5) POWERS, DUTIES, AND RESPONSIBILITIES.--The
31 powers, privileges, and authority of an M.P.O. are those

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

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

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

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

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

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

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

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

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

31

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

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

6 6. Promote efficient system management and operation;
7 and

8 7. Emphasize the preservation of the existing
9 transportation system.

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

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

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

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

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

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

27 6. Perform all other duties required by state or
28 federal law.

29 (d) Each M.P.O. shall appoint a technical advisory
30 committee, the members of which shall serve at the pleasure of
31 the M.P.O. The membership of the technical advisory committee

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

23 (e)1. Each M.P.O. shall appoint a citizens' advisory
24 committee, the members of which serve at the pleasure of the
25 M.P.O. The membership on the citizens' advisory committee must
26 reflect a broad cross section of local residents with an
27 interest in the development of an efficient, safe, and
28 cost-effective transportation system. Minorities, the elderly,
29 and the handicapped must be adequately represented.

30 2. Notwithstanding the provisions of subparagraph 1.,
31 an M.P.O. may, with the approval of the department and the

1 applicable federal governmental agency, adopt an alternative
2 program or mechanism to ensure citizen involvement in the
3 transportation planning process.

4 (f) The department shall allocate to each M.P.O., for
5 the purpose of accomplishing its transportation planning and
6 programming duties, an appropriate amount of federal
7 transportation planning funds.

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

22 (h) In order to enhance their knowledge,
23 effectiveness, and participation in the urbanized area
24 transportation planning process, each M.P.O. shall provide
25 training opportunities and training funds specifically for
26 local elected officials and others who serve on an M.P.O. The
27 training opportunities may be conducted by an individual
28 M.P.O. or through statewide and federal training programs and
29 initiatives that are specifically designed to meet the needs
30 of M.P.O. board members.

31

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

5 1. Coordinate transportation projects deemed to be
6 regionally significant by the committee.

7 2. Review the impact of regionally significant land
8 use decisions on the region.

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

13 4. Institute a conflict resolution process to address
14 any conflict that may arise in the planning and programming of
15 such regionally significant projects.

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

31

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

1 member. This paragraph does not require any M.P.O.'s to merge,
2 combine, or otherwise join together as a single M.P.O.

3 (7)~~(6)~~ LONG-RANGE TRANSPORTATION PLAN.--Each M.P.O.
4 must develop a long-range transportation plan that addresses
5 at least a 20-year planning horizon. The plan must include
6 both long-range and short-range strategies and must comply
7 with all other state and federal requirements. The prevailing
8 principles to be considered in the long-range transportation
9 plan are: preserving the existing transportation
10 infrastructure; enhancing Florida's economic competitiveness;
11 and improving travel choices to ensure mobility. The
12 long-range transportation plan must be consistent, to the
13 maximum extent feasible, with future land use elements and the
14 goals, objectives, and policies of the approved local
15 government comprehensive plans of the units of local
16 government located within the jurisdiction of the M.P.O. The
17 approved long-range transportation plan must be considered by
18 local governments in the development of the transportation
19 elements in local government comprehensive plans and any
20 amendments thereto. The long-range transportation plan must,
21 at a minimum:

22 (a) Identify transportation facilities, including, but
23 not limited to, major roadways, airports, seaports,
24 spaceports, commuter rail systems, transit systems, and
25 intermodal or multimodal terminals that will function as an
26 integrated metropolitan transportation system. The long-range
27 transportation plan must give emphasis to those transportation
28 facilities that serve national, statewide, or regional
29 functions, and must consider the goals and objectives
30 identified in the Florida Transportation Plan as provided in
31 s. 339.155. If a project is located within the boundaries of

1 more than one M.P.O., the M.P.O.'s must coordinate plans
2 regarding the project in the long-range transportation plan.

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

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

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

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

30 (d) Indicate, as appropriate, proposed transportation
31 enhancement activities, including, but not limited to,

1 pedestrian and bicycle facilities, scenic easements,
2 landscaping, historic preservation, mitigation of water
3 pollution due to highway runoff, and control of outdoor
4 advertising.

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

12
13 In the development of its long-range transportation plan, each
14 M.P.O. must provide the public, affected public agencies,
15 representatives of transportation agency employees, freight
16 shippers, providers of freight transportation services,
17 private providers of transportation, representatives of users
18 of public transit, and other interested parties with a
19 reasonable opportunity to comment on the long-range
20 transportation plan. The long-range transportation plan must
21 be approved by the M.P.O.

22 (8)~~(7)~~ TRANSPORTATION IMPROVEMENT PROGRAM.--Each
23 M.P.O. shall, in cooperation with the state and affected
24 public transportation operators, develop a transportation
25 improvement program for the area within the jurisdiction of
26 the M.P.O. In the development of the transportation
27 improvement program, each M.P.O. must provide the public,
28 affected public agencies, representatives of transportation
29 agency employees, freight shippers, providers of freight
30 transportation services, private providers of transportation,
31 representatives of users of public transit, and other

1 interested parties with a reasonable opportunity to comment on
2 the proposed transportation improvement program.

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

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

1 district. The approved list of project priorities must be used
2 by the district in developing the district work program and
3 must be used by the M.P.O. in developing its transportation
4 improvement program. The annual list of project priorities
5 must be based upon project selection criteria that, at a
6 minimum, consider the following:

7 1. The approved M.P.O. long-range transportation plan;
8 2. The Strategic Intermodal System Plan developed
9 under s. 339.64.

10 3. The priorities developed pursuant to s.
11 339.2819(4).

12 4. The results of the transportation management
13 systems; and

14 5. The M.P.O.'s public-involvement procedures.

15 (c) The transportation improvement program must, at a
16 minimum:

17 1. Include projects and project phases to be funded
18 with state or federal funds within the time period of the
19 transportation improvement program and which are recommended
20 for advancement during the next fiscal year and 4 subsequent
21 fiscal years. Such projects and project phases must be
22 consistent, to the maximum extent feasible, with the approved
23 local government comprehensive plans of the units of local
24 government located within the jurisdiction of the M.P.O. For
25 informational purposes, the transportation improvement program
26 shall also include a list of projects to be funded from local
27 or private revenues.

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

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

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

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

26 6. Indicate whether any project or project phase is
27 inconsistent with an approved comprehensive plan of a unit of
28 local government located within the jurisdiction of the M.P.O.
29 If a project is inconsistent with an affected comprehensive
30 plan, the M.P.O. must provide justification for including the
31 project in the transportation improvement program.

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

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

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

28 (f) The adopted annual transportation improvement
29 program for M.P.O.'s in nonattainment or maintenance areas
30 must be submitted to the district secretary and the Department
31 of Community Affairs at least 90 days before the submission of

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

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

25 (h) The M.P.O. shall annually publish or otherwise
26 make available for public review the annual listing of
27 projects for which federal funds have been obligated in the
28 preceding year. Project monitoring systems must be maintained
29 by those agencies responsible for obligating federal funds and
30 made accessible to the M.P.O.'s.

31

1 ~~(9)~~(8) UNIFIED PLANNING WORK PROGRAM.--Each M.P.O.
2 shall develop, in cooperation with the department and public
3 transportation providers, a unified planning work program that
4 lists all planning tasks to be undertaken during the program
5 year. The unified planning work program must provide a
6 complete description of each planning task and an estimated
7 budget therefor and must comply with applicable state and
8 federal law.

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

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

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

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

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

31

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

4 ~~(11)~~~~(10)~~ METROPOLITAN PLANNING ORGANIZATION ADVISORY
5 COUNCIL.--

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

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

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

21 1. Enter into contracts with individuals, private
22 corporations, and public agencies.

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

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

27 4. Establish bylaws and adopt rules pursuant to ss.
28 120.536(1) and 120.54 to implement provisions of law
29 conferring powers or duties upon it.

30
31

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 37. 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 38. 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 39. 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 40. Subsection (4) of section 339.55, Florida
29 Statutes, is amended, and paragraph (c) is added to subsection
30 (2) and paragraph (j) is added to subsection (7) of that
31 section, to read:

1 339.55 State-funded infrastructure bank.--

2 (2) The bank may lend capital costs or provide credit
3 enhancements for:

4 (c)1. Emergency loans for damages incurred to
5 public-use commercial deepwater seaports, public-use airports,
6 and other public-use transit and intermodal facilities that
7 are within an area that is part of an official state
8 declaration of emergency pursuant to chapter 252 and all other
9 applicable laws. Such loans:

10 a. May not exceed 24 months in duration except in
11 extreme circumstances, for which the Secretary of
12 Transportation may grant up to 36 months upon making written
13 findings specifying the conditions requiring a 36-month term.

14 b. Require application from the recipient to the
15 department that includes documentation of damage claims filed
16 with the Federal Emergency Management Agency or an applicable
17 insurance carrier and documentation of the recipient's overall
18 financial condition.

19 c. Are subject to approval by the Secretary of
20 Transportation and the Legislative Budget Commission.

21 2. Loans provided under this paragraph must be repaid
22 upon receipt by the recipient of eligible program funding for
23 damages in accordance with the claims filed with the Federal
24 Emergency Management Agency or an applicable insurance
25 carrier, but no later than the duration of the loan.

26 (4) Loans from the bank may bear interest at or below
27 market interest rates, as determined by the department.
28 Repayment of any loan ~~from the bank~~ shall commence not later
29 than 5 years after the project has been completed or, in the
30 case of a highway project, the facility has opened to traffic,
31 whichever is later, and shall be repaid within ~~in no more than~~

1 30 years, except for loans provided under paragraph (2)(c),
2 which shall be repaid within 36 months.

3 (7) The department may consider, but is not limited
4 to, the following criteria for evaluation of projects for
5 assistance from the bank:

6 (j) The extent to which damage from a disaster that
7 results in a declaration of emergency has impacted a public
8 transportation facility's ability to maintain its previous
9 level of service and remain accessible to the public or has
10 had a major impact on the cash flow or revenue-generation
11 ability of the public-use facility.

12 Section 41. Subsection (2) of section 341.071, Florida
13 Statutes, is amended to read:

14 341.071 Transit productivity and performance measures;
15 reports.--

16 (2) Each public transit provider shall establish
17 productivity and performance measures, which must be approved
18 by the department and which must be selected from measures
19 developed pursuant to s. 341.041(3). Each provider shall by
20 January 31 of each year report ~~annually~~ to the department
21 relative to these measures. In approving these measures, the
22 department shall give consideration to the goals and
23 objectives of each system, the needs of the local area, and
24 the role for public transit in the local area. The report
25 shall also specifically address potential enhancements to
26 productivity and performance which would have the effect of
27 increasing farebox recovery ratio.

28 Section 42. 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 43. 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 44. 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 45. Section 334.30, Florida Statutes, is
 21 amended to read:

22 334.30 Public-private transportation facilities.--The
 23 Legislature ~~hereby~~ finds and declares that there is a public
 24 need for the rapid construction of safe and efficient
 25 transportation facilities for the purpose of traveling travel
 26 within the state, and that it is in the public's interest to
 27 provide for the construction of additional safe, convenient,
 28 and economical transportation facilities.

29 (1) The department may receive or solicit proposals
 30 and, with legislative approval as evidenced by approval of the
 31 project in the department's work program, enter into

1 agreements with private entities, or consortia thereof, for
2 the building, operation, ownership, or financing of
3 transportation facilities which increase transportation
4 capacity. Except as provided in s. 337.25, s. 337.251, s.
5 338.234, or s. 338.235, the department may not sell or lease
6 any transportation facility owned by the department. The
7 department may advance projects programmed in the adopted
8 5-year work program using funds provided by public-private
9 partnerships or private entities to be reimbursed from
10 department funds for the project as programmed in the adopted
11 work program. The department shall by rule establish an
12 application fee for the submission of unsolicited proposals
13 under this section. The fee must be sufficient to pay the
14 costs of evaluating the proposals. The department may engage
15 the services of private consultants to assist in the
16 evaluation. Before approval, the department must determine
17 that the proposed project:

- 18 (a) Is in the public's best interest;
- 19 (b) Would not require state funds to be used unless
20 the project is on the State Highway System; ~~and~~
- 21 (c) Would have adequate safeguards in place to ensure
22 that no additional costs or service disruptions would be
23 realized by the traveling public and residents ~~citizens~~ of the
24 state in the event of default or cancellation of the agreement
25 by the department;~~-~~
- 26 (d) Would have adequate safeguards in place to ensure
27 that the department or the private entity has the opportunity
28 to add capacity to the proposed project and other
29 transportation facilities serving similar origins and
30 destinations; and

31

1 (e) Would be owned by the department upon completion
2 or termination of the agreement.

3
4 The department shall ensure that all reasonable costs to the
5 state, related to transportation facilities that are not part
6 of the State Highway System, are borne by the private entity.
7 The department shall also ensure that all reasonable costs to
8 the state and substantially affected local governments and
9 utilities, related to the private transportation facility, are
10 borne by the private entity for transportation facilities that
11 are owned by private entities. For projects on the State
12 Highway System, the department may use state resources to
13 participate in funding and financing the project as provided
14 for under the department's enabling legislation.

15 (2) Agreements entered into pursuant to this section
16 may authorize the private entity to impose tolls or fares for
17 the use of the facility. However, the amount and use of toll
18 or fare revenues shall be regulated by the department to avoid
19 unreasonable costs to users of the facility.

20 (3) Each private transportation facility constructed
21 pursuant to this section shall comply with all requirements of
22 federal, state, and local laws; state, regional, and local
23 comprehensive plans; department rules, policies, procedures,
24 and standards for transportation facilities; and any other
25 conditions which the department determines to be in the
26 public's best interest.

27 (4) The department may exercise any power possessed by
28 it, including eminent domain, with respect to the development
29 and construction of state transportation projects to
30 facilitate the development and construction of transportation
31 projects pursuant to this section. The department may provide

1 services to the private entity. Agreements for maintenance,
2 law enforcement, and other services entered into pursuant to
3 this section shall provide for full reimbursement for services
4 rendered for projects not on the State Highway System.

5 (5) Except as herein provided, the provisions of this
6 section are not intended to amend existing laws by granting
7 additional powers to, or further restricting, local
8 governmental entities from regulating and entering into
9 cooperative arrangements with the private sector for the
10 planning, construction, and operation of transportation
11 facilities.

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

1 in order, using this same procedure. If only one proposal is
2 received, the department may negotiate in good faith and, if
3 the department is not satisfied with the results of the
4 negotiations, the department may, at its sole discretion,
5 terminate negotiations with the proposer. ~~Notwithstanding this~~
6 ~~subsection,~~ The department may, at its discretion, reject all
7 proposals at any point in the process up to completion of a
8 contract with the proposer.

9 (7) The department may lend funds from the Toll
10 Facilities Revolving Trust Fund, as outlined in s. 338.251, to
11 private entities that construct projects on the State Highway
12 System containing toll facilities that are approved under this
13 section. To be eligible, a private entity must comply with s.
14 338.251 and must provide an indication from a nationally
15 recognized rating agency that the senior bonds for the project
16 will be investment grade, or must provide credit support such
17 as a letter of credit or other means acceptable to the
18 department, to ensure that the loans will be fully repaid. The
19 state's liability for the funding of a facility is limited to
20 the amount approved for that specific facility in the
21 department's 5-year work program adopted pursuant to s.
22 339.135.

23 ~~(8) A fixed guideway transportation system authorized~~
24 ~~by the department to be wholly or partially within the~~
25 ~~department's right of way pursuant to a lease granted under s.~~
26 ~~337.251 may operate at any safe speed.~~

27 Section 46. Section 338.234, Florida Statutes, is
28 amended to read:

29 338.234 Granting concessions or selling along the
30 turnpike system; immunity from taxation.--

31

1 (1) The department may enter into contracts or
2 licenses with any person for the sale of services or products
3 or business opportunities on the turnpike system, or the
4 turnpike enterprise may sell services, products, or business
5 opportunities on the turnpike system, which benefit the
6 traveling public or provide additional revenue to the turnpike
7 system. Services, business opportunities, and products
8 authorized to be sold include, but are not limited to, motor
9 fuel, vehicle towing, and vehicle maintenance services; food
10 with attendant nonalcoholic beverages; lodging, meeting rooms,
11 and other business services opportunities; advertising and
12 other promotional opportunities, which advertising and
13 promotions must be consistent with the dignity and integrity
14 of the state; state lottery tickets sold by authorized
15 retailers; games and amusements that operate by the
16 application of skill, not including games of chance as defined
17 in s. 849.16 or other illegal gambling games; Florida citrus,
18 goods promoting the state, or handmade goods produced within
19 the state; and travel information, tickets, reservations, or
20 other related services. However, the department, pursuant to
21 the grants of authority to the turnpike enterprise under this
22 section, shall not exercise the power of eminent domain solely
23 for the purpose of acquiring real property in order to provide
24 business services or opportunities, such as lodging and
25 meeting-room space on the turnpike system.

26 (2) The effectuation of the authorized purposes of the
27 Florida Intrastate Highway System and Florida Turnpike
28 Enterprise, created under this chapter, is for the benefit of
29 the people of the state, for the increase of their commerce
30 and prosperity, and for the improvement of their health and
31 living conditions and, because the system and enterprise

1 perform essential government functions in effectuating such
2 purposes, neither the turnpike enterprise nor any
3 nongovernment lessee or licensee renting, leasing, or
4 licensing real property from the turnpike enterprise, pursuant
5 to an agreement authorized by this section are required to pay
6 any commercial rental tax imposed under s. 212.031 on any
7 capital improvements constructed, improved, acquired,
8 installed, or used for such purposes.

9 Section 47. Subsection (9) of section 348.0004,
10 Florida Statutes, is amended to read:

11 348.0004 Purposes and powers.--

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

19 (a) Notwithstanding any other provision of the Florida
20 Expressway Authority Act, any expressway authority,
21 transportation authority, bridge authority, or toll authority
22 may receive or solicit proposals and enter into agreements
23 with private entities, or consortia thereof, for the building,
24 operation, ownership, or financing of ~~expressway~~
25 transportation facilities or new transportation facilities
26 within the jurisdiction of the ~~expressway~~ authority which
27 increase transportation capacity. An authority may not sell or
28 lease any transportation facility owned by the authority. An
29 ~~expressway~~ authority is authorized to adopt rules to implement
30 this subsection and shall, by rule, establish an application
31 fee for the submission of unsolicited proposals under this

1 subsection. The fee must be sufficient to pay the costs of
2 evaluating the proposals. An ~~expressway~~ authority may engage
3 private consultants to assist in the evaluation. Before
4 approval, an ~~expressway~~ authority must determine that a
5 proposed project:

6 1. Is in the public's best interest.

7 2. Would not require state funds to be used unless the
8 project is on or provides increased mobility on the State
9 Highway System.

10 3. Would have adequate safeguards to ensure that no
11 additional costs or service disruptions would be realized by
12 the traveling public and residents ~~citizens~~ of the state in
13 the event of default or the cancellation of the agreement by
14 the ~~expressway~~ authority.

15 4. Would have adequate safeguards in place to ensure
16 that the department, the authority, or the private entity has
17 the opportunity to add capacity to the proposed project and
18 other transportation facilities serving similar origins and
19 destinations.

20 5. Would be owned by the authority upon completion or
21 termination of the agreement.

22 (b) An ~~expressway~~ authority shall ensure that all
23 reasonable costs to the state which are, related to
24 transportation facilities that are not part of the State
25 Highway System, are borne by the private entity. An ~~expressway~~
26 authority shall also ensure that all reasonable costs to the
27 state and substantially affected local governments and
28 utilities related to the private transportation facility are
29 borne by the private entity for transportation facilities that
30 are owned by private entities. For projects on the State
31 Highway System, the department may use state resources to

1 participate in funding and financing the project as provided
2 for under the department's enabling legislation.

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

30 (d) The department may lend funds from the Toll
31 Facilities Revolving Trust Fund, as outlined in s. 338.251, to

1 public-private partnerships. To be eligible a private entity
2 must comply with s. 338.251 and must provide an indication
3 from a nationally recognized rating agency that the senior
4 bonds for the project will be investment grade or must provide
5 credit support, such as a letter of credit or other means
6 acceptable to the department, to ensure that the loans will be
7 fully repaid.

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

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

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

30 (h) Except as herein provided, this subsection is not
31 intended to amend existing laws by granting additional powers

1 to or further restricting the governmental entities from
 2 regulating and entering into cooperative arrangements with the
 3 private sector for the planning, construction, and operation
 4 of transportation facilities. Use of the powers granted in
 5 this subsection do not subject a statutorily created
 6 expressway authority, transportation authority, bridge
 7 authority, or toll authority, other than one created under
 8 this part, to any of the requirements of this part other than
 9 those contained in this subsection.

10 Section 48. Section 348.0012, Florida Statutes, is
 11 amended to read:

12 348.0012 Exemptions from applicability.--The Florida
 13 Expressway Authority Act does not apply:

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

17 (2) To a transportation authority created pursuant to
 18 chapter 349.

19 Section 49. Subsection (6) is added to section
 20 348.754, Florida Statutes, to read:

21 348.754 Purposes and powers.--

22 (6)(a) Notwithstanding s. 255.05, the Orlando-Orange
 23 County Expressway Authority may waive payment and performance
 24 bonds on construction contracts for the construction of a
 25 public building, for the prosecution and completion of a
 26 public work, or for repairs on a public building or public
 27 work that has a cost of \$500,000 or less and when the project
 28 is awarded pursuant to an economic development program for the
 29 encouragement of local small businesses that has been adopted
 30 by the governing body of the Orlando-Orange County Expressway
 31 Authority pursuant to a resolution or policy.

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

4 1. Be an independent business.

5 2. Be principally domiciled in the Orange County
6 Standard Metropolitan Statistical Area.

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

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

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

15 6. Participate in an educational curriculum or
16 technical assistance program for business development that
17 will assist the small business in becoming eligible for
18 bonding.

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

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

30 2. Waiver of the payment and performance bond.
31

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

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

26 (e) A small business that has been the successful
27 bidder on six projects for which the payment and performance
28 bond was waived by the authority pursuant to paragraph (a)
29 shall be ineligible to bid on additional projects for which
30 the payment and performance bond is to be waived. The local
31 small business may continue to participate in other elements

1 of the economic development program for local small businesses
2 as long as it is eligible.

3 (f) The authority shall conduct bond eligibility
4 training for businesses qualifying for bond waiver under this
5 subsection to encourage and promote bond eligibility for such
6 businesses.

7 (g) The authority shall prepare a biennial report on
8 the activities undertaken pursuant to this subsection to be
9 submitted to the Orange County legislative delegation. The
10 initial report shall be due December 31, 2010.

11 Section 50. Paragraph (a) of subsection (3) of section
12 163.3177, Florida Statutes, is amended to read:

13 163.3177 Required and optional elements of
14 comprehensive plan; studies and surveys.--

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

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

25 2. Estimated public facility costs, including a
26 delineation of when facilities will be needed, the general
27 location of the facilities, and projected revenue sources to
28 fund the facilities.

29 3. Standards to ensure the availability of public
30 facilities and the adequacy of those facilities including
31 acceptable levels of service.

1 4. Standards for the management of debt.

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

21 6. The schedule must include transportation
22 improvements included in the applicable metropolitan planning
23 organization's transportation improvement program adopted
24 pursuant to s. 339.175(8)(7) to the extent that such
25 improvements are relied upon to ensure concurrency and
26 financial feasibility. The schedule must also be coordinated
27 with the applicable metropolitan planning organization's
28 long-range transportation plan adopted pursuant to s.
29 339.175(7)(6).

30 Section 51. Section 339.176, Florida Statutes, is
31 amended to read:

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

10 Section 52. Subsection (1) of section 341.828, Florida
11 Statutes, is amended to read:

12 341.828 Permitting.--

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

23 Section 53. Section 2 of chapter 89-383, Laws of
24 Florida, is amended to read:

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

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

29 (2) Any alteration of the physical dimensions or
30 location of Red Road, the median strip thereof, the land
31 adjacent thereto, or any part of the original composition of

1 the entranceway, including the towers, the walls, and the
2 lampposts.

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

11 Section 54. Subsection (27) is added to section
12 479.01, Florida Statutes, to read:

13 479.01 Definitions.--As used in this chapter, the
14 term:

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

24 Section 55. Section 479.156, Florida Statutes, is
25 created to read:

26 479.156 Wall murals.--Notwithstanding any other
27 provision of this chapter, a municipality or county may permit
28 and regulate wall murals within areas designated by such
29 government. If a municipality or county permits wall murals, a
30 wall mural that displays a commercial message and is within
31 660 feet of the nearest edge of the right-of-way within an

1 area adjacent to the interstate highway system or the
2 federal-aid primary highway system shall be located in an area
3 that is zoned for industrial or commercial use and the
4 municipality or county shall establish and enforce regulations
5 for such areas that, at a minimum, set forth criteria
6 governing the size, lighting, and spacing of wall murals
7 consistent with the intent of the Highway Beautification Act
8 of 1965 and with customary use. A wall mural that is subject
9 to municipal or county regulation and the Highway
10 Beautification Act of 1965 must be approved by the Department
11 of Transportation and the Federal Highway Administration and
12 may not violate the agreement between the state and the United
13 States Department of Transportation or violate federal
14 regulations enforced by the Department of Transportation under
15 s. 479.02(1). The existence of a wall mural as defined in s.
16 479.01(27) shall not be considered in determining whether a
17 sign as defined in s. 479.01(17), either existing or new, is
18 in compliance with s. 479.07(9)(a).

19 Section 56. Section 316.1951, Florida Statutes, is
20 amended to read:

21 316.1951 Parking for certain purposes prohibited; sale
22 of motor vehicles; prohibited acts.--

23 (1) It is unlawful for any person to park a motor
24 vehicle, as defined in s. 320.01, ~~for a continuous period in~~
25 ~~excess of 24 hours, after written notice,~~ upon a public street
26 or highway, upon a public parking lot, or other public
27 property, or upon private property where the public has the
28 right to travel by motor vehicle, for the principal purpose
29 and intent of displaying the motor vehicle thereon for sale,
30 hire, or rental unless the sale, hire, or rental of the motor
31 vehicle is specifically authorized on such property by

1 municipal or county regulation ~~and the person is duly licensed~~
2 ~~as a motor vehicle dealer in accordance with s. 320.27,~~ and
3 the person is in compliance with all municipal or county
4 licensing regulations.

5 (2) The provisions of subsection (1) do not prohibit a
6 person from parking his or her own motor vehicle or his or her
7 other personal property on any private real property which the
8 person owns or leases or on private real property which the
9 person does not own or lease, but for which he or she obtains
10 the permission of the owner, or on the public street
11 immediately adjacent thereto, for the principal purpose and
12 intent of sale, hire, or rental.

13 (3) Subsection (1) does not prohibit a licensed motor
14 vehicle dealer from displaying for sale or offering for sale
15 motor vehicles at locations other than the dealer's licensed
16 location if the dealer has been issued a supplemental license
17 for off-premises sales, as provided in s. 320.27(5), and has
18 complied with the requirements in subsection (1). A vehicle
19 displayed for sale by a licensed dealer at any location other
20 than the dealer's licensed location is subject to immediate
21 removal without warning.

22 ~~(4)(3)~~ The Department of Highway Safety and Motor
23 Vehicles shall adopt by rule a uniform written notice to be
24 used to enforce this section. Each law enforcement agency in
25 this state shall provide, at each agency's expense, the notice
26 forms necessary to enforce this section.

27 ~~(5)(4)~~ A law enforcement officer, compliance officer
28 ~~examiner, license inspector,~~ or supervisor of the department
29 may cause to be removed at the owner's expense any motor
30 vehicle found ~~upon a public street, public parking lot, other~~
31 ~~public property, or private property, where the public has the~~

1 ~~right to travel by motor vehicle, which is~~ in violation of
2 subsection (1), which has been parked in one location for more
3 than 24 hours after a written notice has been issued. Every
4 written notice issued pursuant to this section shall be
5 affixed in a conspicuous place upon a vehicle by a law
6 enforcement officer, compliance officer ~~examiner, license~~
7 ~~inspector~~, or supervisor of the department. Any vehicle found
8 in violation of subsection (1) within 30 ~~10~~ days after a
9 previous violation and written notice ~~is~~ shall be subject to
10 immediate removal without an additional waiting period.

11 (6) It is unlawful to offer a vehicle for sale if the
12 vehicle identification number has been destroyed, removed,
13 covered, altered, or defaced, as described in s. 319.33(1)(d).
14 A vehicle found in violation of this subsection is subject to
15 immediate removal without warning.

16 (7) It is unlawful to knowingly attach to any motor
17 vehicle a registration that was not assigned or lawfully
18 transferred to the vehicle pursuant to s. 320.261. A vehicle
19 found in violation of this subsection is subject to immediate
20 removal without warning.

21 (8) It is unlawful to display or offer for sale a
22 vehicle that does not have a valid registration as provided in
23 s. 320.02. A vehicle found in violation of this subsection is
24 subject to immediate removal without warning. This subsection
25 does not apply to vehicles and recreational vehicles being
26 offered for sale through motor vehicle auctions as defined in
27 s. 320.27(1)(c)4.

28 (9) A vehicle is subject to immediate removal without
29 warning if it bears a telephone number that has been displayed
30 on three or more vehicles offered for sale within a 12-month
31 period.

1 ~~(10)(5)~~ Any other provision of law to the contrary
2 notwithstanding, a violation of subsection (1) shall subject
3 the owner of such motor vehicle to towing fees reasonably
4 necessitated by removal and storage of the motor vehicle.

5 ~~(11)(6)~~ This section does not prohibit the governing
6 body of a municipality or county, with respect to streets,
7 highways, or other property under its jurisdiction, from
8 regulating the parking of motor vehicles for any purpose.

9 ~~(12)(7)~~ A violation of this section is a noncriminal
10 traffic infraction, punishable as a nonmoving violation as
11 provided in chapter 318, unless otherwise mandated by general
12 law.

13 Section 57. This act shall take effect July 1, 2007.
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