

By the Committees on Community Affairs; Transportation; and
Senators Baker and Crist

578-2286-07

1 A bill to be entitled
2 An act relating to transportation; amending s.
3 215.615, F.S.; revising the Department of
4 Transportation's requirement to share certain
5 costs of fixed-guideway system projects;
6 revising criteria for an interlocal agreement
7 to establish bond financing for fixed-guideway
8 system projects; revising provisions for
9 sources of funds for the payment of bonds;
10 amending s. 332.007, F.S.; authorizing the
11 Department of Transportation to provide funds
12 for certain general aviation projects under
13 certain circumstances; extending the timeframe
14 during which the department is authorized to
15 provide operational and maintenance assistance
16 to certain airports and may redirect the use of
17 certain funds to security-related or
18 economic-impact projects related to the events
19 of September 11, 2001; amending s. 332.14,
20 F.S., relating to the Secure Airports for
21 Florida's Economy Council; providing for
22 certain members of the council to be nonvoting
23 members; amending s. 337.11, F.S.; providing
24 that certain construction projects be
25 advertised for bids in local newspapers;
26 amending s. 337.14, F.S.; authorizing the
27 department to waive specified prequalification
28 requirements for certain transportation
29 projects under certain conditions; amending s.
30 337.18, F.S.; revising surety bond requirements
31 for construction or maintenance contracts;

1 providing for incremental annual surety bonds
2 for multiyear maintenance contracts under
3 certain conditions; revising the threshold for
4 transportation projects eligible for a waiver
5 of surety bond requirements; authorizing the
6 department to provide for phased surety bond
7 coverage or an alternate means of security for
8 a portion of the contract amount in lieu of the
9 surety bond; amending s. 338.221, F.S.;
10 redefining the term "economically feasible" for
11 purposes of certain turnpike projects; amending
12 s. 338.2275, F.S.; deleting obsolete provisions
13 relating to approved turnpike projects;
14 revising the maximum amount of bonds that are
15 available for turnpike projects; amending s.
16 338.234, F.S.; granting the Florida Turnpike
17 Enterprise, its lessees, and licensees an
18 exemption from requirements to pay commercial
19 rental tax on capital improvements; creating s.
20 339.282, F.S.; creating the Enhanced Bridge
21 Program for Sustainable Transportation within
22 the Department of Transportation; providing for
23 the use of funds in the program; providing
24 project guidelines for program funding;
25 amending s. 339.08, F.S.; allowing moneys in
26 the State Transportation Trust Fund to pay the
27 cost of the Enhanced Bridge System; 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; defining the terms
5 "agency" and "construction aggregate
6 materials"; providing legislative intent;
7 prohibiting an agency from approving or denying
8 a land use zoning change, comprehensive plan
9 amendment, land use permit, ordinance, or order
10 without consulting with the Department of
11 Transportation and considering the effect of
12 such decision; prohibiting an agency from
13 imposing a moratorium on the mining or
14 extraction of construction aggregate materials
15 of longer than a specified period; providing
16 that limerock environmental resource permitting
17 and reclamation applications are eligible to be
18 expedited; establishing the Strategic
19 Aggregates Review Task Force; providing for
20 membership, staffing, reporting, and
21 expiration; amending s. 479.01, F.S.; defining
22 the term "wall mural"; amending s. 479.155,
23 F.S.; providing for regulation of wall murals
24 by municipalities and counties; requiring that
25 certain wall murals be located in areas zoned
26 for industrial or commercial use; requiring
27 that the local regulation of wall murals be
28 consistent with specified criteria; requiring
29 the Department of Transportation and the
30 Federal Highway Administration to approve a
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1 wall mural under certain conditions; providing
2 an effective date.

3
4 Be It Enacted by the Legislature of the State of Florida:

5
6 Section 1. Subsection (1) of section 215.615, Florida
7 Statutes, is amended to read:

8 215.615 Fixed-guideway transportation systems
9 funding.--

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

28 (a) The department and any participating commuter rail
29 authority or regional transportation authority established
30 under chapter 343, local governments, or local governments
31 collectively by interlocal agreement having jurisdiction of a

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

21 (b) Revenue bonds issued pursuant to this subsection
22 shall not constitute a general obligation of, or a pledge of
23 the full faith and credit of, the State of Florida. Bonds
24 issued pursuant to this section shall be payable from funds
25 available pursuant to s. 206.46(3), or other funds available
26 to the project, subject to annual appropriation. The amount of
27 revenues available for debt service shall never exceed a
28 maximum of 2 percent of all state revenues deposited into the
29 State Transportation Trust Fund.

30 (c) The projects to be financed or refinanced with the
31 proceeds of the revenue bonds issued hereunder are designated

1 as state fixed capital outlay projects for purposes of s.
2 11(d), Art. VII of the State Constitution, and the specific
3 projects to be financed or refinanced shall be determined by
4 the Department of Transportation in accordance with state law
5 and appropriations from the State Transportation Trust Fund.
6 Each project to be financed with the proceeds of the bonds
7 issued pursuant to this subsection must first be approved by
8 the Legislature by an act of general law.

9 (d) Any complaint for validation of bonds issued
10 pursuant to this section shall be filed in the circuit court
11 of the county where the seat of state government is situated,
12 the notice required to be published by s. 75.06 shall be
13 published only in the county where the complaint is filed, and
14 the complaint and order of the circuit court shall be served
15 only on the state attorney of the circuit in which the action
16 is pending.

17 (e) The state does hereby covenant with holders of
18 such revenue bonds or other instruments of indebtedness issued
19 hereunder, ~~that~~ that it will not repeal or impair or amend these
20 provisions in any manner that will materially and adversely
21 affect the rights of such holders as long as bonds authorized
22 by this subsection are outstanding.

23 (f) This subsection supersedes any inconsistent
24 provisions in existing law.

25
26 Notwithstanding this subsection, the lien of revenue bonds
27 issued pursuant to this subsection on moneys deposited into
28 the State Transportation Trust Fund shall be subordinate to
29 the lien on such moneys of bonds issued under ss. 215.605,
30 320.20, and 215.616, and any pledge of such moneys to pay
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1 operating and maintenance expenses under s. 206.46(5) and
2 chapter 348, as may be amended.

3 Section 2. Paragraph (c) of subsection (6) and
4 subsection (8) of section 332.007, Florida Statutes, are
5 amended to read:

6 332.007 Administration and financing of aviation and
7 airport programs and projects; state plan.--

8 (6) Subject to the availability of appropriated funds,
9 the department may participate in the capital cost of eligible
10 public airport and aviation development projects in accordance
11 with the following rates, unless otherwise provided in the
12 General Appropriations Act or the substantive bill
13 implementing the General Appropriations Act:

14 (c) When federal funds are not available, the
15 department may fund up to 80 percent of master planning and
16 eligible aviation development projects at publicly owned,
17 publicly operated airports. If federal funds are available but
18 insufficient to meet the maximum authorized federal share, the
19 department may fund up to 80 percent of the nonfederal share
20 of such projects. Such funding is limited to airports that
21 have no scheduled commercial service.

22 (8) Notwithstanding any other provision of law to the
23 contrary, the department is authorized to fund security
24 projects at ~~provide operational and maintenance assistance to~~
25 publicly owned public-use airports. ~~Such assistance shall be~~
26 ~~to comply with enhanced federal security requirements or to~~
27 ~~address related economic impacts from the events of September~~
28 ~~11, 2001.~~ For projects in the current adopted work program, or
29 projects added using the available budget of the department,
30 airports may request that the department change the project
31 purpose in accordance with this provision notwithstanding the

1 provisions of s. 339.135(7). For purposes of this subsection,
2 the department may fund up to 100 percent of eligible project
3 costs that are not funded by the Federal Government. ~~Prior to~~
4 ~~releasing any funds under this section, the department shall~~
5 ~~review and approve the expenditure plans submitted by the~~
6 ~~airport. The department shall inform the Legislature of any~~
7 ~~change that it approves under this subsection.~~ This subsection
8 shall expire on June 30, 2012 ~~2007~~.

9 Section 3. Subsections (2) and (4) of section 332.14,
10 Florida Statutes, are amended to read:

11 332.14 Secure Airports for Florida's Economy
12 Council.--

13 (2) The Secure Airports for Florida's Economy (SAFE)
14 Council is created within the Department of Transportation.
15 The council shall consist of the following 27 members:

16 (a) The airport director, or his or her designee, of
17 each of the following airports:

- 18 1. Daytona Beach International Airport.
- 19 2. Ft. Lauderdale-Hollywood International Airport.
- 20 3. Gainesville Regional Airport.
- 21 4. Jacksonville International Airport.
- 22 5. Key West International Airport.
- 23 6. Melbourne International Airport.
- 24 7. Miami International Airport.
- 25 8. Naples Municipal Airport.
- 26 9. Okaloosa County Regional Airport.
- 27 10. Orlando International Airport.
- 28 11. Orlando-Sanford International Airport.
- 29 12. Palm Beach County International Airport.
- 30 13. Panama City-Bay County International Airport.
- 31 14. Pensacola Regional Airport.

- 1 15. Sarasota-Bradenton International Airport.
2 16. Southwest Florida International Airport.
3 17. St. Petersburg-Clearwater International Airport.
4 18. Tallahassee Regional Airport.
5 19. Tampa International Airport.
6 (b) The executive directors of two general aviation
7 airports appointed by the Florida Airports Council.
8 (c) The Secretary ~~of the Department~~ of Transportation
9 or his or her designee.
10 (d) The director of the Office of Tourism, Trade, and
11 Economic Development or his or her designee.
12 (e) The Secretary ~~of the Department~~ of Community
13 Affairs or his or her designee.
14 (f) The executive director of the Department of Law
15 Enforcement or his or her designee.
16 (g) A representative of the airline industry appointed
17 by the Air Transport Association.
18 (h) A representative of the general aviation industry
19 appointed by the Florida Aviation Trades Association.
20 (4) The council shall adopt bylaws governing the
21 manner in which the business of the council will be conducted.
22 The bylaws shall specify the procedure by which the chair of
23 the council is elected. The council shall meet at the call of
24 its chair, at the request of a majority of its membership, or
25 at such times as may be prescribed in its bylaws. However, the
26 council must meet at least twice a year. Except for the
27 members appointed pursuant to paragraphs (2)(d), (e), and (f),
28 all members of the council are voting members. A majority of
29 voting members of the council constitutes a quorum for the
30 purpose of transacting the business of the council. A vote of
31 the majority of the members present is sufficient for any

1 | action of the council, except that a member representing the
2 | Department of Transportation, the Department of Community
3 | Affairs, the Department of Law Enforcement, or the Office of
4 | Tourism, Trade, and Economic Development may vote to overrule
5 | any action of the council approving a project pursuant to
6 | paragraph (7)(a). The bylaws of the council may require a
7 | greater vote for a particular action.

8 | Section 4. Paragraph (a) of subsection (3) of section
9 | 337.11, Florida Statutes, is amended to read:

10 | 337.11 Contracting authority of department; bids;
11 | emergency repairs, supplemental agreements, and change orders;
12 | combined design and construction contracts; progress payments;
13 | records; requirements of vehicle registration.--

14 | (3)(a) On all construction contracts of \$250,000 or
15 | less, and any construction contract of less than \$500,000 for
16 | which the department has waived prequalification under s.
17 | 337.14, the department shall advertise for bids in a newspaper
18 | having general circulation in the county where the proposed
19 | work is to be located. Publication shall be at least once a
20 | week for no less than 2 consecutive weeks, and the first
21 | publication shall be no less than 14 days prior to the date on
22 | which bids are to be received.

23 | Section 5. Subsection (1) of section 337.14, Florida
24 | Statutes, is amended to read:

25 | 337.14 Application for qualification; certificate of
26 | qualification; restrictions; request for hearing.--

27 | (1) Any person desiring to bid for the performance of
28 | any construction contract in excess of \$250,000 which the
29 | department proposes to let must first be certified by the
30 | department as qualified pursuant to this section and rules of
31 | the department. The rules of the department shall address the

1 qualification of persons to bid on construction contracts in
2 excess of \$250,000 and shall include requirements with respect
3 to the equipment, past record, experience, financial
4 resources, and organizational personnel of the applicant
5 necessary to perform the specific class of work for which the
6 person seeks certification. The department is authorized to
7 limit the dollar amount of any contract upon which a person is
8 qualified to bid or the aggregate total dollar volume of
9 contracts such person is allowed to have under contract at any
10 one time. Each applicant seeking certification ~~qualification~~
11 to bid on construction contracts in excess of \$250,000 shall
12 furnish the department a statement under oath, on such forms
13 as the department may prescribe, setting forth detailed
14 information as required on the application. Each application
15 for certification shall be accompanied by the latest annual
16 financial statement of the applicant completed within the last
17 12 months. If the annual financial statement shows the
18 financial condition of the applicant more than 4 months prior
19 to the date on which the application is received by the
20 department, then an interim financial statement must also be
21 submitted. The interim financial statement must cover the
22 period from the end date of the annual statement and must show
23 the financial condition of the applicant no more than 4 months
24 prior to the date on which the application is received by the
25 department. Each required annual or interim financial
26 statement must be audited and accompanied by the opinion of a
27 certified public accountant or a public accountant approved by
28 the department. The information required by this subsection is
29 confidential and exempt from the provisions of s. 119.07(1).
30 The department shall act upon the application ~~for~~
31 ~~qualification~~ within 30 days after the department determines

1 that the application is complete. The department may waive the
2 requirements of this subsection for projects having a contract
3 price of \$500,000 or less if the department determines that
4 the project is of a noncritical nature and the waiver will not
5 endanger public health, safety, or property.

6 Section 6. Paragraph (a) of subsection (1) of section
7 337.18, Florida Statutes, is amended to read:

8 337.18 Surety bonds for construction or maintenance
9 contracts; requirement with respect to contract award; bond
10 requirements; defaults; damage assessments.--

11 (1)(a) A surety bond shall be required of the
12 successful bidder in an amount equal to the awarded contract
13 price. However, the department may choose, in its discretion
14 and applicable only to multiyear maintenance contracts, to
15 allow for incremental annual contract bonds that cumulatively
16 total the full, awarded, multiyear contract price. For a
17 project for which the contract price is ~~\$250,000~~~~\$150,000~~ or
18 less, the department may waive the requirement for all or a
19 portion of a surety bond if it determines the project is of a
20 noncritical nature and nonperformance will not endanger public
21 health, safety, or property. If the secretary or his designee
22 determines that it is in the best interests of the state to
23 reduce the bonding requirement for a project and that to do so
24 will not endanger public health, safety, or property, the
25 department may waive the requirement of a surety bond in an
26 amount equal to the awarded contract price for a project
27 having a contract price of \$250 million or more and, in its
28 place, may set a surety bond amount that is a portion of the
29 total contract price and provide an alternate means of
30 security for the balance of the contract amount that is not
31 covered by the surety bond or provide for incremental surety

1 bonding and provide an alternate means of security for the
2 balance of the contract amount that is not covered by the
3 surety bond. Such alternative means of security may include
4 letters of credit, United States bonds and notes, parent
5 company guaranties, and cash collateral. The department may
6 require alternate means of security if a surety bond is
7 waived. The surety on such bond shall be a surety company
8 authorized to do business in the state. All bonds shall be
9 payable to the department and conditioned for the prompt,
10 faithful, and efficient performance of the contract according
11 to plans and specifications and within the time period
12 specified, and for the prompt payment of all persons
13 furnishing, as defined in s. 713.01, ~~furnishing~~ labor,
14 material, equipment, and supplies for work provided in the
15 contract; however, whenever an improvement, demolition, or
16 removal contract price is \$25,000 or less, the security may,
17 in the discretion of the bidder, be in the form of a cashier's
18 check, bank money order of any state or national bank,
19 certified check, or postal money order. The department shall
20 adopt rules to implement this subsection. Such rules shall
21 include provisions under which the department shall refuse to
22 accept bonds on contracts when a surety wrongfully fails or
23 refuses to settle or provide a defense for claims or actions
24 arising under a contract for which the surety previously
25 furnished a bond.

26 Section 7. Subsection (8) of section 338.221, Florida
27 Statutes, is amended to read:

28 338.221 Definitions of terms used in ss.
29 338.22-338.241.--As used in ss. 338.22-338.241, the following
30 words and terms have the following meanings, unless the
31 context indicates another or different meaning or intent:

1 (8) "Economically feasible" means:

2 (a) For a proposed turnpike project~~7~~ that, as
3 determined by the department before the issuance of revenue
4 bonds for the project, the estimated net revenues of the
5 proposed turnpike project, excluding feeder roads and turnpike
6 improvements, will be sufficient to pay at least ~~50 percent of~~
7 ~~the debt service on the bonds by the end of the 12th year of~~
8 ~~operation and to pay at least~~ 100 percent of the annual debt
9 service on the bonds associated with the project by the end of
10 the 30th ~~22nd~~ year of operation. In implementing this
11 paragraph, up to 50 percent of the adopted work program costs
12 of the project may be funded from turnpike revenues.

13 (b) For turnpike projects, except for feeder roads and
14 turnpike improvements, financed from revenues of the turnpike
15 system, such project~~7~~ or ~~such~~ group of projects, originally
16 financed from revenues of the turnpike system, that the
17 project is expected to generate sufficient revenues to
18 amortize project costs within 15 years of opening to traffic.

19
20 This subsection does not prohibit the pledging of revenues
21 from the entire turnpike system to bonds issued to finance or
22 refinance a turnpike project or group of turnpike projects.

23 Section 8. Subsection (3) of section 338.2275, Florida
24 Statutes, is repealed and subsection (1) of that section is
25 amended to read:

26 338.2275 Approved turnpike projects.--

27 (1) Legislative approval of the department's tentative
28 work program that contains the turnpike project constitutes
29 approval to issue bonds as required by s. 11(f), Art. VII of
30 the State Constitution. No more than \$9 billion of bonds may
31 be outstanding to fund approved turnpike projects. ~~Turnpike~~

1 ~~projects approved to be included in future tentative work~~
2 ~~programs include, but are not limited to, projects contained~~
3 ~~in the 2003-2004 tentative work program. A maximum of \$4.5~~
4 ~~billion of bonds may be issued to fund approved turnpike~~
5 ~~projects.~~

6 Section 9. Section 338.234, Florida Statutes, is
7 amended to read:

8 338.234 Granting concessions or selling along the
9 turnpike system; immunity from taxation.--

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

1 for the purpose of acquiring real property in order to provide
2 business services or opportunities, such as lodging and
3 meeting-room space on the turnpike system.

4 (2) The effectuation of the authorized purposes of the
5 Florida Intrastate Highway System and Florida Turnpike
6 Enterprise, created under this chapter, is for the benefit of
7 the people of the state, for the increase of their commerce
8 and prosperity, and for the improvement of their health and
9 living conditions and, because the system and enterprise
10 perform essential government functions in effectuating such
11 purposes, neither the turnpike enterprise nor any
12 nongovernment lessee or licensee renting, leasing, or
13 licensing real property from the turnpike enterprise, pursuant
14 to an agreement authorized by this section are required to pay
15 any commercial rental tax imposed under s. 212.031 on any
16 capital improvements constructed, improved, acquired,
17 installed, or used for such purposes.

18 Section 10. Section 339.282, Florida Statutes, is
19 created to read:

20 339.282 Enhanced Bridge Program for Sustainable
21 Transportation.--

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

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

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1 (3) The department shall allocate a minimum of 25
2 percent of funding available for the program for local bridge
3 projects to replace, rehabilitate, paint, or install scour
4 countermeasures to highway bridges located on public roads,
5 other than those on the State Highway System. A project to be
6 funded must, at a minimum:

7 (a) Be classified as a structurally deficient bridge
8 having a poor condition rating for the deck, superstructure,
9 substructure component, or culvert;

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

11 (c) Have average daily traffic of at least 500
12 vehicles.

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

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

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

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

26 (6) Preference shall be given to bridge projects
27 located on corridors that connect to the Strategic Intermodal
28 System created in s. 339.61, and that have been identified as
29 regionally significant in accordance with s.
30 339.155(5)(c), (d), and (e).
31

1 Section 11. Subsection (1) of section 339.08, Florida
2 Statutes, is amended to read:

3 339.08 Use of moneys in State Transportation Trust
4 Fund.--

5 (1) The department shall expend moneys in the State
6 Transportation Trust Fund accruing to the department, in
7 accordance with its annual budget. The use of such moneys
8 shall be restricted to the following purposes:

9 (a) To pay administrative expenses of the department,
10 including administrative expenses incurred by the several
11 state transportation districts, but excluding administrative
12 expenses of commuter rail authorities that do not operate rail
13 service.

14 (b) To pay the cost of construction of the State
15 Highway System.

16 (c) To pay the cost of maintaining the State Highway
17 System.

18 (d) To pay the cost of public transportation projects
19 in accordance with chapter 341 and ss. 332.003-332.007.

20 (e) To reimburse counties or municipalities for
21 expenditures made on projects in the State Highway System as
22 authorized by s. 339.12(4) upon legislative approval.

23 (f) To pay the cost of economic development
24 transportation projects in accordance with s. 288.063.

25 (g) To lend or pay a portion of the operating,
26 maintenance, and capital costs of a revenue-producing
27 transportation project that is located on the State Highway
28 System or that is demonstrated to relieve traffic congestion
29 on the State Highway System.

30
31

1 (h) To match any federal-aid funds allocated for any
2 other transportation purpose, including funds allocated to
3 projects not located in the State Highway System.

4 (i) To pay the cost of county road projects selected
5 in accordance with the Small County Road Assistance Program
6 created in s. 339.2816.

7 (j) To pay the cost of county or municipal road
8 projects selected in accordance with the County Incentive
9 Grant Program created in s. 339.2817, ~~and~~ the Small County
10 Outreach Program created in s. 339.2818, and the Enhanced
11 Bridge Program created in s. 339.282.

12 (k) To provide loans and credit enhancements for use
13 in constructing and improving highway transportation
14 facilities selected in accordance with the state-funded
15 infrastructure bank created in s. 339.55.

16 (l) To pay the cost of projects on the Florida
17 Strategic Intermodal System created in s. 339.61.

18 (m) To pay the cost of transportation projects
19 selected in accordance with the Transportation Regional
20 Incentive Program created in s. 339.2819.

21 (n) To pay other lawful expenditures of the
22 department.

23 Section 12. Subsection (4) of section 339.55, Florida
24 Statutes, is amended, and paragraph (c) is added to subsection
25 (2) and paragraph (j) is added to subsection (7) of that
26 section, to read:

27 339.55 State-funded infrastructure bank.--

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

30 (c)1. Emergency loans for damages incurred to
31 public-use commercial deepwater seaports, public-use airports,

1 and other public-use transit and intermodal facilities that
2 are within an area that is part of an official state
3 declaration of emergency pursuant to chapter 252 and all other
4 applicable laws. Such loans:

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

9 b. Require application from the recipient to the
10 department that includes documentation of damage claims filed
11 with the Federal Emergency Management Agency or an applicable
12 insurance carrier and documentation of the recipient's overall
13 financial condition.

14 c. Are subject to approval by the Secretary of
15 Transportation and the Legislative Budget Commission.

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

21 (4) Loans from the bank may bear interest at or below
22 market interest rates, as determined by the department.
23 Repayment of any loan ~~from the bank~~ shall commence not later
24 than 5 years after the project has been completed or, in the
25 case of a highway project, the facility has opened to traffic,
26 whichever is later, and shall be repaid within in no more than
27 30 years, except for loans provided under paragraph (2)(c),
28 which shall be repaid within 36 months.

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

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

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

9 341.071 Transit productivity and performance measures;
10 reports.--

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

23 Section 14. Construction aggregate materials.--

24 (1) DEFINITIONS.--

25 (a) "Agency" means:

26 1. The Governor in the exercise of all executive
27 powers other than those derived from the constitution.

28 2. Each:

29 a. State officer and state department, and each
30 departmental unit described in s. 20.04, Florida Statutes.

31

1 b. Authority, including a regional water supply
2 authority.

3 c. Board.

4 d. Commission, including the Commission on Ethics and
5 the Fish and Wildlife Conservation Commission when acting
6 pursuant to statutory authority derived from the Legislature.

7 e. Regional planning agency, including, but not
8 limited to, a regional planning council.

9 f. Multicounty special district of which a majority of
10 its governing board is comprised of nonelected persons.

11 g. Educational unit.

12 h. Entity described in chapters 163, 373, 380, and
13 582, Florida Statutes, and s. 186.504, Florida Statutes.

14 3. Each other unit of government in the state,
15 including counties and municipalities.

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

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

28 (3) AGENCY DECISIONMAKING.--No agency shall approve or
29 deny a proposed land use zoning change, comprehensive plan
30 amendment, land use permit, ordinance, or order without
31 considering, in consultation with the Department of

1 Transportation, the effect such change, amendment, permit
2 decision, ordinance, or order would have on the availability,
3 transportation, and potential extraction of construction
4 aggregate materials on the local area, the region, and the
5 state. No agency may impose a moratorium on the mining or
6 extraction of construction aggregate materials of more than 12
7 months' duration.

8 (4) EXPEDITED PERMITTING.--Due to the state's critical
9 infrastructure needs and the potential shortfall in available
10 construction aggregate materials, limerock environmental
11 resource permitting and reclamation applications filed after
12 March 1, 2007, are eligible for the expedited permitting
13 processes contained in s. 403.973, Florida Statutes.
14 Challenges to state agency action in the expedited permitting
15 process for establishment of a limerock mine in this state
16 under s. 403.973, Florida Statutes, are subject to the same
17 requirements as challenges brought under s. 403.973(15)(a),
18 Florida Statutes, except that, notwithstanding s. 120.574,
19 Florida Statutes, summary proceedings must be conducted within
20 30 days after a party files the motion for summary hearing,
21 regardless of whether the parties agree to the summary
22 proceeding.

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

24 (a) The Strategic Aggregates Review Task Force is
25 created to evaluate the availability and disposition of
26 construction aggregate materials and related mining and land
27 use practices in this state.

28 (b) The task force shall be appointed by August 1,
29 2007, and shall be composed of the following 19 members:
30
31

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

4 a. The mining industry.

5 b. The construction industry.

6 c. The transportation industries, including seaports,
7 trucking, railroads, or roadbuilders.

8 d. Elected officials representing counties identified
9 by the Department of Transportation as limestone or sand
10 resource areas. At least one elected official must represent a
11 county having a population of 75,000 or fewer, or a county
12 having a population of 100,000 or fewer which is contiguous to
13 a county having a population of 75,000 or fewer.

14 e. Environmental advocacy groups.

15 2. The Secretary of Environmental Protection or
16 designee.

17 3. The Secretary of Community Affairs or designee.

18 4. The Secretary of Transportation or designee.

19 5. One member appointed by the Florida League of
20 Cities, Inc.

21 (c) Members of the commission shall serve without
22 compensation. Travel and per diem expenses for members who are
23 not state employees shall be paid by the Department of
24 Transportation in accordance with s. 112.061, Florida
25 Statutes.

26 (d) The Department of Environmental Protection shall
27 organize and provide administrative support for the task force
28 and coordinate with other state agencies and local governments
29 in obtaining and providing such data and information as may be
30 needed by the task force to complete its evaluation. The
31 department may conduct any supporting studies as are required

1 to obtain needed information or otherwise assist the task
2 force in its review and deliberations.

3 (e) The Department of Transportation shall collect and
4 provide information to the task force relating to construction
5 aggregate materials and the amount of such materials used by
6 the department on state road infrastructure projects, and
7 shall provide any technical and supporting information
8 relating to the use of such materials as is available to the
9 department.

10 (f) The task force shall report its findings to the
11 Governor, the President of the Senate, and the Speaker of the
12 House of Representatives by February 1, 2008. The report must
13 identify locations with significant concentrations of
14 construction aggregate materials and recommend actions
15 intended to ensure the continued extraction and availability
16 of construction aggregate materials.

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

18 Section 15. Subsection (27) is added to section
19 479.01, Florida Statutes, to read:

20 479.01 Definitions.--As used in this chapter, the
21 term:

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

31

1 Section 16. Section 479.155, Florida Statutes, is
2 amended to read:

3 479.155 Local outdoor advertising or sign
4 ordinances.--~~The provisions of This chapter does shall not be~~
5 ~~deemed to~~ supersede the rights and powers of counties and
6 municipalities to enact outdoor advertising or sign
7 ordinances. Notwithstanding any other provision of this
8 chapter, a municipality or county may exercise jurisdiction
9 over the regulation of wall murals within areas designated by
10 such governments; however, a wall mural that displays a
11 commercial message and is within 660 feet of the nearest edge
12 of the right-of-way within an area adjacent to the interstate
13 highway system or the federal-aid primary highway system must
14 be located in an area that is zoned for industrial or
15 commercial use. The municipality or county shall establish and
16 enforce regulations that set criteria governing the size,
17 lighting, and spacing of wall murals in such areas which are
18 consistent with the intent of the Highway Beautification Act
19 of 1965 and with customary use. A wall mural that is subject
20 to a local regulation and the Highway Beautification Act of
21 1965 must be approved by the Department of Transportation and
22 the Federal Highway Administration and may not violate the
23 agreement between the state and the United States Department
24 of Transportation or violate federal regulations enforced by
25 the Department of Transportation under s. 479.02(1).

26 Section 17. This act shall take effect July 1, 2007.
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 CS/SB 2804

4 The committee substitute for committee substitute (CS)
5 clarifies that the Turnpike Enterprise and its vendors are
6 exempt from the "commercial rental tax" on capital
7 improvements made in the turnpike service plazas. It provides
8 for expedited permitting for limerock environmental resources
9 permitting and reclamation applications filed after March 1,
10 2007.

11 The CS defines the term "wall mural" for purposes of ch. 479,
12 F.S., which governs outdoor advertising. It also provides for
13 local government regulation of wall murals, except for wall
14 murals within 660 feet of the right-of-way for the interstate
15 highway system or the federal-aid primary highways system
16 which would also require the approval of the Department of
17 Transportation and the Federal Highway Administration. It
18 makes a technical change.
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