

1 domain name to appear on the plate; amending s.
2 320.08058, F.S.; creating the Support Our
3 Troops license plates; providing for the design
4 of the plates; providing for the distribution
5 of annual use fees received from the sale of
6 such plates; amending s. 311.22, F.S.; revising
7 funding for certain dredging projects; amending
8 s. 332.007, F.S.; authorizing the Department of
9 Transportation to provide funds for certain
10 general aviation projects under certain
11 circumstances; extending the timeframe during
12 which the department is authorized to provide
13 operational and maintenance assistance to
14 certain airports and may redirect the use of
15 certain funds to security-related or
16 economic-impact projects related to the events
17 of September 11, 2001; amending s. 332.14,
18 F.S., relating to the Secure Airports for
19 Florida's Economy Council; providing for
20 certain members of the council to be nonvoting
21 members; amending s. 320.20, F.S.; prescribing
22 when certain funds will become subject to
23 appropriation; revising the distribution of
24 license tax moneys deposited in the State
25 Transportation Trust Fund for the funding of
26 the Florida Seaport Transportation and Economic
27 Development Program and certain seaport
28 intermodal access projects; requiring the
29 Florida Seaport Transportation and Economic
30 Development Council to submit a list of certain
31 freight mobility projects to the Department of

1 Transportation; requiring that the council and
2 the department agree upon the projects selected
3 for funding; requiring the department to
4 include the selected projects for funding in
5 the tentative work program; providing that
6 specified bonds shall be issued by the Division
7 of Bond Finance at the request of the
8 department; providing for funding the
9 construction of wharves and docks; providing
10 for funding certain seaport intermodal access
11 projects; requiring match; providing for the
12 issuance of bonds for such projects; creating
13 s. 311.23, F.S.; creating the Florida Seaport
14 Finance Corporation; providing for membership
15 of its board of directors; providing its powers
16 and duties; authorizing the issuance and
17 validation of bonds; exempting the corporation
18 from taxation; declaring that the corporation
19 is not a special district; authorizing
20 interlocal agreements; exempting board members
21 and employees of the corporation from liability
22 for certain acts; providing that certain
23 provisions of this act do not affect the
24 validity of specified Florida Ports Financing
25 Commission bonds; amending s. 334.351, F.S.;
26 requiring nonprofit youth organizations that
27 contract with the Department of Transportation
28 for the purpose of operating youth work
29 experience programs to certify that the program
30 participants are residents of the state and
31 possess valid identification; specifying

1 criteria for the department to consider in
2 awarding contracts to such organizations;
3 requiring that the nonprofit youth
4 organizations submit certain reports and audits
5 to the department and demonstrate participation
6 in a peer assessment or review process;
7 amending s. 337.11, F.S.; providing that
8 certain construction projects be advertised for
9 bids in local newspapers; amending s. 337.14,
10 F.S.; authorizing the department to waive
11 specified prequalification requirements for
12 certain transportation projects under certain
13 conditions; amending s. 337.18, F.S.; revising
14 surety bond requirements for construction or
15 maintenance contracts; providing for
16 incremental annual surety bonds for multiyear
17 maintenance contracts under certain conditions;
18 revising the threshold for transportation
19 projects eligible for a waiver of surety bond
20 requirements; authorizing the department to
21 provide for phased surety bond coverage or an
22 alternate means of security for a portion of
23 the contract amount in lieu of the surety bond;
24 amending s. 338.221, F.S.; redefining the term
25 "economically feasible" for purposes of certain
26 turnpike projects; amending s. 338.2275, F.S.;
27 deleting obsolete provisions relating to
28 approved turnpike projects; revising the
29 maximum amount of bonds that are available for
30 turnpike projects; amending s. 338.234, F.S.;
31 granting the Florida Turnpike Enterprise, its

1 lessees, and licensees an exemption from
2 requirements to pay commercial rental tax on
3 capital improvements; creating s. 339.282,
4 F.S.; creating the Enhanced Bridge Program for
5 Sustainable Transportation within the
6 Department of Transportation; providing for the
7 use of funds in the program; providing project
8 guidelines for program funding; amending s.
9 339.08, F.S.; allowing moneys in the State
10 Transportation Trust Fund to pay the cost of
11 the Enhanced Bridge System; amending s. 339.55,
12 F.S.; providing for the use of State
13 Infrastructure Bank loans for certain damaged
14 transportation facilities in areas officially
15 declared to be in a state of emergency;
16 providing criteria; amending s. 341.071, F.S.;
17 requiring certain public transit providers to
18 annually report potential productivity and
19 performance enhancements; defining the term
20 "construction aggregate materials"; providing
21 legislative intent; prohibiting an agency from
22 approving or denying a land use zoning change,
23 comprehensive plan amendment, land use permit,
24 ordinance, or order without consulting with the
25 Department of Transportation and considering
26 the effect of such decision; prohibiting a
27 local government from imposing a moratorium on
28 the mining or extraction of construction
29 aggregate materials of longer than a specified
30 period; providing that limerock environmental
31 resource permitting and reclamation

1 applications are eligible to be expedited;
 2 establishing the Strategic Aggregates Review
 3 Task Force; providing for membership, staffing,
 4 reporting, and expiration; amending s. 479.01,
 5 F.S.; defining the term "wall mural"; creating
 6 s. 479.156, F.S.; providing for regulation of
 7 wall murals by municipalities or counties;
 8 requiring that certain wall murals be located
 9 in areas zoned for industrial or commercial
 10 use; requiring that the local regulation of
 11 wall murals be consistent with specified
 12 criteria; requiring the Department of
 13 Transportation and the Federal Highway
 14 Administration to approve a wall mural under
 15 certain conditions; creating s. 337.026, F.S.;
 16 granting the department authority to enter into
 17 agreements for construction aggregate
 18 materials; amending s. 338.213, F.S.; extending
 19 a period in which a specified percentage of
 20 toll and bond financed commitments in Dade,
 21 Broward, and Palm Beach Counties must be a
 22 specific percentage of toll collections from
 23 turnpike usage in those counties; providing an
 24 effective date.

25
 26 Be It Enacted by the Legislature of the State of Florida:

27
 28 Section 1. Subsection (1) of section 215.615, Florida
 29 Statutes, is amended to read:
 30 215.615 Fixed-guideway transportation systems
 31 funding.--

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

19 (a) The department and any participating commuter rail
20 authority or regional transportation authority established
21 under chapter 343, local governments, or local governments
22 collectively by interlocal agreement having jurisdiction of a
23 fixed-guideway transportation system may enter into an
24 interlocal agreement to promote the efficient and
25 cost-effective financing or refinancing of fixed-guideway
26 transportation system projects by revenue bonds issued
27 pursuant to this subsection. The terms of such interlocal
28 agreements shall include provisions for the Department of
29 Transportation to request the issuance of the bonds on behalf
30 of the parties; shall provide that after reimbursement
31 pursuant to interlocal agreement, the department's share may

1 be up to 50 percent of the eligible project cost, which may
2 include a share of annual ~~each party to the agreement is~~
3 ~~contractually liable for an equal share of funding an amount~~
4 ~~equal to the~~ debt service requirements of such bonds; and
5 shall include any other terms, provisions, or covenants
6 necessary to the making of and full performance under such
7 interlocal agreement. Repayments made to the department under
8 any interlocal agreement are not pledged to the repayment of
9 bonds issued hereunder, and failure of the local governmental
10 authority to make such payment shall not affect the obligation
11 of the department to pay debt service on the bonds.

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

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

31

1 (d) Any complaint for validation of bonds issued
 2 pursuant to this section shall be filed in the circuit court
 3 of the county where the seat of state government is situated,
 4 the notice required to be published by s. 75.06 shall be
 5 published only in the county where the complaint is filed, and
 6 the complaint and order of the circuit court shall be served
 7 only on the state attorney of the circuit in which the action
 8 is pending.

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

15 (f) This subsection supersedes any inconsistent
 16 provisions in existing law.

17
 18 Notwithstanding this subsection, the lien of revenue bonds
 19 issued pursuant to this subsection on moneys deposited into
 20 the State Transportation Trust Fund shall be subordinate to
 21 the lien on such moneys of bonds issued under ss. 215.605,
 22 320.20, and 215.616, and any pledge of such moneys to pay
 23 operating and maintenance expenses under s. 206.46(5) and
 24 chapter 348, as may be amended.

25 Section 2. Section 318.18, Florida Statutes, is
 26 amended to read:

27 318.18 Amount of ~~civil~~ penalties.--The penalties
 28 required for a noncriminal disposition pursuant to s. 318.14
 29 or a criminal offense listed in s. 318.17 are as follows:

- 30 (1) Fifteen dollars for:
 31 (a) All infractions of pedestrian regulations.

1 (b) All infractions of s. 316.2065, unless otherwise
2 specified.

3 (c) Other violations of chapter 316 by persons 14
4 years of age or under who are operating bicycles, regardless
5 of the noncriminal traffic infraction's classification.

6 (2) Thirty dollars for all nonmoving traffic
7 violations and:

8 (a) For all violations of s. 322.19.

9 (b) For all violations of ss. 320.0605, 320.07(1),
10 322.065, and 322.15(1). Any person who is cited for a
11 violation of s. 320.07(1) shall be charged a delinquent fee
12 pursuant to s. 320.07(4).

13 1. If a person who is cited for a violation of s.
14 320.0605 or s. 320.07 can show proof of having a valid
15 registration at the time of arrest, the clerk of the court may
16 dismiss the case and may assess a dismissal fee of up to
17 \$7.50. A person who finds it impossible or impractical to
18 obtain a valid registration certificate must submit an
19 affidavit detailing the reasons for the impossibility or
20 impracticality. The reasons may include, but are not limited
21 to, the fact that the vehicle was sold, stolen, or destroyed;
22 that the state in which the vehicle is registered does not
23 issue a certificate of registration; or that the vehicle is
24 owned by another person.

25 2. If a person who is cited for a violation of s.
26 322.03, s. 322.065, or s. 322.15 can show a driver's license
27 issued to him or her and valid at the time of arrest, the
28 clerk of the court may dismiss the case and may assess a
29 dismissal fee of up to \$7.50.

30 3. If a person who is cited for a violation of s.
31 316.646 can show proof of security as required by s. 627.733,

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

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

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

24 (3)(a) Except as otherwise provided in this section,
 25 \$60 for all moving violations not requiring a mandatory
 26 appearance.

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

29

30 For speed exceeding the limit by:	Fine:
31 1-5 m.p.h.....	Warning

1	6-9 m.p.h.....	\$25
2	10-14 m.p.h.....	\$100
3	15-19 m.p.h.....	\$125
4	20-29 m.p.h.....	\$150
5	30 m.p.h. and above.....	\$250

6

7 (c) Notwithstanding paragraph (b), a person cited for

8 exceeding the speed limit by up to 5 m.p.h. in a legally

9 posted school zone will be fined \$50. A person exceeding the

10 speed limit in a school zone shall pay a fine double the

11 amount listed in paragraph (b).

12 (d) A person cited for exceeding the speed limit in a

13 posted construction zone, which posting must include

14 notification of the speed limit and the doubling of fines,

15 shall pay a fine double the amount listed in paragraph (b).

16 The fine shall be doubled for construction zone violations

17 only if construction personnel are present or operating

18 equipment on the road or immediately adjacent to the road

19 under construction.

20 (e) A person cited for exceeding the speed limit in an

21 enhanced penalty zone shall pay a fine amount of \$50 plus the

22 amount listed in paragraph (b). Notwithstanding paragraph (b),

23 a person cited for exceeding the speed limit by up to 5 m.p.h.

24 in a legally posted enhanced penalty zone shall pay a fine

25 amount of \$50.

26 (f) If a violation of s. 316.1301 or s. 316.1303

27 results in an injury to the pedestrian or damage to the

28 property of the pedestrian, an additional fine of up to \$250

29 shall be paid. This amount must be distributed pursuant to s.

30 318.21.

31

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) One hundred dollars for a violation of s.
10 316.1001. However, a person may elect to pay \$30 to the clerk
11 of the court, in which case adjudication is withheld, and no
12 points are assessed under s. 322.27. Upon receipt of the fine,
13 the clerk of the court must retain \$5 for administrative
14 purposes and must forward the \$25 to the governmental entity
15 that issued the citation. Any funds received by a governmental
16 entity for this violation may be used for any lawful purpose
17 related to the operation or maintenance of a toll facility.

18 (8)(a) Any person who fails to comply with the court's
19 requirements or who fails to pay the civil penalties specified
20 in this section within the 30-day period provided for in s.
21 318.14 must pay an additional civil penalty of \$12, \$2.50 of
22 which must be remitted to the Department of Revenue for
23 deposit in the General Revenue Fund, and \$9.50 of which must
24 be remitted to the Department of Revenue for deposit in the
25 Highway Safety Operating Trust Fund. The department shall
26 contract with the Florida Association of Court Clerks, Inc.,
27 to design, establish, operate, upgrade, and maintain an
28 automated statewide Uniform Traffic Citation Accounting System
29 to be operated by the clerks of the court which shall include,
30 but not be limited to, the accounting for traffic infractions
31 by type, a record of the disposition of the citations, and an

1 accounting system for the fines assessed and the subsequent
2 fine amounts paid to the clerks of the court. On or before
3 December 1, 2001, the clerks of the court must provide the
4 information required by this chapter to be transmitted to the
5 department by electronic transmission pursuant to the
6 contract.

7 (b) Any person who fails to comply with the court's
8 requirements as to civil penalties specified in this section
9 due to demonstrable financial hardship shall be authorized to
10 satisfy such civil penalties by public works or community
11 service. Each hour of such service shall be applied, at the
12 rate of the minimum wage, toward payment of the person's civil
13 penalties; provided, however, that if the person has a trade
14 or profession for which there is a community service need and
15 application, the rate for each hour of such service shall be
16 the average standard wage for such trade or profession. Any
17 person who fails to comply with the court's requirements as to
18 such civil penalties who does not demonstrate financial
19 hardship may also, at the discretion of the court, be
20 authorized to satisfy such civil penalties by public works or
21 community service in the same manner.

22 (c) If the noncriminal infraction has caused or
23 resulted in the death of another, the person who committed the
24 infraction may perform 120 community service hours under s.
25 316.027(4), in addition to any other penalties.

26 (9) One hundred dollars for a violation of s.
27 316.1575.

28 (10) Twenty-five dollars for a violation of s.
29 316.2074.

30 (11)(a) In addition to the stated fine, court costs
31 must be paid in the following amounts and shall be deposited

1 by the clerk into the fine and forfeiture fund established
2 pursuant to s. 142.01:

- 3
- 4 For pedestrian infractions.....\$ 3.
- 5 For nonmoving traffic infractions.....\$ 16.
- 6 For moving traffic infractions.....\$ 30.
- 7

8 (b) In addition to the court cost required under
9 paragraph (a), up to \$3 for each infraction shall be collected
10 and distributed by the clerk in those counties that have been
11 authorized to establish a criminal justice selection center or
12 a criminal justice access and assessment center pursuant to
13 the following special acts of the Legislature:

- 14 1. Chapter 87-423, Laws of Florida, for Brevard
- 15 County.
- 16 2. Chapter 89-521, Laws of Florida, for Bay County.
- 17 3. Chapter 94-444, Laws of Florida, for Alachua
- 18 County.
- 19 4. Chapter 97-333, Laws of Florida, for Pinellas
- 20 County.
- 21

22 Funds collected by the clerk pursuant to this paragraph shall
23 be distributed to the centers authorized by those special
24 acts.

25 (c) In addition to the court cost required under
26 paragraph (a), a \$2.50 court cost must be paid for each
27 infraction to be distributed by the clerk to the county to
28 help pay for criminal justice education and training programs
29 pursuant to s. 938.15. Funds from the distribution to the
30 county not directed by the county to fund these centers or
31

1 programs shall be retained by the clerk and used for funding
2 the court-related services of the clerk.

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

8 (12) Two hundred dollars for a violation of s.
9 316.520(1) or (2). If, at a hearing, the alleged offender is
10 found to have committed this offense, the court shall impose a
11 minimum civil penalty of \$200. For a second or subsequent
12 adjudication within a period of 5 years, the department shall
13 suspend the driver's license of the person for not less than 1
14 year and not more than 2 years.

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

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

31

1 (b) That imposed increased fees or service charges by
2 ordinance under s. 28.2401, s. 28.241, or s. 34.041 for the
3 purpose of securing payment of the principal and interest on
4 bonds issued by the county before July 1, 2003, to finance
5 state court facilities, may impose by ordinance a surcharge
6 for any infraction or violation for the exclusive purpose of
7 securing payment of the principal and interest on bonds issued
8 by the county before July 1, 2003, to fund state court
9 facilities until the date of stated maturity. The court shall
10 not waive this surcharge. Such surcharge may not exceed an
11 amount per violation calculated as the quotient of the maximum
12 annual payment of the principal and interest on the bonds as
13 of July 1, 2003, divided by the number of traffic citations
14 for county fiscal year 2002-2003 certified as paid by the
15 clerk of the court of the county. Such quotient shall be
16 rounded up to the next highest dollar amount. The bonds may be
17 refunded only if savings will be realized on payments of debt
18 service and the refunding bonds are scheduled to mature on the
19 same date or before the bonds being refunded. Notwithstanding
20 any provisions that limit the use of surcharge revenues, if
21 the revenues generated as a result of the adoption of this
22 ordinance exceed the debt service on the bonds, the surplus
23 revenues may be used to pay down the debt service on the
24 bonds; to fund other state-court-facility construction
25 projects certified by the chief judge as necessary to address
26 unexpected growth in caseloads, emergency requirements to
27 accommodate public access, threats to the safety of the
28 public, judges, staff, and litigants, or other exigent
29 circumstances; or to support local law libraries in or near
30 the county courthouse or annexes.

31

1 A county may not impose both of the surcharges authorized
2 under paragraphs (a) and (b) concurrently. The clerk of court
3 shall report, no later than 30 days after the end of the
4 quarter, the amount of funds collected under this subsection
5 during each quarter of the fiscal year. The clerk shall submit
6 the report, in a format developed by the Office of State
7 Courts Administrator, to the chief judge of the circuit, the
8 Governor, the President of the Senate, and the Speaker of the
9 House of Representatives.

10 (14) In addition to any penalties imposed for
11 noncriminal traffic infractions under this chapter or imposed
12 for criminal violations listed in s. 318.17, any unit of local
13 government that is consolidated as provided by s. 9, Art. VIII
14 of the State Constitution of 1885, as preserved by s. 6(e),
15 Art. VIII of the State Constitution of 1968, and that is
16 granted the authority in the State Constitution to exercise
17 all the powers of a municipal corporation, and any unit of
18 local government operating under a home rule charter adopted
19 pursuant to ss. 10, 11, and 24, Art. VIII of the State
20 Constitution of 1885, as preserved by s. 6(e), Art. VIII of
21 the State Constitution of 1968, that is granted the authority
22 in the State Constitution to exercise all the powers conferred
23 now or hereafter by general law upon municipalities, may
24 impose by ordinance a surcharge of up to \$15 for any
25 infraction or violation. Revenue from the surcharge shall be
26 transferred to such unit of local government for the purpose
27 of replacing fine revenue deposited into the clerk's fine and
28 forfeiture fund under s. 142.01. The court may not waive this
29 surcharge. Proceeds from the imposition of the surcharge
30 authorized in this subsection shall not be used for the
31 purpose of securing payment of the principal and interest on

1 bonds. This subsection, and any surcharge imposed pursuant to
2 this subsection, shall stand repealed September 30, 2007.

3 (15) One hundred twenty-five dollars for a violation
4 of s. 316.074(1) or s. 316.075(1)(c)1. when a driver has
5 failed to stop at a traffic signal. Sixty dollars shall be
6 distributed as provided in s. 318.21, and the remaining \$65
7 shall be remitted to the Department of Revenue for deposit
8 into the Administrative Trust Fund of the Department of
9 Health.

10 (16) One hundred dollars for a violation of s.
11 316.622(3) or (4), for a vehicle that fails to display a
12 sticker authorizing it to transport migrant or seasonal farm
13 workers or fails to display standardized notification
14 instructions requiring passengers to fasten their seat belts.
15 Two hundred dollars for a violation of s. 316.622(1) or (2),
16 for operating a farm labor vehicle that fails to conform to
17 vehicle safety standards or lacks seat belt assemblies at each
18 passenger position.

19 (17) In addition to any penalties imposed, a surcharge
20 of \$3 must be paid for all criminal offenses listed in s.
21 318.17 and for all noncriminal moving traffic violations under
22 chapter 316. Revenue from the surcharge shall be remitted to
23 the Department of Revenue and deposited quarterly into the
24 State Agency Law Enforcement Radio System Trust Fund of the
25 Department of Management Services for the state agency law
26 enforcement radio system, as described in s. 282.1095. This
27 subsection expires July 1, 2012.

28 Section 3. Subsection (17) is added to section 318.21,
29 Florida Statutes, to read:

30 318.21 Disposition of civil penalties by county
31 courts.--All civil penalties received by a county court

1 pursuant to the provisions of this chapter shall be
2 distributed and paid monthly as follows:

3 (17) Notwithstanding subsections (1) and (2), the
4 proceeds from the surcharge imposed under s. 318.18(17) shall
5 be distributed as provided in that subsection. This subsection
6 expires July 1, 2012.

7 Section 4. Paragraph (iii) is added to subsection (4)
8 of section 320.08056, Florida Statutes, and subsection (6) of
9 that section, is amended to read:

10 320.08056 Specialty license plates.--

11 (4) The following license plate annual use fees shall
12 be collected for the appropriate specialty license plates:

13 (iii) Support Our Troops license plate, \$25.

14 (6) Specialty license plates must bear the design
15 required by law for the appropriate specialty license plate,
16 and the designs and colors must conform to the department's
17 design specifications. In addition to a design, the specialty
18 license plates may bear the imprint of numerals from 1 to 999,
19 inclusive, capital letters "A" through "Z," or a combination
20 thereof. The department shall determine the maximum number of
21 characters, including both numerals and letters. All specialty
22 license plates must be otherwise of the same material and size
23 as standard license plates issued for any registration period.
24 A specialty license plate may bear an appropriate slogan,
25 emblem, or logo in a size and placement that conforms to the
26 department's design specifications. The sponsoring
27 organization's Internet domain name may appear on the plate.

28 Section 5. Subsection (61) is added to section
29 320.08058, Florida Statutes, to read:

30 320.08058 Specialty license plates.--

31 (61) SUPPORT OUR TROOPS LICENSE PLATES.--

1 (a) The department shall develop a Support Our Troops
2 license plate as provided in this section. The plate must bear
3 the colors and design approved by the department and must
4 contain the "Support Our Troops" mark of Support Our Troops,
5 Inc. The word "Florida" must appear at the top of the plate
6 and the words "Support Our Troops" must appear at the bottom
7 of the plate. The field of the plate may be colored.

8 (b) The annual use fees from the plate shall be
9 distributed to Support Our Troops, Inc., to be used for the
10 benefit of Florida troops and their families in accordance
11 with its articles of incorporation. Support Our Troops, Inc.,
12 shall receive the first \$60,000 of the use fees to offset
13 startup costs for developing and establishing the plate.
14 Thereafter, the department shall distribute the annual use
15 fees as follows:

16 1. Twenty-five percent shall be distributed to Support
17 Our Troops, Inc., to offset marketing, administration, and
18 promotion costs.

19 2. Of the remaining 75 percent, 65 percent shall be
20 distributed to Support Our Troops, Inc., and 35 percent shall
21 be distributed to the State Homes for Veterans Trust Fund
22 within the Department of Veterans' Affairs State Homes.

23 Section 6. Subsection (1) of section 311.22, Florida
24 Statutes, is amended to read:

25 311.22 Additional authorization for funding certain
26 dredging projects.--

27 (1) The Florida Seaport Transportation and Economic
28 Development Council shall establish a program to fund dredging
29 projects in counties having a population of fewer than 300,000
30 according to the last official census. Funds made available
31 under this program may be used to fund approved projects for

1 the dredging or deepening of channels, turning basins, or
2 harbors on a 25 percent local ~~50-50~~ matching basis with any
3 port authority, as such term is defined in s. 315.02(2), which
4 complies with the permitting requirements in part IV of
5 chapter 373 and the local financial management and reporting
6 provisions of part III of chapter 218.

7 Section 7. Section 320.20, Florida Statutes, is
8 amended to read:

9 320.20 Disposition of license tax moneys.--The revenue
10 derived from the registration of motor vehicles, including any
11 delinquent fees and excluding those revenues collected and
12 distributed under the provisions of s. 320.081, must be
13 distributed monthly, as collected, as follows:

14 (1) The first proceeds, to the extent necessary to
15 comply with the provisions of s. 18, Art. XII of the State
16 Constitution of 1885, as adopted by s. 9(d), Art. XII, 1968
17 revised constitution, and the additional provisions of s. 9(d)
18 and s. 1010.57, must be deposited in the district Capital
19 Outlay and Debt Service School Trust Fund.

20 (2) Twenty-five million dollars per year of such
21 revenues must be deposited in the State Transportation Trust
22 Fund, with priority use assigned to completion of the
23 interstate highway system. However, any excess funds may be
24 utilized for general transportation purposes, consistent with
25 the Department of Transportation's legislatively approved
26 objectives.

27 (3) Notwithstanding any other provision of law except
28 subsections (1) and (2), on July 1, 1996, and annually
29 thereafter, \$15 million shall be deposited in the State
30 Transportation Trust Fund solely for the purposes of funding
31 the Florida Seaport Transportation and Economic Development

1 Program as provided for in chapter 311. Upon the issuance of
2 bonds pursuant to s. 311.23 which legally defease all
3 outstanding Florida Ports Financing Commission Series 1996
4 Bonds, such deposit shall be subject to appropriation. Such
5 revenues shall be distributed to any port listed in s.
6 311.09(1), to be used for funding projects as follows:

7 (a) For any seaport intermodal access projects that
8 are identified in the tentative work program of the Department
9 of Transportation for the 2007-2008 to 2011-2012 fiscal years,
10 up to the amounts needed to offset the funding requirements of
11 this section.

12 (b) For seaport intermodal access projects as
13 described in s. 341.053(6) which are identified in the 5-year
14 Florida Seaport Mission Plan as provided in s. 311.09(3),
15 funding shall require at least a 25 percent match of the funds
16 received pursuant to this subsection. Matching funds shall
17 come from any port funds, federal funds, local funds, or
18 private funds.

19 (c) For seaport projects as described in s.
20 311.07(3)(b), funds shall be provided on a 50-50 matching
21 basis.

22 (d) For seaport intermodal access projects that
23 involve the dredging or deepening of channels, turning basins,
24 or harbors, or the construction or rehabilitation of wharves,
25 docks, or similar structures, funding shall require at least a
26 25 percent match of the funds received pursuant to this
27 subsection. Matching funds shall come from any port funds,
28 federal funds, local funds, or private funds. ~~on a 50-50~~
29 matching basis to any port listed in s. 311.09(1) to be used
30 for funding projects as described in s. 311.07(3)(b).
31

1 Such revenues may be assigned, pledged, or set aside as a
2 trust for the payment of principal or interest on bonds issued
3 pursuant to s. 311.23, ~~tax anticipation certificates, or any~~
4 ~~other form of indebtedness issued by an individual port or~~
5 ~~appropriate local government having jurisdiction thereof, or~~
6 ~~collectively by interlocal agreement among any of the ports,~~
7 ~~or used to purchase credit support to permit such borrowings.~~
8 However, such debt shall not constitute a general obligation
9 of the State of Florida. The state does hereby covenant with
10 holders of such revenue bonds or other instruments of
11 indebtedness issued hereunder that it will not repeal or
12 impair or amend in any manner that ~~which will~~ materially and
13 adversely affects ~~affect~~ the rights of such holders so long as
14 bonds authorized by this section are outstanding. Any revenues
15 which are not pledged to the repayment of bonds ~~as authorized~~
16 ~~by this section~~ may be utilized for purposes authorized under
17 the Florida Seaport Transportation and Economic Development
18 Program. This ~~revenue source~~ is in addition to any amounts
19 provided for and appropriated in accordance with s. 311.07.
20 The Florida Seaport Transportation and Economic Development
21 Council shall submit to the Department of Transportation a
22 list of strategic transportation, economic development, and
23 freight mobility projects that contribute to the economic
24 growth of the state and that ~~approve distribution of funds to~~
25 ~~ports for projects which~~ have been approved pursuant to s.
26 311.09(5)-(9). The council and the Department of
27 Transportation shall mutually agree upon the prioritization
28 and selection of projects for funding. The Department of
29 Transportation shall include the selected projects for funding
30 in the tentative work program developed pursuant to s.
31 339.135. The council and the Department of Transportation are

1 authorized to perform such acts as are required to facilitate
2 and implement the provisions of this subsection, including the
3 funding of approved projects through the use of other state
4 funding programs, local contributions from seaports, and the
5 creative use of federal funds. To better enable the ports to
6 cooperate for ~~to~~ their mutual advantage, the governing body of
7 each port may exercise powers provided to municipalities or
8 counties in s. 163.01(7)(d) subject to the provisions of
9 chapter 311 and special acts, if any, pertaining to a port.
10 The use of funds provided pursuant to this subsection are
11 limited to eligible projects listed in this subsection. Income
12 derived from a project completed with the use of program
13 funds, beyond operating costs and debt service, shall be
14 restricted to furthering ~~further~~ port capital improvements
15 consistent with maritime purposes and for no other purpose.
16 Use of such income for nonmaritime purposes is prohibited. The
17 provisions of s. 311.07(4) do not apply to any funds received
18 pursuant to this subsection. The Department of Transportation
19 is authorized, pursuant to s. 311.23, to request the issuance
20 of bonds pledging the revenues provided in this subsection and
21 subsectionS (4) and (5) including bonds issued to refund the
22 Florida Ports Financing Commission Series 1996 and Series 1999
23 Bonds. All bonds issued pursuant to this subsection shall
24 mature by June 1, 2037. The revenues available under this
25 ~~subsection shall not be pledged to the payment of any bonds~~
26 ~~other than the Florida Ports Financing Commission Series 1996~~
27 ~~and Series 1999 Bonds currently outstanding; provided,~~
28 ~~however, such revenues may be pledged to secure payment of~~
29 ~~refunding bonds to refinance the Florida Ports Financing~~
30 ~~Commission Series 1996 and Series 1999 Bonds. No Refunding~~
31 bonds secured by revenues available under this subsection may

1 not be issued with a final maturity later than the final
2 maturity of the Florida Ports Financing Commission Series 1996
3 and Series 1999 Bonds or which provide for higher debt service
4 in any year than is currently payable on such bonds. ~~Any~~
5 ~~revenue bonds or other indebtedness issued after July 1, 2000,~~
6 ~~other than refunding bonds shall be issued by the Division of~~
7 ~~Bond Finance at the request of the Department of~~
8 ~~Transportation pursuant to the State Bond Act.~~

9 (4) Notwithstanding any other provision of law except
10 subsections (1), (2), and (3), ~~on July 1, 1999, and annually~~
11 ~~thereafter~~, \$10 million shall be deposited annually into ~~in~~
12 the State Transportation Trust Fund solely for the purposes of
13 funding the Florida Seaport Transportation and Economic
14 Development Program as provided in chapter 311 and for funding
15 seaport intermodal access projects of statewide significance
16 as provided in s. 341.053. Upon the issuance of bonds pursuant
17 to s. 311.23 which legally defease all outstanding Florida
18 Ports Financing Commission Series 1999 Bonds, such deposit
19 shall be subject to appropriation. Such revenues shall be
20 distributed to any port listed in s. 311.09(1), to be used for
21 funding projects as follows:

22 (a) For any seaport intermodal access projects that
23 are identified in the 1997-1998 Tentative Work Program of the
24 Department of Transportation, up to the amounts needed to
25 offset the funding requirements of this section.

26 (b) For seaport intermodal access projects as
27 described in s. 341.053(5) that are identified in the 5-year
28 Florida Seaport Mission Plan as provided in s. 311.09(3).
29 Funding for such projects shall be on a matching basis as
30 mutually determined by the Florida Seaport Transportation and
31 Economic Development Council and the Department of

1 Transportation, provided a minimum of 25 percent of total
2 project funds comes ~~shall come~~ from any port funds, local
3 funds, private funds, or specifically earmarked federal funds.

4 (c) On a 50-50 matching basis for projects as
5 described in s. 311.07(3)(b).

6 (d) For seaport intermodal access projects that
7 involve the dredging or deepening of channels, turning basins,
8 or harbors, ~~+~~ or the construction or rehabilitation of wharves,
9 docks, or similar structures. Funding for such projects shall
10 require a 25-percent match of the funds received pursuant to
11 this subsection. Matching funds must ~~shall~~ come from any port
12 funds, federal funds, local funds, or private funds.

13
14 Such revenues may be assigned, pledged, or set aside as a
15 trust for the payment of principal or interest on bonds issued
16 pursuant to s. 311.23, ~~tax anticipation certificates, or any~~
17 ~~other form of indebtedness issued by an individual port or~~
18 ~~appropriate local government having jurisdiction thereof, or~~
19 ~~collectively by interlocal agreement among any of the ports,~~
20 ~~or used to purchase credit support to permit such borrowings.~~

21 However, such debt does ~~shall~~ not constitute a general
22 obligation of the state. This state does hereby covenant with
23 holders of such revenue bonds or other instruments of
24 indebtedness issued hereunder that it will not repeal or
25 impair or amend this subsection in any manner that ~~which will~~
26 materially and adversely affects ~~affect~~ the rights of holders
27 so long as bonds authorized by this subsection are
28 outstanding. Any revenues that are not pledged to the
29 repayment of bonds ~~as authorized by this section~~ may be used
30 ~~utilized~~ for purposes authorized under the Florida Seaport
31 Transportation and Economic Development Program. This ~~revenue~~

1 ~~source~~ is in addition to any amounts provided for and
2 appropriated in accordance with s. 311.07 and subsection (3).
3 The Florida Seaport Transportation and Economic Development
4 Council shall submit to the Department of Transportation a
5 list of strategic transportation, economic development, and
6 freight mobility projects that contribute to the economic
7 growth of the state and ~~approve distribution of funds to ports~~
8 ~~for projects~~ that have been approved pursuant to s.
9 311.09(5)-(9), or that have been approved for seaport
10 intermodal access projects identified in the 5-year Florida
11 Seaport Mission Plan as provided in s. 311.09(3) ~~and mutually~~
12 ~~agreed upon by the FSTED Council and the Department of~~
13 ~~Transportation.~~ The council and the Department of
14 transportation shall mutually agree upon the prioritization
15 and selection of projects for funding. The Department of
16 Transportation shall include the selected projects for funding
17 in the tentative work program developed pursuant to s.
18 339.135. All contracts for actual construction of projects
19 authorized by this subsection must include a provision
20 encouraging employment of participants in the welfare
21 transition program. The goal for employment of participants in
22 the welfare transition program is 25 percent of all new
23 employees employed specifically for the project, unless the
24 Department of Transportation and the Florida Seaport
25 Transportation and Economic Development Council demonstrate
26 that such a requirement would severely hamper the successful
27 completion of the project. In such ~~an~~ instance, Workforce
28 Florida, Inc., shall establish an appropriate percentage of
29 employees that must be participants in the welfare transition
30 program. The council and the Department of Transportation are
31 authorized to perform such acts as are required to facilitate

1 and implement the provisions of this subsection, including the
2 funding of approved projects through the use of other state
3 funding programs, local contributions from seaports, and the
4 creative use of federal funds. To better enable the ports to
5 cooperate for ~~to~~ their mutual advantage, the governing body of
6 each port may exercise powers provided to municipalities or
7 counties in s. 163.01(7)(d) subject to the provisions of
8 chapter 311 and special acts, if any, pertaining to a port.
9 The use of funds provided pursuant to this subsection is
10 limited to eligible projects listed in this subsection. The
11 provisions of s. 311.07(4) do not apply to any funds received
12 pursuant to this subsection. The Department of Transportation
13 is authorized, pursuant to s. 311.23, to request the issuance
14 of bonds pledging the revenues provided in subsections (3) and
15 (5) and this subsection, including bonds issued to refund the
16 Florida Ports Financing Commission Series 1996 and Series 1999
17 Bonds. All bonds issued pursuant to this subsection shall
18 mature by June 1, 2037. The revenues available under this
19 ~~subsection shall not be pledged to the payment of any bonds~~
20 ~~other than the Florida Ports Financing Commission Series 1996~~
21 ~~and Series 1999 Bonds currently outstanding; provided,~~
22 ~~however, such revenues may be pledged to secure payment of~~
23 ~~refunding bonds to refinance the Florida Ports Financing~~
24 ~~Commission Series 1996 and Series 1999 Bonds.~~ No refunding
25 bonds secured by revenues available under this subsection may
26 be issued with a final maturity later than the final maturity
27 of the Florida Ports Financing Commission Series 1996 and
28 Series 1999 Bonds or which provide for higher debt service in
29 any year than is currently payable on such bonds. ~~Any revenue~~
30 ~~bonds or other indebtedness issued after July 1, 2000, other~~
31 ~~than refunding bonds shall be issued by the Division of Bond~~

1 ~~Finance at the request of the Department of Transportation~~
2 ~~pursuant to the State Bond Act.~~

3 (5) Notwithstanding any other provision of law except
4 subsections (1), (2), (3), and (4), on July 1, 2008, and
5 annually thereafter, \$3 million shall be deposited into the
6 State Transportation Trust Fund solely to fund the Florida
7 Seaport Transportation and Economic Development Program as
8 provided in chapter 311 and to fund seaport intermodal access
9 projects of statewide significance as provided in s. 341.053.
10 Such deposit shall be subject to appropriation. The revenues
11 shall be distributed to any port listed in s. 311.09(1), to be
12 used for funding projects as follows:

13 (a) For any seaport intermodal access projects that
14 are identified in the tentative work program of the Department
15 of Transportation for the 2007-2008 to 2011-2012 fiscal years,
16 up to the amounts needed to offset the funding requirements of
17 this section.

18 (b) For seaport intermodal access projects described
19 in s.341.053(6) which are identified in the 5-year Florida
20 Seaport Mission Plan as provided in s. 311.09(3), funding
21 shall require at least a 25 percent match of the funds
22 received pursuant to this subsection. Matching funds must come
23 from any port funds, federal funds, local funds, or private
24 funds.

25 (c) On a 50-50 matching basis for projects described
26 in s. 311.07(3)(b).

27 (d) For seaport intermodal access projects that
28 involve the dredging or deepening of channels, turning basins,
29 or harbors, or the construction or rehabilitation of wharves,
30 docks, or similar structures, funding shall require at least a
31 25 percent match of the funds received pursuant to this

1 subsection. Matching funds must come from any port funds,
2 federal funds, local funds, or private funds.
3
4 Such revenues may be assigned, pledged, or set aside as a
5 trust for the payment of principal or interest on bonds issued
6 pursuant to s. 311.23. However, such debt does not constitute
7 a general obligation of the state. The state covenants with
8 holders of such bonds that it will not repeal or impair or
9 amend this subsection in any manner that materially and
10 adversely affects the rights of holders so long as bonds
11 authorized by this subsection are outstanding. Any revenues
12 that are not pledged for the repayment of bonds may be used
13 for purposes authorized under the Florida Seaport
14 Transportation and Economic Development Program. This is in
15 addition to any amounts provided for and appropriated in
16 accordance with s. 311.07 and subsections (3) and (4). The
17 Florida Seaport Transportation and and Economic Development
18 Council shall submit to the Department of Transportation a
19 list of strategic transportation, economic development, and
20 freight mobility projects that contribute to the economic
21 growth of the state and that have been approved pursuant to s.
22 311.09(5)-(9), or that have been approved for seaport
23 intermodal access projects identified in the 5-year Florida
24 Seaport Mission Plan as provided in s. 311.09(3). The council
25 and the Department of Transportation shall mutually agree upon
26 the prioritization and selection of projects for funding. The
27 Department of Transportation shall include the selected
28 projects for funding in the tentative work program developed
29 pursuant to s. 339.135. The council and the Department of
30 Transportation may perform such acts as are required to
31 facilitate and implement this subsection, including the

1 funding of approved projects through the use of other state
2 funding programs, local contributions from seaports, and the
3 creative use of federal funds. To better enable the ports to
4 cooperate for their mutual advantage, the governing body of
5 each port may exercise powers provided to municipalities or
6 counties in s. 163.01(7)(d), subject to chapter 311 and any
7 special acts pertaining to the port. The use of funds provided
8 under this subsection is limited to eligible projects listed
9 in this subsection. The Department of Transportation is
10 authorized, pursuant to s. 311.23, to request the issuance of
11 bonds pledging the revenues provided in subsections (3), (4),
12 and (5). All bonds secured by revenues under subsection (5)
13 shall mature by July 1, 2037.

14 (6)(5)(a) Except as provided in paragraph (c), the
15 remainder of such revenues must be deposited in the State
16 Transportation Trust Fund.

17 (b) Each month the Chief Financial Officer ~~each month~~
18 shall deposit in the State Transportation Trust Fund an
19 amount, drawn from other funds in the State Treasury which are
20 not immediately needed or are otherwise in excess of the
21 amount necessary to meet the requirements of the State
22 Treasury, which when added to such remaining revenues each
23 month will equal one-twelfth of the amount of the anticipated
24 annual revenues to be deposited in the State Transportation
25 Trust Fund under paragraph (a) as determined by the Chief
26 Financial Officer after consultation with the revenue
27 estimating conference held pursuant to s. 216.136(3). The
28 required transfers ~~required thereunder~~ may be suspended by
29 action of the Legislative Budget Commission in the event of a
30 significant shortfall of state revenues.

31

1 (c) In any month in which the remaining revenues
2 derived from the registration of motor vehicles exceed
3 one-twelfth of those anticipated annual remaining revenues as
4 determined by the Chief Financial Officer after consultation
5 with the revenue estimating conference, the excess shall be
6 credited to those state funds in the State Treasury from which
7 the amount was originally drawn, up to the amount which was
8 deposited in the State Transportation Trust Fund under
9 paragraph (b). A final adjustment must be made in the last
10 months of a fiscal year so that the total revenue deposited in
11 the State Transportation Trust Fund each year equals the
12 amount derived from the registration of motor vehicles, less
13 the amount distributed under subsection (1). For the purposes
14 of this paragraph and paragraph (b), the term "remaining
15 revenues" means all revenues deposited into the State
16 Transportation Trust Fund under paragraph (a) and subsections
17 (2) and (3). In order ~~for that~~ interest earnings to continue
18 to accrue to the General Revenue Fund, the Department of
19 Transportation may not invest an amount equal to the
20 cumulative amount of funds deposited in the State
21 Transportation Trust Fund under paragraph (b) less funds
22 credited under this paragraph as computed on a monthly basis.
23 The amounts to be credited under this and the preceding
24 paragraph must be calculated and certified to the Chief
25 Financial Officer by the Executive Office of the Governor.

26 Section 8. Section 311.23, Florida Statutes, is
27 created to read:

28 311.23 Florida Seaport Finance Corporation.--There is
29 created a public benefits corporation, which is an
30 instrumentality of the state, to be known as the Florida
31 Seaport Finance Corporation.

1 (1) The corporation shall operate under a five-member
2 board of directors consisting of the Governor or a designee,
3 the Chief Financial Officer or a designee, the Attorney
4 General or a designee, the Director of the Division of Bond
5 Finance of the State Board of Administration, and the
6 Secretary of the Department of Transportation. The Director of
7 the Division of Bond Finance shall be the chief executive
8 officer of the corporation, shall direct and supervise the
9 administrative affairs of the corporation and shall control,
10 direct, and supervise the operation of the corporation. The
11 corporation shall also have such other officers as are
12 determined by the board of directors.

13 (2) The corporation shall have all the powers of a
14 corporate body under the laws of the state, including, but not
15 limited to, chapters 607 and 617, to the extent not
16 inconsistent with or restricted by the provisions of this
17 section, including, but not limited to, the power to:

18 (a) Adopt, amend, and repeal bylaws not inconsistent
19 with this section.

20 (b) Sue and be sued.

21 (c) Adopt and use a common seal.

22 (d) Acquire, purchase, hold, lease, and convey such
23 real and personal property as is proper or expedient to carry
24 out the purposes of the corporation and this section, and to
25 sell, lease, or otherwise dispose of such property.

26 (e) Elect or appoint and employ such officers, agents,
27 and employees as the corporation deems advisable to operate
28 and manage the affairs of the corporation, which officers,
29 agents, and employees may be officers or employees of the
30 Department of Transportation and the state agencies
31 represented on the board of directors of the corporation.

1 (f) At the request of the Department of
2 Transportation, issue bonds for the purpose of financing or
3 refinancing fixed capital outlay seaport projects as provided
4 in s. 320.20(3) and (4).

5 (g) Make and execute any and all contracts, trust
6 agreements, and other instruments and agreements necessary or
7 convenient to accomplish the purposes of the corporation and
8 this section.

9 (h) Select, retain, and employ professionals,
10 contractors, or agents, which may include the Division of Bond
11 Finance, as necessary or convenient to enable or assist the
12 corporation in carrying out the purposes of the corporation
13 and this section.

14 (i) Do any act or thing necessary or convenient to
15 carry out the purposes of the corporation and this section and
16 the powers provided in this section.

17 (3) The corporation is authorized to enter into one or
18 more contracts with the Department of Transportation pursuant
19 to which the corporation shall finance or refinance fixed
20 capital outlay seaport projects as provided in s. 320.20(3),
21 (4), and (5). The Department of Transportation may enter into
22 one or more such contracts with the corporation and provide
23 for payments under such contracts pursuant s. 320.20(3), (4),
24 and (5) subject to annual appropriation by the Legislature.
25 The proceeds from such contracts may be used for the
26 administrative costs and expenses of the corporation after
27 making payments as provided in subsection (4). In compliance
28 with s. 287.0641 and other applicable provisions of law, the
29 obligations of the Department of Transportation under such
30 contracts do not constitute a general obligation of the state
31 or a pledge of the faith and credit or taxing power of the

1 state, and such obligations are not obligations of the State
2 Board of Administration or the Department of Transportation,
3 except as provided in this section, but shall be payable
4 solely from amounts received pursuant to s. 320.20(3), (4),
5 and (5), subject to annual appropriation by the Legislature.
6 In compliance with this subsection and s. 287.0582, the
7 contract must expressly include the following statement: "The
8 State of Florida's performance and obligation to pay under
9 this contract is contingent upon an annual appropriation by
10 the Legislature."

11 (4) The corporation may issue bonds payable from and
12 secured by amounts payable to the corporation by the
13 Department of Transportation under a contract entered into
14 pursuant to subsection (3) for the purpose of financing or
15 refinancing fixed capital outlay seaport projects as provided
16 in s. 320.20(3), (4), and (5). Any such indebtedness of the
17 corporation does not constitute a debt or obligation of the
18 state or a pledge of the faith and credit or taxing power of
19 the state, but is payable from and secured by payments made by
20 the Department of Transportation under the contract. Bonds
21 issued pursuant to this section are payable from, and secured
22 by a first lien on, funds available pursuant to s. 320.20(3),
23 (4), and (5), subject to annual appropriation. The bonds are
24 subject to the provisions of s. 320.20(3), (4), and (5). Such
25 funds may be assigned and pledged as security and deposited in
26 trust with the State Board of Administration pursuant to the
27 terms of an agreement entered into among the Department of
28 Transportation, the Division of Bond Finance, and the State
29 Board of Administration.

30 (5) The fulfillment of the purposes of the corporation
31 promotes the health, safety, and general welfare of the people

1 of the state and serves as essential governmental functions
2 and a paramount public purpose.

3 (6) The corporation is exempt from taxation and
4 assessments of any nature whatsoever upon its income and any
5 property, assets, or revenues acquired, received, or used in
6 the furtherance of the purposes provided in this chapter. The
7 bonds of the corporation incurred pursuant to subsection (4)
8 and the interest and income thereon and all security
9 agreements, letters of credit, liquidity facilities, or other
10 obligations or instruments arising out of, entered into in
11 connection therewith, or given to secure payment thereof are
12 exempt from all taxation, provided such exemption does not
13 apply to any tax imposed by chapter 220 on the interest,
14 income, or profits on debt obligations owned by corporations.

15 (7) The corporation may validate bonds issued pursuant
16 to this section and the validity and enforceability of any
17 contracts providing for payments pledged to the payment
18 thereof by proceedings under chapter 75. The validation
19 complaint shall be filed only in the Circuit Court for Leon
20 County. The notice required to be published by s. 75.06 must
21 be published in Leon County, and the complaint and order of
22 the circuit court shall be served only on the State Attorney
23 for the Second Judicial Circuit. Sections 75.04(2) and
24 75.06(2) do not apply to a complaint for validation filed
25 under this subsection. The first bonds issued pursuant to this
26 section shall be validated.

27 (8) The corporation is not a special district for
28 purposes of chapter 189 or a unit of local government for
29 purposes of part III of chapter 218. The provisions of
30 chapters 120 and 215, except the limitation on interest rates
31 provided by s. 215.84 which applies to obligations of the

1 corporation issued pursuant to this section, and part I of
2 chapter 287, except ss. 287.0582 and 287.0641, do not apply to
3 this section, the corporation, the contracts entered into
4 pursuant to this section, or to bonds issued by the
5 corporation as contemplated in this section.

6 (9) In no event shall any of the benefits or earnings
7 of the corporation inure to the benefit of any private person.

8 (10) Upon dissolution of the corporation, title to all
9 property owned by the corporation shall revert to the state.

10 (11) The corporation may contract with the State Board
11 of Administration to serve as trustee with respect to bonds
12 issued by the corporation as contemplated by this section and
13 to hold, administer, and invest proceeds of such bonds and
14 other funds of the corporation and to perform other services
15 required by the corporation. The State Board of Administration
16 may perform such services and may contract with others to
17 provide all or a part of such services and to recover its and
18 such other costs and expenses thereof.

19 (12) The Department of Transportation and any
20 participating port that is governed by a public body, local
21 governments, or local governments collectively by interlocal
22 agreement having jurisdiction of a seaport project may enter
23 into an interlocal agreement with the Department of
24 Transportation to promote the efficient and cost-effective
25 financing or refinancing of approved projects pursuant to this
26 section. The terms of such interlocal agreements must include
27 provisions for the Department of Transportation to request the
28 issuance by the corporation of the bonds on behalf of the
29 ports or local governments described above; may provide that
30 each party to the agreement is contractually liable for a
31 share of funding an amount equal to the debt service

1 requirements of such bonds; and must include any other terms,
2 provisions, or covenants necessary for full performance under
3 such interlocal agreement. Repayments made to the Department
4 of Transportation under any interlocal agreement are not
5 pledged to the repayment of bonds issued under this section,
6 and failure of the local governmental authority to make such
7 payment does not affect the obligation of the Department of
8 Transportation to make payment on any contract with the
9 corporation.

10 (13) There is no liability on the part of, and no
11 cause of action shall arise against, any board members or
12 employees of the corporation for any actions taken by them in
13 the performance of their duties under this section.

14 Section 9. The provisions of section 7 and 8 of this
15 act do not affect the validity of the Florida Ports Financing
16 Commission Series 1996 and 1999 Bonds.

17 Section 10. Section 334.351, Florida Statutes, is
18 amended to read:

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

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

1 of contracts entered into by the department under this section
2 in any fiscal year may not exceed the amount specifically
3 appropriated by the Legislature for this program.

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

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

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

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

17 (c) The number of participants receiving scholarships;

18 (d) The number of participants receiving bonuses;

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

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

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

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

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

1 organization's contract with the department must allow the
2 department the right to inspect the organization's financial
3 and program records.

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

7 Section 11. Paragraph (c) of subsection (6) and
8 subsection (8) of section 332.007, Florida Statutes, are
9 amended to read:

10 332.007 Administration and financing of aviation and
11 airport programs and projects; state plan.--

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

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

26 (8) Notwithstanding any other provision of law to the
27 contrary, the department is authorized to fund security
28 projects at ~~provide operational and maintenance assistance to~~
29 publicly owned public-use airports. ~~Such assistance shall be~~
30 ~~to comply with enhanced federal security requirements or to~~
31 ~~address related economic impacts from the events of September~~

1 ~~11, 2001.~~ For projects in the current adopted work program, or
2 projects added using the available budget of the department,
3 airports may request that the department change the project
4 purpose in accordance with this provision notwithstanding the
5 provisions of s. 339.135(7). For purposes of this subsection,
6 the department may fund up to 100 percent of eligible project
7 costs that are not funded by the Federal Government. ~~Prior to~~
8 ~~releasing any funds under this section, the department shall~~
9 ~~review and approve the expenditure plans submitted by the~~
10 ~~airport. The department shall inform the Legislature of any~~
11 ~~change that it approves under this subsection.~~ This subsection
12 shall expire on June 30, 2012 ~~2007~~.

13 Section 12. Subsections (2) and (4) of section 332.14,
14 Florida Statutes, are amended to read:

15 332.14 Secure Airports for Florida's Economy
16 Council.--

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

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

- 22 1. Daytona Beach International Airport.
- 23 2. Ft. Lauderdale-Hollywood International Airport.
- 24 3. Gainesville Regional Airport.
- 25 4. Jacksonville International Airport.
- 26 5. Key West International Airport.
- 27 6. Melbourne International Airport.
- 28 7. Miami International Airport.
- 29 8. Naples Municipal Airport.
- 30 9. Okaloosa County Regional Airport.
- 31 10. Orlando International Airport.

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

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

12 Section 13. Paragraph (a) of subsection (3) of section
13 337.11, Florida Statutes, is amended to read:

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

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

27 Section 14. Subsection (1) of section 337.14, Florida
28 Statutes, is amended to read:

29 337.14 Application for qualification; certificate of
30 qualification; restrictions; request for hearing.--

31

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

1 certified public accountant or a public accountant approved by
2 the department. The information required by this subsection is
3 confidential and exempt from the provisions of s. 119.07(1).

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

11 Section 15. Paragraph (a) of subsection (1) of section
12 337.18, Florida Statutes, is amended to read:

13 337.18 Surety bonds for construction or maintenance
14 contracts; requirement with respect to contract award; bond
15 requirements; defaults; damage assessments.--

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

1 having a contract price of \$250 million or more and, in its
2 place, may set a surety bond amount that is a portion of the
3 total contract price and provide an alternate means of
4 security for the balance of the contract amount that is not
5 covered by the surety bond or provide for incremental surety
6 bonding and provide an alternate means of security for the
7 balance of the contract amount that is not covered by the
8 surety bond. Such alternative means of security may include
9 letters of credit, United States bonds and notes, parent
10 company guaranties, and cash collateral. The department may
11 require alternate means of security if a surety bond is
12 waived. The surety on such bond shall be a surety company
13 authorized to do business in the state. All bonds shall be
14 payable to the department and conditioned for the prompt,
15 faithful, and efficient performance of the contract according
16 to plans and specifications and within the time period
17 specified, and for the prompt payment of all persons
18 furnishing, as defined in s. 713.01, ~~furnishing~~ labor,
19 material, equipment, and supplies for work provided in the
20 contract; however, whenever an improvement, demolition, or
21 removal contract price is \$25,000 or less, the security may,
22 in the discretion of the bidder, be in the form of a cashier's
23 check, bank money order of any state or national bank,
24 certified check, or postal money order. The department shall
25 adopt rules to implement this subsection. Such rules shall
26 include provisions under which the department shall refuse to
27 accept bonds on contracts when a surety wrongfully fails or
28 refuses to settle or provide a defense for claims or actions
29 arising under a contract for which the surety previously
30 furnished a bond.
31

1 Section 16. Subsection (8) of section 338.221, Florida
2 Statutes, is amended to read:

3 338.221 Definitions of terms used in ss.
4 338.22-338.241.--As used in ss. 338.22-338.241, the following
5 words and terms have the following meanings, unless the
6 context indicates another or different meaning or intent:

7 (8) "Economically feasible" means:

8 (a) For a proposed turnpike project⁷ that, as
9 determined by the department before the issuance of revenue
10 bonds for the project, the estimated net revenues of the
11 proposed turnpike project, excluding feeder roads and turnpike
12 improvements, will be sufficient to pay at least ~~50 percent of~~
13 ~~the debt service on the bonds by the end of the 12th year of~~
14 ~~operation and to pay at least~~ 100 percent of the annual debt
15 service on the bonds associated with the project by the end of
16 the 30th ~~22nd~~ year of operation. In implementing this
17 paragraph, up to 50 percent of the adopted work program costs
18 of the project may be funded from turnpike revenues.

19 (b) For turnpike projects, except for feeder roads and
20 turnpike improvements, financed from revenues of the turnpike
21 system, such project⁷ or ~~such~~ group of projects, originally
22 financed from revenues of the turnpike system, that the
23 project is expected to generate sufficient revenues to
24 amortize project costs within 15 years of opening to traffic.

25
26 This subsection does not prohibit the pledging of revenues
27 from the entire turnpike system to bonds issued to finance or
28 refinance a turnpike project or group of turnpike projects.

29 Section 17. Subsection (3) of section 338.2275,
30 Florida Statutes, is repealed and subsection (1) of that
31 section is amended to read:

1 338.2275 Approved turnpike projects.--

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

12 Section 18. Section 338.234, Florida Statutes, is
13 amended to read:

14 338.234 Granting concessions or selling along the
15 turnpike system; immunity from taxation--

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

1 in s. 849.16 or other illegal gambling games; Florida citrus,
2 goods promoting the state, or handmade goods produced within
3 the state; and travel information, tickets, reservations, or
4 other related services. However, the department, pursuant to
5 the grants of authority to the turnpike enterprise under this
6 section, shall not exercise the power of eminent domain solely
7 for the purpose of acquiring real property in order to provide
8 business services or opportunities, such as lodging and
9 meeting-room space on the turnpike system.

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

24 Section 19. Section 339.282, Florida Statutes, is
25 created to read:

26 339.282 Enhanced Bridge Program for Sustainable
27 Transportation.--

28 (1) There is created within the Department of
29 Transportation the Enhanced Bridge Program for Sustainable
30 Transportation for the purpose of providing funds to improve
31 the sufficiency rating of local bridges and to improve

1 congested roads on the State Highway System or local corridors
2 on which high-cost bridges are located in order to improve a
3 corridor or provide an alternative corridor.

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

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

12 (a) Be classified as a structurally deficient bridge
13 having a poor condition rating for the deck, superstructure,
14 substructure component, or culvert;

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

16 (c) Have average daily traffic of at least 500
17 vehicles.

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

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

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

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

31

1 (6) Preference shall be given to bridge projects
2 located on corridors that connect to the Strategic Intermodal
3 System created in s. 339.61, and that have been identified as
4 regionally significant in accordance with s.
5 339.155(5)(c), (d), and (e).

6 Section 20. Subsection (1) of section 339.08, Florida
7 Statutes, is amended to read:

8 339.08 Use of moneys in State Transportation Trust
9 Fund.--

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

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

19 (b) To pay the cost of construction of the State
20 Highway System.

21 (c) To pay the cost of maintaining the State Highway
22 System.

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

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

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

30 (g) To lend or pay a portion of the operating,
31 maintenance, and capital costs of a revenue-producing

1 transportation project that is located on the State Highway
2 System or that is demonstrated to relieve traffic congestion
3 on the State Highway System.

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

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

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

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

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

21 (m) To pay the cost of transportation projects
22 selected in accordance with the Transportation Regional
23 Incentive Program created in s. 339.2819.

24 (n) To pay other lawful expenditures of the
25 department.

26 Section 21. Subsection (4) of section 339.55, Florida
27 Statutes, is amended, and paragraph (c) is added to subsection
28 (2) and paragraph (j) is added to subsection (7) of that
29 section, to read:

30 339.55 State-funded infrastructure bank.--

31

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

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

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

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

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

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

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

31

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 22. 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 23. Construction aggregate materials.--

29 (1) DEFINITIONS.--As used in this section, the term
30 "construction aggregate materials" means crushed stone,
31 limestone, dolomite, limerock, shell rock, cemented coquina,

1 sand for use as a component of mortars, concrete, bituminous
2 mixtures, or underdrain filters, and other mined resources
3 providing the basic material for concrete, asphalt, and road
4 base.

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

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

30 (4) EXPEDITED PERMITTING.--Due to the state's critical
31 infrastructure needs and the potential shortfall in available

1 construction aggregate materials, limerock environmental
2 resource permitting and reclamation applications filed after
3 March 1, 2007, are eligible for the expedited permitting
4 processes contained in s. 403.973, Florida Statutes.
5 Challenges to state agency action in the expedited permitting
6 process for establishment of a limerock mine in this state
7 under s. 403.973, Florida Statutes, are subject to the same
8 requirements as challenges brought under s. 403.973(15)(a),
9 Florida Statutes, except that, notwithstanding s. 120.574,
10 Florida Statutes, summary proceedings must be conducted within
11 30 days after a party files the motion for summary hearing,
12 regardless of whether the parties agree to the summary
13 proceeding.

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

15 (a) The Strategic Aggregates Review Task Force is
16 created to evaluate the availability and disposition of
17 construction aggregate materials and related mining and land
18 use practices in this state.

19 (b) The task force shall be appointed by August 1,
20 2007, and shall be composed of the following 19 members:

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

24 a. The mining industry.

25 b. The construction industry.

26 c. The transportation industries, including seaports,
27 trucking, railroads, or roadbuilders.

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

- 1 e. Environmental advocacy groups.
2 2. The Secretary of Environmental Protection or
3 designee.
4 3. The Secretary of Community Affairs or designee.
5 4. The Secretary of Transportation or designee.
6 5. One member appointed by the Florida League of
7 Cities, Inc.
8 (c) Members of the commission shall serve without
9 compensation. Travel and per diem expenses for members who are
10 not state employees shall be paid by the Department of
11 Transportation in accordance with s. 112.061, Florida
12 Statutes.
13 (d) The Department of Transportation shall organize
14 and provide administrative support for the task force and
15 coordinate with other state agencies and local governments in
16 obtaining and providing such data and information as may be
17 needed by the task force to complete its evaluation. The
18 department may conduct any supporting studies as are required
19 to obtain needed information or otherwise assist the task
20 force in its review and deliberations.
21 (e) The Department of Transportation shall collect and
22 provide information to the task force relating to construction
23 aggregate materials and the amount of such materials used by
24 the department on state road infrastructure projects, and
25 shall provide any technical and supporting information
26 relating to the use of such materials as is available to the
27 department.
28 (f) The task force shall report its findings to the
29 Governor, the President of the Senate, and the Speaker of the
30 House of Representatives by February 1, 2008. The report must
31 identify locations with significant concentrations of

1 construction aggregate materials and recommend actions
2 intended to ensure the continued extraction and availability
3 of construction aggregate materials.

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

5 Section 24. Subsection (27) is added to section
6 479.01, Florida Statutes, to read:

7 479.01 Definitions.--As used in this chapter, the
8 term:

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

18 Section 25. Section 479.156, Florida Statutes, is
19 created to read:

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

1 consistent with the intent of the Highway Beautification Act
2 of 1965 and with customary use. A wall mural that is subject
3 to municipal or county regulation and the Highway
4 Beautification Act of 1965 must be approved by the Department
5 of Transportation and the Federal Highway Administration and
6 may not violate the agreement between the state and the United
7 States Department of Transportation or violate federal
8 regulations enforced by the Department of Transportation under
9 s. 479.02(1). The existence of a wall mural as defined in s.
10 479.01(27) shall not be considered in determining whether a
11 sign as defined in s. 479.01(17), either existing or new, is
12 in compliance with s. 479.07(9)(a).

13 Section 26. Section 337.026, Florida Statutes, is
14 created to read:

15 337.026 Authority of department to enter into
16 agreements for construction aggregate materials.--

17 (1) The department may pursue procurement techniques
18 that will provide reliable and economic supplies of
19 construction aggregate materials and that control time and
20 cost increases on construction projects.

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

26 (3) To the maximum extent practicable, the department
27 must use the existing process to administer such procurement
28 techniques. When procurement techniques authorized by this
29 section are to be used, the department is not required to
30 adhere to provisions of law that would prevent, preclude, or
31 prohibit it from using this procurement technique. However,

1 prior to using this procurement technique, the department must
 2 document in writing the need for the exception and specify the
 3 benefits that the traveling public and the affected community
 4 are anticipated to receive.

5 Section 27. Subsection (4) of section 338.231, Florida
 6 Statutes, is amended to read:

7 338.231 Turnpike tolls, fixing; pledge of tolls and
 8 other revenues.--The department shall at all times fix,
 9 adjust, charge, and collect such tolls for the use of the
 10 turnpike system as are required in order to provide a fund
 11 sufficient with other revenues of the turnpike system to pay
 12 the cost of maintaining, improving, repairing, and operating
 13 such turnpike system; to pay the principal of and interest on
 14 all bonds issued to finance or refinance any portion of the
 15 turnpike system as the same become due and payable; and to
 16 create reserves for all such purposes.

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

31 Section 28. This act shall take effect July 1, 2007.