

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

592-2415-07

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;

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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 term
5 "construction aggregate materials"; providing
6 legislative intent; prohibiting an agency from
7 approving or denying a land use zoning change,
8 comprehensive plan amendment, land use permit,
9 ordinance, or order without consulting with the
10 Department of Transportation and considering
11 the effect of such decision; prohibiting a
12 local government from imposing a moratorium on
13 the mining or extraction of construction
14 aggregate materials of longer than a specified
15 period; providing that limerock environmental
16 resource permitting and reclamation
17 applications are eligible to be expedited;
18 establishing the Strategic Aggregates Review
19 Task Force; providing for membership, staffing,
20 reporting, and expiration; amending s. 479.01,
21 F.S.; defining the term "wall mural"; creating
22 s. 479.156, F.S.; providing for regulation of
23 wall murals by municipalities or counties;
24 requiring that certain wall murals be located
25 in areas zoned for industrial or commercial
26 use; requiring that the local regulation of
27 wall murals be consistent with specified
28 criteria; requiring the Department of
29 Transportation and the Federal Highway
30 Administration to approve a wall mural under
31 certain conditions; creating s. 337.026, F.S.;

1 granting the department authority to enter into
2 agreements for construction aggregate
3 materials; providing an effective date.
4

5 Be It Enacted by the Legislature of the State of Florida:
6

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

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

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

29 (a) The department and any participating commuter rail
30 authority or regional transportation authority established
31 under chapter 343, local governments, or local governments

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

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

31

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

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

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

25 (f) This subsection supersedes any inconsistent
26 provisions in existing law.

27
28 Notwithstanding this subsection, the lien of revenue bonds
29 issued pursuant to this subsection on moneys deposited into
30 the State Transportation Trust Fund shall be subordinate to
31 the lien on such moneys of bonds issued under ss. 215.605,

1 320.20, and 215.616, and any pledge of such moneys to pay
2 operating and maintenance expenses under s. 206.46(5) and
3 chapter 348, as may be amended.

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

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

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

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

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

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

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

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

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

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

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

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

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

9 Section 4. Paragraph (a) of subsection (3) of section
10 337.11, Florida Statutes, is amended to read:

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

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

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

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

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

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

1 ~~qualification~~ within 30 days after the department determines
2 that the application is complete. The department may waive the
3 requirements of this subsection for projects having a contract
4 price of \$500,000 or less if the department determines that
5 the project is of a noncritical nature and the waiver will not
6 endanger public health, safety, or property.

7 Section 6. Paragraph (a) of subsection (1) of section
8 337.18, Florida Statutes, is amended to read:

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

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

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

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

29 338.221 Definitions of terms used in ss.
30 338.22-338.241.--As used in ss. 338.22-338.241, the following
31

1 words and terms have the following meanings, unless the
2 context indicates another or different meaning or intent:

3 (8) "Economically feasible" means:

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

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

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

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

28 338.2275 Approved turnpike projects.--

29 (1) Legislative approval of the department's tentative
30 work program that contains the turnpike project constitutes
31 approval to issue bonds as required by s. 11(f), Art. VII of

1 | the State Constitution. No more than \$9 billion of bonds may
2 | be outstanding to fund approved turnpike projects. ~~Turnpike~~
3 | ~~projects approved to be included in future tentative work~~
4 | ~~programs include, but are not limited to, projects contained~~
5 | ~~in the 2003-2004 tentative work program. A maximum of \$4.5~~
6 | ~~billion of bonds may be issued to fund approved turnpike~~
7 | ~~projects.~~

8 | Section 9. Section 338.234, Florida Statutes, is
9 | amended to read:

10 | 338.234 Granting concessions or selling along the
11 | turnpike system; immunity from taxation.--

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

1 | the grants of authority to the turnpike enterprise under this
2 | section, shall not exercise the power of eminent domain solely
3 | for the purpose of acquiring real property in order to provide
4 | business services or opportunities, such as lodging and
5 | meeting-room space on the turnpike system.

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

20 | Section 10. Section 339.282, Florida Statutes, is
21 | created to read:

22 | 339.282 Enhanced Bridge Program for Sustainable
23 | Transportation.--

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

31 |

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

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

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

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

13 (c) Have average daily traffic of at least 500
14 vehicles.

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

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

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

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

28 (6) Preference shall be given to bridge projects
29 located on corridors that connect to the Strategic Intermodal
30 System created in s. 339.61, and that have been identified as
31

1 regionally significant in accordance with s.
2 339.155(5)(c),(d), and (e).

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

5 339.08 Use of moneys in State Transportation Trust
6 Fund.--

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

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

16 (b) To pay the cost of construction of the State
17 Highway System.

18 (c) To pay the cost of maintaining the State Highway
19 System.

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

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

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

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

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.--As used in this section, the term
25 "construction aggregate materials" means crushed stone,
26 limestone, dolomite, limerock, shell rock, cemented coquina,
27 sand for use as a component of mortars, concrete, bituminous
28 mixtures, or underdrain filters, and other mined resources
29 providing the basic material for concrete, asphalt, and road
30 base.

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

7 (3) LOCAL GOVERNMENT DECISIONMAKING.--No local
8 government shall approve or deny a proposed land use zoning
9 change, comprehensive plan amendment, land use permit,
10 ordinance, or order regarding construction aggregate materials
11 without considering all information provided by the Department
12 of Transportation regarding the effect such change, amendment,
13 permit decision, ordinance, or order would have on the
14 availability, transportation, and potential extraction of
15 construction aggregate materials on the local area, the
16 region, and the state. The failure of the Department of
17 Transportation to provide this information shall not be a
18 basis for the delay or invalidation of the local government
19 action. No local government may impose a moratorium on the
20 mining or extraction of construction aggregate materials which
21 lasts more than 12 months, commencing on the date on which the
22 vote to impose the moratorium was taken. January 1, 2007,
23 shall serve as the commencement of the 12-month period for
24 moratoria already in place as of July 1, 2007 .

25 (4) EXPEDITED PERMITTING.--Due to the state's critical
26 infrastructure needs and the potential shortfall in available
27 construction aggregate materials, limerock environmental
28 resource permitting and reclamation applications filed after
29 March 1, 2007, are eligible for the expedited permitting
30 processes contained in s. 403.973, Florida Statutes.
31 Challenges to state agency action in the expedited permitting

1 process for establishment of a limerock mine in this state
2 under s. 403.973, Florida Statutes, are subject to the same
3 requirements as challenges brought under s. 403.973(15)(a),
4 Florida Statutes, except that, notwithstanding s. 120.574,
5 Florida Statutes, summary proceedings must be conducted within
6 30 days after a party files the motion for summary hearing,
7 regardless of whether the parties agree to the summary
8 proceeding.

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

10 (a) The Strategic Aggregates Review Task Force is
11 created to evaluate the availability and disposition of
12 construction aggregate materials and related mining and land
13 use practices in this state.

14 (b) The task force shall be appointed by August 1,
15 2007, and shall be composed of the following 19 members:

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

19 a. The mining industry.

20 b. The construction industry.

21 c. The transportation industries, including seaports,
22 trucking, railroads, or roadbuilders.

23 d. Elected officials representing counties identified
24 by the Department of Transportation as limestone or sand
25 resource areas. Rural, mid-size, and urban counties shall each
26 have one elected official on the task force.

27 e. Environmental advocacy groups.

28 2. The Secretary of Environmental Protection or
29 designee.

30 3. The Secretary of Community Affairs or designee.

31 4. The Secretary of Transportation or designee.

1 5. One member appointed by the Florida League of
2 Cities, Inc.

3 (c) Members of the commission shall serve without
4 compensation. Travel and per diem expenses for members who are
5 not state employees shall be paid by the Department of
6 Transportation in accordance with s. 112.061, Florida
7 Statutes.

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

16 (e) The Department of Transportation shall collect and
17 provide information to the task force relating to construction
18 aggregate materials and the amount of such materials used by
19 the department on state road infrastructure projects, and
20 shall provide any technical and supporting information
21 relating to the use of such materials as is available to the
22 department.

23 (f) The task force shall report its findings to the
24 Governor, the President of the Senate, and the Speaker of the
25 House of Representatives by February 1, 2008. The report must
26 identify locations with significant concentrations of
27 construction aggregate materials and recommend actions
28 intended to ensure the continued extraction and availability
29 of construction aggregate materials.

30 (g) The task force shall be dissolved on July 1, 2008.
31

1 Section 15. Subsection (27) is added to section
2 479.01, Florida Statutes, to read:

3 479.01 Definitions.--As used in this chapter, the
4 term:

5 (27) "Wall mural" means a sign that is a painting or
6 an artistic work composed of photographs or arrangements of
7 color and that displays a commercial or noncommercial message,
8 relies solely on the side of the building for rigid structural
9 support, and is painted on the building or depicted on vinyl,
10 fabric, or other similarly flexible material that is held in
11 place flush or flat against the surface of the building. The
12 term excludes a painting or work placed on a structure that is
13 erected for the sole or primary purpose of signage.

14 Section 16. Section 479.156, Florida Statutes, is
15 created to read:

16 479.156 Wall murals.--Notwithstanding any other
17 provision of this chapter, a municipality or county may permit
18 and regulate wall murals within areas designated by such
19 government. If a municipality or county permits wall murals, a
20 wall mural that displays a commercial message and is within
21 660 feet of the nearest edge of the right-of-way within an
22 area adjacent to the interstate highway system or the
23 federal-aid primary highway system shall be located in an area
24 that is zoned for industrial or commercial use and the
25 municipality or county shall establish and enforce regulations
26 for such areas that, at a minimum, set forth criteria
27 governing the size, lighting, and spacing of wall murals
28 consistent with the intent of the Highway Beautification Act
29 of 1965 and with customary use. A wall mural that is subject
30 to municipal or county regulation and the Highway
31 Beautification Act of 1965 must be approved by the Department

1 of Transportation and the Federal Highway Administration and
2 may not violate the agreement between the state and the United
3 States Department of Transportation or violate federal
4 regulations enforced by the Department of Transportation under
5 s. 479.02(1).

6 Section 17. Section 337.026, Florida Statutes, is
7 created to read:

8 337.026 Authority of department to enter into
9 agreements for construction aggregate materials.--

10 (1) The department may pursue innovative contractual
11 or engineering techniques that will provide reliable and
12 economic supplies of construction aggregate materials and that
13 control time and cost increases on construction projects.

14 (2) The department may enter into agreements with
15 private or public entities. Such agreements may include, but
16 are not limited to, acquisition of materials or resources or
17 long-term leases for terms not to exceed 99 years which will
18 advance the state's transportation needs.

19 (3) To the maximum extent practicable, the department
20 must use the existing process to award and administer such
21 contractual or engineering techniques. When specific
22 contractual or engineering techniques are to be used, the
23 department is not required to adhere to provisions of law that
24 would prevent, preclude, or prohibit it from using the
25 contractual or engineering technique. However, prior to using
26 an innovative contractual or engineering technique that is
27 inconsistent with another provision of law, the department
28 must document in writing the need for the exception and
29 specify the benefits that the traveling public and the
30 affected community are anticipated to receive.

31 Section 18. This act shall take effect July 1, 2007.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
CS/CS for SB 2804

Clarification is made to the provisions regarding the siting and regulating of wall murals.

The Strategic Aggregates Review Task Force is reassigned from the Department of Environmental Protection to the Department of Transportation.

A new provision is added that encourages the Department of Transportation to enter into innovative contractual or engineering techniques to increase the supplies of aggregate materials and to also utilize long-term agreements with entities to acquire materials or resources needed.